

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ARB 789

In the Matter of)
)
CLEAR CREEK MUTUAL TELEPHONE)
COMPANY)
)
Petition for Arbitration of an Inter-)
connection Agreement with BEAVER)
CREEK COOPERATIVE TELEPHONE)
COMPANY pursuant to 47 U.S.C.§§ 251)
and 252.)

ORDER

DISPOSITION: ARBITRATION PROCEEDINGS TERMINATED

The instant proceeding is the most recent dispute between Clear Creek Mutual Telephone Company (Clear Creek or CCMT) and Beaver Creek Cooperative Telephone Company (Beaver Creek or BCT) to come before the Public Utility Commission of Oregon (Commission) over the matter of serving residential customers whose homes are located in a residential development that straddles the boundary line between their respective and contiguous service areas: the Redland exchange and the Beaver creek exchange. This proceeding relates to provision of service to customers on the Redland exchange side of that boundary. More particularly, the subject matter of this Arbitration proceeding is the negotiation of a new interconnection agreement (ICA) between CCMT and BCT in its capacity as a Competitive Local Exchange Carrier (CLEC) in the Redland exchange.

Procedural History

On February 8, 2007, CCMT filed a petition with the Public Utility Commission of Oregon (Commission) requesting arbitration of an ICA with BCT pursuant to the Telecommunications Act of 1996 (the Act). A copy of the BCT request to negotiate terms and conditions of a proposed ICA was affixed to the petition as Exhibit A. Copies of correspondence between the parties were affixed to the petition as Exhibit B. In a letter dated October 2, 2006, CCMT submitted its final offer (Exhibit C), to which BCT did not respond. The 160-day deadline to file under 47 U.S.C. §252 expired October 9, 2006.

BCT responded to the petition on March 7, 2007, interposing no procedural objection to the passage of the deadline. BCT also accepted CCMT's

proposed contract as the base agreement between the parties.¹ A prehearing conference was held on March 20, 2007. At the conference, a procedural schedule was adopted. Pursuant to that schedule, on April 6, 2007, the parties submitted a Joint Issues List. On May 2, 2007, the parties jointly moved to waive hearing and modify schedule. The motion was granted by the Arbitrator's ruling of May 3, 2007.

The schedule adopted by the parties did not follow the usual order: submission of prefiled testimony, examination of witnesses and post-hearing briefing. Instead, the parties filed Opening Briefs on May 11, 2007,² and Reply Briefs on June 1, 2007, prior to the submission of testimony. On July 6, 2007, the Arbitrator issued a Bench Request seeking responses to fourteen questions. On July 31, 2007, the parties filed a Joint Statement of Undisputed Facts and Joint Responses to Bench Requests and submitted Opening Testimony on August 23, 2007 and Reply Testimony on September 4, 2007. During the intervening period, Qwest Corporation submitted Amicus Comments and Clarification Regarding Parties' Responses to ALJ Bench Requests. The parties waived the opportunity for hearing, both for purposes of cross-examination of each other or for the right to call Qwest witnesses. They also waived the opportunity to further brief the issues subsequent to the submission of testimony. The record was closed by the Arbitrator's Ruling of October 19, 2007.

On January 22, 2008, prior to the issuance of an Arbitrator's Decision, the parties filed a motion asking that the Arbitrator hold the proceedings in abeyance pending settlement negotiations between the parties aimed at resolving all outstanding issues. The Arbitrator granted the motion on January 24, 2008. On May 1, 2008, the parties jointly filed a signed ICA resolving each of the issues brought to the Commission for its decision. On July 3, 2008, parties filed an amended agreement to reflect a Change in Section 1 and correct several typographical errors in the Table of Contents.

The Commission staff reviewed the signed ICA, found it to be in compliance with the requirements of the Telecommunications Act of 1996 and with Commission rules and policies and recommended to the Commission that the Agreement be approved at its regular meeting held on July 29, 2008. The Agreement was placed on the Consent Agenda as Item No. CA9 and, by Order No. 08-381, entered July 29, 2008, the Commission approved the ICA.

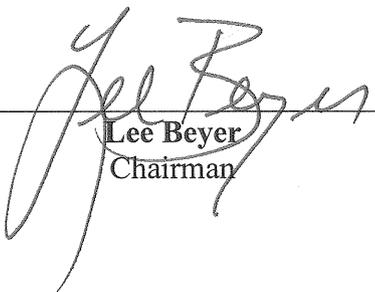
¹ BCT Response to Petition for Arbitration, p. 2, ll. 22-23.

² CCMT filed an amended agreement on May 11, 2007, in order to reflect a minor change in Section 1.1 of Attachment 1 and correct small typographical errors in the Table of Contents.

ORDER

IT IS ORDERED that, in light of the approval by the Public Utility Commission of Oregon of the Interconnection Agreement entered into by Clear Creek Mutual Telephone Company and Beaver Creek Cooperative Telephone Company, the issues raised in this proceeding are now moot, and this docket is therefore closed.

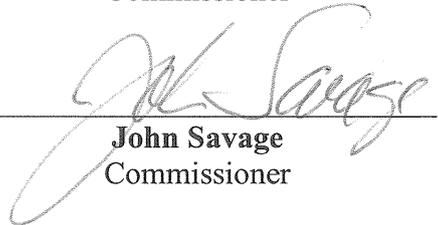
Made, entered and effective AUG 02 2008 .



Lee Beyer
Chairman



Ray Baum
Commissioner



John Savage
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.