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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

DR 29
UM 1038

In the Matter of WorldCom, Inc., and AT&T's)
Petition for a Declaratory Ruling That Posting)
WorldCom and AT&T's Service Quality)
Reports on the Commission's Website Would) ORDER
Violate the Oregon Trade Secret Act, the)
Oregon Public Records Act, and Section 253(a))
of the Telecommunications Act of 1996.)

DISPOSITION: PETITION FOR DECLARATORY RULING
DENIED (DR 29)
INVESTIGATION OPENED (UM 1038)

On August 13, 2001, WorldCom, Inc., on behalf of its regulated subsidiaries operating in Oregon (WorldCom) and AT&T of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Oregon (AT&T) filed a petition for a declaratory ruling that the Commission Staff's recently announced policy of posting competitive local exchange carriers' service quality reports on the Commission's website violates the Oregon Trade Secret Protection Act, ORS 646.461 *et seq*; the Oregon Public Records Act, ORS 192.410 *et seq.*; and Section 253(a) of the Telecommunications Act of 1996, 47 USC §253(a).

At its Public Meeting of September 25, 2001, the Commission adopted Staff's report recommending that it deny WorldCom and AT&T's request for a declaratory ruling and instead open an investigation into the matter. The report is attached to this order as Appendix A and incorporated herein by reference. WorldCom and AT&T agreed with Staff's recommendation. The investigation into the issues raised in WorldCom and AT&T's petition for a declaratory ruling is docketed as UM 1038.

ORDER

IT IS ORDERED that:

1. WorldCom and AT&T's petition for a declaratory ruling is denied.
2. The Commission hereby opens an investigation under ORS 756.510 to explore the issues raised in WorldCom and AT&T's petition for a declaratory ruling.
3. Staff shall not post the service quality reports of WorldCom, AT&T, or any other competitive local exchange carrier on the Commission website until the investigation opened by this order is concluded.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.