

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ARB 864

In the Matter of	)	
	)	
WESTERN RADIO SERVICES COMPANY	)	MEMORANDUM
	)	
Request for Interconnection Agreement	)	
with CenturyTel of Eastern Oregon, Inc.	)	

On December 11, 2008, I spoke to Mr. Richard Oberdorfer of Western Radio Services Company (Western) by telephone regarding three matters. The purpose of this memorandum is to inform CenturyTel of Eastern Oregon, Inc. (CenturyTel), of the conversation, to place the matters discussed on the record, and to elaborate on the purpose of a telephone conference that has been scheduled to address one of the issues raised.

First, Mr. Oberdorfer advised me that Centurytel had taken action harming Western’s customers. He indicated that these customers need immediate relief. I informed Mr. Oberdorfer that Western should file a formal motion with the Public Utility Commission of Oregon (Commission) explaining the harm and requesting specific relief.

Second, I informed Mr. Oberdorfer that I was concerned whether Western had met its duty, pursuant to 47 USC 252(e)(2)<sup>1</sup> and OAR 860-016-0030<sup>2</sup>, with regard to the information provided in Western’s Petition for Arbitration, which had been filed on

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<sup>1</sup> 47 USC 252(b)(2)(A) states the following regarding the duty of a petitioner for arbitration:

- (A) A party that petitions a State commission under paragraph (1) shall, at the same time as it submits the petition, provide the State commission all relevant documentation concerning--
  - (i) the unresolved issues;
  - (ii) the position of each of the parties with respect to those issues; and
  - (iii) any other issue discussed and resolved by the parties.
- (B) A party petitioning a State commission under paragraph (1) shall provide a copy of the petition and any documentation to the other party or parties not later than the day on which the State commission receives the petition.

<sup>2</sup> OAR 860-016-0030(2) provides:

- (2) A petition for arbitration must contain:
  - (a) A statement of all unresolved issues;
  - (b) A description of each party's position on the unresolved issues;
  - (c) A proposed agreement addressing all issues, including those on which the parties have reached agreement and those that are in dispute. Wherever possible, the petitioner should rely on the fundamental organization of clauses and subjects contained in an agreement previously approved by the Commission;
  - (d) Documentation showing that the request complies with the time requirements of the Act.

November 20, 2008. I indicated that Western should file a new Petition for Arbitration that better elucidated the issues, both those in dispute and not in dispute.

Finally, I indicated that Western should inform me whether a determination is still needed from the Commission regarding the question of “whether CenturyTel’s purported voluntary ‘waiver’ of its rural exemption for purposes of this proceeding would be binding in court if litigation ensued.”<sup>3</sup>

As to the first matter, Western filed, on December 15, 2008, a Motion for Injunction, requesting expedited relief. A telephone conference to address Western’s Motion for Injunction is scheduled for December 23, 2008, at 11:00 a.m. If possible, CenturyTel may file written comments on the Motion for Injunction prior to the conference. Recognizing that weather conditions may impede such a quick response, CenturyTel should alternatively be prepared to orally comment on the Motion for Injunction. Western should also be prepared to respond to CenturyTel’s comments. In particular, I would like both parties to address whether it would be appropriate to grant the requested injunction, but to make rates subject to reconciliation with the rates ultimately adopted in this arbitration proceeding.

Dated this 18<sup>th</sup> day of December, 2008, at Salem, Oregon.

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Traci A. G. Kirkpatrick  
Administrative Law Judge

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<sup>3</sup> Western Radio’s Brief Regarding Procedural Issues at 1.