

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1217

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

DISPOSITION: ISSUES LIST ADOPTED

Pursuant to the procedural schedule adopted in this investigation, the parties filed the following joint issues list:

I. Overall

A. What policy objectives should the Commission attempt to achieve through this docket?

II. Initial Designation of ETCs

A. What specific basic eligibility requirements should the Commission adopt for the initial certification of ETCs?

1. Should the Commission adopt any, or all, of the requirements proposed by the FCC in Order 05-46?
2. Should the Commission adopt other basic eligibility requirements?
3. Should the same requirements apply to applications for designations in rural and non-rural ILEC service areas?
4. Should the same requirements apply regardless of the type of support (traditional high-cost, interstate access/common line, low-income) that the ETC will receive?

- B. What specific criteria should the Commission adopt to determine whether designation of a competitive ETC is in the public interest, as required by Section 214(e)(2) of the Telecom Act?
1. Should the Commission adopt the criteria proposed by the FCC in Order 05-46?
 2. Should the criteria differ between designations in rural and non-rural ILEC service areas?
 3. Should the Commission require an ETC to include entire ILEC wire centers in its service area, regardless of the boundaries of its licensed area?
 4. Whether and to what extent the Commission should require incumbent local exchange carriers to disaggregate and target support in a different manner, as permitted by 47 CFR Section 54.315(c)(5).
 5. Should the Commission adopt an upper limit on the number of ETCs that can be designated in any given area? Any party proposing adoption of an upper limit should explain its proposal in detail, including the legal basis for its position.

III. Annual Certification of ETCs

- A. What specific requirements should the Commission adopt for the annual recertification of ETCs?
1. Should the Commission adopt any, or all, of the FCC reporting requirements proposed in Order 05-46?
 2. Should the Commission adopt other reporting requirements?
 3. Should the same reporting requirements apply to all types of ETCs – ILEC ETCs and competitive ETCs?
 4. Should the same reporting requirements apply regardless of the type of support (traditional high-cost, interstate access/common line, low-income) received by the ETC?

Ruling

Section I of the parties' proposed issue seeks identification of broad policy objectives relating to the certification and recertification of telecommunications carriers eligible to receive federal universal service support. Ideally, the Commission would resolve this broad question in an initial phase of the proceeding, so as to provide guidance to the parties in addressing the more specific issues set forth in sections II and III. Unfortunately, the need for a Commission order by May 1, 2006, precludes such an

approach. A two-phase proceeding, with an initial order clarifying policy and a second order establishing standards and procedures, would likely not be completed in sufficient time for use by the parties in meeting the October 1, 2006 ETC recertification deadline.

For this reason, I adopt the parties' joint issues list, but offer the following observation. Presumably, the parties will propose conflicting or differing policy objectives in section I that are reflected in their recommendations for specific standards and procedures in sections II and III. Because parties will not have the opportunity to modify testimony or argument in the event the Commission adopts policies objectives contrary to those underlying their primary recommendations, parties might consider including secondary, or alternative proposals in addition to their primary arguments.

Dated at Salem, Oregon, this 28th day of October 2005.

Michael Grant
Chief Administrative Law Judge