

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: May 15, 2014

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

DATE: May 7, 2014

TO: Public Utility Commission

FROM: Jon Cray *JC*

THROUGH: Michael Dougherty *MD* and David Poston *DP*

SUBJECT: UNITED STATES CELLULAR CORPORATION: (Docket No. UM 1084)  
Petition for Waiver of OAR 860-033-0046(3).

**STAFF RECOMMENDATION:**

Staff recommends that the Public Utility Commission of Oregon (Commission) grant United States Cellular Corporation's (U.S. Cellular's) request for waiver of OAR 860-033-0046(3) until July 31, 2014.

**DISCUSSION:**

On April 8, 2014, U.S. Cellular filed a petition requesting that the Commission waive the requirements of OAR 860-033-0046(3). OAR 860-033-0046(3) states:

Order Activity Report: The Order Activity Report is a listing of all OTAP [Oregon Telephone Assistance Program] and Lifeline customers whose phone service was disconnected, who voluntarily de-enrolled or were de-enrolled for failure to use the OTAP or Lifeline supported service that the Eligible Telecommunications Provider offers at no charge, and a listing of all OTAP or Lifeline customers whose telephone numbers or addresses have changed. Each Eligible Telecommunications Provider must submit monthly to the Commission in an electronic format accessible by the Commission an Order Activity Report. The Order Activity Report must be received by the Commission on or before the close of business on the 21<sup>st</sup> calendar day of the following month.

The Commission may waive any of the Division 33 administrative rules upon a showing of good cause. (See OAR 860-033-0001(2)) A waiver may be initiated upon the filing of a written request or on the Commission's own motion.

Staff proposed the amendment of OAR 860-033-0046(3) in September 2013 in Docket No. AR 574. The Commission adopted the proposed rule in Order No. 13-475 entered December 19, 2013; it became effective on December 20, 2013.

In its petition, U.S. Cellular explains that it cannot fully comply with the rule due to technical obstacles and refers to its written comments in AR 574 that "it could not report the information required under [the] rule, explaining that U.S. Cellular's records did not contain the information needed to determine which customers' telephone numbers and addresses have changed."<sup>1</sup> The Commission noted that U.S. Cellular may apply for a waiver pursuant to OAR 860-033-0001(2).<sup>2</sup>

To comply with the rule, U.S. Cellular needs time to develop a technical solution to provide the Commission with the required data to enforce the Federal Communication Commission's "one-per-household" rule.<sup>3</sup> Without some timely action on the part of the Commission, U.S. Cellular risks enforcement action.

Good cause exists to waive enforcement of OAR 860-33-0046(3) for a limited period of time. Staff proposes that the Commission grant a waiver to U.S. Cellular until July 31, 2014. The limited time period will address the immediate need for a waiver and will allow U.S. Cellular adequate time to make compliance technically feasible.

#### **PROPOSED COMMISSION MOTION:**

U.S. Cellular's request for a waiver of OAR 860-033-0046(3) be granted until July 31, 2014.

UM 1084

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<sup>1</sup> *In the Matter of Rule Changes Regarding Eligibility for OTAP and Other RSPF Rule Changes*, Oregon Public Utility Commission Docket No. AR 574, Comments of United States Cellular Corporation on Proposed Rules (filed Nov. 12, 2013), at 5.

<sup>2</sup> *In the Matter of Rule Changes Regarding Eligibility for OTAP and Other RSPF Rule Changes*, Oregon Public Utility Commission Docket No. AR 574, Comments of United States Cellular Corporation on Proposed Rules (entered Dec. 19, 2013), at 9.

<sup>3</sup> *Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42, FCC 12-11 (rel. Feb. 6, 2012). See para. 120.