

ORDER NO. 15 169

ENTERED: JUN 04 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1648

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Staff Investigation into Eligible
Communication Carriers' Requirements.

ORDER

DISPOSITION: MOTION TO AMEND ORDER NO. 06-292 GRANTED

I. SUMMARY

We amend Order No. 06-292 to modify, on a going forward basis, annual reporting requirements for Eligible Telecommunications Carriers (ETCs) consistent with the requirements we adopted for the 2014 reporting year.

II. BACKGROUND AND PROCEDURAL HISTORY

The federal Universal Service Fund (USF) provides financial support to designated providers of telecommunications services in high-cost areas and to qualifying low-income consumers. A carrier that meets the standards necessary to receive USF support is designated an eligible telecommunications carrier (ETC).

The Telecommunications Act of 1996 sets forth federal requirements for ETC designation. These standards require ETCs to submit filings to the Federal Communications Commission (FCC) for annual recertification.

Oregon has also established its own ETC standards, including annual reporting requirements. Those guidelines, set forth in Order No. 06-292, require Oregon ETCs to file Oregon-specific annual reports by July 15 of each year. These reports were designed to provide sufficient information to enable the Commission to recertify Oregon ETCs to the FCC by October 1 of each year.

In response to a change in the FCC's annual ETC reporting requirements, we allowed ETCs to file their FCC annual reports in lieu of the Oregon ETC reports for the 2014 reporting period. At that time, the parties agreed to revisit the issue of annual reports for recertification in subsequent years:

The Parties agree to revisit, in this docket, the issue of the annual reports for ETC recertification after October 1, 2014, to consider whether the reporting requirements set forth in Order No. 06-292 should be modified for 2015 or any subsequent years. The Parties specifically agree to revisit whether non-facilities-based Lifeline-only ETC will be required to report the information in 47 CFR § 54.422(b). If the parties are in agreement that the 2014 reporting requirements should be adopted on a continuing basis, the parties agree to support a motion filed with the Commission to amend Order No. 06-292 by adopting the 2014 reporting requirements as an annual reporting requirement.¹

Pursuant to that agreement, on May 13, 2015, the Commission Staff, on behalf of the parties, filed a motion to amend Order No. 06-292. Staff states that the parties agree that ETCs should be allowed to file, on a continuing basis, their FCC annual reports in lieu of the Oregon ETC report, and that Order No. 06-292 should be amended accordingly.²

III. DISCUSSION

Staff's motion to amend Order No. 06-252 should be granted. We agree with the parties that the annual reporting requirements previously specified for the 2014 reporting period should be adopted on a continuing basis. The requirements minimize the reporting burdens on ETCs, but still provide the information necessary to assess their compliance with respect to the public interest. The Lifeline-only ETCs have been able to provide the information specified in 47 CFR § 54.422(b) to date, and we find no reason to modify that reporting requirement.

IV. ORDER

IT IS ORDERED that:

1. Order No. 06-292, as amended by Order Nos. 13-228 and 14-198, is further amended by replacing paragraph 5 of the ordering clauses with the following:
 5. Eligible telecommunications carriers shall not be required to file the annual set of Oregon carrier reports for ETC certification addressed in paragraph 3 of this Order and specified in Appendix A, pages 4-6. Instead, beginning in 2015, each ETC shall comply with the following:
 - a. Each ETC shall file annually with the Commission a complete (non-redacted) copy of each report pertaining to Oregon that the ETC files with the FCC for the report year, pursuant to the following regulations as applicable:

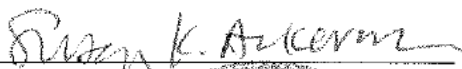
¹ Order 14-198, Appendix A at 5, at ¶ 6.

² Staff Motion at 3.

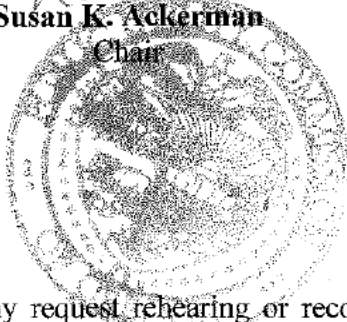
- A. 47 CFR §54.304 (CAF ICC support);
 - B. 47 CFR §54.313 (high-cost support)—Form 481 and Rate Floor Data form;
 - C. 47 CFR §54.422 (low-income support)—Form 481; and
 - D. 47 CFR §54.1009 (mobility fund support)—Form 690.
- b. ETCs receiving only low-income support shall file with the Commission a report that includes all of the information specified in 47 CFR §54.422(b) even if the ETC does not submit Form 481 with this information to the FCC;
 - c. Copies of the foregoing annual reports shall be filed with the Commission no later than the corresponding due dates for these types of reports as determined by the FCC. Subsequent updates or revisions to such reports shall be filed no later than five business days following the date any update or revision is submitted to the FCC.
 - d. Each ETC carrier receiving federal high-cost support shall, no later than the due date of the Form 481, file a notarized affidavit from an officer of the carrier company in the form approved by Commission Staff certifying that all federal high-cost support received within Oregon was used in the preceding calendar year, and will be used in the coming calendar year only for the provision, maintenance and upgrade of facilities and services for which the support is intended.
2. The remainder of Order No. 06-292 is unchanged.

JUN 04 2015

Made, entered, and effective _____.



Susan K. Ackerman
Chair




John Savage
Commissioner



Stephen M. Bloom
Commissioner

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.