

ISSUED: April 23, 2010

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1437

In the Matter of

TRACFONE WIRELESS, INC.

Application for Designation as an Eligible  
Telecommunications Carrier.

ERRATA RULING


**DISPOSITION: PROCEDURAL SCHEDULE AMENDED**

On April 20, 2010, a procedural schedule was adopted in this docket. The prehearing conference memorandum summarizing the adopted schedule inadvertently contained two errors. I adopt the following amended procedural schedule:

<b>EVENT<sup>1</sup></b>	<b>DATE</b>
Deadline for Intervention	April 27, 2010
Staff to Circulate Proposed Issues List	May 10, 2010
Final Issues List to Be Submitted to ALJ	May 28, 2010
TracFone Files Testimony in Support of Application	June 11, 2010
Parties File Responses to TracFone's Testimony	July 20, 2010
All Parties File Reply Testimony to Other Parties	August 23, 2010
Hearing	September 13, 2010

A briefing schedule will be established following the hearing. The parties will use their best efforts to respond to data requests within seven business days.

Dated at Salem, Oregon, this 23<sup>rd</sup> day of April, 2010.



Shani M. Pines  
Administrative Law Judge

<sup>1</sup> The parties agreed to conduct a workshop on May 26, 2010, and a settlement conference/workshop on July 13, 2010. These events are not part of the formal schedule and may therefore be rescheduled by the parties without Commission approval.

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

The 2007 Oregon Legislative Assembly amended the Administrative Procedures Act to require agencies to provide all parties written notice of contested case rights and procedures. Pursuant to ORS 183.413, you are entitled to be informed of the following:

**Hearing:** The time and place of any hearing held in this proceeding will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 to 756.610 and OAR Chapter 860, Divisions 11-14. The Commission will hear issues as identified by the parties.

**Right to Attorney:** As a party to this hearing, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission staff, if participating in the case, will be represented by counsel. Once a hearing has begun, you will not generally be allowed to request a recess to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over contested cases to its employee Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-012-0035. The ALJ make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

**Hearing Rights:** You have the right to respond to all issues identified, and present evidence and witnesses on those issues. *See* OAR 860-014-0045 to OAR 860-014-0060. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-014-0065 to 860-014-0070.

**Evidence:** Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-014-0045(1)(b). Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the type of proceeding. *See* OAR 860-014-0035. The burden of presenting evidence to support an allegation or position rests with the proponent of the allegation or position. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

**Record:** The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-011-0090(2)(e)(C). The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

**Final Order and Appeal:** After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The ALJ's draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days. *See* ORS 756.561 and OAR 860-014-0095. You may also file a petition for review with the Court of Appeals within 60 days. *See* ORS 756.610.