

ITEM NO. RM1

PUBLIC UTILITY COMMISSION OF OREGON  
AHD REPORT  
PUBLIC MEETING DATE: February 21, 2017

REGULAR \_\_\_ CONSENT \_\_\_ RULEMAKING X EFFECTIVE DATE N/A

DATE: January 24, 2017

TO: Public Utility Commission

FROM: Diane Davis *dd*

THROUGH: Michael Grant *Mh*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE HEARINGS DIVISION; (Docket No. AR 608) Adopts Revisions to OAR 860-032-0060 Regarding Annual Reports from Telecommunications Providers.

**AHD RECOMMENDATION:**

Adopt the proposed permanent rule changes in the attached draft order.

**DISCUSSION:**

This rulemaking adopts clarifying changes to OAR 860-032-0060 – Reporting Requirements for Telecommunications Providers. The rule changes clarify the information to be provided and that the report is due on or before April 1.

The last day of the comment period was December 23, 2016. No written comments were received.

**PROPOSED COMMISSION MOTION:**

Adopt permanent rule changes to OAR 860-032-0060 as set forth in Appendix A of the attached draft order.

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 608

In the Matter of  
Revisions to OAR 860-032-0060  
Regarding Annual Reports from  
Telecommunications Providers.

ORDER

DISPOSITION: RULE CHANGES ADOPTED

**I. INTRODUCTION**

We opened this rulemaking to clarify the information to be reported by telecommunications providers in their annual reports and to clarify that the due is on or before April for the report.

**II. PROCEDURAL HISTORY**

On November 15, 2016, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State, and we provided notice to all interested persons on the service lists established under OAR 860-001-0030(1)(b) and to legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the December 2016 *Oregon Bulletin*. The notice established a comment due date of December 23, 2016. No written comments were filed.

**III. PROPOSED RULEMAKING**

This rulemaking adopts changes to the reporting requirements of Telecommunications Providers. The changes include clarifying that the due date is on or before April 1. The rulemaking also clarifies the information to be provided in the report including, but not limited to contact information and reporting of intrastate toll minutes.

**IV. ORDER**

IT IS ORDERED that:

1. The rule changes to OAR 860-032-0060 are adopted as set forth in Appendix A to this order.
2. The rule changes will be effective upon filing with the Secretary of State.

Made, entered, and effective \_\_\_\_\_.

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**Lisa Hardie**  
Chair

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**John Savage**  
Commissioner

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**Stephen M. Bloom**  
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

**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