

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 7, 2023**

REGULAR **CONSENT** **EFFECTIVE DATE** February 14, 2023

DATE: January 27, 2023

TO: Public Utility Commission

FROM: Steph Yamada

THROUGH: Bryan Conway and Marc Hellman **SIGNED**

SUBJECT: ROOME TELECOMMUNICATIONS, INC.:
(Docket No. ADV 1479/Advice No. 38)
Discontinues Voice Mail Service.

STAFF RECOMMENDATION:

Staff recommends the Commission allow Roome Telecommunications, Inc. (RTI or Company) to delete Voice Mail Service from its tariff and waive the 90-day filing requirement in OAR 860-032-0020(7)(a).

DISCUSSION:

Issue

Whether the Commission should allow RTI's filed tariff sheets, which delete Voice Mail Service, to become effective for service rendered on and after February 14, 2023, and waive the 90-day filing requirement in OAR 860-032-0020(7)(a).

Applicable Rule or Law

ORS 759.175 requires telecommunications utilities to submit tariff filings to the Commission whenever they intend to change their rates, terms, or conditions of service. Pursuant to ORS 759.040, small telecommunications utilities (those serving fewer than 50,000 access lines) are exempt from the requirement under ORS 759.190 to file tariff changes at least 30 days prior to their effective dates.

Pursuant to OAR 860-034-0325, a small telecommunications utility seeking to abandon a regulated service is subject to the requirements of OAR 860-032-0020.

Pursuant to OAR 860-032-0020(7)(a), a telecommunications utility that intends to abandon any regulated service for which there are current customers must file a petition for authority to abandon the service with the Commission at least 90 days before the effective date of the abandonment. If the Commission does not deny the petition or set it for hearing within 90 days after receiving the petition, the petition is deemed approved.

OAR 860-032-0020(7)(b) requires the telecommunications utility to mail a notification to each customer and telecommunications provider affected by the proposed abandonment at the same time it files the petition with the Commission. The notification must include a statement that upon request from affected customers or providers the Commission may, but is not required to, deny the petition or set it for hearing. Other specific content requirements for this notification are laid out in OAR 860-032-0020(5).

Pursuant to OAR 860-032-0020(7)(c), the telecommunications utility must file a copy of its customer notification with the Commission at the same time that it files the petition and mails the notification. The telecommunications utility must also inform the Commission of the number of customers and other providers affected by the proposed abandonment.

OAR 860-032-0020(7)(d) requires the telecommunications utility to demonstrate that the abandonment will not deprive the public of necessary telecommunications services.

Pursuant to OAR 860-032-0020(16), for good and sufficient reason, the Commission may grant a petition to waive any time period or requirement in that rule.

Analysis

RTI is a small telecommunications utility located in Halsey, Oregon. With this filing, the Company proposes to delete Voice Mail Service from its tariff, effective February 14, 2023. The Company included a Less than Statutory Notice (LSN) form with its filing.

Voice Mail Service allows the customer's calls to be redirected to a voice mail system when they are away from home, unable to answer the phone, or when the line is busy. The customer can dial in to the voice mail system to retrieve and redirect messages. The Company states that six customers currently subscribe to Voice Mail Service.

The reason for this filing is that “RTI is in the process of installing a new REDCOM CLASS 5 voice switch that will enable the company to be compliant with FCC rules for STIR/SHAKEN.”¹ The existing switch is dated, no longer supported by the manufacturer, and does not comply with the FCC’s requirements. While the new switch complies with FCC requirements, it does not support Voice Mail Service. Consequently, the Company will no longer be able to offer Voice Mail Service using the new switch, and intends to discontinue the service for the six existing subscribers.

STIR/SHAKEN relates to the FCC’s efforts to reduce illegal robocalls by improving Caller ID authentication standards. The FCC offers the following summary.²

STIR/SHAKEN is a framework of interconnected standards. STIR/SHAKEN are acronyms for the Secure Telephone Identity Revisited (STIR) and Signature-based Handling of Asserted Information Using toKENs (SHAKEN) standards. This means that calls traveling through interconnected phone networks can have their caller ID “signed” as legitimate by originating carriers and validated by other carriers before reaching consumers. STIR/SHAKEN digitally validates the handoff of phone calls passing through the complex web of networks, allowing the phone company of the consumer receiving the call to verify that a call is in fact from the number displayed on Caller ID.

In compliance with 860-032-0020(7)(b), the Company mailed a notification of the proposed discontinuance to affected customers. However, in reviewing the provided notice, Staff found that it did not include the statement required under OAR 860-032-0020(7)(b) that upon request from affected customers or providers the Commission may, but is not required to, deny the petition or set it for hearing. The Company added the required statement and sent a revised notice to affected customers on January 19, 2023. Staff reviewed the revised notice and finds that it complies with the requirements of applicable rules. The Company states that it also notified the six affected customers by telephone—as of January 19, 2023, the Company had spoken directly with four customers and planned to follow up with the remaining two.³

The Company asserts that the abandonment will not deprive the public of necessary telecommunications services, stating that, “customers have access to other means of a voice mail equivalent including the purchase of an answering machine or the use of cell

¹ Email from RTI General Manager Eric Votaw, January 19, 2023.

² Combating Spoofed Robocalls with Caller ID Authentication, [https://www.fcc.gov/call-authentication#:~:text=What%20Does%20STIR%2FSHAKEN%20Mean,Using%20toKENS%20\(SHAKEN\)%20standards.](https://www.fcc.gov/call-authentication#:~:text=What%20Does%20STIR%2FSHAKEN%20Mean,Using%20toKENS%20(SHAKEN)%20standards.)

³ Email from RTI General Manager Eric Votaw, January 19, 2023.

phones.”⁴ Staff agrees and notes that the Commission has previously deregulated Voice Mail Service for several telecommunications carriers, including United Telephone Company of the Northwest,⁵ GTE Northwest Incorporated (now Ziplly Fiber),⁶ US West Communications Inc. (now Qwest),⁷ CenturyTel of Oregon and CenturyTel of Eastern Oregon,⁸ and Mt. Angel Telephone Company.⁹

RTI further states that it examined the economics of providing Voice Mail Service using the new switch, and found that it would not be financially justifiable to purchase the required modules from REDCOM and recover the investment from six customers.

With a filing date of January 13, 2023, the requirement in OAR 860-032-0020(7)(a) to file abandonment petitions at least 90 days in advance would require an effective date of April 13, 2023, or later. The Company’s proposed effective date of February 14, 2023, does not comply with this requirement. However, as the Company is currently in the process of installing the new switch to comply with FCC requirements, and customers have been notified and are not expected to be harmed by the proposed abandonment, Staff finds that a waiver of the 90-day filing requirement in in OAR 860-032-0020(7)(a) is appropriate in this case.

Conclusion

Staff finds that the Commission should allow RTI’s deletion of Voice Mail Service to become effective for service rendered on and after February 14, 2023, and waive the 90-day filing requirement in OAR 860-032-0020(7)(a).

PROPOSED COMMISSION MOTION:

Allow the Company’s deletion of Voice Mail Service to become effective for service rendered on and after February 14, 2023, and waive the 90-day filing requirement in OAR 860-032-0020(7)(a).

⁴ Email from RTI General Manager Eric Votaw, January 19, 2023.

⁵ Order No. 94-1556 in Docket No. UX 15.

⁶ Order No. 96-257 in Docket No. UX 17.

⁷ Order No. 98-018 in Docket No. UX 18.

⁸ Order No. 11-420 in Docket No. UX 32.

⁹ Order No. 15-128 in Docket No. UX 34.