

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 2, 2023

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: April 20, 2023

TO: Public Utility Commission

FROM: Laurel Anderson

THROUGH: Bryan Conway **SIGNED**

SUBJECT: OREGON TELEPHONE CORPORATION AND AFFILIATES:
(Docket No. UM 1631)
Request Waiver of rules OAR 860-034-0040(2) requiring rules and regulations be kept on paper at their offices and OAR 860-034-0040(5) requiring a paper directory.

STAFF RECOMMENDATION:

Approve Oregon Telephone Corporation and Affiliates request to waive the portion of rules OAR 860-034-0040(2) and OAR 860-034-0040(5) requiring rules and regulations be kept on paper, and the publishing of a paper directory.

DISCUSSION:

Issue

Whether the Commission should approve Oregon Telephone Corporation's request to waive portions of OAR-034-0040(2) and (5) requiring Companies to maintain paper tariffs and paper telephone directories, and instead to provide Internet based directories and tariffs.

Applicable Law

OAR 860-034-0040(2) requires that each company must "keep on file and open for public inspection at its offices, complete rate schedules, contract forms, rules and regulations of the utility, and a copy of the Commissions' rules and regulations."

OAR 860-034-0040(5) requires a small telecommunications utility to “give its residential customers a written summary of their rights and responsibilities” when service is initiated and not less than once each year thereafter. It clarifies that a small telecommunications utility satisfies the annual notification requirement by “prominent publication of the information in a telephone directory distributed to its customers annually.”

Each division of the Chapter 860 administrative rules contains a waiver clause that allows a waiver of “any of the division 34 rules for good cause shown.”

In Order No. 11-346, the Commission expressly clarified “that a person seeking waiver of any rule under any generic waiver provision adopted here must establish a sufficient reason for the waiver, and that the Commission will only grant the request if waiver of the rule is in the public interest.”¹

Analysis

Background

On March 16, 2023, Oregon Telephone Corporation and its affiliated companies consisting of Helix Telephone Co., Home Telephone Company, North-State Telephone Co. and Pine Telephone System, Inc. requested a waiver of certain rules. These companies all use the same business name of Rally Networks.

Conditions Necessitating the Waiver

The Rally Network’s companies desire to move away from a paper telephone directory and maintaining paper tariffs. Rally Networks companies desire to provide Internet based directories and tariffs.

Staff Analysis

The Rally Network’s companies intend to fully comply with OAR 860-034-0040 through an annual written notice as well as providing information to new customers. Rally Networks are requesting a waiver from this rule to the extent that it can be read to require a paper directory.

Each of the Rally Networks companies have received an exemption from ORS 759.175 and are not to file tariffs with the Commission. The companies will make their tariffs available online and will provide a link to the Commission’s website for the Commission’s rules and regulations.

¹ Order No. 11-346, In the Matter of a Rulemaking to Update Waiver Provisions in the Commission’s Administrative Rules, Docket No. AR 554, 1 (2011).

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All materials required by OAR 860-034-0040 will be provided online and the requirement to maintain paper copies should be waived.

PROPOSED COMMISSION MOTION:

Approve Oregon Telephone Corporation and Affiliates request to waive the portion of the rules OAR 860-034-0040(2) and OAR 860-034-0040(5) requiring rules and regulations be kept on paper, and the publishing of a paper directory and allow the Rally Networks companies to provide Internet based directories and tariffs.

OTC UM 1631 Waiver-Paper Documents