

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
 A Statement of Need and Fiscal Impact accompanies this form

FILED
11-15-16 12:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Public Utility Commission of Oregon	860
Agency and Division	Administrative Rules Chapter Number
Diane Davis	(503) 378-4372
Rules Coordinator	Telephone
Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088	
Address	

RULE CAPTION

Revisions to 860-032-0060 Regarding Annual Reports from Telecommunications Providers.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

860-032-0060

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 183, 192, 756, 759

Other Authority:

Statutes Implemented:

ORS 756.040, 756.105, 759.020, 759.060

RULE SUMMARY

The proposed rule amendments provide clarifying and housekeeping changes to the rule regarding the annual report.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 608 on comments and file them as a Word or text-searchable document attached to an e-mail addressed to the Commission's Filing Center at PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=20473>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

12-23-2016 5:00 p.m.	Diane Davis	diane.davis@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

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Public Utility Commission of Oregon
Agency and Division

860
Administrative Rules Chapter Number

Revisions to 860-032-0060 Regarding Annual Reports from Telecommunications Providers.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Revisions to 860-032-0060 Regarding Annual Reports from Telecommunications Providers.

Statutory Authority:

ORS 183, 192, 756, 759

Other Authority:

Statutes Implemented:

ORS 756.040, 756.105, 759.020, 759.060

Need for the Rule(s):

The rule changes are needed to facilitate the collection of pertinent telecommunications provider information. The changes also clarify that the report is due on or before April 1.

Documents Relied Upon, and where they are available:

OAR 860-032-0060 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_032.html

ORS 759 found online at https://www.oregonlegislature.gov/bills_laws/ors/ors759.html

Fiscal and Economic Impact:

There is no anticipated fiscal impact to the PUC or the telecommunications providers subject to the rule. The amendments proposed require minor changes to the report each provider must currently provide before April 1. The information requested, email address and position title, is readily available for reporting purposes.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no anticipated additional cost of compliance for state agencies, units of local government or the public. The changes mainly clarify the information to be submitted and the date on which it must be provided.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Only telecommunications providers certified by the Commission are subject to the rule. Some of these are small businesses. There is no anticipated fiscal impact on the providers.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The proposed rule changes are not anticipated to increase the reporting, recordkeeping or other administrative activities for compliance.

c. Equipment, supplies, labor and increased administration required for compliance:

The proposed rule changes are not anticipated to increase the equipment, labor or administration for compliance.

How were small businesses involved in the development of this rule?

The rule changes are mainly housekeeping and clarifying in nature, and small businesses were not involved in the development of the proposed changes. The subject telecommunications providers who are small businesses may comment on the proposed changes during the comment period of the rulemaking.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

The PUC does not have an Administrative Rule Advisory Committee. The proposed changes are primarily housekeeping in nature.

12-23-2016 5:00 p.m.

Diane Davis

diane.davis@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

860-032-0060

Reporting Requirements for Telecommunications Providers

The purpose of this rule is to provide the Commission with accurate information in order to carry out the Legislative policy of ORS 759.015.

(1) The books and records of all telecommunications providers shall be open to the Commission and subject to audit to the extent needed to verify required reports.

(2) Annual report -- form and filing date:

(a) Competitive providers -- On forms provided by the Commission, each competitive provider, including shared service providers, shall submit an annual report on or before April 1, containing data required by section (3) of this rule related to its operations for the preceding calendar year.

(b) Telecommunications utilities -- Telecommunications utilities shall submit annual reports as required by OARs 860-027-0070 or 860-034-0395.

(c) Cooperatives -- Cooperatives shall submit annual reports as required by OAR 860-034-0750. Each cooperative that does not file an annual report pursuant to OAR 860-034-0750 shall submit an annual report on or before April 1, on forms provided by the Commission, containing data required by section (3) of this rule related to its operations for the preceding calendar year.

(3) Annual report -- contents:

(a) Exact legal business name, street address, and mailing address, and telephone number; and

(A) Name, address, telephone number, electronic mail address, and position title of the person who is the regulatory contact for the Commission and its staff; and

(B) Name, address, telephone number, electronic mail address, and position title of the person who ~~is the contact for the general public~~ prepared the annual report, if different than the regulatory contact;

(b) Other names used in Oregon, including Assumed Business Names, "Doing Business As" names, and "Also Known As" names;

(c) Former names used in Oregon during the past three calendar years;

(d) Interests, as defined by OAR 860-032-0001(15), which are affiliated with the telecommunications provider and which are authorized to provide service, or are actually providing service, in Oregon;

(e) Areas in Oregon served;

(f) Types of telecommunications services provided;

(g) How the services are provided, whether by resale, the telecommunications provider's own facilities, use of building blocks (unbundled network elements), or a combination of the above; and

(h) As applicable: number of customers, number of lines, originating conversation intrastate and interstate (toll) minutes, percent of conversation intrastate toll minutes, ~~which are intrastate and~~ percent ~~of which are~~ interstate toll minutes, and revenue from Oregon operations.

(4) If the Commission receives a public records request for information submitted pursuant to subsection (3)(h) of this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS." Subject to the applicable requirements of the Public Records Law or ORS 759.060, access to this material shall be limited to Commissioners, their Counsel, and Commission staff. The materials shall be segregated and maintained in a locked file.

Stat. Auth.: ORS 183, 192, 756 & 759

Stats. Implemented: ORS 756.040, 756.105, 759.020 & 759.060

Hist.: PUC 17-1988, f. & cert. ef. 11-15-88 (Order No. 88-1306); PUC 12-1997, f. & cert. ef. 10-30-97; PUC 10-1998, f. & cert. ef. 4-28-98; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 4-2000, f. & cert. ef. 2-9-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 26-2001, f. & cert. ef. 11-5-01