

Under OAR 860-033-0006(6), for each billing period that the provider fails to submit the surcharge on or before the due date the provider must pay a late payment fee.

Under OAR 860-033-0006(7), a provider must pay interest in accordance with OAR 860-001-0050 when it fails to submit the surcharge on or before the due date.

Under OAR 860-033-0006(8), if a provider fails to submit a remittance report, it must pay a late report fee.

Pursuant to OAR 860-033-0006(5), "The [RSPF]...surcharges are due to the Commission on or before the 21st calendar day after the close of each month...Failure to submit the...surcharges in full on or before the due date results in the assessment of a late payment fee, interest, and late report fee in accordance with OAR 860-033-0006(6), (7), and (8), respectively."

As provided in the second sentence of OAR 860-033-0006(10):

The Commission may waive the late report fee, the late payment fees and the interest on the unpaid surcharge fees, or any combination thereof, if the telecommunications provider or the cellular, wireless, or other radio common carrier files a written waiver request and provides evidence showing that the telecommunications provider or the cellular, wireless, or other radio common carrier submitted the Remittance Report and surcharge fees late due to circumstances beyond its control.

Analysis

Background

After becoming aware in June 2022 that CASCO Communications was providing retail subscribers voice service with access to the Oregon Telecommunications Relay Service, Staff informed the Company of the total amount of unpaid surcharges and associated late payment fees, interest and late report fees.

Company Justification

CASCO Communications submitted a request for waiver of the late payment fee, interest, and late report fee via email, describing the circumstances or factors that affected punctual submission of the RSPF surcharge. First, the Company began to provide voice over internet protocol service to customers on Wednesday, September 1, 2021. CASCO Communications had only been offering broadband internet access service through the Company's Peak Internet brand. Second, an affiliate of CASCO Communications, Conexon, provided multiple regulatory-related

instructions with itemized, quarterly fees for which the Company was responsible. CASCO Communications explained that instructions pertaining to RSPF surcharge requirements were not listed in the Conexon-provided documents for quarterly fees. After notice of noncompliance from Staff, the Company located the actual email that contained compliance instructions for the RSPF surcharge requirements. Third, CASCO Communications asserted that the global public health threat posed by COVID-19 was cause for confusion. The Company was still navigating the challenges associated with mandated quarantines that affected access to files and systems.

Conclusion

Staff notes that of all the grounds that CASCO Communications describes in its request for waiver, one appears to be based on inadvertent oversight of an email. Staff does not find the information submitted by the Company on this issue demonstrates good cause for waiver. Staff's recommendation to waive the late payment fee, interest, and late report fee is based on the COVID-19 pandemic and its associated effects on CASCO Communications, and on the steps taken by CASCO Communications to ensure ongoing compliance with RSPF surcharge remittance and reporting requirements, which the Company has consistently demonstrated since June 2022. Also, the Commission has granted similar waiver requests for this reason. See Order Nos. 20-270 and 20-365.

PROPOSED COMMISSION MOTION:

Approve CASCO Communications Inc's request for waiver of the RSPF late payment fee, interest, and late report fee.