

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 18, 2017**

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

DATE: April 7, 2017

TO: Public Utility Commission

FROM: Kathy Shepherd 

THROUGH: Jason Eisdorfer , Bryan Conway , and Kay Marinos 

SUBJECT: ANPI Business, LLC: (Docket No. CP 1540) Petition for Waiver of Notice Requirement of OAR 860-032-0020(11)(a) and (b).

**STAFF RECOMMENDATION:**

The Commission should grant the petition by ANPI Business, LLC (ANPI) seeking waiver of the 90-day time period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11)(a) and (b), and permit a notice period of approximately 75 days to customers and 65 days to the Commission.

**DISCUSSION:**

On March 27, 2017, ANPI filed notice with the Commission that ANPI will be discontinuing all residential long distance services, including but not limited to 1+, MTS, and toll free services, on June 1, 2017. ANPI is a competitive telecommunications provider certificated to provide interexchange and intraexchange services in Oregon. ANPI was originally granted a certificate of authority to provide interexchange services on September 25, 2000. See Docket No. CP 849, Order No. 00-585. ANPI was granted additional authority to provide intraexchange services on November 7, 2012. See Docket No. CP 1540, Order No. 12-434.

OAR 860-032-0020(11) governs abandonment of service by competitive telecommunications service providers. This rule requires the provider to give 90 days' notice to both the affected customers and the Commission prior to the abandonment of service. Petitioners request a waiver of the rule requiring 90 days' notice.

In its Petition to Waive Notification Time Periods, ANPI states that the discontinuance of residential long distance services is due to its largest underlying provider, Sprint

Communications Company LP (Sprint), notifying ANPI that the services ANPI uses to provide long distance services to certain of its customers will not be available beyond June 2017. This discontinuance is taking place in multiple states and therefore involves compliance with FCC and other state notification requirements, most of which require only 30 days' notice. Customers were notified of the discontinuance in a mass mailing on March 17, 2017, which is 75 days prior to the planned discontinuance. The Commission was notified March 27, 2017, which is 65 days prior to the planned discontinuance. Therefore, Petitioners filed their request for waiver of OAR 860-032-0020(11)(a) and (b), specifically the 90-day notification period for customers and the Commission. OAR 860-032-0020(16) allows the Commission to grant a petition to waive any time period or requirement of the rules for good and sufficient reason.

ANPI believes the public interest will not be harmed by granting the waiver and allowing approximately 75 days for customer notice and 65 days for Commission notice. Staff agrees in this case based on the small number of Oregon customers affected, the fact that the time period is so close to the 90-day requirement, and that the services being discontinued will not be available through Sprint beyond June 2017. Also, the proposed notice period is in compliance with FCC requirements.

**PROPOSED COMMISSION MOTION:**

Grant ANPI Business, LLC's petition for waiver of the 90-day notice period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11)(a) and (b), and permit a notice period of approximately 75 days to customers and 65 days to the Commission.