

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

DOCKET NO. AR-566

In the Matter of Amendments to)
OAR 860-032-0007 to Address)
Call Termination Issues)

**COMMENTS OF THE OREGON CABLE TELECOMMUNICATIONS ASSOCIATION
AND REQUEST FOR EXTENSION TO FILE REPLY COMMENTS**

COMES NOW the Oregon Cable Telecommunications Association (the “OCTA”) and submits these initial comments in response to the Notice of Proposed Rulemaking and Hearing Procedural Report issued on July 6, 2012 and August 22, 2012, respectively, by the Public Utility Commission of Oregon (the “Commission”).¹

The OCTA’s members or their affiliates provide competitive voice communications and other services to residential and business customers in Oregon. As is the case with other communications industry participants in this proceeding, the OCTA has a strong interest in ensuring that customer calls are delivered and terminated properly. The Commission, however, should not adopt the rules set forth in the Notice of Proposed Rulemaking at this time, for the following reasons:

- (1) The Commission has sufficient existing enforcement authority to address call termination issues if or when they arise;
- (2) The Federal Communications Commission (the “FCC”) and the communications industry are currently addressing call termination issues on a comprehensive, national basis;

¹ The OCTA appreciates the Commission’s extension of time to file comments, which was granted on September 21, 2012, in recognition of the continuing efforts of industry participants to negotiate a resolution to this proceeding.

(3) Disparities in intercarrier compensation that caused past call termination issues have been addressed comprehensively by the FCC and initial indications are that reported call termination problems in rural areas are decreasing; and

(4) The rules as proposed by the Commission could have unintended and potentially harmful consequences.

I. The Commission Should Follow the FCC's Lead and Not Adopt Formal Rules at this Time

The Commission's existing enforcement mechanisms are adequate to address any immediate call termination issues. Likewise, recent intercarrier compensation reforms and standards addressing the issues underlying the call termination issues reported in Oregon should be allowed to develop before the Commission contemplates the adoption of formal rules.

A. Similar to the FCC, the Commission Has Existing Enforcement Authority that May Be Used to Address Call Completion Issues

The FCC recently has taken several significant steps on a national basis to identify and remedy the source of call completion problems in rural areas. Most significantly, seven months ago the FCC in its intercarrier compensation proceeding released a *Declaratory Ruling*, to:

remind carriers of the [FCC's] longstanding prohibition on carriers blocking, choking, reducing or otherwise restricting traffic. Furthermore, we clarify that this prohibition extends to the routing practices described in greater detail below that have the effect of blocking, choking, reducing, or otherwise restricting traffic.²

The *Declaratory Ruling* stated that these prohibited practices would lead to FCC enforcement actions under federal statutes.³ Indeed, the FCC has reported that its Enforcement Bureau has

² *In the Matter of Developing an Unified Intercarrier Compensation Regime; Establishing Just and Reasonable rates for Local Exchange Carriers*, Declaratory Ruling, CC Docket No. 01-92, WC Docket No. 07-135 (rel. Feb. 6, 2012) (the "*Declaratory Ruling*"), para. 3 (footnote omitted).

³ *Id.*, para. 4. The statutes include 47 U.S.C. § 201 (unjust and unreasonable practices), 47 U.S.C. § 202 (unjust or unreasonable discrimination in practices, facilities, or services) and 47 U.S.C. § 217 (carriers' responsibility for

ongoing investigations into violations of these laws due to call completion practices,⁴ which potentially could lead to substantial federal penalties.⁵

The FCC's approach is instructive. Rather than promulgate formal rules at this time, the FCC is undertaking enforcement action on a case-by-case basis grounded on statutory authority, thereby allowing the industry to reach consensus and develop standards that appropriately define and implement the practices that will limit call termination issues. While no one contends that substantial and chronic issues regarding call completion to rural areas should be ignored by regulators, an attempt through rulemaking to define and govern the practices that underlie call termination issues is impracticable. As discussed below, there is substantial risk that, if adopted, the rules proposed by the Commission will be overbroad, vague and capable of differing and conflicting interpretations, resulting in regulatory uncertainty, chilled investment, and an increase in complaints, enforcement proceedings and litigation, which could exacerbate rather than address the underlying problems. Therefore, the Commission should follow the FCC's lead and consider an approach grounded in the Commission's enforcement authority.

In such regard, the Commission's existing enforcement authority is similar to the FCC's authority. Or. Rev. Stat. § 759.036 confers the Commission with "authority to determine the manner and extent of the regulation of telecommunications services within the State of Oregon." Oregon law subjects "telecommunications carriers," defined to include competitive and incumbent providers with respect to retail service, Or. Rev. Stat. § 759.020(5), to fines for each time the carrier violates any statute administered by the Commission, commits any prohibited act, fails to perform any duty enjoined upon the carrier by the Commission, or fails to obey any lawful requirement or order of the

agents' and employees' actions performed within the scope of their employment). *See Declaratory Ruling*, para. 16 (list of enforcement activities authorized by the FCC).

⁴ See <http://www.fcc.gov/encyclopedia/problems-long-distance-or-wireless-calling-rural-areas>.

⁵ See Staff's Comments, *In the Matter of Public Utility Commission of Oregon Staff Investigation into Call Termination Issues*, Docket UM 1547 (April 23, 2012) ("Staff's Comments"), p. 6.

Commission. Or. Rev. Stat. § 759.990(6). In construing and enforcing the statute “the act, omission or failure of any officer, agent or other person acting on behalf of or employed by a telecommunications carrier and acting within the scope of the person’s employment [is] in every case . . . deemed to be the act, omission or failure of such telecommunications carrier.” Or. Rev. Stat. § 759.990(7). To the extent that Or. Rev. Stat. § 759.990(6) is limited to retail services, a similar penalty statute applies to “any person subject to the jurisdiction” of the Commission. Or. Rev. Stat. § 756.990(6).

Or. Rev. Stat. § 759.450 authorizes the Commission to determine service quality standards for retail telecommunications services. If a provider is not meeting such standards, the Commission must require the submission of a plan for improving performance and may assess penalties for failing to meet the Commission’s standards. Or. Rev. Stat. § 759.450(5). Prior to the commencement of a penalty action, a provider is afforded an opportunity to demonstrate that a violation of a service quality standard is the result of the failure of a person providing interconnection service to meet the person’s interconnection obligations. Or. Rev. Stat. § 759.450(6).⁶ Oregon’s statutes provide an opportunity to identify the source of and remedy service quality failures before penalties are imposed, and provide clear and “broad authority”⁷ for the Commission to enforce service quality requirements on a case-by-case basis. There is no impediment presently to the Commission’s enforcement authority with respect to call termination issues, provided the Commission exercises the authority it already possesses.⁸

⁶ Or. Rev. Stat. § 759.455 authorizes penalty actions against a telecommunications utility, provided the utility has an opportunity to first remedy the violation.

⁷ See Staff’s Comments, p. 8.

⁸ The Commission, like the FCC, also has authority to hear and resolve complaints. See Or. Rev. Stat. 756.500 *et seq.* In addition, pursuant to Or. Rev. Stat. § 756.450 the Commission may issue a declaratory ruling regarding the applicability of any state statute or rule to any person, property, or state of facts.

B. The Conditions That Gave Rise to Call Completion Issues Are in the Process of Regulatory Resolution

The FCC's framework for reducing and ultimately phasing out interstate and intrastate terminating access charges was established by the *Universal Service and Intercarrier Compensation Transformation Order*, released in November 2011.⁹ By July 2012, all carriers, including rural incumbent local exchange carriers in Oregon, had reduced by half the difference between their intrastate terminating switched access rates and their interstate terminating switched access rates.¹⁰ In fewer than ten months, the high intrastate terminating switched access rates that reportedly motivated the practices leading to call completion issues in Oregon will be reduced to parity with interstate terminating switched access rates.¹¹ Thus, to the extent high termination fees in rural areas and regulatory arbitrage may have contributed to call termination problems, the FCC's intercarrier compensation reforms already have reduced and will soon eliminate such incentives. Concomitantly, the need for Commission rulemaking action should significantly lessen in the near future.

In the *Universal Service and Intercarrier Compensation Transformation Order* the FCC also directly addressed practices relating to call completion issues. The FCC prohibited call blocking with respect to all types of traffic and adopted rules barring carriers and voice-over-Internet Protocol service providers from altering call signaling information, including calling number information.

⁹ See *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) ("*Universal Service and Intercarrier Compensation Transformation Order*").

¹⁰ See 47 C.F.R. § 51.909(b).

¹¹ *Universal Service and Intercarrier Compensation Transformation Order*, para. 801.

These rules ensure that signaling information reaches terminating carriers and provides accurate caller identification for call recipients.¹²

Implementation of the FCC's intercarrier compensation and other recent rulings should largely resolve the reported call completion problems in rural areas of Oregon. On May 21, 2012, the National Exchange Carrier Association ("NECA") reported that a national call completion test demonstrated that "overall completion and quality problems have improved" since September 2011.¹³ Although such findings are tentative, they are consistent with the positive effect that the FCC's policies and rules already are producing and support deferral at this time of the adoption of formal rules.

C. Ongoing Industry Efforts Should Have An Opportunity to Develop Before Formal Rulemaking is Considered

Because of the complex and predominantly interstate nature of the traffic that is subject to call completion issues, there have been several efforts ongoing at a national level by carriers to resolve the technical issues underlying the reported call completion problems. In September 2011, the FCC established the Rural Call Completion Task Force to address call termination issues.¹⁴ The task force has facilitated interactions between the FCC, other federal agencies and the industry. Such efforts have involved the Alliance for Telecommunications Industry Solutions ("ATIS"), which through its Next Generation Interoperability Forum ("NGIIF") has actively engaged NECA, state utility commissions and carrier representatives to address rural long distance call termination. On August 16, 2012, ATIS - NGIIF completed standards and best practices for appropriate call handling

¹² See *id.*, paras, 702 through 735.

¹³ See <http://apps.fcc.gov/ecfs/document/view;jsessionid=LbNLP89pMhY6QLnsDIHwnhfQFMpvyGqyXk2TdQdQGblklxPdCLS!-1221852939!-1969853125?id=7021919419>.

¹⁴ See *Declaratory Ruling*, para. 5.

and completion, which are expected to address call termination concerns.¹⁵ On September 4, 2012, ATIS announced publication of the Intercarrier Call Completion/Call Termination Handbook, which will provide:

guidance to help telecommunications providers mitigate problems being encountered by some rural telephone company customers in receiving long-distance calls. The Handbook includes new and existing industry standards to help ensure call completion. It also offers best practices for addressing call termination problems, especially related to management of intermediate or underlying carriers.¹⁶

The NGIIF also reports that it is expanding its Service Provider Contact Directory to include interexchange carrier-to-carrier contact information, which may be used to report problems related to call completion/call termination issues between carriers.¹⁷ NGIIF continues to collaborate with rural carrier associations to develop methods and procedures for conducting tests of call completions.¹⁸

Given the interconnected character of communications networks, it is likely that requirements imposed in a single state to address ostensible “intrastate” traffic issues could complicate the ability of carriers to efficiently manage networks engineered to handle both interstate and intrastate traffic. In such respect, any rule adopted by the Commission would be limited to its intrastate jurisdiction, which is circumscribed to calls originating and terminating within Oregon.¹⁹ Given the nature of the call completion problem and its focus on, mainly, long distance calls, call termination issues are better addressed through technical or standards-based solutions developed through ATIS or some other national policy forum than through formal rulemaking action undertaken by this Commission or any other state regulatory authorities.

¹⁵ See <http://www.atis.org/ngiif/Issue029.asp>.

¹⁶ <http://www.atis.org/PRESS/pressreleases2012/090412.html>.

¹⁷ See http://www.atis.org/legal/Docs/MISC/ATIS_ExParte053112.pdf.

¹⁸ *Id.* See <http://www.atis.org/PRESS/pressreleases2012/090412.html>.

¹⁹ See Or. Rev. Stat. § 759.005(2) (definition of intrastate telecommunications service); Or. Rev. Stat. §§ 759.020(1) and 759.025 (authority of the Commission to issue certificates limited to intrastate telecommunications service); and Or. Rev. Stat. §§ 759.405(2) and 759.410(3) (price cap regulation).

II. If the Commission Proceeds with Formal Rulemaking, Subsections (16) through (20), Inclusive, of Rule 860-032-0007 Should Not Be Adopted

The Notice of Proposed Rulemaking sets forth new subsections (16) through (20), inclusive, of Commission Rule 860-032-0007. Because the Commission evidently intends for its rules to parallel the FCC's *Declaratory Ruling*, three issues common to all or most of these proposed subsections arise.²⁰

First, if the purpose of this proceeding is to replicate existing federal policy, it is unnecessary to do so. As discussed above, the FCC's rules and policies already apply to local exchange and interexchange carriers terminating telecommunications traffic in Oregon.

Second, the FCC's administrative action to address call completion is completely different from the Commission's attempt to promulgate rules. The FCC, for the reasons discussed above, has chosen to undertake enforcement action on a case-by-case basis. Therefore, it has not been necessary for the FCC to precisely define the practices that give rise to call termination issues. The FCC will define those practices as a matter of case law based on the factual background of each call completion issue that it investigates. If, instead, the Commission remains intent on adopting rules, the violation of which will result in enforcement action, then the Commission must specifically and narrowly define the prohibited practices, or risk promulgating rules that overreach its authority and inadvertently create more regulatory issues than are resolved in the process. As discussed below, the Commission has not specifically and narrowly defined its proposed regulations.

Third, the proposed subsections are largely redundant. Only subsections (16) and (17) would deal directly with a call termination violation. Subsections (18) through (20), inclusive, substantially expand the Commission's rules with respect to issues that have nothing to do with call termination. To the extent those subsections are intended to address issues other than call termination, they

²⁰ The OCTA offers no comments regarding the other rule changes proposed in this proceeding.

should be considered in a proceeding other than this docket, whose publicly-stated purpose is to adopt rules “proposed to address the problem of long distance calls not being completed to rural areas in Oregon at the same rate at which long distance calls are completed to urban areas.”²¹ The Commission’s notice is not broad enough to encompass the apparent subject matter of the proposed rules. *See Watson v. Oregon State Penitentiary, Corrections Div.*, 90 Or. App. 85, 750 P.2d 1188 (1988). Moreover, even if alleged violations premised on subsection (16) or subsection (17) are resolved in favor of a responding carrier, the carrier would likely need to successfully defend an action premised on violations of all of the other proposed rules in order to avoid penalties, suspension or revocation of its certificate. In effect, the Commission is proposing to adopt five (5) separate rules in order to regulate a single subject. As a result, the rules would have a chilling effect on legitimate industry activity and could result in unintended and potentially harmful consequences to the industry, as described below.

Subsection (16)

As proposed by the Commission, subsection (16) states as follows:

Except as otherwise allowed under state or federal law, the certificate holder must not block, choke, reduce or restrict traffic in any way.

In short, subsection (16) is vague. There are a number of legitimate and even necessary circumstances, not specifically authorized in advance by state or federal law, that might cause a carrier to “block, choke, reduce or restrict” traffic. The proposed rule could prohibit, for example, a carrier from terminating a contract with an underlying carrier or end user for breach, or from engaging in certain types of traffic or network affecting maintenance, if doing so might be construed to result in blocking, choking, reducing or restricting traffic. Subsection (16) could be construed to

²¹ Notice of Proposed Rulemaking, p. 1.

require the entry of a declaratory ruling by the Commission in order to avoid an enforcement action premised on violation of the rule for otherwise legitimate carrier activities.

Moreover, because the language of the proposed rule would prohibit blocking, choking, reducing or restricting traffic “in any way,” the rule is overbroad. The call termination issue as it relates to rural areas – as addressed by the *Declaratory Ruling*²² and as the focus of the Commission’s Notice of Proposed Rulemaking²³ – is whether a practice with the intent to avoid access charges results in sustained degradation of call completion. If the Commission promulgates rules – as distinguished from engaging in case-by-case enforcement actions like the FCC – the rule language should not be stated so broadly that it will inhibit legitimate carrier activities not directed at the call completion problems being examined by the Commission.

The proposed rule also implies that a strict liability standard will be applied to a violation. Stated otherwise, a carrier could be found in violation of the rule whether or not the carrier even knew or could be deemed to know that its traffic was being blocked, choked, restricted or reduced. Likewise, a carrier could be determined to be in violation of the rule even if the problem was caused inadvertently, *e.g.*, as a result of hardware failure, software error or human mistake. Carriers could also be deemed in violation of the rule even if they took corrective action immediately after becoming apprised of a problem. Nothing, however, in the applicable penalty statutes, Or. Rev.

²² The *Declaratory Ruling*, para. 7, states:

Call completion problems appear to be occurring particularly in rural areas served by rate-of-return carriers where the costs that long distance providers incur to complete calls are generally higher than in non-rural areas. To minimize call termination charges, long distance providers often use third-party ‘least-cost routers,’ which attempt to connect calls to their destination at the lowest cost possible, usually within defined service parameters. Rural associations state that the call completion problems appear to arise from how originating carriers choose to set up the signaling and routing of their calls, and that many of these call routing and termination problems could lie with underlying routing providers selected by carriers who offer retail long distance service.

(Footnotes omitted.)

²³ The Rule Summary provided by the Commission in the Notice of Proposed Rulemaking states: “Amendments to OAR 860-032-0007 are proposed to address the problem of long distance calls not being completed to rural areas in Oregon at the same rate at which long distance calls are completed to urban areas.”

Stat. §§ 756.990, 759.450 and 759.990, implies that liability should be imposed under the foregoing circumstances.

Subsection (17)

As proposed by the Commission, subsection (17) of Rule 860-032-007 states as follows:

The certificate holder must take reasonable steps to ensure that it does not adopt or perpetuate routing practices that result in lower quality service to an exchange with higher terminating access rates than like service to an exchange with lower terminating access rates.

The FCC's *Declaratory Ruling* did not address "routing" aside from the practices specifically listed by the FCC as prohibited. Indeed, the FCC emphasized that "nothing in th[e] *Declaratory Ruling* should be construed to dictate how carriers must route their traffic."²⁴ The FCC refrained from such a pronouncement because it did not want to chill investment regarding design and installation of efficient networks. However, the proposed subsection would tend to chill such investment by imposing a *per se* strict liability standard; *i.e.*, subsection (17) would require a carrier to "ensure." Besides adversely affecting network design and installation, this liability standard suffers from the same drawbacks as the language, discussed above, concerning subsection (16).

Subsection (18)

As proposed by the Commission, subsection (18) of Rule 860-032-007 states as follows:

The certificate holder must not engage in deceptive or misleading practices including but not limited to informing a caller that a number is not reachable or is out of service when the number is in fact reachable and in service.

Subsection (18) is overbroad and capable of differing and conflicting interpretations. The scope of the subsection is not even limited to matters affecting telecommunications services within the Commission's jurisdiction.²⁵ If the Commission seeks, with respect to an intrastate call, to

²⁴ *Declaratory Ruling*, para. 12. (Italics added.)

²⁵ Moreover, deceptive and misleading practices are dealt with under the Oregon Unlawful Trade Practices Act, Ore. Rev. Stat. § 646.605 *et seq.*, and the Commission has no jurisdiction to declare a practice as unlawfully "deceptive"

specifically prohibit deliberately informing a caller that a telephone number is not reachable or is out of service when the telephone number is in fact reachable and in service, the OCTA suggests that the Commission enter an order to such effect.

Subsection (19)

As proposed by the Commission, subsection (19) of Rule 860-032-007 states as follows:

The certificate holder must take reasonable steps to ensure that the actions of any underlying carrier acting as an agent of or employed by the certificate holder used to deliver traffic on behalf of the certificate holder would not put the certificate holder in violation of any Commission rule.

Similarly to subsection (17), subsection (19) implies that a strict liability standard (“to ensure”) will apply to any violation of the rule. Subsection (17) also essentially imposes the obligations of a surety on certificated carriers for the actions of their underlying carriers. Moreover, the rule could impose liability on a carrier even in situations where the carrier has no control over an underlying provider, or does not even know the identity of the provider. For example, Carrier A may contract with Carrier B to perform underlying carrier functions with respect to Carrier A’s customer traffic. Unbeknownst to Carrier A, Carrier B contracts with Carriers C and/or , D, who actually terminate Carrier B’s traffic. Carrier A exercises no control over, has no awareness of, and should not be held accountable for the actions or inactions of these “downstream” carriers. Nothing in the applicable penalty statutes, Or. Rev. Stat. §§ 756.990, 759.450 and 759.990, implies that liability should be imposed under such circumstances.

In addition, subsection (19) would not limit responsibility to the actions of those persons acting within the scope of their employment. The Commission cannot determine that penalties

or “misleading.” See Or. Rev. Stat. § 646.612(1) (the Oregon Unlawful Trade Practices Act does not apply to “conduct in compliance with the orders or rules of, or a statute administered by a federal, state or local governmental agency”).

should be assessed for conduct that is not within the statutory scope of responsibility of a certificated entity. Or. Rev. Stat. § 759.990(7) limits the liability of a respondent in a penalty proceeding to:

the act, omission or failure of any officer, agent or other person acting on behalf of or employed by a telecommunications carrier and acting within the scope of the person's employment.

(Emphasis added). Or. Rev. Stat. § 756.990(6) similarly states that:

the act, omission or failure of any officer, agent or other person acting for or employed by any public utility, telecommunications utility or other person subject to the jurisdiction of the commission acting within the scope of the person's employment shall in every case be deemed to be the act, omission or failure of [the] person subject to the jurisdiction of the commission.

(Emphasis added). Hence, as currently proposed, subsection (19) goes well beyond the Commission's statutory authority.

Subsection (20)

As proposed by the Commission, subsection (20) of Rule 860-032-007 reads as follows:

The certificate holder is liable for the actions of an underlying carrier used to deliver traffic on behalf of the certificate holder, if that underlying carrier is an agent of or employed by the certificate holder and the certificate holder knew or should have known of the underlying carrier's actions.

Like subsection (19), subsection (20) would impose strict liability and would not limit responsibility to the actions of those persons acting within the scope of their employment. As discussed with respect to subsection (19), a rule cannot impose penalties for the conduct of agents and employees that is not within the statutory scope of their employment.

III. Conclusion

The OCTA appreciates the opportunity to file these initial comments. As discussed herein, the OCTA strongly urges the Commission to not adopt the proposed rules. The proposed rules range far beyond the scope of this proceeding, are of questionable enforceability, and, if adopted, will likely result in regulatory confusion and chilled investment in efficient and cost-saving facilities.

Rather than adopting rules that overreach the Commission's authority and impose strict liability on entities that lack control over third parties and may not even be aware of call termination problems, the Commission should exercise its existing authority to tailor appropriate and sufficient remedies to address the actions of offending parties. In summary, the proposed rules in large measure are legally unsustainable and there is insufficient cause for not relying on the Commission's case-by-case enforcement authority, while continuing to facilitate the industry's efforts to seek a broader resolution to call termination issues.

If the Commission nevertheless deems state-specific rules necessary to address rural call termination, the Commission should adhere to the specific scope of this rulemaking by adopting only a modified version of proposed subsection (16) and rejecting proposed subsections (17) through (20). Accordingly, and for the purposes of this proceeding only and to facilitate the ongoing negotiations between the parties, the OCTA proposes the following modifications to subsection (16):

Except as otherwise allowed under state or federal law, the certificate holder must not block, choke, reduce or restrict traffic to another certificate holder's service area in such a manner as to attempt to or to avoid paying terminating access charges. In determining whether there has been a violation of this standard, the Commission will consider the frequency with which the violations occur and the corrective action, if any, undertaken by the certificate holder and whether the certificate holder had knowledge of the violation. The Commission will not impose penalties in the event the certificate holder did not have knowledge of the violation or has taken reasonable corrective action. An aggrieved party is required to notify the certificate holder in writing of any issues and parties are encouraged to resolve any issues informally before seeking relief under this rule.

As modified, proposed subsection (16) adequately addresses call termination issues and affords more process than the proposed rules, and would encourage cooperative efforts to resolve call termination issues prior to Commission action.

Respectfully submitted this 28th of September, 2012.

By: Mike Denig

CERTIFICATE OF SERVICE**AR 566**

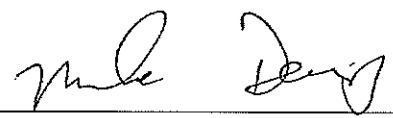
I hereby certify that the attached Comments from the Oregon Cable Telecommunications Association (OCTA) was served on September 28, 2012, by email to the following parties:

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DATED this 28th day of September, 2012

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