

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1908, UM 2206

In the Matters of

LUMEN TECHNOLOGIES,¹

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 Relating to Order
Nos. 22-340 and 22-422.

RULING

DISPOSITION: TESTIMONY AND EXHIBITS ADMITTED; OBJECTIONS
OVERRULED

Lumen Technologies, Qwest Corporation dba CenturyLink (Lumen), Staff of the Public Utility Commission of Oregon, and Intervenor Priscilla Weaver filed motions to admit pre-filed testimony and exhibits. Lumen filed objections to certain portions of the exhibits Staff and Ms. Weaver seek to admit, asserting they constitute hearsay and are not reliable.

In contested cases, evidence—including hearsay—is admissible if it is “of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs.”² The Oregon Evidence Code’s prohibition on hearsay evidence in criminal and civil litigation is not applicable to contested case proceedings in Oregon.³ Our rules allow considering relevant evidence that (1) “make[s] the existence of any fact at issue in the proceedings more or less probable than it would be without the evidence;” and (2) “if it is of a type commonly relied upon by reasonably prudent persons in the conduct of

¹ Formerly known as Qwest Corporation, United Telephone Company of the Northwest, CenturyTel of Oregon, and CenturyTel of Eastern Oregon.

² See ORS 183.450(1).

³ See *Osuna-Bonilla v. Teacher Stds. & Practices Comm’n*, 282 Or App 260, 269, 386 P3d 229 (2016).

their serious affairs.”⁴ As such, that evidence is hearsay does not impact its admissibility, but rather the weight afforded the evidence. Lumen provides no authority to the contrary, and its objections are overruled.

I find the testimony and exhibits offered by the parties and 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.

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

PARTY/EXHIBIT NO.	WITNESSES/DOCUMENTS
Staff/100-105 Staff/200-203 ⁵ Staff/300	Joseph Bartholomew Melissa Nottingham Lumen’s Reports on Jacksonville Customer Support Line
Lumen/100-101 Lumen	Peter Gose December 16, 2022 Response to Bench Request December 28, 2022 Response to Hearing Request

Parties may correct the identification of testimony or exhibits by the close of business on January 5, 2023. If no revisions are filed, the record will be considered closed.

Dated this 4th day of January, 2023, at Salem, Oregon.



Nolan Moser
Chief Administrative Law Judge

⁴ OAR 860-001-0450(1)(a)-(b).

⁵ Staff submitted Melissa Nottingham’s amended testimony on December 22, 2022.