

ORDER NO. 19-168

ENTERED May 07 2019

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1566

In the Matter of

TALK AMERICA SERVICES, LLC,

Petition for Waiver of Notice Requirement of
OAR 860-032-0020(11).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on May 7, 2019, 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 handwritten signature in blue ink, appearing to read "Nolan Moser".

Nolan Moser

Chief Administrative Law Judge
Administrative Hearings Division

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 to a court pursuant to applicable law.

ITEM NO. CA2

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 7, 2019**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: April 30, 2019

TO: Public Utility Commission

FROM: Kathy Shepherd *KS*

THROUGH: Jason Eisdorfer *JE*, Bryan Conway *BAC*, and Kay Marinos *KM*

SUBJECT: TALK AMERICA SERVICES, LLC: (Docket No. CP 1566) Petition for Waiver of Notice Requirement of OAR 860-032-0020(11).

STAFF RECOMMENDATION:

Staff recommends that the Commission grant the petition by Talk America Services, LLC (Talk America) seeking waiver of the 90-day time period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11), and permit a notice period of approximately 45 days.

DISCUSSION:

Talk America is a competitive telecommunications provider certificated to provide interexchange and intraexchange services in Oregon. See Docket No. CP 1566, Order No. 14-404.

In a letter dated April 15, 2019, Talk America informed the Commission that it will discontinue the provision of exchange access and long distance services in four states, including Oregon, effective June 1, 2019, and therefore wishes to relinquish its certificate of authority to provide telecommunications service in Oregon as of that date. The letter also included a copy of the company's application to the Federal Communications Commission (FCC) requesting permission to discontinue services.

In a supplemental letter dated April 19, 2019, Talk America requested a waiver of the 90-day notice period required by OAR 860-032-0020(11), which 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. Talk America requests a waiver of the rule

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requiring 90 days' notice to enable it to meet its planned deadline of June 1, 2019, to discontinue service.

As Talk America is discontinuing these services in three other states, it must comply with FCC and other state notification requirements, which require only 30 days' notice. The company notified its customers of the discontinuance in a mass mailing on April 15, 2019, and notified the Commission by a letter dated April 15, 2019 (received on April 16, 2019). Assuming a planned service discontinuance date of June 1, 2019, Talk America cannot meet the 90-day notice requirement and must therefore request a waiver.

OAR 860-032-0020(16) allows the Commission to grant a request to waive any time period or requirement of the rules for good and sufficient reason. Talk America offers several reasons to support its request for waiver to shorten the notification period from 90 days to 45 days in this instance. A waiver will enable the company to discontinue services on June 1, 2019, to all four states (including Oregon) at the same time, consistent with its application to the FCC. Only nine customers in Oregon will be impacted by the discontinuance of Talk America services and the associated shortened notice period. As Talk America has instituted measures to assist those customers in finding alternative service providers prior to the June 1, 2019 service ending date, a 45-day notice period should be sufficient to meet the intended purpose of the customer notification requirement.

PROPOSED COMMISSION MOTION:

Grant Talk America Services LLC's request for waiver of the 90-day notice period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11), and permit a notice period of approximately 45 days.

CA2-Talk America Services LLC 90-Day Notice Waiver