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June 3, 2013

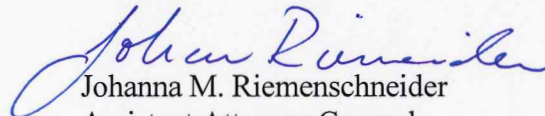
Allan Arlow
Administrative Law Judge
Public Utility Commission of Oregon
550 Capitol St NE – Suite 215
Salem OR 97301

Re: *In the Matter of PUBLIC UTILITY COMMISSION OF OREGON, Staff Investigation into Eligible Telecommunications Carriers' Requirements*
PUC Docket No.: UM 1648
DOJ File No.: 860105-GB0226-13

Dear ALJ Arlow:

Enclosed for filing in the above-captioned matter are an original and one copy of Staff's Motion to Amend Order *Expedited* Consideration Requested.

Sincerely,


Johanna M. Riemenschneider
Assistant Attorney General
Business Activities Section

JMR:jrs/#4289741
(Electronic copy only)
c: UM 1648 Service list

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1648

In the Matter of
Staff Investigation into Eligible
Telecommunications Carriers' Requirements

STAFF MOTION TO AMEND ORDER
EXPEDITED CONSIDERATION
REQUESTED

REQUEST FOR WAIVER of
OAR 860-001-0350(7)(a)

Pursuant to ORS 756.568, on behalf of the parties in this docket, Staff of the Public Utility Commission of Oregon (Staff) asks the Commission to amend Order No. 06-292 to require different annual reporting requirements for the purpose of re-certifying Eligible Telecommunications Carriers (ETCs) in the reporting year 2013 consistent with the Partial Stipulation executed by the parties in the Docket and filed concurrently with this Motion.

Request for Expedited Consideration

Staff requests expedited consideration in light of the filing deadlines noted in this motion. Staff has conferred with the other parties in this docket, and all parties support this motion. Staff requests that the deadline for filing responses to this motion be shortened to five days and a reply to three days.

Motion to Amend Order No. 06-292

The federal Communications Act of 1934, as amended by the Telecommunications Act of 1996 provides for the designation of telecommunications carriers as eligible to receive federal Universal Service Fund support. *See* 47 USC § 214(e). In 2005, the Federal Communications Commission adopted recommendations for designating ETCs and recertification. *In the Matter of Federal-State Joint Board on Universal Service*, FCC 05-46 (March 17, 2005). The Commission, following consideration of the FCC decisions and testimony and briefs in Docket UM 1217, adopted requirements for ETC designation and recertification in Order No. 06-292.

In November 2011, the FCC issued an order that, in relevant part, provides for new mandatory annual reporting requirements for ETCs receiving high-cost support. Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (November 18, 2011). In February 2012, the FCC issued an order that includes new annual reporting requirements for ETCs receiving support from the federal Lifeline program for low-income support. Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (February 6, 2012). FCC annual reporting procedures are developing. High-cost annual reporting requirements are currently largely reflected in FCC regulations, specifically 47 CFR § 54.313. Reporting requirements for ETCs receiving Lifeline support are reflected in 47 CFR § 54.422. In addition, annual reporting requirements for ETCs receiving Connect America Fund (“CAF ICC”) support are provided in 47 CFR § 54.304 and annual reporting requirements for ETCs receiving Mobility Fund support are set forth in 47 CFR § 54.1009.

The FCC annual reports cover many of the same items that are included in the Oregon reports. The FCC requires ETCs to submit copies of their FCC report to state commissions. The new FCC reports result in duplication of reporting for Oregon ETCs and increased burdens on ETCs that can be reduced if the Oregon reporting requirements are modified for 2013.

The Commission opened this Docket to review and consider changes to the requirements for designation and annual recertification of ETCs. The Docket addresses these issues in two phases, with Phase I designated to address ETC annual reporting requirements and Phase II to address initial requirements of ETC designation.

In Phase I, the Parties agreed to address the 2013 annual recertification reports due to time constraints associated with the current reporting deadline of July 15. In addition, the FCC reporting requirements are still subject to clarification and revision, particularly for future years. Therefore, the Parties have agreed to re-visit the issue of the annual reports for recertification in 2014 or subsequent years after October 1, 2013.

Consistent with the Partial Stipulation filed with this Motion, the Parties to this Docket request that the Commission amend Order 06-292 to add the following provisions to page 18 of the Order:

5. Other than the filing of a network improvement plan update as required in this order for competitive carriers, eligible telecommunications carriers shall not be required to file the annual set of Oregon carrier reports for ETC recertification that would be due by July 15, 2013. In lieu of filing the 2013 reports, each carrier shall comply with the following:

a. Each carrier shall file with the Commission a copy of each report pertaining to Oregon that the ETC files with the FCC for 2013, pursuant to the following regulations, as applicable:

- A. 47 CFR § 54.304 (CAF ICC support);
- B. 47 CFR § 54.313 (high-cost support);
- C. 47 CFR § 54.422 (low-income support); and
- D. 47 CFR § 54.1009 (mobility fund support).

b. Copies of the foregoing 2013 FCC reports shall be filed with Commission no later than fourteen (14) days after each report is due to be submitted to the FCC. Subsequent updates or revisions to such reports shall be filed no later than five business days following the date any update or revision is submitted to the FCC.

c. Each carrier receiving federal high-cost support shall, no later than July 15, 2013, file a notarized affidavit from an officer of the carrier company in the form approved by Commission staff certifying that all federal high-cost support received within Oregon was used in the preceding calendar year, and will be used in the coming calendar year only for the provision, maintenance and upgrade of facilities and services for which the support is intended.

Accordingly, Staff respectfully requests the Commission amend Order 06-292 to adopt the foregoing provisions specific to the 2013 annual reports for recertification of ETCs.

Request for Waiver of OAR 860-001-0350(7)(a)

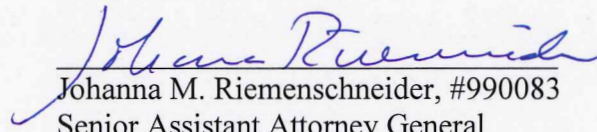
To the extent this docket may be considered a contested case proceeding, Staff requests waiver of the requirement in OAR 860-001-0350(7)(a) for submission of an explanatory brief or

written testimony to support the Partial Stipulation filed herewith. The Partial Stipulation has developed from basic changes in the regulatory environment, which are explained in both this Motion and the Partial Stipulation. The provisions of the Partial Stipulation are self-explanatory. For this reason, and in light of the request for expedited consideration, a waiver is requested.

DATED this 3RD day of June 2013.

Respectfully submitted,

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Attorney General


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Senior Assistant Attorney General
Of Attorneys for Staff of the Public Utility
Commission of Oregon

CERTIFICATE OF SERVICE/SERVICE LIST

I hereby certify that on June 3, 2013, I served the foregoing STAFF'S FIRST STATUS REPORT upon all parties of record in this proceeding by electronic mail only as all parties have waived paper service.

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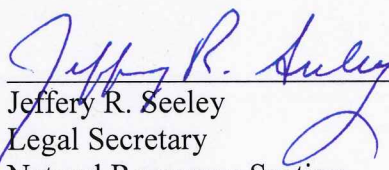
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