

AR 607

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the Public Utility Commission of Oregon 860

Agency and Division Administrative Rules Chapter Number

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Address

To become effective 12/02/2016 through 05/30/2017.

RULE CAPTION

In the Matter of Temporary Revisions to Residential Service Protection Fund Rules in Division 033.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

860-033-0005, 860-033-0030, 860-033-0046, 860-033-0050

SUSPEND:

Statutory Authority:

ORS Ch. 183, 756, 759, 1987 OL Ch. 290

Other Authority:

Federal Communications Commission Order No. 16-38 and resulting rule changes codified in 47 CFR Part 54, Subpart E.

Statutes Implemented:

ORS 756.040, 759.036, 1987 OL Ch. 290

RULE SUMMARY

These temporary rule changes conform to the new and streamlined Lifeline eligibility criteria adopted by the Federal Communications Commission in the Lifeline Modernization Order No. 16-38, effective December 2, 2016.

Diane Davis

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Rules Coordinator Name

Email Address

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Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

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Statutes Implemented:
ORS 756.040, 759.036, 1987 OL Ch. 290

Need for the Temporary Rule(s):
These temporary rule amendments are needed to obtain conformity with the Federal Communication Commission's mandate of new and streamlined Lifeline eligibility criteria, effective December 2, 2016.

Documents Relied Upon, and where they are available:
FCC Lifeline Modernization Order (16-38) found online at https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-38A1.pdf
47 CFR Part 54, Subpart E, found online at <http://www.ecfr.gov/cgi-bin/text-idx?SID=df300c8c78a404e944b7699a2918cec3&mc=true&node=sp47.3.54.e&rgn=div6>

Justification of Temporary Rule(s):
The Oregon Telephone Assistance Program (OTAP) is the state counterpart to the Federal Communication Commission's (FCC) Lifeline program, collectively known as Oregon Lifeline. A residential telephone customer who qualifies for OTAP receives a reduced rate or discount for telephone service that is funded by the FCC and the State of Oregon in the amount of \$9.25 and \$3.50, respectively. In the Lifeline Modernization Order (16-38), the FCC streamlined the eligibility criteria for Lifeline to increase efficiency and improve the program for customers and the Eligible Telecommunications Carriers (ETCs) that flow through the benefit to the low-income customer.

In October 2016, Staff learned that the Office of Management and Budget approved federal regulations implementing this change, effective December 2, 2016. The temporary rule changes will prevent some low-income customers from receiving smaller or larger discounts than others solely based on differences in federal and state eligibility criteria, resulting in inequity among qualifying low-income customers in Oregon. In addition, absent the adoption of temporary changes to the rules, ETCs authorized by the Public Utility Commission of Oregon (OPUC) to provide federal and state support to eligible low-income customers would become responsible for the administration of the program for those Lifeline customers who qualify solely for federal support. The temporary rule changes allow the OPUC to continue to administer the Oregon Lifeline program and perform eligibility functions for the federal Lifeline program. Otherwise, ETCs would be forced to expend additional time, resources, and money to implement new eligibility procedures. Also, without the temporary rule changes, Oregon customers would experience confusion as the current combined OTAP and Lifeline programs would become bifurcated with differing support amounts and numerous administrative points of contact (the OPUC and each ETC) in lieu of the OPUC single point of contact and administration for Lifeline.

The reporting rules have been changed to require service type and service initiation date to be reported on a weekly basis. The FCC, in the Lifeline Modernization Order, requires states, like Oregon, that opted-out of the National Lifeline Accountability Database to provide existing Lifeline subscriber information (i.e., service type and service initiation date) to the Universal Service Administrative Company (USAC) by December 1, 2016 (The OPUC has made arrangements with the USAC to provide the data after December 2, 2016), and ongoing thereafter. The OPUC is at risk for non-compliance without the temporary rule amendments that require ETCs to report this data to the OPUC.

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