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February 8, 2006

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VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Public Utility Commission of Oregon
Attention: Filing Center
550 Capitol Street N.E., Suite 215
Salem, OR 97301-2551

Re: UM 1217

Dear Filing Center:

Enclosed, for filing are an original and five copies of the Reply Testimony of Orville D. Fulp, and accompanying exhibits, on behalf of Verizon Northwest Inc., in the above-referenced docket.

Very truly yours,

A handwritten signature in black ink that reads "Timothy J. O'Connell". The signature is stylized and cursive.

Timothy J. O'Connell

TJO:vm

Encl.

cc: Service List

Oregon
Washington
California
Utah
Idaho

Case UM 1217
Verizon Northwest, Exhibit 2
Witness: Fulp

BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON

VERIZON NORTHWEST INC.

Reply Testimony
of Orville D. Fulp

November 2005

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1217

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

REPLY TESTIMONY OF
ORVILLE D. FULP
ON BEHALF OF
VERIZON NORTHWEST INC.

FEBRUARY 8, 2006

INTRODUCTION

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Q. HAVE YOU PREVIOUSLY TESTIFIED IN THIS CASE?

A. Yes. My direct testimony is already on file in this proceeding.

Q. DO YOU HAVE ANY UPDATES OR CORRECTIONS TO YOUR DIRECT TESTIMONY?

A. Yes; on page 6, line 25 the word cost should be stricken from the testimony.

Q. DO YOU HAVE ANYTHING TO ADD TO YOUR EARLIER TESTIMONY REGARDING ISSUE I, THE OVERALL PUBLIC POLICY OBJECTIVES INVOLVED IN THIS DOCKET?

A. No. Generally, Verizon adheres to its previously expressed view of the public policies involved in the designation and annual certification of Eligible Telecommunications Carriers (“ETCs”).

Q. DOES VERIZON ADHERE TO THE POSITIONS YOU IDENTIFIED IN YOUR EARLIER TESTIMONY REGARDING ISSUES II.A.1 THROUGH II.A.4, THE BASIC REQUIREMENTS FOR REGISTRATION AS AN ETC?

A. Generally. In my earlier testimony Verizon pointed to earlier decisions from this Commission for guidance. After reviewing the testimony of Ms. Marinos on behalf of Staff, we conclude that there are only minor differences, if any, between our proposal and Staff’s. Thus, with a couple of exceptions set forth below, we believe that the positions expressed by Ms. Marinos are acceptable requirements to ensure that the universal service fund is protected.

1 Q. WHAT ABOUT YOUR TESTIMONY REGARDING ISSUES II.B.1
2 THROUGH II.B.3, THE PUBLIC INTEREST REQUIREMENTS?

3 A. In these regards, we believe the proposals made by Staff adequately protect the fund.

4

5 Q. ADDRESSING ISSUE II.B.4, SOME PARTIES APPEAR TO ARGUE THAT
6 THE COMMISSION SHOULD REQUIRE INCUMBENT LOCAL
7 EXCHANGE CARRIERS TO DISAGGREGATE AND TARGET SUPPORT
8 IN SOME NEW MANNER. DOES VERIZON AGREE?

9 A. No. Preliminarily, the Commission should bear in mind that the only federal support
10 Verizon receives is Interstate Access Support (“IAS”) and Lifeline/Link-Up
11 reimbursement. While I am not an attorney, it is my understanding that the
12 authorization for disaggregation specifically mentioned in the Issues List in this
13 docket (47 CFR § 54.315) is limited to the traditional high cost fund, and not IAS or
14 Lifeline/Link-Up. Moreover, the FCC’s IAS program is already disaggregated by
15 UNE zone, and Verizon therefore agrees with Staff that disaggregation under 47
16 C.F.R. § 54.315 does not affect IAS. (Staff/1, Marinos/66.) Thus, the
17 disaggregation issue does not seem relevant to IAS support.

18 Whether or not disaggregation would be applicable to Verizon, the Company
19 does not believe that this is the proceeding to address the issue. No party has even
20 *identified* the mechanism that they would propose carriers use to disaggregate, much
21 less explain in any detail how that process would work. Verizon trusts that no party
22 would wait to this final round of testimony to discuss how they propose to
23 disaggregate, since other parties would obviously be prejudiced by the inability to
24 offer meaningful responsive testimony. Thus, we are left discussing this concept
25 wholly in the abstract. The costs and benefits of disaggregation must all be evaluated
26 in order to make an informed decision. On the basis of this record, this cannot be

1 accomplished in this proceeding. Verizon therefore joins OTA in recommending that
2 the Commission wholly defer this issue – even any abstract determination that
3 disaggregation is preferred from a policy perspective – until the Commission can
4 thoroughly review the costs and benefits of such an initiative.

5

6 **Q. AS TO ISSUE II.B.5, DOES VERIZON CONTINUE TO BELIEVE THAT**
7 **THERE SHOULD BE AN UPPER LIMIT TO THE NUMBER OF ETCS IN**
8 **ANY GIVEN AREA?**

9 A. Yes, although we recognize that this commission has already designated more than
10 one ETC in many areas. I have nothing further to add on this area beyond my
11 opening testimony.

12

13 **Q. ISSUE III. WHAT IS YOUR OVERALL REACTION TO THE PROPOSED**
14 **REQUIREMENTS FOR THE ANNUAL RECERTIFICATION OF ETCS?**

15 A. Overall, I believe that some proposed reporting requirements are inconsistent with
16 Oregon’s overarching regulatory principles as enunciated by Governor Kulongoski.
17 In his Executive Order 03-01 (which I understand to apply to this Commission), the
18 Governor noted that “overlapping regulations . . . can result in confusion, wasted time
19 and duplication of effort.” He specifically noted that “state government must . . .
20 eliminate duplicative practices.” He therefore ordered all agencies to achieve “better
21 coordination . . . where government agencies have overlapping regulatory authority.”
22 EO 03-01, ¶ 1(c). He further directed state agencies to achieve “elimination of any
23 unnecessary paperwork, reporting or review requirements.” A copy of this Executive
24 Order is attached to my testimony as Exhibit Verizon/3. As will be set forth below, I
25 believe many of the proposals advanced in this docket are inconsistent with these
26 directions from Governor Kulongoski.

1

2 **Q. IN WHAT WAYS ARE SOME OF THE PROPOSALS BEING MADE IN THIS**
3 **DOCKET INCONSISTENT WITH THE GOVERNOR’S DIRECTIVES?**

4 A. As I will demonstrate, many of these proposals do not attempt to achieve coordination
5 with other governmental agencies having authority over this area, such as the FCC.
6 Rather, some of these proposals expressly seek wholesale duplication of the
7 monitoring undertaken by the federal agency with authority over the very subject of
8 this docket. Additionally, several parties are proposing reporting requirements that
9 are wholly duplicative of reports already filed by incumbent carriers such as Verizon.
10 This is particularly true in Oregon, where Verizon must annually file “Form O¹.”
11 This document extensively reports on Verizon’s operations in this state for the
12 previous year. From Verizon’s routine interaction with Commission Staff we know
13 that these filings do not just go in a file – they are searchingly reviewed. We can see
14 no good reason why Verizon should file a report about other reports it has already
15 filed.

16

17 **Q. IS THERE AN ALTERNATIVE TO FILING REDUNDANT REPORTS THAT**
18 **WOULD STILL ENSURE THAT THIS COMMISSION HAS THE**
19 **INFORMATION IT NEEDS TO MAKE THE REQUIRED REPORT TO THE**
20 **FCC?**

21 A: Yes. In its order in this proceeding, the Commission should recognize that incumbent
22 providers file regular reports that duplicate – or go far beyond – the reports and
23 certifications required for annual ETC certification. The Commission could therefore
24 find in its order that a carrier filing the various reports discussed in my testimony

25

26 ¹ The Form O contains substantial confidential information. Because copies of that Form are already on file with the Commission, I have not attached a copy to my testimony. The Commission is well aware of the voluminous information contained in the Form O, which typically runs more than seventy pages long.

1 below has thereby satisfied the annual ETC reporting requirement in that regard, and
2 no duplicative reporting would therefore be required.

3

4 **Q. WHAT PRINCIPLES SHOULD THE COMMISSION CONSIDER WHEN**
5 **ADDRESSING EXTENSIVE REPORTING FOR ANNUAL ETC**
6 **CERTIFICATION?**

7 A. The Commission should step back and place ETC certification in the overall context
8 of the operation of an incumbent carrier such as Verizon. The ultimate objective of
9 the ETC program is that “universal service” – i.e., reasonably priced basic local
10 telephone service – be provided to customers. ETCs are required reasonably to
11 provide supported services to persons requesting them within designated areas. The
12 FCC’s provision of ETC support to multiple providers within a given geographic area
13 is premised on the policy of providing choices to customers, so that competition
14 among companies will enhance the provision of universal service. But the basic rates
15 of ILEC ETCs are subject to full regulation by this Commission. That regulation
16 itself ensures that reasonably priced basic local telephone service is provided to
17 customers within the ILEC’s service areas. This is accomplished by many means,
18 including rate regulation, regulation of operational practices and consumer relations,
19 and numerous financial and service quality reports. This state regulatory regimen by
20 itself provides the Commission with more than enough information about the ILEC’s
21 functions to make the annual certification to the FCC that the ILEC fulfills its roles as
22 an ETC. Therefore, no additional – especially no duplicative – reporting
23 requirements should be imposed on ILEC ETCs. Many parties seem to contend that
24 whatever reporting requirements arise from this docket should be imposed on all
25 ETCs, regardless of their underlying situations. The Commission should reject any

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1 such approach to regulation that intentionally disregards context; there is nothing
2 inappropriate about treating carriers differently when they are differently situated.

3

4 **Q: HAVE YOU HAD THE OPPORTUNITY TO REVIEW THE ANNUAL**
5 **REPORTING REQUIREMENTS PROPOSED BY STAFF AND OTHER**
6 **PARTIES?**

7 A: Yes. Staff has proposed approximately a dozen different items that would have to be
8 either reported or certified on an annual basis in order to maintain ETC status. Other
9 parties appear to propose additional reporting requirements.

10

11 **Q: WHAT IS THE FIRST REPORTING REQUIREMENT PROPOSED BY**
12 **STAFF?**

13 A: Staff proposes that Oregon ETCs certify that they are using universal service support
14 for its intended purposes. In response to a Verizon Data Request, Staff clarified that
15 its proposal for carriers that receive only IAS or ICLS funds (such as Verizon) is that
16 they would only be required to submit copies of the certifications that such ETCs are
17 already required to file with the FCC. A copy of Staff's response to Verizon's Data
18 Request No. 1 is attached as Exhibit Verizon/4. Plainly, this requirement would not
19 be too onerous, but it squarely raises the issues identified above of duplicative
20 reporting and a failure to coordinate with other governmental agencies. Particularly
21 because the purpose of the annual review is to permit the Oregon Commission to
22 report to the FCC that ETCs are complying with their requirements, there seems little
23 point in requiring production of a certification being given directly to the FCC.

24

25 **Q: WHAT IS STAFF'S PROPOSED SECOND ANNUAL CERTIFICATION**
26 **REPORTING REQUIREMENT?**

1 A: Staff proposes that ETCs certify that they are in compliance with consumer protection
2 and service quality standards. In response to a Verizon Data Request, Staff clarified
3 that for wireline ETCs it would propose a certification that the wireline ETC is
4 complying with applicable OAR consumer protection and service quality
5 requirements. A copy of Staff's response to Data Request No. 2 is attached as
6 Exhibit Verizon/5. Again, other than the concern about duplicative reporting (given
7 Staff's ongoing review of Verizon's compliance with the Commission's rules), this
8 would not be an onerous certification.

9

10 **Q: WHAT IS THE THIRD STAFF REPORTING REQUIREMENT?**

11 A: Staff proposes that ETCs certify that they are able to function in an emergency.
12 Again, since incumbent telephone companies such as Verizon have long been
13 expected to be prepared for emergencies, and have as a routine matter had adequate
14 backup power available, such a redundant certification would not be difficult.

15

16 **Q: WHAT IS THE FOURTH PROPOSED REPORTING REQUIREMENT?**

17 A: Staff proposes that ETCs would be required to certify that they are providing local
18 usage plans comparable to that offered by the ILEC in their relevant service territory.
19 I recognize that Staff has proposed that incumbent ETCs would merely have to
20 reference applicable tariff pages, and this would not be difficult. However, this
21 requirement seems to crystallize the issue of unnecessary duplicative reporting. The
22 question is whether the ETC offers local usage plans comparable to the ILECs' — but
23 that question should not need to be asked of the ILEC itself.

24

25 **Q: WHAT IS THE FIFTH REPORTING REQUIREMENT ADDRESSED BY**
26 **STAFF?**

1 A: Staff recommends that the Oregon Commission not require the FCC's annual
2 certification that an ETC could be required to provide equal access. Verizon joins in
3 that recommendation.

4

5 **Q: WHAT IS THE SIXTH REPORTING REQUIREMENT DISCUSSED BY**
6 **STAFF?**

7 A: Staff recommends that ETCs be required to report information relating to service
8 outages. I recognize that Staff's opening testimony was filed before this Commission
9 issued Order No. 05-1260 in Docket AR 492. In response to a Data Request from
10 Verizon, Staff has clarified that this reporting requirement would be met by
11 referencing the report required from carriers such as Verizon by OAR 860-023-
12 0055(9). Again, while this would not be onerous, it is another instance of duplicative
13 reporting.

14

15 **Q: WHAT IS THE SEVENTH REPORTING REQUIREMENT DISCUSSED BY**
16 **STAFF?**

17 A: Staff proposes that ETCs report on "requests for service from potential customers that
18 were unfulfilled during the past year." In response to a Data Request from Verizon,
19 Staff has clarified its position that wireline ETCs required to report to this
20 Commission on "held orders" pursuant to OAR 860-023-0055 should only be
21 required to reference those reports. A copy of Staff's response to Verizon's Data
22 Request is attached as Exhibit Verizon/6. Again, if any reporting on this topic at all is
23 to be imposed on ILEC ETCs, the minimum cross-referencing proposed by Staff is
24 the most that is appropriate. However, this requirement should not be imposed on
25 incumbent wireline ETCs at all. It is apparent that the underlying FCC reporting
26 requirement, as discussed in Paragraphs 22 and 69 of FCC Order No. 05-46, is

1 directed at wireless carriers. Those paragraphs are clearly concerned with carriers
2 receiving requests for service within their ETC area, but unable to provide service to
3 those potential customers given the ETC's current network. The discussion about
4 steps the FCC would expect the ETC to undertake in order to fulfill those service
5 requests are all actions only applicable to a wireless carrier. *See* FCC Order No. 05-
6 46, at Para. 22 (identifying actions called for in various wireless ETC designations).
7 These concerns are clearly not applicable to an incumbent local exchange carrier.
8 ILECs such as Verizon have long had the obligation reasonably to provide service on
9 demand within their serving territory. The failure to meet that obligation is policed
10 by this Commission in a variety of ways. Simply put, this reporting requirement does
11 not make sense for incumbent ETCs and should not be required even in the less
12 onerous manner proposed by Staff.

13

14 **Q: WHAT IS THE EIGHTH REPORTING REQUIREMENT ADDRESSED BY**
15 **STAFF?**

16 A: This is reporting regarding service quality measures. In response to a Verizon Data
17 Request, Staff reports that large telecommunication utilities such as Verizon could
18 satisfy this reporting requirement by referencing trouble reports submitted under
19 OAR 860-023-055(5). A copy of Staff's response to Verizon's Data Request is
20 attached Exhibit Verizon/7. Again, other than the concern about duplicative
21 reporting, this would not be onerous.

22

23 **Q: WHAT IS THE NINTH REPORTING REQUIREMENT DISCUSSED BY**
24 **STAFF?**

25 A: This is reporting on the progress about an ETC's build-out plan. Staff proposes that
26 incumbent ETCs be excused from this requirement. Verizon joins in that

1 recommendation. Simply put, requiring an incumbent provider to report on progress
2 towards its network development plan simply makes no sense. Incumbent providers
3 in Oregon have long been required to provide the Commission with its annual
4 construction budget. Given that incumbent providers already make this report, and
5 independently have an obligation to provide service throughout their serving territory,
6 ordinarily the incumbent telephone company would not be expected to have “build
7 out” plans at all.

8

9 **Q: WHAT IS THE TENTH REPORTING REQUIREMENT PROPOSED BY**
10 **STAFF?**

11 A: Staff proposes that all ETCs, including ILEC ETCs such as Verizon, demonstrate that
12 they have advertised the supported services throughout the ETC designated area, by
13 providing copies of advertisements. In response to a Verizon Data Request, Staff has
14 clarified that it believes an incumbent ETC should demonstrate that it ran
15 advertisements for the supported services at least four times per year. A copy of
16 Staff’s response to Verizon’s Data Request is attached as Exhibit Verizon/8.

17

18 **Q: SHOULD INCUMBENT CARRIERS BE REQUIRED TO RUN AND REPORT**
19 **ON ADDITIONAL ADVERTISING OF THEIR SUPPORTED SERVICES?**

20 A: No. Verizon already undertakes the advertising called for by the federal rules.
21 Requiring additional advertising that an incumbent carrier provides the supported
22 services within its serving territory elevates form over substance. Within their
23 franchise areas, the fact that incumbent carriers such as Verizon offer these supported
24 services ubiquitously is a matter of public record, readily verified by reviewing the
25 service offerings and tariffs Verizon has on file with the Commission. Customers
26 expect to be able to obtain any of the phone company’s offerings anywhere within its

1 serving territory, and can do so except in the most unusual of circumstances.
2 Requiring incumbent carriers to offer additional advertising of the supported services
3 is simply unneeded overkill. Moreover, doing so causes distortions in the
4 increasingly competitive telecommunications market. The supported services are
5 “table stakes”—the basic offerings that all of Verizon’s customers expect of it.
6 Forcing Verizon to waste its advertising resources on services that all members of the
7 public anticipate they can receive on demand will preclude Verizon from utilizing
8 those resources in a more competitively valuable way, to advertise services more
9 subject to competition. The Commission should avoid disrupting carriers’ marketing
10 plans, when it is not really necessary to do so.

11

12 **Q: WHAT IS THE ELEVENTH REPORTING REQUIREMENT PROPOSED BY**
13 **STAFF?**

14 A: This is a requirement that ETCs report on any special commitments or conditions
15 contained in their initial designation. Since Verizon had no such special
16 commitments or conditions, we take no position on this issue.

17

18 **Q: WHAT IS THE TWELFTH REPORTING REQUIREMENT PROPOSED BY**
19 **STAFF?**

20 A: Staff proposes that ETCs be required to report on Lifeline and Link-up customers,
21 both as to the number of such customers and advertisements targeted to them.

22

23 **Q: SHOULD THE COMMISSION ADOPT THIS REQUIREMENT?**

24 A: Not at this time. Lifeline/Link-up is, after all, an FCC program. The FCC is
25 currently overseeing an investigation into outreach efforts for Lifeline and Link-up

26

1 customers.² This investigation will be addressing both the means used to advise
2 Lifeline and Link-up customers of the availability of those support mechanisms, as
3 well as the effectiveness of those outreach attempts.

4
5 **Q: WHY SHOULD THE COMMISSION WAIT FOR THIS FCC INQUIRY?**

6 A: Because there is little reason to adopt a requirement of unknown efficacy, when it
7 will produce real costs which could be borne by rate payers. Mandating regular local
8 newspaper advertisements, for example, mandates a real expenditure by the
9 incumbent telephone company. The Commission should hesitate to require those
10 expenditures when there is little evidence—and certainly no proof in the record in this
11 case thus far—that such advertisements are more likely than not to reach potential
12 recipients of Lifeline and Link-up support. Conversely, less expensive methods (such
13 as relying on information disseminated by other governmental agencies) may be far
14 more effective in reaching potential Lifeline and Link-up customers. Whether that is
15 or is not the case simply cannot be determined on the basis of evidence submitted by
16 any party in this proceeding of which I am aware. The Commission should await the
17 outcome of the FCC inquiry before imposing any such requirement on ETCs. This is
18 particularly true because these advertising costs are not included in the federal
19 Lifeline/Link-Up reimbursement. Thus, these costs could be borne by Verizon's
20 Oregon rate payers, without any demonstration that they will effectively produce
21 benefits.

22
23 **Q: ARE THERE REPORTING REQUIREMENTS SUGGESTED BY ANY**
24 **OTHER PARTY THAT CAUSE CONCERN FOR VERIZON?**

25
26 ² *“Working Group on Lifeline and Link-Up Telephone Services Seeks Information on Effective Outreach to Low-Income Consumers,”* FCC Public Notice DA 06-41, January 10, 2006 (Exhibit Verizon/9).

1 A: Yes. The testimony of RCCs' witnesses Kohler and Wood appear to suggest that any
2 reporting requirements imposed on CETCs should automatically be imposed on
3 incumbent ETCs.

4

5 **Q: DO YOU BELIEVE THIS IS AN APPROPRIATE APPROACH TO ETC**
6 **REPORTING?**

7 A: No. The entire point of ETC reporting to this Commission is to enable this
8 Commission to faithfully report to the FCC that ETCs are fulfilling their obligations
9 and entitled to further support. As I have demonstrated above, for virtually all of the
10 topics required for this Commission to so certify to the FCC, the Commission already
11 possesses this information for incumbent providers. Conversely, for many
12 competitive ETCs (especially wireless ETCs, virtually wholly outside the
13 jurisdiction of the Commission) the Commission simply has no comparable data.
14 There is no good reason for this Commission to ignore this indisputable distinction.

15

16 **Q. WHY DOES VERIZON BELIEVE THAT THE SAME REPORTING**
17 **REQUIREMENTS SHOULD NOT APPLY DEPENDING UPON THE TYPE**
18 **OF SUPPORT (TRADITIONAL HIGH COST, INTERSTATE ACCESS/**
19 **COMMON LINE, LOW INCOME) AN ETC RECEIVES?**

20 A. As stated in my direct testimony p. 11, lines 5-22, Verizon only receives IAS
21 and Lifeline/Link-Up support and does not receive federal high cost-type
22 support. As explained by the FCC, the *CALLS Order* did *not* give LECs
23 additional high-cost support; rather, it simply rebalanced interstate rates by
24 replacing implicit support (collected via interstate access charges) with
25 explicit support (the IAS mechanism). The FCC made clear that this
26 rebalancing was not part of the FCC's high-cost support mechanism:

1 “CALLS proposes the establishment of an explicit interstate
2 universal service support mechanism that will provide support
3 to *replace* \$650 million of annual implicit support currently
4 collected through interstate access charges, which is being
5 phased out as part of the CALLS Proposal’s common line
6 restructuring. In contrast to the Commission’s existing high-
7 cost support mechanisms for rural and non-rural carriers,
8 which provide support to enable states to ensure reasonable
9 comparability of *intrastate* rates, the purpose of the new
10 federal interstate access universal service support mechanism
11 is to provide explicit support to replace the implicit universal
12 service support in *interstate* access charges. As explained
13 below, the new mechanism provides support to carriers
14 serving lines in areas where they are unable to recover their
15 permitted revenues from the newly revised SLCs.³”

10 Even though IAS is included as part of the FCC’s USF basket it is simply an access
11 charge rebalancing exercise and has nothing to do with the high cost support that
12 other companies may receive. Therefore, it is not appropriate to require extensive
13 reporting on the use of these funds. Verizon already certifies on an annual basis that
14 the IAS funds are utilized for their intended purpose and thus should not be required
15 to provide any additional reporting on IAS.

17 **Q. PLEASE DESCRIBE IAS AND ITS REQUIREMENTS IN MORE DETAIL?**

18 A. The CALLS order put forth several reforms which were designed to rationalize
19 interstate access rates and remove implicit support from the price cap carriers’
20 interstate access rates. In order to achieve these reforms, the FCC adopted a new
21 explicit universal service mechanism “IAS” to replace implicit support that was
22 collected through interstate access charges. This mechanism provides support to
23 carriers serving lines in areas where they are not able to recover allowed carrier
24 common line and marketing per residual interconnection charge (“CMT”) revenue
25

26 ³ *Access Charge Reform, etc.*, Sixth report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in
CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45 (the “CALLS Order”), ¶ 195
(2000)(emphasis added).

1 from subscriber line charges (“SLC’s”). The IAS mechanism does this by using
2 several calculations to determine per-line support amounts required for the ILEC to
3 recover the allowed CMT revenue. Therefore the FCC established a \$650 million
4 IAS amount to accomplish its goals.

5 The Commission stated in remand on the CALLS Order:

6 We find that \$650 million support amount adequately balances our
7 various policy goals, including the availability of service in all
8 areas at rates that are affordable and reasonably comparable to
9 nationwide rates. The promotion of competition and efficient
investment in rural America, and the facilitation of the transitional
reforms of the access rate structure adopted in the CALLS order⁴.

10 (Emphasis added.) As can be seen from the intent of the FCC, IAS is not
11 universal service support as generally discussed but is access reform.

12
13 **Q. DOES VERIZON COMPLY WITH THE FCC’S CERTIFICATION**
14 **REQUIREMENT?**

15 A. Yes it does. The requirement is expressed in 47 C.F.R. § 54.809, and
16 Verizon makes such a certification filing every year.

17
18 **Q. ARE THERE OTHER OBLIGATIONS OF ETCS IN**
19 **CONJUNCTION WITH IAS?**

20 A. Yes. FCC §54.802 provides the quarterly requirements for line count
21 data, rates and average price cap CMT revenue per line by zone that must
22 be filed in order for IAS to be calculated pursuant to §54.806 for price cap
23 LECs. Verizon complies with all of the above requirements for IAS and
24

25
26 ⁴ *In the Matter of Access Charge Reform, etc.*, CC Docket No. 96-262 et al., FCC 03-164, Order on
Remand, at ¶ 13 (July 10, 2003).

1 thus should not be required to submit any additional information in
2 Oregon.

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4 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

5 **A. Yes.**

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Case UM 1217
Verizon Northwest Exhibit/3
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

VERIZON NORTHWEST INC. EXHIBIT 3

EXECUTIVE ORDER NO. EO-03-01

November 2005

Office of the Governor State of Oregon



EXECUTIVE ORDER NO. EO 03-01

REGULATORY STREAMLINING

Pursuant to my authority as Governor of the State of Oregon, I find that:

Oregon's economy is in distress. To meet this challenge, it is my highest priority over the next four years to facilitate the growth of jobs and stimulate the economy. The private sector is the engine of growth for the economy. As such, my economic development agenda seeks to create a stable climate for investment and a secure environment for business.

Governmental regulatory programs serve important goals in protecting Oregon citizens and making our state a better place to live. But, over time, regulatory processes can become outdated and inflexible. When this happens, those regulations impose unnecessary burdens on those who are regulated. Moreover, overlapping regulations and those which are inconsistently applied can result in confusion, wasted time, and duplication of effort.

The state must become more efficient and accountable to facilitate the growth of jobs and create a business suitable environment as well as to appropriately protect its citizens and our quality of life. To enable the private sector to more easily do business, and to encourage economic investment and opportunity in Oregon, state government must streamline its regulatory processes and eliminate duplicative practices. To continue protecting Oregon and our quality of life, streamlining must be accomplished without compromising necessary standards in areas such as environmental protection, land use, consumer rights, and health and safety.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. All state agencies that regulate business activities in Oregon shall review their regulations and regulatory processes and identify opportunities to streamline those processes to reduce regulatory burdens without compromising regulatory standards. A reviewing agency shall look for ways to achieve:
 - a. Consistency in interpretation and predictability in application of regulations on a statewide basis;
 - b. Flexible and problem-solving approaches in applying regulatory requirements, while maintaining compliance with underlying standards;
 - c. Better coordination and communication where government agencies have overlapping regulatory authority;

Office of the Governor State of Oregon



EXECUTIVE ORDER NO. 03-01
PAGE TWO

- d. Faster resolution of conflicting standards;
 - e. More timely, understandable and fair permit and approval processes;
 - f. Elimination of any unnecessary paperwork, reporting or review requirements;
 - g. "User-friendly" processes, including increased use of technology to facilitate doing business with government; and
 - h. Rapid implementation of necessary changes to regulations and processes that achieve the purpose of this Executive Order.
2. All state agencies that regulate business activities in Oregon shall review and evaluate their delivery of customer service and customer satisfaction. Upon completion of review, each state agency shall develop and submit a plan to address any identified weakness and improve customer service. Agencies shall design customer surveys and other means of measuring customer satisfaction to ensure open, honest and constructive feedback. Each agency's plan shall be submitted to the Office of Regulatory Streamlining for inclusion in its annual report to the Governor as set forth in paragraph 6 of this Executive Order.
 3. There is established an Office of Regulatory Streamlining, reporting to the Director of the Department of Consumer and Business Services. The Office of Regulatory Streamlining shall work with state agencies and other public and private sector stakeholders to oversee the development and execution of actions to carry out this Executive Order. The Office of Regulatory Streamlining shall:
 - a. Assist agencies in identifying opportunities for streamlining regulations and regulatory processes;
 - b. Assist agencies to execute appropriate changes to reduce regulatory burdens;
 - c. Collect and share information concerning streamlining efforts and best practices;
 - d. Work with agencies to clarify and streamline regulatory and permitting processes that may benefit from a coordinated approach, including processes that cross agency lines, processes that involve other levels of government, or those that have been identified as creating significant and recurring barriers to economic development;
 - e. Investigate possible changes to administrative procedure laws to increase flexibility in administering regulations;


Office of the Governor State of Oregon



EXECUTIVE ORDER NO. 03-01
PAGE THREE

- f. Assist each agency in establishing its customer surveys and reports to be provided to the Office of Regulatory Streamlining under paragraph 2 of this Executive Order; and
 - g. Take all other necessary actions within the statutory authority of the Department of Consumer and Business Services to fulfill the purpose of this Executive Order.
4. The Community Solutions Office is directed to work with and provide assistance to the Office of Regulatory Streamlining in carrying out this Executive Order.
 5. To fulfill the purposes of this Executive Order, the Office of Regulatory Streamlining and state agencies shall seek input from regulated entities, other stakeholders, and citizens regarding the impact of current regulatory processes and the impact of making changes.
 6. All state agencies that regulate business activities in Oregon shall make regulatory streamlining efforts a priority, and shall periodically report to the Office of Regulatory Streamlining, as requested and in a form to be established by that Office, concerning regulatory streamlining activities and results achieved. The Office of Regulatory Streamlining shall report to the Governor, annually or as requested, concerning regulatory streamlining activities and accomplishments in accordance with the intent of this Executive Order.
 7. By separate Executive Order ("EO 03-02"), a Blue Ribbon Commission, to be known as the Industrial Lands Taskforce is established to address issues relating to the permitting of industrial lands. The focus of the Office of Regulatory Streamlining will be on permitting and regulatory streamlining in areas not addressed by EO 03-02.

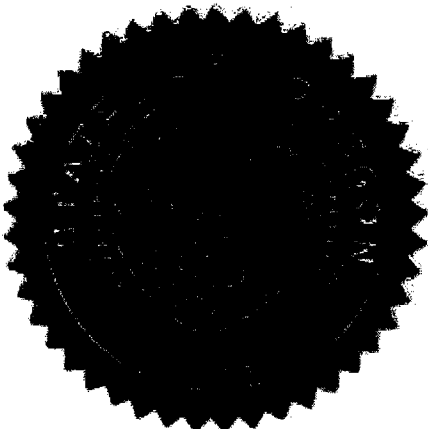
Done at Salem, Oregon this _____ day of February, 2003



Theodore R. Kulongoski
GOVERNOR

ATTEST:


Bill Bradbury
SECRETARY OF STATE



Case UM 1217
Verizon Northwest Exhibit/4
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

VERIZON NORTHWEST INC. EXHIBIT 4

DATA REQUEST NO. 1

November 2005

STAFF RESPONSES TO VERIZON DATA REQUEST NOS. 1 - 8

Data Request No. 1:

In the Direct Testimony of Kay Marinos, Staff Exhibit 1 (hereinafter, "Staff Testimony"), at p. 75, ll. 13-18, Staff recommends that the Commission require Eligible Telecommunications Carriers ("ETCs") to file an annual certification, as set forth therein. Does Staff propose that the certification described therein differ in form or substance when compared with the certification submitted to the Federal Communications Commission ("FCC"), also described in that same portion of the Staff Testimony? If yes, please describe any contemplated differences with specificity and explain the rationale for any such differences.

Response:

The annual certifications recommended on page 75 of Staff Exhibit 1 relate to an ETC's obligations to use support funds for the intended purposes. Because the FCC has established different procedures for this type of certification depending upon whether the support is access-related support or traditional high-cost support, the types of certifications submitted by ETCs in their annual reports to the Commission will depend on the types of support the ETCs expect to receive.

For annual ETC reporting purposes, ETCs that expect to receive IAS or ICLS funds should submit copies of the certifications that they file directly with the FCC and USAC on June 30 of each year. These are the annual certifications that are required under section 54.809 of the FCC rules for IAS support, and under section 54.904 for ICLS funds.

ETCs that expect to receive traditional high-cost funds (high cost loop and local switching support) should submit a separate certification for the use of those funds as part of their annual ETC reporting requirements. For traditional high-cost support, ETCs cannot certify directly to the FCC as they do for IAS or ICLS. Any ETC wishing to receive traditional high-cost support must be certified to the FCC by the Commission. According to Section 54.314 of the FCC rules, the states must certify by October 1 of each year that the traditional high cost support received by ETCs will be used only for the intended purposes. To accomplish this certification in the past, the Commission has required certifications annually from each rural ILEC, or CETC designated in a rural ILEC's service area, that receives traditional high-cost federal universal service support. The certifications take the form of a sworn affidavit, signed by a corporate officer of the ETC, attesting that the ETC will use the support funds for their intended purposes. Staff recommends that the Commission continue to require these certifications annually for receivers of traditional high-cost support funds.

Respondent: Kay Marinos

Case UM 1217
Verizon Northwest Exhibit/5
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

**VERIZON NORTHWEST INC. EXHIBIT 5
DATA REQUEST NO. 2**

November 2005

Data Request No. 2:

In the Staff Testimony, at p. 75, ll. 21 – p. 76, l. 6, Staff proposes that the Commission require ETCs to file an annual certification as described therein. Does Staff propose that the certification described therein differ in form or substance when compared with the certification submitted to the Federal Communications Commission (“FCC”), also described in that same portion of the Staff Testimony? If yes, please describe any contemplated differences with specificity and explain the rationale for any such differences.

Response:

Staff does not fully understand this question as posed. Staff is not aware of any current requirement that Oregon carriers submit a certification regarding consumer protection rules and service quality standards to the FCC.

Staff’s recommendation for this certification does not differ in intent from the FCC’s proposed certification for the ETCs that the FCC designates. That is, Staff recommends that ETCs certify annually that they are complying with specific service quality standards and consumer protection rules. The specific standards to which an ETC should certify annually relate back to the basic eligibility requirements determined under Issue II.A.

The basic eligibility requirement to which this certification relates is a demonstration of an ETC’s commitment to meeting consumer protection and service quality standards. Staff discussed this requirement on pages 40-42 of its direct testimony. Staff agreed with the FCC recommendation to accept a commitment to comply with the CTIA Consumer Code as part of this demonstration in the application of a wireless ETC. It follows then, that for annual certification purposes, such a wireless ETC should certify that it is complying with the CTIA Consumer Code. A wireless carrier may propose an alternative set of standards in its application, but the Commission would have to approve those specific standards. If the Commission did approve an alternative set of standards for a particular wireless applicant, then that applicant would certify to compliance with the approved alternative standards each year.

Staff’s recommendation differs from the FCC’s, however, in regard to the specific standards to which wireline ETCs should commit. The FCC did not adopt any specific standards for this basic eligibility requirement for wireline carriers. On page 42 of direct testimony, Staff recommended that wireline ETC applicants should commit to complying with “applicable Oregon state and federal consumer protection regulations and PUC service quality standards.” Staff has reconsidered this recommendation as it applies to wireline carriers. In Reply Testimony, Staff will recommend that for this basic eligibility requirement, a wireline ETC applicant should commit to comply with applicable OAR consumer protection and service quality requirements. OAR requirements cover consumer protection and service quality measures and vary for different categories of wireline carriers. For instance, only some are subject to service quality standards. Therefore, for basic eligibility purposes, a wireline ETC applicant should commit to

complying with the consumer protection and service quality standards in the OAR that are applicable to it. For annual certification purposes then, a wireline ETC should certify that it is complying with applicable OAR consumer protection and service quality requirements. In Reply Testimony, Staff plans to revise its direct testimony recommendation on pp. 75-76 to reflect this approach.

In addition, as Staff proposed in direct testimony, all ETC applicants should commit to cooperate in the resolution of any consumer complaints that are received by the PUC's Consumer Services Division. However, once designated, ETCs should not be required to certify compliance to this particular commitment annually, since Staff has the ability to monitor performance in this area.

Respondent: Kay Marinos

Case UM 1217
Verizon Northwest Exhibit/6
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

**VERIZON NORTHWEST INC. EXHIBIT 6
DATA REQUEST NO. 5**

November 2005

Data Request No. 5:

Please explain what is meant by “requests for service from potential customers that were unfulfilled during the past year,” as used in Staff Testimony at p. 80, ll. 20-21. Please specifically include in your explanation (but do not limit your explanation to) a statement as to the length of time that Staff proposes a request for service would have to be “unfulfilled” in order to be reported. Please identify with specificity the differences, if any between that term and the term “held order for lack of facilities” as defined in OAR 860-023-0055(1)(i), and explain the rationale for any such differences.

Response:

Staff’s recommendation regarding annual reports of “unfulfilled customer service requests” is based on the FCC’s requirement discussed in paragraphs 22 and 69 of FCC 05-46. On page 22, the FCC discusses the basic eligibility requirement from which the report stems. That is, to demonstrate its capability and commitment to provide service throughout its designated service area to all customers who make a reasonable request for service, an ETC applicant must commit to following a 6-step provisioning process defined in paragraph 22. This process is to be used in cases where a customer requests service outside the ETC’s existing network coverage. The FCC then states “If an ETC applicant determines that it cannot serve the customer using one or more of these methods, then the ETC must report the unfulfilled request to the FCC within 30 days after making such determination.” Staff concludes from this discussion that an unfulfilled service request becomes reportable after the ETC determines it cannot provide service through any of the means enumerated in the 6-step process. However, unlike the FCC, which requires that unfulfilled requests be reported within 30 days of a determination, Staff recommends that a report of unfulfilled requests only be filed annually.

OAR 860-023-0055(1)(i) defines a “held order for lack of facilities” as a “request for access line service delayed beyond the initial commitment date due to lack of facilities. An access line service order includes an order for new service, transferred service, additional lines, or change of service.” By this definition, a “held” order is similar to an “unfulfilled” order in the sense that neither order can be filled because there are no facilities available at the time of the initial request for service. The major difference between the two types of orders appears to be that the carrier intends to fill a “held” order at some time in the future, whereas the carrier will no longer hold, or attempt to fill, an “unfulfilled” order.

Staff now believes that these two types of orders are sufficiently comparable for annual reporting purposes. Therefore, while wireless ETCs should report “unfulfilled” requests for the year, wireline ETCs may reference reports for “held orders” filed per OAR requirements. Wireline ETCs that are not required by the OAR to file held order reports on a regular basis, should file a report on either: 1) unfulfilled requests (similar to the wireless ETC report), or 2) the number of held orders over 30 days past the initial commitment date (per OAR definitions).

Staff plans to revise the recommendations it made in direct testimony regarding this reporting requirement when it files its reply testimony.

Respondent: Kay Marinos

Case UM 1217
Verizon Northwest Exhibit/7
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

**VERIZON NORTHWEST INC. EXHIBIT 7
DATA REQUEST NO. 7**

November 2005

Data Request No. 7:

Would reference to the reports called for by OAR 860-023-0055 satisfy the requirement proposed by Staff at Staff Testimony, p. 82, ll. 6-9? If not, please describe any proposed different or additional reporting with specificity and explain the rationale for any such different or additional reporting.

Response:

Under Staff's recommendation as presented in its direct testimony, the answer would be yes. However, Staff plans to revise its direct testimony recommendation regarding the complaint and service quality reporting requirement. Staff will propose that all ETCs submit "trouble" reports for this requirement. Under the revised proposal, a large telecommunications utility such as Verizon could reference trouble reports submitted under OAR 860-023-055 (5) in satisfaction of this requirement.

Respondent: Kay Marinos

Case UM 1217
Verizon Northwest Exhibit/8
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

**VERIZON NORTHWEST INC. EXHIBIT 8
DATA REQUEST NO. 8**

November 2005

Data Request No. 8:

Please identify with specificity the “documentation that [the ETC] advertised the supported services throughout the designated service area” as proposed in Staff Testimony at p. 86, ll. 5-6.

Response:

This proposed reporting requirement was adopted from the annual reporting requirements imposed on RCC Minnesota by the Commission in Order 04-355 and on USCC in Order 04-356. It relates to the basic eligibility requirement that an ETC must advertise the supported services throughout the entire service area. Staff does not wish to put a specific set of requirements on this report. However, the ETC should provide, at a minimum, a demonstration that it advertised the supported services to customers throughout its service area in the previous year. This demonstration should include the type of media used (e.g., newspaper, radio, internet, etc.), the general frequency of advertising, and evidence that the advertising was aimed to reach customers throughout the service area through one medium or another. Hard copies of at least four advertisements for the supported services that ran during the previous year should be included as well (noting the dates and locations of the advertisement). Please note that this specific requirement does not include advertising for the low-income specific offerings. Evidence of advertising of low-income offerings should be included with the report that specifically addresses low-income service offerings.

Respondent: Kay Marinos

Case UM 1217
Verizon Northwest Exhibit/9
Witness: Fulp

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

**VERIZON NORTHWEST INC. EXHIBIT 9
FCC NOTICE**

November 2005



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 06-41
January 10, 2006

WORKING GROUP ON LIFELINE AND LINK-UP TELEPHONE SERVICES SEEKS INFORMATION ON EFFECTIVE OUTREACH TO LOW-INCOME CONSUMERS

This Notice informs the public that the joint Working Group of staff from the Federal Communications Commission, the National Association of Regulatory Utility Commissioners (“NARUC”), and the National Association of State Utility Consumer Advocates seeks input on the most effective ways to enhance consumer awareness of Lifeline and/or Link-Up telephone services. The formation of the Working Group was announced in July 2005 at the NARUC summer meeting.¹ The focus of the Working Group is developing targeted outreach materials regarding Lifeline and Link-Up as well as best practices for carrier outreach on these programs.

Lifeline and Link-Up are low-income support mechanisms that ensure that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates. Since its inception, Lifeline/Link-Up has provided support for telephone service to millions of low-income consumers.² These programs provide for discounts to low-income households for both the initial installation of phone service (Link-Up) and monthly phone bills (Lifeline).³ National statistics, however, reveal that citizens who qualify for Lifeline and Link-Up may not be aware of the benefits of the programs.⁴

The Working Group is gathering input to support the development of best practices to ensure that eligible consumers are aware of Lifeline and Link-Up and develop outreach and

¹ See “FCC and NARUC Launch ‘Lifeline Across America’ to Raise Awareness of Lifeline and Link-Up Programs,” Press Release, July 26, 2005.

² See Wireline Competition Bureau, Federal Communications Commission, *Trends in Telephone Service Report*, Table 19.8 (June 21, 2005).

³ See 47 C.F.R. §§ 54.401, 54.411.

⁴ See *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 8302, para. 1 (2004).

training materials. Specifically, the Working Group asks the following questions, not all of which will be applicable to all who choose to respond:

1. **Success of outreach:** What are successful examples of Lifeline/Link-Up outreach within the last two years? Why was this outreach successful? What form or type of media did this outreach activity take (*e.g.*, advertisements, brochures)? How was the outreach developed? How were the costs covered? To the extent that past outreach on Lifeline/Link Up has been less than successful, please explain why you think this was so.
2. **Measuring the success of outreach:** How should the success of outreach efforts on Lifeline/Link-Up be measured?
3. **Currently available information:** If someone contacts your organization asking for information regarding the type of assistance available through Lifeline or Link-Up, what do they receive? What resources do you currently have available to promote the availability of Lifeline and Link-Up to your constituency? What resources would you like to have available? Is there anything on your website about assistance for low-income consumers? Is it specific to Lifeline and Link-Up? Do you produce a hard copy publication to promote Lifeline and Link Up?
4. **Joint outreach:** Are you aware of any joint partnerships or outreach activities that have taken place or are planned in your region? If so, what has been your experience?
5. **Effects of 2005 Hurricanes:** Have you seen or do you anticipate an increase in the number of consumers that apply for Lifeline and/or Link-Up as a result of the hurricanes? Has your region made changes recently in Lifeline/Link-Up eligibility as a result of the hurricanes? What additional outreach measures would you propose for Lifeline/Link-Up as a result of the hurricanes? Other emergency situations?
6. **Challenges and obstacles:** What are some of the challenges/obstacles to implementing a successful outreach program on Lifeline and Link-Up?
7. **Overall recommendations:** What recommendations would you make in terms of outreach on Lifeline and Link-Up? Does an increase in the number of consumers eligible for or applying to the programs impact how outreach should be done?

Responses may be submitted by email to lifeline@fcc.gov. Please submit information by March 1, 2006. For more information contact Lauren Patrich, Federal Communications Commission, Office of Intergovernmental Affairs, at Lauren.patrich@fcc.gov or (202) 418-7944.

**CERTIFICATE OF SERVICE
UM 1217**

I certify that on February 8, 2006, I served the Reply Testimony of Orville D. Fulp, and accompany exhibits, by electronic mail and Overnight Mail to:

Filing Center
Public Utility Commission of Oregon
550 Capitol Street NE, Suite 215
Salem, OR 97301-2551
puc.filingcenter@state.or.us

I further certify that I have this day sent the above-referenced document(s) upon all parties of record in this proceeding by mailing a copy properly addressed with the first class postage prepaid, and by electronic mail pursuant to OAR 860-013-0070, to the following parties or attorneys of parties:

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DATED: February 8, 2006

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