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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 992

In the Matter of BEAVER CREEK)
COOPERATIVE TELEPHONE) ORDER
COMPANY's Extended Area Service)
Tariffs.)

**DISPOSITION: MOTION REQUESTING THAT THE COMMISSION
WITHDRAW ITS ORDER DENIED**

On October 9, 2000, the Commission issued Order 00-636 in this docket, and, on November 17, 2000, issued Order 00-741, *nunc pro tunc*, for the purposes of clarification. Beaver Creek Cooperative Telephone Company (Beaver Creek) was found to have violated Commission Order 89-815 and its tariff and collected charges in excess of the amounts allowed under the Commission order. Therefore, the Commission ordered Beaver Creek to:

1. Cease and desist from assessing charges for Extended Area Service (EAS) in any manner other than as set forth in Advice No. 58, Sheet No. 301.2, filed November 9, 1993, effective December 21, 1993;
2. Refund in full, within 30 days from the issuance of the October 9, 2000, order, all monies collected from customers pursuant to charges for EAS "Premium Access Service" since July 23, 1999; and
3. Notify the Commission within 10 days of the service of that order, whether the Company has accepted the terms of the Order and the time within which the Order will be obeyed.

Beaver Creek subsequently filed a suit in Clackamas County Circuit Court under ORS 756.580 requesting that the Court vacate the Commission's Orders. That case is still pending.

In July, 2000, the Governor signed House Bill 2727, which modified the authority the Commission has over cooperatives such as Beaver Creek. Starting January 1, 2002, the Commission ceased having authority to regulate the charges

Beaver Creek imposes for EAS services. Thus, Beaver Creek must refund the Premium Access Charge levied between July 23, 1999, and December 31, 2001.

On August 3, 2001, Beaver Creek, citing the newly-enacted law, filed a Motion seeking the withdrawal of Order No. 00-741. Staff filed its response in opposition on August 31, 2001. Beaver Creek's customers were notified that a Special Public Meeting was to be held on December 11, 2001, regarding the Beaver Creek Motion. Numerous written comments were received from customers. The commenters' were identified for the record at the special public meeting, at which time Beaver Creek's president, Commission staff, and a customer also spoke.

We have reviewed the submissions and the record created subsequent to the time that Order Nos. 00-636 and 00-741 were issued and conclude that our previous actions were both appropriate and within our statutory authority. No rescission or modification of those Orders is necessary.

ORDER

IT IS ORDERED that Beaver Creek Cooperative Telephone Company's Motion to Withdraw Order No. 00-741 is DENIED.

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.