



ANDREW O. ISAR

4423 POINT FOSDICK DRIVE, NW  
SUITE 306  
GIG HARBOR, WA 98335  
TELEPHONE: 253.851.6700  
FACSIMILE: 866.474.3630  
WWW.MILLERISAR.COM

Via Electronic Delivery

May 6, 2015

Filing Center  
Public Utility Commission of Oregon  
550 Capitol Street NE, Suite 215  
Salem, OR 97308-2148

RE: Application of Douglas Services, Inc. d/b/a Douglas FastNet for Designation as an Eligible Telecommunications Carrier and or Designation as an Eligible Telecommunications Provider in the State of Oregon and Request for Waiver, Docket No. UM-1721, Comspan Communications, Inc. Petition to Intervene

To Whom It May Concern:

Comspan Communications, Inc. (“Comspan”), hereby submits to the Public Utility Commission of Oregon (“Commission”) the attached *Petition to Intervene* (“Petition”), in the above-referenced matter. By its Petition, Comspan demonstrates its legitimate interest in this proceeding, that its issues merit Commission consideration, that it is uniquely qualified to intervene in this matter, and that Comspan should be granted intervenor status.

Thank you for your attention to this matter. Questions should be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

Andrew O. Isar

Regulatory Consultants to  
Comspan Communications, Inc.

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

Docket No. UM 1721

In the Matter of

Application of Douglas Services, Inc. d/b/a  
Douglas FastNet for Designation as an  
Eligible Telecommunications Carrier and  
or Designation as an Eligible  
Telecommunications Provider in the State  
of Oregon and Request for Waiver

PETITION TO INTERVENE

Comspan Communications, Inc. ("Petitioner") petitions to intervene in this proceeding. In support of this petition, the following is provided:

1. The contact information (name, address, email address) of the petitioner is:

Name: Willard Burge III  
Company: Comspan Communications, Inc.  
Street Address: 278 Garden Valley Boulevard  
City, State, Zip: Roseburg, OR  
Email Address: willb@comspancomm.com  
Telephone: 541.229.2121

Please include this contact on the service list.

2a. The petitioner  will  will not be represented by counsel in this proceeding. The contact information for petitioner's counsel to be included on the service list is:

Name:  
Company:  
Street Address:  
City, State, Zip:  
Email Address:  
Telephone:

2b. Additional contacts to be included on the service list (a petitioner is limited to three contacts on the service list):

Name: Mark Scully  
Company: Comspan Communications, Inc.  
Street Address: 278 Garden Valley Boulevard

City, State, Zip: Roseburg, OR  
Email Address: marks@comspancomm.com  
Telephone: 541.229.0229

Name: Andrew Isar  
Company: Miller Isar, Inc.  
Street Address: 4423 Point Fosdick Drive NW, Suite 306  
City, State, Zip: Gig Harbor, WA 98335  
Email Address: aisar@millerisar.com  
Telephone: 253.851.6700

3. If the petitioner is an organization, the number of members in and the purposes of the organization:

Petitioner is not an organization.

List of Members attached

4. The nature and extent of the Petitioner's interest in the proceeding is:

Petitioner is a domestic corporation organized under the laws of Oregon. Petitioner is also an Eligible Telecommunications Carrier ("ETC") defined within sections 54.201 and 54.202 of the Federal Communications Commission's ("FCC") rules, 47 CFR §§ 54.201 and 54.202. This definition is central to the basis for this Petition for Intervention. Although Petitioner has received state program subsidies to build networks in certain unserved and underserved communities in the State of Oregon, most notably Coos County, all network infrastructure within the City of Roseburg was funded directly with shareholder capital and debt, without the benefit of federal or state subsidies. Petitioner's capital expenditures within the City of Roseburg - and Bandon, OR - include a significant investment in a central office facilities with a Class 4 and Class 5 switching platform providing traditional telephone exchange services, including emergency 911 access, which are fundamental prerequisites for ETC qualification. Additional, Petitioner provides advanced telecommunications services locally. Such services are not dependent on broadband connectivity to out-of-state, third-party hosted, voice application services, consistent with the intent of ETC eligibility. Prior to any Commission decision regarding whether Douglas Services, Inc., dba Douglas FastNet's, ("DFN") Application is in the public interest, it must first determine whether DFN meets the minimum federal requirements for ETC eligibility. Petitioner maintains that the manner in which DFN seeks ETC status as a prerequisite for qualification to receive a FCC Rural Broadband Experiment grant, bypasses the substantial financial, technical and personnel requirements to become an ETC as defined under federal regulation beforehand. The Commission should also avoid the possibility that the financial requirements for ETC eligibility not be subsidized after the fact utilizing federal subsidies that are dependent on such investment as a prerequisite. In order to qualify for such funding, DFN has endeavored to demonstrate that it will meet the minimum requirements to serve as an ETC prospectively. Based on

Comspan's first hand knowledge, Comspan maintains that DFN does not meet the entirety of its ETC obligations and should not be granted ETC status until the entirety of those obligations are met. The timing of this Petition for Intervention results from Comspan's only recently becoming aware of DFN's Application.

5. The issues the Petitioner intends to raise at the proceeding are:

Petitioner intends to address inter alia whether DFN's proposed network meets the requirements of an ETC network, whether DFN is indeed capable of serving as an ETC beyond prospective representations it has made to qualify for a Rural Broadband Experiment grant, and whether DFN should be granted ETC status. Generally, Petitioner intends to raise primary ETC eligibility issues that the Commission must address prior to any secondary and subsequent issues regarding the public interest. Petitioner intends to address specific ETC obligations including: a state's requirement upon request that a common carrier meet certain requirements [§54.201(b)]; whether an ETC applicant can meet the requirements of owned or resold facilities to receive universal service support in designated service areas as stated in Section 254 of the Telecommunications Act of 1996, 47 U.S.C. §254 [§54.201(d)]; and whether an applicant should be granted ETC status if providing local switching and emergency service access due utilizing out-of-state Internet-based switching services [§54.202(a)(2)].

6. The special knowledge or expertise of the Petitioner that would assist the Commission in resolving the issues in the proceeding is:

Petitioner is uniquely positioned as a long-standing ETC service provider in Roseberg, OR and Bandon, OR through its own local network to address the specific real life requirements, challenges, and eligibility of serving as an ETC. No other party to this proceeding is similarly situated.

7. Based on the information provided above in accordance with the Commission's rules of procedure, I request to participate in this proceeding as an intervenor. I or the organization that I represent will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-001-0300.

Andrew O. Isar, Miller Isar, Inc.  
Petitioner or Petitioner's Representative

May 6, 2015  
Date Signed