

February 4th, 2005

The Honorable Allan Arlow
Hearings Division
Oregon Public Utility Commission
Attention: Filing Center
550 Capitol Street NE #215
Salem, Oregon 97308-2148

Re: AR 464

Judge Arlow:

The Oregon Telecommunications Association (OTA) appreciates the opportunity to submit comments in AR 464, the "Blue Pages" rulemaking. The OTA represents small independent telecommunications carriers that operate throughout rural Oregon as well as large telecommunications carriers that operate in both rural and urban Oregon.

For the reasons set forth in these comments, the OTA does not believe it is necessary to adopt any rule in this proceeding.

There are other providers of the type of information contemplated by this rulemaking. There are independent publishers of telephone directories not affiliated with any telecommunications company. Since the OPUC does not have jurisdiction over these other providers of "Blue Pages" types of information, any rule adopted in AR 464 would apply only to those Incumbent Local Exchange Carriers publishing their own directories or causing a directory to be published. Other entities would not be touched by this new regulation.

The OTA believes that implementing the rule recommended by Staff is totally unnecessary. During the course of a series of meetings held prior to opening AR 464, the only person advocating any rules pertaining to the blue pages was petitioner Jim Long. It was revealed during these meetings that OPUC Staff had very little, if any, contact with the public regarding the issues that Mr. Long declares to be of such importance in his petition.

In the Notice of Proposed Rulemaking (NRPM) regarding this issue the fiscal and economic impact is declared to be at least \$10,000.00 per page. This estimate combined with the lack of any public distress over the government listing section of telephone directories should clearly indicate that the cost of the proposed rule is not justified.

The NRPM also declares that the rule is needed to assure that Blue Pages will be published and guidance will be given on the kinds of services found in the Blue Pages. The OTA believes that its members are publishing or causing to be published directories that meet the needs of their customers. This is especially true of the smaller rural carriers. Since it is not clear that the customers of these carriers have ever contacted OPUC Staff to complain about any aspect of the location of the contents or style of their local telephone directory how can any rule be justified?

During the course of the meetings regarding this issue and during the Public Meeting of December 7, 2004 there was discussion of the other avenues by which the public can access the information found in the Blue Pages section of a telephone directory. These include the use of the internet and more importantly the advent of 2-1-1 service. The proposed rule does not address or acknowledge the growing use of these other information providers. This is due to the fact the OPUC has no jurisdiction over these entities and cannot place upon them the same regulatory burden as will be placed on telecommunications utilities. This is one more sound reason to reject the proposed rule.

As stated many times throughout these brief comments, OTA does not believe that any rule regarding telephone directories and Blue Pages is needed, can be justified or has ever been clearly demonstrated to be good public policy. The cost and regulatory burden will be unequal across the spectrum of entities that provide social service and government entity contact information. For these reasons the OTA respectfully but strongly urges the OPUC to reject the Staff recommendation and adopt no rule in AR 464.

Thank you very much for your consideration of these comments. I will appear at the Public Hearing on February 8th and will be happy to answer any questions you may have about the OTA position in this proceeding.

Sincerely,

Brant Wolf, EVP