

ORDER NO. 17 145

ENTERED APR 18 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1540

In the Matter of

ANPI BUSINESS, LLC,

Request for Waiver of the Notice
Requirement under
OAR 860-032-0020(11)(a) and (b).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 18, 2017, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A blue ink signature of Michael Dougherty, written in a cursive style.

Michael Dougherty
Chief Operating Officer

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 Circuit Court for Marion County in compliance with ORS 183.484.




PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: April 18, 2017

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: April 7, 2017

TO: Public Utility Commission

FROM: Kathy Shepherd 

THROUGH:  Jason Eisdorfer,  Bryan Conway, and  Kay Marinos

SUBJECT: ANPI Business, LLC: (Docket No. CP 1540) Petition for Waiver of Notice Requirement of OAR 860-032-0020(11)(a) and (b).

STAFF RECOMMENDATION:

The Commission should grant the petition by ANPI Business, LLC (ANPI) seeking waiver of the 90-day time period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11)(a) and (b), and permit a notice period of approximately 75 days to customers and 65 days to the Commission.

DISCUSSION:

On March 27, 2017, ANPI filed notice with the Commission that ANPI will be discontinuing all residential long distance services, including but not limited to 1+, MTS, and toll free services, on June 1, 2017. ANPI is a competitive telecommunications provider certificated to provide interexchange and intraexchange services in Oregon. ANPI was originally granted a certificate of authority to provide interexchange services on September 25, 2000. See Docket No. CP 849, Order No. 00-585. ANPI was granted additional authority to provide intraexchange services on November 7, 2012. See Docket No. CP 1540, Order No. 12-434.

OAR 860-032-0020(11) governs abandonment of service by competitive telecommunications service providers. This rule requires the provider to give 90 days' notice to both the affected customers and the Commission prior to the abandonment of service. Petitioners request a waiver of the rule requiring 90 days' notice.

In its Petition to Waive Notification Time Periods, ANPI states that the discontinuance of residential long distance services is due to its largest underlying provider, Sprint

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Communications Company LP (Sprint), notifying ANPI that the services ANPI uses to provide long distance services to certain of its customers will not be available beyond June 2017. This discontinuance is taking place in multiple states and therefore involves compliance with FCC and other state notification requirements, most of which require only 30 days' notice. Customers were notified of the discontinuance in a mass mailing on March 17, 2017, which is 75 days prior to the planned discontinuance. The Commission was notified March 27, 2017, which is 65 days prior to the planned discontinuance. Therefore, Petitioners filed their request for waiver of OAR 860-032-0020(11)(a) and (b), specifically the 90-day notification period for customers and the Commission. OAR 860-032-0020(16) allows the Commission to grant a petition to waive any time period or requirement of the rules for good and sufficient reason.

ANPI believes the public interest will not be harmed by granting the waiver and allowing approximately 75 days for customer notice and 65 days for Commission notice. Staff agrees in this case based on the small number of Oregon customers affected, the fact that the time period is so close to the 90-day requirement, and that the services being discontinued will not be available through Sprint beyond June 2017. Also, the proposed notice period is in compliance with FCC requirements.

PROPOSED COMMISSION MOTION:

Grant ANPI Business, LLC's petition for waiver of the 90-day notice period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11)(a) and (b), and permit a notice period of approximately 75 days to customers and 65 days to the Commission.

CA1-ANPI Business LLC 90-Day Notice Waiver