



Oregon

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May 17, 2005

OREGON PUBLIC UTILITY COMMISSION
ATTENTION: FILING CENTER
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RE: **OPUC Docket No. AR 493** - In the Matter of a Rulemaking to Amend
OAR 860-023-0000, 860-023-0001 and 860-023-0054, Retail Telecommunications
Service Standards

Enclosed for filing in the above-captioned docket is the Public Utility Commission's AR 493 Staff's Reply Comments. This document is being filed by electronic mail with the PUC Filing Center.

/s/ Judy Ogilvie

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 493

In the Matter of a Rulemaking to Amend)
OAR 860-023-0000, 860-023-0001 and) **STAFF’S REPLY COMMENTS**
860-023-0054, Retail Telecommunications)
Service Standards)
)

The Public Utility Commission Staff (Staff) submits the following reply comments and recommendations regarding the rules proposed in AR 493. Opening comments were received at the Commission on April 21, 2005. Staff’s opening comments were in the public meeting memorandum dated February 22, 2005 that opened this rulemaking.

1. Introduction

The Commission Staff reviewed the industry’s opening comments. Some of the comments are supported by Staff and are included as recommendations. Three sets of comments were received:

1. CenturyTel, Oregon Telecommunications Association, Qwest Corporation, Sprint and Verizon Northwest Inc. (LECs)
2. MCI (MCI)
3. AT&T Communications of the Pacific Northwest, Inc. and TCG Oregon (AT&T)

2. Staff’s reply comments and recommendations

ORS 759.020 (1) requires all intrastate toll service providers to have a certificate of authority issued by the Public Utility Commission. Staff notes that OAR 860-032-0007 (14) – **Conditions of Certificates of Authority** states: “ Telecommunications providers shall meet service standards set forth in applicable Commission’s (sic) rules...”.

Staff agrees with the commenters that intrastate toll service is a competitive service. Staff’s opinion is that the proposed rule, OAR 860-023-0054, is consistent with a competitive environment based on price and service offered and provided to customers. Staff’s rule “levels the playing field” by offering a default standard if the intrastate toll service provider chooses not to inform its customers of the level of service it intends to provide as required in ORS 759.020 (6). In Staff’s view, this statute gives intrastate toll service providers wide latitude to offer service at any level of quality.

Specific changes to the proposed rule:

860-023-0054 (3): Delete properly dialed calls and replace with **calls made**. Delete average busy season busy hour and replace with **normal busy hour**. This change corresponds to a similar change in AR 492 made at industry request and agreed to by Staff.

860-023-0054 (3) (b) (B): Add the following sentence: **If a final trunk group exceeds the intrastate toll carrier specified or default blocking values for four consecutive months, that trunk group will be considered in violation of this standard**. This change corresponds to a similar change in AR 492 made at industry request and agreed to by Staff.

860-023-0054 (9) (c): Change Section (9) to be numbered as Section (8) to correct a typographical error in the original proposed rule text, and also in this section's subsection (c), change the reference to "the Commission's analysis outlined above in Section 15 (b) (A)-(H)" to refer to **Section (8) (b) (A)-(H)**. This change is required to maintain consistency in this paragraph of this rule.

Dated May 20, 2005

Wolodymyr Birko
Senior Telecommunications Engineer