



PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 23, 2013

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE April 23, 2013

DATE: April 16, 2013

TO: Public Utility Commission

FROM:  Kathy Shepherd

THROUGH: Michael Dougherty,  David Poston, and Jon Cray 

SUBJECT: RESIDENTIAL SERVICE PROTECTION FUND (RSPF):  
(Docket No. UM 1517) Anybill Financial Services Inc. on behalf of  
Comcast Phone of Oregon LLC Request for Waiver of Oregon  
Administrative Rule (OAR) 860-033-0006(7)(8) and (9).

**STAFF RECOMMENDATION:**

Staff recommends the Commission, as authorized by OAR 860-033-0006(10), waive the assessed RSPF late payment penalty and interest on the late surcharge fees to Comcast Phone of Oregon LLC, effective April 23, 2013.

**DISCUSSION:**

Pursuant to OAR 860-033-0006(5), each telecommunications provider must submit to the Commission the RSPF Remittance Report and surcharge fees "on or before the 21<sup>st</sup> calendar day after the close of each month ..." Comcast Phone of Oregon LLC filed the January 2013 RSPF Surcharge Remittance Form on February 12, 2013, and remitted the surcharge fees to the Commission on March 4, 2013, through their third party tax payment service provider, Anybill Financial Services Inc. Consequently, Comcast Phone of Oregon LLC was assessed a late payment penalty and an interest charge for a total of \$604.78 in accordance with OAR 860-001-0050. Specific amounts for each assessed charge are not included in order to protect the confidentiality of Comcast Phone of Oregon LLC's business trade secrets.

Staff issued a notice on February 25, 2013, requesting payment from Comcast Phone of Oregon LLC by March 12, 2013, for noncompliance with OAR 860-033-0006(5). The Commission then issued a Notice of Proposed Assessment to Comcast Phone of

Oregon LLC on March 27, 2013, for failure to meet the requirements outlined in OAR 860-033-0006(5).

Pursuant to OAR 860-033-0006(10), "...the Commission may waive the ... late payment fees and the interest on the unpaid surcharge fees, or any combination thereof, if the telecommunications provider ... files a written waiver request and provides evidence showing that the telecommunications provider ... submitted the ... surcharge fees late due to circumstances beyond its control."

On April 1, 2013, Anybill Financial Services Inc. filed a request for waiver of the assessed charges for late payment of the RSPF surcharge fees on behalf of Comcast Phone of Oregon LLC. See Attachment A. An Anybill Financial Services Inc. representative explained that on February 19, 2013, an internal system error occurred resulting in a batch of tax payments and returns that did not print for mailing. The affected payments included Comcast Phone of Oregon LLC's January 2013 RSPF surcharge payment, which was due February 21, 2013. Once the internal malfunction was discovered, Comcast Phone of Oregon LLC's January 2013 RSPF surcharge payment was printed and mailed, but was not received until March 4, 2013. The RSPF Online System subsequently and automatically assessed the standard penalty and interest charges on the late payment.

Staff supports Anybill Financial Services Inc. on behalf of Comcast Phone of Oregon LLC's request for waiver of the RSPF late payment penalty and interest charge because it provided evidence demonstrating that its late January 2013 payment was attributed to circumstances beyond its control. In addition, Comcast Phone of Oregon LLC has demonstrated compliance for all past and current filings and remittances in a timely fashion.

**PROPOSED COMMISSION MOTION:**

The Commission waive the RSPF late payment penalty and interest on the late surcharge fees that was assessed to Comcast Phone of Oregon LLC in accordance with OAR 860-033-0006(10), effective April 23, 2013.