

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
SPECIAL PUBLIC MEETING DATE: November 5, 2015**

EFFECTIVE DATE Upon Filing with
Secretary of State

DATE: November 5, 2015

TO: Public Utility Commission

FROM: Shelley Jones *SJ*

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck *JE for BC*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. AR 592)
Adopt temporary rules to implement SB 611 as amended by HB 2485
(2015).

STAFF RECOMMENDATION:

Adopt the temporary rules as revised.

DISCUSSION:

During the November 3, 2015 Public Meeting, Docket AR 592 was presented by Staff with a recommendation to adopt temporary rules establishing the application requirements for eligible companies applying for a qualified project determination.

Upon consideration, the Commission requested revised language for the definition of broadband services without a speed designation but indicating that the term does not include dial-up internet services. The chair also indicated an interest in considering new language offered by the League of Oregon Cities related to the determination process.

Following the November 3, 2015 meeting, Staff provided stakeholders with a draft definition of "broadband services" for review. Staff received no objections or concerns with this revised definition which reads:

"Broadband services" means the provision of data transmission technology that provides two-way data transmission to and from the Internet through other than a dial-up connection.

Staff also consulted with the League of Oregon Cities to modify the rule language it included in its original comments. Not all stakeholders support the League's proposed

language. Staff's revised version of that language was provided to all stakeholders for comment. No objections or concerns were received to this language:

OAR 860-200-0100(6) now reads "Upon determination by the Commission that a company has a qualified project, the Commission shall forward the approval determination to the Company, the Oregon Department of Revenue and the assessor of each county in which the project is located. The Commission's determination under subsection 5(4) of Chapter 23 Oregon Laws 2015 shall only determine whether a project is or is not a qualified project."

Staff believes that the adoption of the revised language presented here is fully responsive to the Commission's requests made during the November 3, 2015 Public Meeting, and thus responsive to the concerns of the persons that provided statements or comments.

PROPOSED COMMISSION MOTION:

Adopt the temporary rules as set forth in Appendix A of the draft order presented in Staff's memo dated October 28, 2015, as modified above.