

Secretary of State

NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

Diane Davis

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RULE CAPTION

In the Matter of Housekeeping Amendments to OAR 860-034-0010 and 860-034-0310 and Repeal of OAR 860-034-0120.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION**ADOPT:**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

860-034-0010 & 860-034-0310

REPEAL:

860-034-0120

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.**Amend and Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.**Statutory Authority: ORS**

756.040 & 759.045

Other Authority:**Statutes Implemented: ORS**

756.040, 759.045, 759.220 & 759.225

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Continuation of ... NOTICE OF PROPOSED RULEMAKING***RULE SUMMARY**

The rule amendment to 860-034-0010 clarifies that “for good cause shown,” the Commission may waive or deviate from the Division 034 rules. By making this clarification, the Commission may be able to process more efficiently such requests by subject companies. The proposed amendment to 860-034-0310 clarifies the rule by changing “intrastate telecommunications services” to “tariffed rates,” which is a term understood by the industry. The proposed repeal of 860-034-0120 is necessary because for subject companies, an increase in the late payment charge falls within the scope of OAR 860-034-0310, and a separate process is not required by statute. Other housekeeping readability changes are also proposed for the rules.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.

02/24/2009	5:00 pm	Diane Davis	diane.davis@state.or.us	01/15/2009
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed
Please enter date as m/d/yyyy or mm/dd/yyyy				

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

In the Matter of Housekeeping Amendments to OAR 860-034-0010 and 860-034-0310 and Repeal of OAR 860-034-0120.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Housekeeping Amendments to OAR 860-034-0010 and 860-034-0310 and Repeal of OAR 860-034-0120.

Statutory Authority: ORS

756.040 & 759.045

Other Authority:

Stats. Implemented: ORS

756.040, 759.045, 759.220 & 759.225

Need for the Rule(s):

The rule amendment to 860-034-0010 clarifies that "for good cause shown," the Commission may waive or deviate from the Division 034 rules. By making this clarification, the Commission may be able to process more efficiently such requests by subject companies. The proposed amendment to 860-034-0310 clarifies the rule by changing "intrastate telecommunications services" to "tariffed rates," which is a term understood by the industry. The proposed repeal of 860-034-0120 is necessary because for subject companies, an increase in the late payment charge falls within the scope of OAR 860-034-0310, and a separate process is not required by statute. Other housekeeping readability changes are also proposed for the rules.

Documents Relied Upon, and where they are available:

Oregon Administrative Rules, Chapter 860, Division 034, available online at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_034.html.

Oregon Revised Statutes, Chapters 756 and 759, available online at <http://www.leg.state.or.us/ors/756.html> and <http://www.leg.state.or.us/ors/759.html>

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Secretary of State

Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT**Fiscal and Economic Impact:**

The proposed changes do not result in any increased reporting, recordkeeping, administrative activities, equipment, supplies, labor, professional services or cost of compliance. The proposed amendments provide clarification of existing rules. If any fiscal or economic impact is recognized, it would be a savings because of the clarifications allowing subject companies and Commission Staff to process requests with fewer refinements being necessary.

Statement of Cost of Compliance:**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The proposed clarifying changes do not result in any increased cost of compliance for state agencies, units of local government or the public.

2. Cost of compliance effect on small business (ORS 183.336):**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

The proposed clarifying changes do not result in any increased cost of compliance for small businesses. Commission Staff estimates that there are seventeen independent telephone companies who fall under the definition of "small business" for purposes of reporting.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The proposed clarifying changes do not result in any increased costs of reporting, recordkeeping or other administrative activities.

c. Equipment, supplies, labor and increased administration required for compliance:

The proposed clarifying changes do not result in any increased costs or equipment, supplies, labor or increased administration.

How were small businesses involved in the development of this rule?

Small businesses were not directly involved in the development of the rule amendments. The proposed changes eliminate an unnecessary rule and make clarifying language changes.

Administrative Rule Advisory Committee consulted?:

 Yes No

If not, why?:

These changes help to clarify current processes and procedures and eliminate an unnecessary rule.

02/24/2009 5:00 pm

Diane Davis

diane.davis@state.or.us

01/15/2009

Last Day (m/d/yyyy) and Time
for Public Comment

Printed Name

Email Address

Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

860-034-0010**Scope of the Rules**

(1) The adoption of these rules **shall** not preclude the Commission from altering or amending them in whole or in part or from requiring any other or additional service, equipment, facility, or standard upon a complaint, Commission motion, or small telecommunications utility application. Furthermore, these rules **shall** not in any way relieve any utility from any of its duties under Oregon law. Upon application by a small telecommunications utility, the Commission may relieve the small telecommunications utility of any obligations under these rules **for good cause shown**.

(2) The rules contained in this Division apply exclusively to telecommunications cooperatives and small telecommunications utilities as defined in section (3) of this rule.

(3) As used in this Division:

(a) "Small telecommunications utility" means a telecommunications utility partially exempt from regulation under ORS 759.040;

(b) "Telecommunications utility" has the meaning given the term in ORS 759.005;

(c) "Telecommunications cooperative" or "Type 1 cooperative" means an unincorporated association or cooperative corporation that provides telecommunications services; and

(d) "Type 2 cooperative" means an unincorporated association or cooperative corporation that charges joint rates or provides through services as defined in OAR 860-034-0015.

Stat. Auth.: ORS 183, 756 & ORS 759

Stats. Implemented: ORS 756.040, 759.045, 759.220 & 759.225

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 12-1994, f. & cert. ef. 8-31-94 (Order No. 94-1242); PUC 12-1998, f. & cert. ef. 5-7-98; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 2-2004(Temp), f. & cert. ef. 1-9-04 thru 7-2-04; PUC 11-2004, f. & cert. ef. 6-2-04

860-034-0120**Late-Payment Charge**

~~(1) A small telecommunications utility may apply a late-payment charge to customer accounts not paid in full each month, provided the utility has filed the late-payment charge in its rate schedule.~~

~~(2) The charge will be based on a monthly late-payment rate applied to overdue account balances at the time of preparing the subsequent month's bill for residential accounts or by the bill due date for all other accounts. The late-payment charge may not be applied to time-payment accounts that are current. The Commission will determine the late-payment rate based on a survey of prevailing market rates for late-payment charges of commercial enterprises and will advise all small telecommunications utilities of the changes in the rate they may use to determine late-payment charges on overdue customer accounts as needed. The current late-payment rate and the conditions for its application to customer accounts shall be specified on the utility bill.~~

Stat. Auth.: ORS 183, 756 & ORS 759

Stats. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 12-1997, f. & cert. ef. 10-30-97; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 15-2001, f. & cert. ef. 6-21-01

860-034-0310

Announcement of Rate Increases by Small Telecommunications Utilities

(1) A small telecommunications utility ~~which~~**that** increases ~~any tariffed rates~~**rate for intrastate telecommunications services shall must** notify its affected customers at least 45 days before the proposed effective date of the increase. A copy of such notification **shall must** at the same time be provided to the Commission.

(2) The small telecommunications utility **shall must** notify its customers by:

(a) Inserting an announcement in the small telecommunications utility's regular billing to its customers; or

(b) Mailing an announcement to each customer.

(3) The announcement **shall must** contain the following information:

(a) The list of services subject to increase, current and proposed rates, and amount and percentage of increase for each service;

(b) The reasons for the proposed rate increase;

(c) The effective date of the proposed rate increase;

(d) The Commission's toll-free telephone number and address; and

(e) The following statement: "Customers may petition the Public Utility Commission of Oregon to investigate the rate increase. The Commission will investigate the rate increase if it receives petitions signed by customers (10 percent of customers or 500, whichever is the lesser), on or before (ten days before the proposed effective date). If the Commission does not receive sufficient petitions by (ten days before the proposed effective date), the proposed rates will become effective on (the proposed effective date) without Commission review. Petitions should be sent to the Commission's Consumer Services Division. The Company will provide a current copy of the local exchange directory and its service territory map within ten days of a request from any customer."

Stat. Auth.: ORS 183, ORS 756 & ORS 759

Stats. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 12-1998, f. & cert. ef. 5-7-98; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 8-1999, f. & cert. ef. 10-18-99; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 11-2003, f. & cert. ef. 7-3-03