

**This is an electronic copy. Format and font may vary from the official version.  
Attachments may not appear.**

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UT 138/UT 139  
PHASE III

In the Matter of Ascertaining the Unbundled	)	
Network Elements that must be Provided by	)	
Incumbent Local Exchange Carriers to	)	ORDER
Requesting Telecommunications Carriers	)	
Pursuant to 47 C.F.R. § 51.319.	)	

**DISPOSITION: MOTION TO CLARIFY ORDER NO. 03-085 GRANTED**

On February 5, 2003, the Public Utility Commission of Oregon (Commission) entered Order No. 03-085 in this matter. On February 18, 2003, Verizon Northwest, Inc. (Verizon), filed a motion requesting clarification of that portion of the Order prescribing a time frame for refunding nonrecurring charges. On March 5, 2003, the Joint CLECs<sup>1</sup> filed a response in opposition to Verizon's motion.

Pursuant to Order No. 03-085, Verizon and Qwest Corporation (Qwest) may be required to refund certain nonrecurring charges collected from competitive telecommunications carriers. Where required, refunds must be made within 90 business days. Verizon presumes that the 90-day time period commences *on the date its compliance filing is made*, but seeks clarification on this point. Verizon's compliance filing was due March 10, 2002. Under Verizon's interpretation of Order No. 03-085, the 90-business day period expires and refunds are due on July 16, 2003.

The Joint CLECs disagree with Verizon, and contend that Order No. 03-085 requires refunds to be made 90 business days *after the date the Order was entered*. Under the Joint CLECs' interpretation, the 90-business day period expires and refunds are due on June 13, 2003.

---

<sup>1</sup> The Joint CLECs consist of AT&T Communications of the Pacific Northwest, Inc., Electric Lightwave, Inc., Eschelon Telecom of Oregon, Inc., Integra Telecom of Oregon, Inc., WorldCom, Inc., and XO Oregon, Inc.

The timing of refunds is discussed at page 18 of Order No. 03-085:

Verizon and the Joint CLECs disagree over the amount of time Verizon should have to make refunds to CLECs *after this order is entered*. The Joint CLECs propose the same time frame agreed to with Qwest, *i.e.*, 90 business days. Verizon, on the other hand, proposes: (a) 90 calendar days for Verizon to provide the refund calculation, (b) no more than 90 calendar days for the CLEC to respond, and; (c) 45 calendar days for Verizon to provide the CLEC with a bill credit or check.

The Commission agrees with the Joint CLECs. Assuming that there are 22 business days each month, the Joint CLEC/Qwest agreement ensures that CLECs receive refunds in slightly more than four months, or approximately 120 days. Conversely, the refund process could take almost twice as long under Verizon's proposal. The Commission believes that four months is more than adequate time to calculate and distribute the refunds due in this proceeding.

The Commission's description of the positions taken by Verizon and the Joint CLECs is taken from the Issues Matrix set forth in Appendix B of Order No. 03-085. The Matrix was mutually agreed upon and filed by the parties in Phase III. On page 7 of the Matrix, Verizon recommends that the Commission allow "90 calendar day *after order* to provide refund calculation." We interpret Verizon's proposal to mean that the refund process should commence on the date the Order in Phase III was issued.

Order No. 03-085 did not adopt Verizon's refund proposal, but rather approved a shorter time frame agreed to by Qwest and the Joint CLECs. Like Verizon, those parties also contemplated that the refund process would begin with the entry of Order No. 03-085. Qwest has recently stated that it "intends to issue refunds *within 90 days of the the order, as the order requires*, based on the compliance filing it is making with this motion for reconsideration."<sup>2</sup>

---

<sup>2</sup> Qwest Motion for Reconsideration of Order No. 03-085 Regarding Issue 2B (Disallowing Jumper Activity Due to 25% IDLC Assumption Requirement), dated February 28, 2003, at 2.

Based on the foregoing, the Commission holds that the 90-business day time frame for issuing refunds of nonrecurring charges began on February 5, 2003, the date Order No. 03-085 was entered. Refunds are due June 13, 2003.

IT IS SO ORDERED.

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.