

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1547

In the Matter of)
)
PUBLIC UTILITY COMMISSION OF)
OREGON STAFF Investigation of Call)
Termination Issues.)
)

OPENING COMMENTS
OF THE
CITIZENS' UTILITY BOARD OF OREGON

May 29, 2012



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I. Introduction.

This docket was opened at the request of OPUC Staff to investigate call termination issues in rural Oregon. Staff requested the initiation of an investigation at the July 5, 2011 public Meeting. Staff’s “Request to Open Docket to Investigate Call Termination Issues” noted that Rural Local Exchange Carriers (RLECs) in Oregon had reported numerous problems related to call termination.¹ Staff noted that the problems ranged from non-receipt of calls, to limited receipt of calls, to poor voice quality if calls were received and also the receipt of incorrect call ID information.² Staff also wrote of economic harm to consumers and also of public safety concerns.³

¹ OREGON PUBLIC UTILITY COMMISSION STAFF: Request to Open Docket to Investigate Call Termination Issues at page 1.
² OREGON PUBLIC UTILITY COMMISSION STAFF: Request to Open Docket to Investigate Call Termination Issues at page 2.
³ OREGON PUBLIC UTILITY COMMISSION STAFF: Request to Open Docket to Investigate Call Termination Issues at page 2.

Staff further noted that call termination issues are believed to be a nationwide problem affecting both intra and interstate traffic to areas having higher terminating access fees.⁴

On April 24, 2012 Staff filed a comprehensive set of Comments which clearly outlined both the economic and public safety issues that were arising from the call termination issues. CUB commends Staff on its investigation to date and also on its thoughtful Comments. And, CUB writes herein in support of Staff's proposed rule amendments.

II. Oregon's PUC Should Act Now And Not Wait For The FCC.

As noted by Staff in its Comments, the Federal Communication Commission (FCC) is also investigating the call termination issue. Staff of the OPUC is focused on intra state problems and the FCC is looking at interstate problems.⁵ But the FCC's involvement is not a reason for delay in this investigation. As noted by Staff, the FCC investigation of the issue and the phasing in of a bill and keep system could take years; however, the problem of call termination is very real for Oregon customers today.⁶

III. Staff's Proposed Rule Amendments Should Be Adopted.

Given the reality of the problem today, Staff proposes the following amendments to OAR 860-032-0007:

1. *Prohibit telecommunications service providers from subjecting any particular person, class of person, or locality to any undue or unreasonable prejudice or disadvantage;*
2. *Prohibit blocking, choking, reducing, restricting traffic in any way, including to avoid termination charges;*
and

⁴ OREGON PUBLIC UTILITY COMMISSION STAFF: Request to Open Docket to Investigate Call Termination Issues at page 1.

⁵ Staff's Comments at page 5.

⁶ Staff's Comments at page 7 and 8.

3. *Make telecommunications service providers responsible for acts, omissions, or failures of their agents or other persons acting for or employed by the carrier.*⁷

CUB supports Staff's proposal to amend OAR 860-032-007, in an emergency rule making proceeding, as described in Section C(2)(d) of Staff's Comments.⁸

IV. Staff Should Be Able To Levy Penalties.

CUB also supports Staff's request for penalty authority. "Carrots" will work for many providers but likely not all. Staff needs to have recourse to a "stick" for those providers who consistently fail to comply with the requirements of the Commission's rules.

V. Conclusion

CUB respectfully requests that the Commission commence an emergency rulemaking proceeding to amend OAR 860-032-0007 to address the issue of call termination. CUB further recommends that the adopted rule amendments contain provisions for the levying of penalties against carriers who continue to violate call completion principles.

Respectfully submitted this May 29, 2012,



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⁷ Staff's Comments at page 10.

⁸ Staff's Comments at page 10.

UM 1547 – CERTIFICATE OF SERVICE

I hereby certify that, on this 29th day of May, 2012, I served the foregoing **OPENING COMMENTS OF THE CITIZENS' UTILITY BOARD OF OREGON** in docket UM 1547 upon each party listed in the UM 1547 OPUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending one original and five copies by U.S. mail, postage prepaid, to the Commission's Salem offices.

(W denotes waiver of paper service)

(C denotes service of Confidential material authorized)

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