

January 30, 2009

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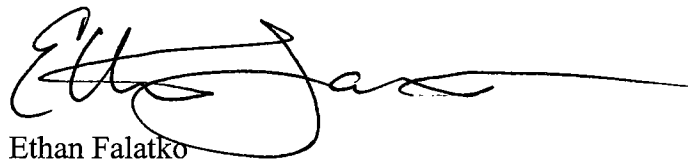
Re: *Docket UM 1272*
Oregon Trail Electric Consumers Cooperative, Inc. v. Almega Cable

Dear Clerk:

Enclosed for filing is Oregon Trail Electric Consumers Cooperative, Inc.'s Status Report, Notice of Settlement and Request for Dismissal regarding the above-referenced matter. The original, plus five copies, are being sent via overnight delivery today.

Please contact me with any questions. Thank you.

Sincerely,



Ethan Falatko

Enclosure

cc: Parties (w/encl.)

569463/1/EF/053878-0007

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1272

OREGON TRAIL ELECTRIC CONSUMERS
COOPERATIVE, INC.,

Petitioner,

v.

ALMEGA CABLE,

Respondent.

**STATUS REPORT, NOTICE OF
SETTLEMENT AND REQUEST
FOR DISMISSAL**

Oregon Trail Electric Consumers Cooperative, Inc. ("Oregon Trail") respectfully files this Status Report, Notice of Settlement and Request for Dismissal with the Public Utility Commission of Oregon ("Commission") pursuant to the Administrative Law Judge ("ALJ") Ruling dated November 7, 2008.

I. BACKGROUND

On July 14, 2006, Oregon Trail submitted its Petition for Remedy of Pole Attachment Violations, Payment of Sanctions and Rental Fees, and Removal of Pole Attachments ("Petition"). The Petition arose out of a dispute between Oregon Trail and Almega Cable ("Almega") regarding Almega's pole attachments on Oregon Trail's poles and pole rental fees owed to Oregon Trail by Almega.

On November 7, 2006, the parties participated in a telephone pre-hearing conference to set the schedule for the docket. On November 8, 2006, ALJ Christina Hayes issued a ruling setting the schedule for the docket. Almega filed its answer ("Answer") with the Commission on November 22, 2006 and served Oregon Trail with a complete version of the Answer on November 27, 2006.

On December 1, 2006, Oregon Trail submitted a Motion to Stay Proceedings ("Motion to Stay") to the Commission. Oregon Trail requested that the Commission grant its Motion to Stay

1 to provide the parties with time to finalize their settlement discussions. In the Motion to Stay,
2 Oregon Trail noted that after the pre-hearing conference, the parties were in contact and
3 discussing a potential settlement of their dispute. ALJ Hayes granted the Motion to Stay on
4 December 5, 2006.

5 The parties continued settlement discussions and came to a Letter Agreement on
6 approximately January 8, 2007. The Letter Agreement required Almega to (1) pay monthly
7 payments totaling \$17,274.40 as payment for back rents and sanctions; and (2) remedy its 16
8 remaining violations on Oregon Trail poles or to remove the attachments by June 3, 2007.
9 Oregon Trail agreed that it would move to dismiss its Petition within 30 days' notice of
10 Almega's fulfillment of its obligations under the Agreement and Oregon Trail's confirmation of
11 the fulfillment.

12 On October 20, 2008, the Commission issued a Ruling in this matter requesting the
13 parties to file a joint status report. After unsuccessful attempts to reach Almega, Oregon Trail
14 filed a status report on October 30th requesting that the Commission allow the parties more time
15 to attempt to settle the remaining issues. On November 7, 2008 the Commission granted Oregon
16 Trail's request and ordered that the parties have until January 30, 2009 to file an appropriate
17 status report.

18 **II. REPORT**

19 Oregon Trail is pleased to report that the parties have come to a settlement of all issues in
20 this docket. Almega has remedied all of the pole attachment violations and has sufficiently
21 settled its financial obligations to Oregon Trail.

22 **III. CONCLUSION**

23 Counsel for Oregon Trail has attempted to contact Thomas Kurien with Almega
24 numerous times but has been unsuccessful. Counsel sent e-mails with the proposed settlement to
25 his e-mail address at kurien@almega.com on January 21st, 24th and the 28th. Counsel also left
26 voice messages at Mr. Kurien's office on January 27th and the 30th. Consequently, counsel for

1 Oregon Trail does not at this time have the authority to represent that Almega has read and
2 agrees with the settlement. Oregon Trail, however, is confident that the that entry of this
3 settlement and the closure of the docket is in the best interest of both parties.

4
5 Respectfully submitted this 30th day of January, 2009.

6 **ATER WYNNE LLP**

7
8 By 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of OREGON TRAIL ELECTRIC CONSUMERS COOPERATIVE, INC.'S STATUS REPORT, NOTICE OF SETTLEMENT AND REQUEST FOR DISMISSAL regarding Docket UM 1272 was served via electronic filing and first class mail on the following parties:

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Dated: January 30, 2009.

ATER WYNNE LLP



Dee-Elina Rees, Legal Assistant