

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1677

In the Matter of

FRONTIER COMMUNICATIONS
NORTHWEST, INC.,

Petition for Approval of Price Plan
Pursuant to ORS 759.255.

RULING

DISPOSITION: PETITION TO INTERVENE GRANTED

On January 28, 2014, the League of Oregon Cities' (League) filed a petition to intervene in this docket. The League indicated a focused interest in these proceedings related to the request by Frontier Communications Northwest, Inc. (Frontier) to partially waive OAR 860-022-0042. On January 29, 2014, the League filed a document titled "Comments" that stated grounds for an objection to Frontier's requested partial rule waiver.

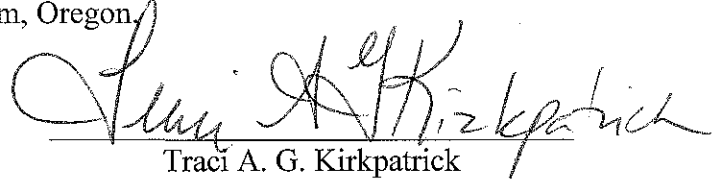
On February 4, 2014, Frontier filed an opposition to the League's petition. Frontier argues that the petition should be denied because it will unreasonably broaden the issues in the proceeding at a time when significant progress has already been made among the existing parties towards a stipulated resolution of the issues. Frontier indicates that the League's issues set forth in its Comments have not previously been raised and are unrelated to the primary issues in the docket regarding Frontier's proposed retail price plan. Frontier asserts that the docket does not involve "in any way an examination of, or a challenge to, a city's right to receive compensation for use of its rights of way under ORS 221.515.

On February 11, 2014, the League filed a reply to Frontier's opposition. The League asserts that its interest, although limited in nature, is sufficient to warrant its participation in the docket, and that such participation will not unreasonably broaden the docket's issues or delay its schedule, since a prehearing conference is scheduled for February 13, 2014.

Upon review of the petition, I find that the League has sufficient interest in the proceedings to participate and that its participation will not unreasonably broaden the issues, burden the record, or delay the proceedings. The League has stated an interest and expertise related to a regulatory request identified by Frontier in its petition to be regulated under a price plan. The schedule in the docket has not yet been fully

established, and I do not have sufficient information at this time to determine whether the League's concerns are beyond the scope of this docket. The petition to intervene is granted. I note this ruling does not address the League's comments

Dated this 12th day of February, 2014, at Salem, Oregon.

A handwritten signature in black ink, appearing to read "Traci A. G. Kirkpatrick". The signature is written in a cursive style with a horizontal line underneath the name.

Traci A. G. Kirkpatrick
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.