1	BEFORE THE PUBLIC UTILITY COMMISSION			
2		OF OREGON		
3		UM 1648		
4	La tha Ma	tton of		
5		In the Matter of SECOND		
6	Telecomr	Staff Investigation into Eligible PARTIAL STIPULATION Telecommunications Carriers' Requirements		
7		INTRO	DUCTION	
8	1.	The parties to this Stipulation are A	Γ&T Corp., Teleport Communications America	
9		LLC, AT&T Mobility LLC ( collect	ively "AT&T"), Boomerang Wireless, LLC, staff	
10		of the Public Utility Commission of Oregon ("Staff"), CenturyLink companies		
11	(Qwest Corporation, United Telephone Company of the Northwest, CenturyTel of			
12	Oregon and CenturyTel of Eastern Oregon, collectively "CenturyLink"), Cricket			
13		Communications, Inc., Frontier Communications Northwest Inc. and Citizen's		
14		Telecommunications Co. of Oregon dba Frontier Communications of Oregon, Nexus		
15		Communications Inc., Oregon Telecommunications Association ("OTA"), T-Mobile		
16		West LLC ("T-Mobile"), United States Cellular Corp. ("US Cellular"), and Warm		
17		Springs Telecommunications Comp	any, collectively referred to as "the Parties."	
18		The Citizens' Utility Board of Orego	on, Budget Prepay, Inc. and YourTel America	
19	ŭ.	Inc. did not participate in recent acti	vities in this docket, and are not parties to this	
20		Second Partial Stipulation. No party	opposes this stipulation.	
21	2.	By entering into this Second Partial	Stipulation, the Parties intend to resolve the	
22		pending issue of the annual reporting	g requirements in 2014 for recertification of	
23		telecommunications carriers eligible	to receive federal Universal Service Fund	
24		support and establish a time and pro	cess to reconsider annual reporting requirements	
25		for future reporting years.		
26	///			

## BACKGROUND

2	3.	In Order No. 06-292, the Commission adopted requirements for the annual
3		recertification of telecommunications carriers eligible to receive federal Universal
4		Service Fund ("FUSF") support from the Federal Communications Commission
5		("FCC"), commonly referred to as Eligible Telecommunications Carriers ("ETCs").

4. The Commission currently requires Oregon ETCs to file the Oregon-specific annual reports listed in Appendix A of Order 06-292 by July 15 of each year. The Commission established these annual reports to gain sufficient information to enable it to re-certify Oregon ETCs to the FCC by October 1 of each year as required by 47 CFR § 54.314, and to monitor ETCs' ongoing compliance with requirements. These requirements were established based on prior FCC decisions and the testimony and comments submitted in Docket No. UM 1217.

5. 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 Intercarrier Compensation Replacement ("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. Annual reports other than those required by 47 CFR §

1		54.304 are due to the FCC by July 1 of each calendar year. The section 54.304
2		reports are due on the date that the carrier files its annual access tariff filing with the
3		FCC.
4	6.	The FCC annual reports cover many of the same items that are included in the
5		Oregon reports. The FCC requires ETCs to submit copies of their FCC reports to
6		state commissions. The new FCC reports may result in duplication of reporting for
7		ETCs and increased burdens on ETCs that can be reduced if the Oregon reporting
8		requirements are modified.
9	7.	The Commission opened this Docket to review and consider changes to the
10		requirements for designation and annual recertification of ETCs. The Docket
11		addresses these issues in two phases, with Phase I designated to address ETC annual
12		reporting requirements and Phase II to address initial requirements of ETC
13		designation.
14	8.	In Phase I, the Parties first agreed to specific 2013 annual reporting requirements, as
15		reflected in the Partial Stipulation filed in this docket on June 3, 2013. The
16		Commission adopted the partial stipulation in Order No. 13-228.
17	9.	In this Second Partial Stipulation, the parties propose a new set of reporting
18		requirements for the 2014 reporting year. These requirements improve upon the 2013
19		filing requirements. The parties agree to revisit the issue of the annual reports for
20		ETC recertification in subsequent years following the 2014 recertification process
21		and, if the parties agree, to support adoption of the 2014 requirements on a continuing
22		basis.
23		SECOND PARTIAL STIPULATION
24	1.	The Parties agree to request that the Commission amend Order 06-292 to modify the
25		following provisions on page 18 of the Order:
26	///	

1		5. Eligible telecommunications carriers shall not be required to file the annual set of Oregon carrier reports for ETC recertification that would		
2		be due by July 15, 2014. In lieu of filing the 2014 reports, each carrier shall comply with the following:		
3		a. Each ETC carrier shall file with the Commission a complete (non-		
4		redacted) copy of each report pertaining to Oregon that the ETC files with the FCC for 2014, pursuant to the following regulations, as applicable:		
5		A. 47 CFR § 54.304 (CAF ICC support);		
6		B. 47 CFR § 54.313 (high-cost support) – Form 481 and Rate		
7		Floor Data form;		
8		C. 47 CFR § 54.422 (low-income support) – Form 481; and		
9		D. 47 CFR § 54.1009 (mobility fund support) – Form 690.		
10		b. ETCs receiving only low-income support must file with the		
11		Commission a report that includes all of the information specified in 47 CFR § 54.422(b) even if the ETC does not submit Form 481 with this		
12		information to the FCC;		
13		c. Copies of the foregoing 2014 reports shall be filed with the Commission no later than the corresponding due dates for these types of		
14		reports as determined by the FCC. Subsequent updates or revisions to such reports shall be filed no later than five business days following the		
15		date any update or revision is submitted to the FCC.		
16		d. Each ETC carrier receiving federal high-cost support shall, no later than the due date of the Form 481, file a notarized affidavit from an officer		
17		of the carrier company in the form approved by Commission staff certifying that all federal high-cost support received within Oregon was		
18		used in the preceding calendar year, and will be used in the coming calendar year only for the provision, maintenance and upgrade of facilities		
19		and services for which the support is intended.		
20	2.	The Parties acknowledge that this Partial Stipulation pertains only to annual reporting		
21		requirements as initially set forth in Order 06-292; it does not relieve any carrier of		
22		any special reporting requirements adopted in any other Commission order, nor does		
23		it bar the inclusion of special reporting requirements for any carrier in any future		
24		Commission order.		
25	///			
26	///			

1	3.	The Parties acknowledge that when filing a report submitted to the FCC with the
2		Commission, an ETC may submit a document or a portion of a document to the
3		Commission under a claim of confidentiality pursuant to OAR 860-001-0070.

- 4. The Parties agree that Staff may request clarification of annual reports for 2014 and request additional information related to re-certification of high-cost FUSF support under 47 CFR § 54.314 from the ETC.
- The Parties agree that this Second Partial Stipulation does not alter or limit the
   reporting obligations of any carrier subject to the current reporting requirements in
   OAR Chapter 860, Division 33.
- 10 6. The Parties agree to revisit, in this docket, the issue of the annual reports for ETC 11 recertification after October 1, 2014, to consider whether the reporting requirements 12 set forth in Order 06-292 should be modified for 2015 or any subsequent years. The 13 Parties specifically agree to revisit whether non-facilities-based Lifeline-only ETCs 14 will be required to report the information in 47 CFR § 54.422(b). If the parties are in 15 agreement that the 2014 reporting requirements should be adopted on a continuing 16 basis, the parties agree to support a motion filed with the Commission to amend 17 Order No. 06-292 by adopting the 2014 reporting requirements as an annual reporting requirement. 18
- 7. The Second Partial Stipulation will be offered into the record of the above-captioned docket pursuant to OAR 860-001-0350. The Parties will support the Second Partial Stipulation throughout this proceeding and any appeal, provide witnesses to sponsor the Stipulation at any hearing held in the above-captioned docket, and recommend that the Commission issue an order adopting the settlement contained herein.
- 24 8. The Parties have negotiated the Second Partial Stipulation as an integrated document.
  25 If the Commission rejects all or any material portion of the Partial Stipulation, or
  26 conditions its approval upon the imposition of additional material conditions, any

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1		party disadvantaged by such action shall	have the rights provided in OAR 860-001-
2		0350 and shall be entitled to seek recons	sideration of the Commission's order.
3	9.	By entering into this Second Partial Stip	ulation, no party shall be deemed to have
4		approved, admitted or consented to the f	acts, principles, methods or theories
5		employed by any other party in arriving	at the terms of the Stipulation. No party shall
6		be deemed to have agreed that any part of	of the Second Partial Stipulation is
7		appropriate for resolving issues arising i	n any other proceeding.
8	10.	The Second Partial Stipulation may be e	xecuted in counterparts and each signed
9		counterpart shall constitute an original d	ocument.
10	The Se	econd Partial Stipulation is entered into by	y each Party on the date entered below.
11	АТ&Т	CORP., TELEPORT	
12	COMN	MUNICATIONS AMERICA LLC, MOBILITY LLC, CRICKET	
13		MUNICATIONS, INC.	BOOMERANG WIRELESS, LLC
14		5/14/14	Dated:
15	By:	Sharon L. Mullin	Ву:
16	CENT	URYLINK COMPANIES (Qwest Corpo	
17	United	Telephone Company of the Northwest,	
18		ryTel of Oregon and CenturyTel of n Oregon)	PUBLIC UTILITY COMMISSION STAFF
19	Dated:		Dated:
20	Bv:		Ву:
21	-,·		<i></i>
22			FRONTIER COMMUNICATIONS
23		•	NORTHWEST INC., CITIZEN'S TELECOMMUNICATIONS CO. OF
24		a a	OREGON
25			Dated:
26			By:
Page 6 -	SECO	ND PARTIAL STIPLILATION	Ву:

Page 6 - SECOND PARTIAL STIPULATION
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2		0350 and shall be entitled to seek recons	sideration of the Commission's order.
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12	COMN	MUNICATIONS AMERICA LLC, MOBILITY LLC, CRICKET	
13		MUNICATIONS, INC.	BOOMERANG WIRELESS, LLC
14	Dated:	·	Dated: 5/12/2014
15	By:		Dated: 5/12/2014  By: Man 1. Yallor
16		URYLINK COMPANIES (Qwest Corpo	
17	United	Telephone Company of the Northwest,	ration,
18		ryTel of Oregon and CenturyTel of n Oregon)	PUBLIC UTILITY COMMISSION STAFF
19	Dated:	*	Dated:
20			
21	Бу		By:
22			FRONTIER COMMUNICATIONS
23			NORTHWEST INC., CITIZEN'S TELECOMMUNICATIONS CO. OF
24			OREGON
25			Dated:
26		,	•
	araa	NID DADTIAL OTIDILI ATION	By:

Page 6 - SECOND PARTIAL STIPULATION JLM/krt /UM 1648 GEN5206574

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13		MUNICATIONS, INC.	BOOMERANG WIRELESS, LLC
14	Dated:		Dated:
15	Ву:		Ву:
16		URYLINK COMPANIES (Qwest Corpo	
17	United	Telephone Company of the Northwest,	
18		ryTel of Oregon and CenturyTel of n Oregon)	PUBLIC UTILITY COMMISSION STAFF
19	Dated:	May 12, 2014	Dated:
20		Row L Taullinger	Ву:
21	<i>D</i> <sub>j</sub>	Two C Hauting C	
22			FRONTIER COMMUNICATIONS
23			NORTHWEST INC., CITIZEN'S TELECOMMUNICATIONS CO. OF
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17	United	Telephone Company of the Northwest,	
18		ryTel of Oregon and CenturyTel of n Oregon)	PUBLIC UTILITY COMMISSION STAFF
19	Dated:		Dated: May 15,2014
20	Bv.		By: John Russ
21	Бу		Bi- John Received
22			FRONTIER COMMUNICATIONS
23			NORTHWEST INC., CITIZEN'S TELECOMMUNICATIONS CO. OF
24			OREGON
25			Dated:
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13		MUNICATIONS, INC.	BOOMERANG WIRELESS, LLC
14	Dated:		Dated:
15	By:		Ву:
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17	United	Telephone Company of the Northwest,	,
18		ryTel of Oregon and CenturyTel of n Oregon)	PUBLIC UTILITY COMMISSION STAFF
19	Dated:		Dated:
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22			FRONTIER COMMUNICATIONS
23			NORTHWEST INC., CITIZEN'S TELECOMMUNICATIONS CO. OF
24			OREGON
25			Dated: May 12, 2014
26			Pur XIIII III III
Page 6 -		OND PARTIAL STIPULATION /UM 1648 GEN5206574	By: Thele M Wille

1 2	NEXUS COMMUNICATIONS INC.	OREGON TELECOMMUNICATIONS ASSOCIATION
3	Dated: 5/12/2014	Dated:
4	By: Clan J. Galboay	Ву:
5		
6	T-MOBILE WEST LLC	UNITED STATES CELLULAR CORP
7	Dated: $\frac{5/12/2014}{2000}$	Dated: 5/12/2014
8	By: Man J. Jellowy	By: flan J. Galleray
9	WARM SPRINGS TELECOMMUNICATION COMPANY	NS
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Page 7 - SECOND PARTIAL STIPULATION JLM/km /UM 1648 GEN5206574

2	NEXUS COMMUNICATIONS INC.	OREGON TELECOMMUNICATIONS ASSOCIATION
3	Dated:	Dated: May 12, 2014
4	Ву:	By: 1 St Welf Brant Wolf
5	T-MOBILE WEST LLC	UNITED STATES CELLULAR CORP
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Page 7 - SECOND PARTIAL STIPULATION JLM/krt /UM 1648 GEN5206574

2	NEXUS COMMUNICATIONS INC.	OREGON TELECOMMUNICATIONS ASSOCIATION
3	Dated:	Dated:
4	Ву:	Ву:
5 6	T-MOBILE WEST LLC	UNITED STATES CELLULAR CORP
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Page 7 - SECOND PARTIAL STIPULATION JLM/kn /UM 1648 GEN5206574

2 I certify that on May 15, 2014, I served the foregoing Second Partial Stipulation upon the

3 parties in this proceeding by electronic mail only as all parties waive paper service.

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13 14 AREA MANAGER-REGULATORY

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w **NEXUS COMMUNICATIONS INC** STEVEN FENKER 3629 CLEVELAND AVE, STE C COLUMBUS OH 43223 sfenker1@earthlink.net

## Page 1 - CERTIFICATE OF SERVICE – UM 1648

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	W OREGON TELECOMMUNICATIONS ASSN BRANT WOLF 777 13TH ST SE - STE 120 SALEM OR 97301-4038 bwolf@ota-telecom.org  W PUBLIC UTILITY COMMISSION OF OREGON KAY MARINOS PO BOX 1088 SALEM OR 97308-1088 kay.marinos@state.or.us  W PUC STAFF - DEPARTMENT OF JUSTICE JOHANNA RIEMENSCHNEIDER BUSINESS ACTIVITIES SECTION 1162 COURT ST NE SALEM OR 97301-4796 johanna.riemenschneider@doj.state .or.us	W T-MOBILE USA INC TERI OHTA 12920 SE 38TH ST BELLEVUE WA 98006 teri.ohta@t-mobile.com  W UNITED STATES CELLULAR CORP STEPHANIE CASSIOPPI 8410 WEST BRYN MAWR AVENUE CHICAGO IL 60631-3486 stephanie.cassioppi@uscellular.com	W WARM SPRINGS TELECOMMUNICATIONS MARSHA SPELLMAN 10425 SW HAWTHORNE LN PORTLAND OR 97225 marsha.spellman@warmspringstelec om.com  W WARM SPRINGS TELECOMMUNICATIONS COMPANY JOSE MATANANE PO BOX 910 WARM SPRINGS OR 97761 jose.matanane@warmspringsteleco m.com
17		Meoma Lane	
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