

****NOT FOR PUBLICATION****

The following draft administrative rules has been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

860-100-0115

Distribution Worksheet

A telecommunications competitive provider that has been designated as eligible for OUS Fund support must record its number of basic service access lines at the end of the calendar month (referred to as the recording month) on the distribution worksheet by wire center or exchange and must file the completed worksheet with the OUS Administrator no later than 40 days after the end of the recording month, i.e., by the tenth day of the second month following the close of each month. **Disbursements based on lines recorded by the 10th of each month will be made at the end of the month.**

860-100-0125

OUS Fund Support Portability

(1) OUS Fund support is portable, on a per line basis for basic telephone service, from a telecommunications utility to a competitive provider that has been designated by the Commission as eligible for support in the same geographic **support** area.

(2) In support areas that are served by both a telecommunications utility and a competitive provider, distributions from the OUS Fund will be shared in the following manner:

(a) For customer lines served by a competitive provider's own loop facilities, the competitive provider may receive the full OUS Fund support amount per line. ~~The support amount per line is available in a document titled "OUS Support Per ILEC Wire Center" on the Commission's website, available at: <http://www.puc.state.or.us/ousf/Pages/index.aspx>, unless modified by a Commission order posted on the same webpage~~ **based on the amount available for the support area.**

(b) For customer lines served by a competitive provider that resells a telecommunication utility's supported retail service and does not provide service with its own loop facilities, the competitive provider may not receive OUS Fund support.

(c) For customer lines served by UNE loops leased from a telecommunications utility by a competitive provider, the utility and the competitive provider may share the OUS Fund support amount per line. ~~The shared support amount per line with amounts allocated to the telecommunications utility and to the competitive provider is available in a document titled "OUS Support Per ILEC Wire Center" on the Commission's website, available at: <http://www.puc.state.or.us/ousf/Pages/index.aspx>, unless modified by a Commission order posted on the same website.~~

(d) For customer lines served by Warm Springs Telecommunications Company, the support amount for these lines for calendar year 2022 shall be as set forth in Table A of this rule.

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860-100-0250

OUS Fund Support Distributions

- (1) For customer lines served by telecommunications utilities, the support amount for these lines for the calendar year 2022 shall be a continuation of the amounts provided for in Appendix A to Public Utility Commission Order No. 16-093, as corrected by Public Utility Commission Order No. 16-102, as set forth in Table A of this rule.
- (2) The support amount for qualified competitive providers for the calendar year 2022 will be adjusted to reflect the percent reduction that has occurred for the specific Non-Rural Company that owns the wire center between 2016 and the date the support amount is being calculated.
- (3) Any review of support amounts stipulated in previous orders has been suspended for calendar year 2022.
- (4) Beginning January 1, 2023, the administrator shall make a monthly disbursement to each telecommunications provider that has been designated by the Commission as eligible to receive support from the OUS Fund in a specific geographic area, and when the Commission has calculated that support is required in that area, and funds are available to make a disbursement.
 - (a) Monthly disbursements shall be processed before the 28th day of the month.
 - (b) The amount of each telecommunications utility's monthly disbursement shall be one-twelfth of its annual determined support amount.
 - (c) Each eligible competitive provider shall receive support as per 860-100-0125.
- (5) The administrator shall not pay, and shall hold in escrow, any disbursements otherwise due to an eligible provider that is also a contributing company if that company is not in compliance with its contribution requirements.

860-100-XXXX

OUS Fund Support Disbursement Calculations

- (1) The provisions of this rule apply to the calculation of disbursements made on or after January 1, 2023.
- (2) The Commission uses the Cost Quest model, or a similar model approved by the Commission to calculate total support amounts. The model will be used to, assist in setting a benchmark for basic telephone service, calculate the cost of providing basic telephone service, and to

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calculate the difference between the cost and the benchmark, minus the explicit compensation and support identified in ORS 757.425. When the cost, after subtracting the explicit compensation and support identified in ORS 757.425, as applicable, exceeds the applicable benchmark in a particular geographic support area, the Commission shall designate the support area as one requiring support from the OUS Fund.

(a) For purposes of this rule, "support area" may mean a census block or a wire center.

(b) The Commission may establish a different benchmark for a support area that contain tribal lands, as defined in 47 C.F.R. 54.5.

(3) The Commission will identify initial total required support amounts for all support areas using the approved cost model and adjust the required support for a support area as necessary in subsequent years. On or before October 31 of each year, Commission staff shall prepare an annual report that details the calculation of required support amounts for Commission review and approval and submit a recommendation to the Commission to designate the amount to be disbursed from the fund to ensure basic telephone service for the next calendar year. Staff's annual report will be filed sufficiently in advance to allow for public comment.

(a) The available amount to be disbursed from the fund will be split into two categories for purposes of allocating the required support at the support area level between:

(A) Category one: The large company pool, which consists of support for support areas served by a telecommunications provider or affiliated group of telecommunications providers that serves 50,000 or more access lines in Oregon.

(B) Category two: The small company pool, which consists of support for support areas served by a telecommunications provider or affiliated group of telecommunications providers that serves fewer than 50,000 access lines in Oregon.

(b) The size of the Category one and Category two pools will be proportionally reduced to reflect the amount available to be disbursed from the fund when the amount available from the fund, given statutory limits, is less than the required support amount in a given year.

(c) The support amount for an individual telecommunications provider is based on an allocation of the applicable category pool. Each pool will be allocated among eligible telecommunications providers as follows:

(A) Category one: The large company pool will be allocated using the cost quest or a similar model approved by the Commission, with annual updates, as necessary.

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(B) Category two: The small company pool will be allocated using the historic embedded cost model as described in Commission Order No. 03-082. The Commission will use historic cost data submitted by a provider on Form I to the Commission.