

ORDER NO. 02-115

ENTERED FEB 21 2002

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 422

In the Matter of a Proposed Rulemaking)
Opened as a Result of AR 395 (Triennial)
Review) (and Required by HB 3500) to)
Amend OARs 860-026-0025 and)
860-026-0030 Relating to Procedures for)
Telecommunications Utility Promotions.)

ORDER

DISPOSITION: RULES AMENDED

On August 7, 2001, the Commission opened a rulemaking proceeding to revise Oregon Administrative Rules 860-026-0025 and 860-026-0030. The Commission's action was taken as part of Docket No. AR 395, the Commission's triennial review process. The proposed changes to the rules relate to telecommunications utility promotions.

The Commission filed a Notice of the Proposed Rulemaking with the Secretary of State on September 6, 2001, and subsequently served it on all interested participants. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the October 2001 Oregon Bulletin.

On October 22, 2001, Verizon Northwest Inc. and Qwest Corporation filed comments about the proposed changes to the rules. On January 8, 2002, Lowell Bergen, an Administrative Law Judge for the Commission, presided over a procedural conference. The participants requested time to attempt to agree on what the rules should say. On January 18, 2002, Staff counsel filed a letter stating that the participants had reached agreement for the two rules at issue. No disputed issues remained and the participants desired no further proceedings in this docket.

At its February 19, 2002, public meeting, the Commission adopted the proposed amendments as set forth in Appendix A.

ORDER

IT IS ORDERED that the modifications to the rules shown on Appendix A to this order are adopted.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

A party may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

PROPOSED RULES REVISED: 01-08-02

860-026-0025

Filing of Proposed Promotional Concessions

(1) No An energy-or large telecommunications utility or its affiliate shall not offer, grant, or vary any promotional concession directly or indirectly, or in concert with others, or by any means whatsoever, unless the energy utility has filed a description of such concession has been filed with the Commission. A The energy utility shall furnish a copy thereof shall be furnished of the filing to each other energy utility providing service in any portion of the service area of the filing utility.

(2) A large telecommunications utility shall not:

(a) Offer, grant, or vary any promotional concession for a regulated service directly or indirectly, or in concert with others, or by any means whatsoever, unless the large telecommunications utility has filed a description of such concession with the Commission; and

(b) Promote any regulated service, directly or indirectly, for more than a total of 180 days in any 12-month period.

Stat. Auth.: ORS Ch. 183, ~~& 756~~ **& 759**

Stat. Implemented: 756.105

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 9-1998, f. & ef. 4-28-98 (Order No. 98-169); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-026-0030

Notice and Effective Date of Promotional Concessions for Energy Utilities

All filings required **from energy utilities** by OAR 860-026-0025 shall be effective upon 30 days' notice to the Commission, subject to suspension and cancellation by the Commission. However, the Commission may allow changes without requiring the 30 days' notice by entering an order specifying the changes to be made and the time when they shall take effect.

Stat. Auth.: ORS Ch. 183 & 756

Stats. Implemented: ORS 757.007, 757.220 & 759.190

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)