

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1280

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF)	RULING
OREGON)	
)	
Investigation to Determine whether Rural)	
Incumbent Local Exchange Carriers Should)	
Disaggregate Universal Service Support.)	

DISPOSITION: REQUEST TO WITHDRAW GRANTED

On January 29, 2007, United Telephone Company of the Northwest, d/b/a Embarq (Embarq), a party to this proceeding, filed a letter requesting that the Commission grant it permission to withdraw from this docket (Request). Embarq notes that although it does receive federal interstate access support, it does not receive the high cost universal service support that is the subject matter of this docket. “As a result, Embarq will not be subject to any disaggregation plan adopted in this proceeding. Thus, Embarq’s participation unnecessarily consumes company resources and provides little or no benefit to the Commission.” Embarq asserts that neither the Commission Staff nor United States Cellular Corporation (USCC) object to Embarq’s withdrawal.¹

On January 31, 2007, USCC and Rural Cellular Corporation (RCC) filed a joint response to the Request (Response). The response takes issue with the characterization by Embarq that federal interstate access support is not “high cost,” but asserts instead that it is merely universal service support that has been moved from the “implicit” to the “explicit” and is therefore still a high cost subsidy. The Response states that “RCC and USCC do not object to Embarq’s withdrawal, provided that the Commission does not reverse its prior holding in UM 1217 that IAS is high cost support.” The Response also states that “no party should be bound to Embarq’s statement that ‘it will not be subject to any disaggregation plan adopted in this proceeding,’” noting that, “[a]lthough Staff has not proposed any further disaggregation of IAS, other parties’ disaggregation proposals are not yet due. If they choose, RCC, USCC, and other parties should be free to propose plans that impact Embarq notwithstanding its withdrawal.”²

¹ Request, p. 1.

² Response, pp. 1-2.

Discussion. Embarq has asked for leave to withdraw from this proceeding. Whenever a party chooses to withdraw from a case, it runs the risk that it may forego the opportunity to participate in the decision-making process on matters that might reasonably be likely to affect its interests. Embarq states that its continued participation would unnecessarily consume company resources and provide little or no benefit to the Commission and that no party interposes any objection to its withdrawal. These are reasons enough to grant the Request.

Any comments by Embarq characterizing the subject matter of the proceeding are irrelevant to the decision as to whether or not to grant the Request and are accorded no weight. Consequently, the concerns voiced by RCC and USCC are likewise irrelevant, and no Commission declarations are necessary regarding either prior holdings in other dockets or future rulings with respect to proposals to be submitted in this docket.

RULING

The Request of United Telephone Company of the Northwest, d/b/a Embarq to withdraw from this proceeding is GRANTED.

Dated at Salem, Oregon, this 13th day of February, 2007.

Allan J. Arlow
Administrative Law Judge