

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1481
Phase III

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Staff Investigation of the Oregon Universal
Service Fund.

RULING

DISPOSITION: CLARIFICATION OF BENCH REQUESTS ISSUED

On May 5, 2014, I issued bench requests in this docket including the following:

For each incumbent local exchange carrier (ILEC):

2. The percentage of residential customers and the percentage of business customers in each OUSF-supported exchange that has broadband access available from their ILEC.

By letter of May 7, 2014, Richard Finnigan, counsel to the Oregon Telecommunications Association, asked that I clarify bench request 2 as follows:

“For the purposes of responding to the Bench Requests, what speed or capacity is contemplated under the term “broadband access” in Bench Request 2?”

I clarify my bench request ruling as follows:

In Order FCC 08-89, the Federal Communications Commission defined “Broadband” using a set of tiered speeds, from Tier 1 through Tier 8, reflecting data transmission capacities of succeeding generations of improved transmission technologies. Tier 2 (768 Kbps-1.5Mbps) is now the minimum data transmission rate for the FCC’s definition of “Basic Broadband.”

In light of the improvements in technology in the years since the issuance of that order, for purposes of responding to Bench Request 2 in this docket, the parties should use the FCC’s Tier 4 downstream transmission rate, 3.0 Mbps to 6.0 Mbps, and all faster speeds in calculating the availability of broadband access.

If they so choose, parties may separately identify and provide data for exchanges which have broadband download data transmission rates below Tier 4.

Dated this 8th day of May, 2014, at Salem, Oregon.

A handwritten signature in black ink, appearing to read "Allan J. Arlow", written over a horizontal line.

Allan J. Arlow
Administrative Law Judge