

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1217

In the Matter of )  
 )  
PUBLIC UTILITY COMMISSION OF )  
OREGON )  
 )  
Staff Investigation to Establish )  
Requirements for Initial Designation and )  
Recertification of Telecommunications )  
Carriers Eligible to Receive Federal )  
Universal Service Support. )

**NOTICE OF  
EX PARTE CONTACT**

**DISPOSITION: NOTICE OF EX PARTE CONTACT**

On April 14, 2006, a meeting of the Senate Bill 17 Task Force was held, including Rep. Tom Butler, Sen. Richard Devlin, Sen. David Nelson, Rep. Diane Rosenbaum, the Commissioners, and several representatives from various aspects of the telecommunications industry. At that meeting, Brant Wolf, representing Oregon Telecommunications Association (OTA) made statements regarding whether the Commission should designate more than one eligible telecommunications carrier (ETC) in a rural area. The Commissioners were not present during that part of the meeting, but read the minutes that described OTA's position.

Under OAR 860-012-0015, an *ex parte* communication is defined as a communication made to a Commissioner or Administrative Law Judge regarding the merits of an issue in a pending contested case proceeding. Because the question of whether more than one ETC should be designated in a rural area is an issue pending in docket UM 1017, Mr. Wolf's statements, reflected in the SB 17 Task Force minutes, constitute an *ex parte* communication. Parties may have 10 days to respond to a notice of an *ex parte* communication. *See id.* at (7). In this case, parties may address this issue in closing briefs, due April 28, 2006. Because this issue was discussed in opening briefs, there is no prejudice to parties in shortening the response time.

Parties are also notified that the next meeting of the SB 17 Task Force will be held May 12, 2006. If you have any further questions about the SB 17 process, please contact Rick Willis at (503) 373-1303.

Dated at Salem, Oregon, this 24th day of April 2006.

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Michael Grant  
Chief Administrative Law Judge

**SB 17 Task Force**  
**--- Minutes ---**  
**4/14/06**

Present: Kevin Bell, Rep. Tom Butler, Sen. Richard Devlin, Bob Jenks, Karen Johnson, Richard Kosesan, Don Mason, Sen. David Nelson, Rep. Diane Rosenbaum, Brant Wolf

Senator Devlin brought the meeting to order at 8:40 am.

Commissioner Baum gave a power point presentation on federal issues (Baum Presentation).

Rick Willis led a discussion on the Telco Task Force Issues List:

**#1 Economic Regulation of Wireline Services:**

- OTA – yes on number one
- Adopt Idaho bill
- CUB – facilitate competition while protecting consumer
- QWEST – yes on number one
- Continue to regulate basic service
- CLECS – yes on number one
- Technology neutral
- Service quality
- Definition of basic service
  - (Essential and non-essential)
- Cable – keep IP issues separate

**#2 Service Quality Regulations:**

- QWEST, OTA, CLEC are fine with current regulation
- Cable to be taken up in the future
- Standardize service quality
- Granting the Commission authority based on Fed actions (with caution on expectation of future action)
- Discussion of service quality of wireless (standards review, what are the issues)

**#3 Universal Service**

- Is USF a competitive issue?
- Consider political realities of including wireless
- Review structure of fund

- Should there be an Oregon USF?
- Level playing field
- Broadband to all areas  
(presidential policy)

#### **#4 Consumer Protections**

- OTA – No need for consumer bill of rights
- Wireless a small percentage of complaints (level of problems?)
- PUC should focus on consumer protection
- Look at responsibilities between PUC, DOJ, AG office, who pays for it, funding sources
- Assist public with “where to go for help”

#### **#5 Broadband Availability**

- Legislative direction needed regarding extent and funding of broadband
- Our broadband efforts shouldn't interfere with local efforts
- How do you get broadband to rural areas?

#### **#6 Platform Convergence**

- Fed legislation underway pertaining to this

#### **#7 Miscellaneous**

- Get state laws in conformance with 1996 Act

#### **Additional issues**

- OTA - supports applying the same service quality measuring and reporting standards on wireless carriers drawing from the federal Universal Service Fund as the incumbent telecommunications providers adhere to currently. If the same standards don't make sense, then comparable standards should apply. The FCC has clearly indicated that service quality requirements should not be applied to these wireless carriers simply for the sake of parity with the incumbent carrier. OTA's position is that the PUC has the responsibility and the right to ensure that consumers are protected equally, regardless of their provider, if they draw from the federal fund.
- OTA - place limit on number of ETCs that qualify for USF (limit growth of Fed fund)
  - CUB - be cautious not to restrict flow of Federal funds into Oregon

**Next Meeting:**

Rick Willis stated that he will arrange for the Attorney General's office consumer protection section to make a presentation and talk about what kind of complaints they are getting concerning telecommunications.

Future meetings dates will be set.

The Commission potentially will have some kind of proposal or recommendation to share with the committee.

**The next meeting will be May 12, 2006 at 8:30 a.m. in the PUC Main Hearing Room**