

ISSUED: June 18, 2009

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 864

In the Matter of

WESTERN RADIO SERVICES
COMPANY

Request for investigation into the issue of
Phantom Traffic

RULING

**DISPOSITION: PETITION FOR ARBITRATION REJECTED
FOR INSUFFICIENT DOCUMENTATION**

On May 28, 2009, the Public Utility Commission of Oregon (Commission) entered Order 09-188 in Docket ARB 864. The Order denied Western Radio Services Company's Application for Reconsideration or Rehearing and/or for Clarification. The Order also directed me to certify the following two questions to the Commission for its consideration:


- 1) Does the Public Utility Commission of Oregon have the authority to enforce the terms of an interconnection *arrangement* that precedes an approved interconnection agreement, and, if so, what remedies are available?
- 2) Can the rural telephone exemption under 47 U.S.C. 251(f) be voluntarily waived on a case-by-case basis or must it be terminated?

Pursuant to OAR 860-012-0035(i), I certify these two questions to the Commission. I also establish the following schedule for comments:

July 6, 2009	Parties may submit opening comments on both questions
July 20, 2009	Parties may submit response comments on both questions

Comments should supplement and expand upon any prior commentary that addressed these two questions. I would expect greater comments with regard to the first question, as commentary regarding the second question has already been significantly developed.

Dated this 18th day of June, 2009, at Salem, Oregon.


Traci A. G. Kirkpatrick
Administrative Law Judge