

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1908

In the Matter of

LUMEN TECHNOLOGIES,

Proposed Commission Action Pursuant to
ORS 756.515 to Suspend and Investigate
Price Plan (UM 1908), and

QWEST CORPORATION,

Investigation Regarding the Provision of
Service in Jacksonville, Oregon and
Surrounding Areas (UM 2206).

Hearing on Orders No. 22-340 and
22-422

RULING

DISPOSITION: STIPULATION AND TESTIMONY AND EXHIBITS ADMITTED

On November 17, 2023, I issued a memorandum in these proceedings establishing a deadline for parties to submit motions to admit evidence and deadlines for the parties to object to any motions to admit evidence. Each party in this proceeding filed a motion to admit on or before the deadline of November 22, 2023. No party filed objections to any motion to admit by the deadline of November 29, 2023.

As discussed in further detail below, I find the testimony and exhibits offered by the parties and adopted by or supported by declarations of the witnesses meet the standards for relevance as required by OAR 860-001-0450(1) and satisfy the requirements of OAR 860-001-0480.

As part of its motion to admit, the Oregon Citizens' Utility Board (CUB) requests to admit several responses to data requests issued by parties and that were not previously attached to testimony or offered as cross-examination exhibits. For CUB/200-225, CUB argues that the proposed exhibits are relevant and admissible on the grounds of the following issues: 1) the fiber installation proposed in the stipulation as a solution to the service quality issues in Jacksonville, Little Applegate, and southern Oregon; 2) Lumen Technologies' (CenturyLink's) compliance with the Jacksonville Orders and CUB's concerns with the proposed stipulation, or 3) service quality issues in CenturyLink's service territory. Additionally, for exhibit CUB/226, CUB seeks to move into evidence

comments filed by members of the public that have not yet been moved into the record by Staff consistent with the Commission’s Internal Operating Guidelines.

Evidence provided in contested case proceedings is typically presented as part of a party’s testimony or cross-examination along with context for the relevance of the evidence to the party’s positions or arguments. CUB has offered these exhibits by motion after the submission of testimony and after the hearing with arguments regarding their relevance. While CUB’s motion is procedurally unusual, the proposed exhibits contain information relevant to issues raised in testimony and at the hearing and are admissible as relevant evidence. CUB’s exhibits are admitted and will be given the appropriate weight.

In addition to her testimony filed on October 24, 2023, Ms. Weaver seeks to admit comments that she filed in these proceedings on September 20, 2023, October 27, 2023, and October 31, 2023.¹ Ms. Weaver’s September 20, 2023 and October 27, 2023 comments were provided as part of CUB/226 and will be admitted into the record as part of that exhibit.² At this time, the October 31, 2023 comments have not been offered with an exhibit number as required by OAR 860-001-0480. The October 31, 2023 comments shall be identified in the record as Weaver/200. Ms. Weaver shall submit these documents with the marking convention contained in OAR 860-001-0480. To the extent that Ms. Weaver is unable to mark the documents consistent with OAR 860-001-0480, she may contact the Administrative Hearings Division at 503-378-6678 or puc.hearings@puc.oregon.gov to discuss marking and submitting the exhibits.

Regarding Priscilla Weaver’s request to correct an error on page nine, line 18 of her testimony submitted October 24, 2023, the request and the similar correction offered at the hearing on November 15, 2023, will be treated as the equivalent of an errata to her testimony. The correction has been noted for the record.

The following testimony and other exhibits are admitted into the record:

PARTY/EXHIBIT No.	WITNESSES
Stipulation Stipulating Parties/100-103	Russ Beitzel and Peter Gose
Staff/200	Russ Beitzel
CenturyLink/200	Peter Gose
CUB/100-105	John Garrett
CUB/200-226	
Weaver/100-101; Weaver/200	Priscilla Weaver

¹ In her motion to admit, Ms. Weaver also identified testimony and exhibits filed on December 23, 2022, in these proceedings. On December 23, 2022, Ms. Weaver filed a motion to admit evidence identifying certain Staff exhibits. These exhibits have already been admitted into the evidence and need not be re-admitted. To the extent that Ms. Weaver intended to identify a different document, she may submit a correction to her motion by December 7, 2023, and I will address that document in a future ruling.

² The September 20, 2023 comments are on pages 159-162 of CUB 226 and the October 27, 2023 comments are on pages 185-186 of CUB/226.

Parties may correct the identification of testimony or exhibits by 3:00 p.m. on December 7, 2023. The record will remain open and will be closed at a later date.

Dated this 1st day of December, 2023, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge