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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UT 156

In the Matter of)	
)	
CENTURYTEL OF OREGON, INC.)	
)	ORDER
Proposed Tariff for Telecommunications)	
Service.)	
Advice No. 246.)	

DISPOSITION: MOTION GRANTED; TARIFF WITHDRAWN;
PROCEEDING TERMINATED.

Background. On May 16, 2003, CenturyTel of Oregon, Inc. and CenturyTel of Eastern Oregon, Inc. (CenturyTel) filed a new Wireless Local Termination Tariff under Advice No. 246. The effective date was July 1, 2003. At the request of the Commission staff (Staff), CenturyTel filed Supplement A, delaying the effective date to July 2, 2003. By Order No. 03-383, entered July 1, 2003, the Commission adopted a Staff recommendation that the tariff be suspended pending an investigation. A docket was opened and designated as UT 156.

A notice was issued on August 14, 2003, scheduling a prehearing conference for the purposes of identifying parties and interested persons, establishing a service list, considering matters raised by the parties and establishing a procedural schedule. The prehearing conference was held on August 22, 2003, at which time the Oregon Exchange Carrier Association, Qwest Wireless, AT&T Wireless Services, Inc. and T-Mobile were made parties to the proceeding. A list of issues and a schedule for the proceeding were also adopted. A prehearing conference report memorializing these events was issued by Administrative Law Judge Allan J. Arlow on August 22, 2003.

On September 12, 2003, CenturyTel filed a Motion to Withdraw Tariff Advice Letter, which stated, in part, as follows:

“Tariff Advice No. 246 would have established a new tariff authorizing assessment of charges for termination of wireless intraMTA traffic....CenturyTel has recently made sufficient progress toward achieving additional interconnection agreements with wireless carriers so as to mitigate some of its concerns regarding termination of such traffic and thereby alleviating the immediate need for a new tariff.....CenturyTel

requests that it be allowed to withdraw Tariff Advice No. 246 and that the procedural schedule in this docket be vacated.”¹

Discussion. The Commission voted to suspend and investigate CenturyTel Advice No. 246 tariff, having found good and sufficient reason in the Report of Staff. In that Report, Staff recommended the suspension and investigation because of concerns that (1) CenturyTel’s tariff might conflict with Section 251(b)(5) and Section 252 of the Telecommunications Act of 1996, (2) the rates proposed in the tariff did not appear, in Staff’s view, to be reasonable and, finally, (3) the tariff appeared to be at least partly applicable to interstate telecommunications, which would be beyond the Commission’s jurisdiction. The issues adopted by the parties to the proceeding reflected Staff’s concerns. The withdrawal of the proposed tariff by CenturyTel renders the issues under consideration moot and obviates the need for such suspension and investigation. None of the intervening parties in this proceeding are prejudiced by the withdrawal of CenturyTel’s Tariff Advice 246.

ORDER

IT IS ORDERED that the Motion to Withdraw Tariff Advice Letter filed by CenturyTel of Oregon, Inc. and CenturyTel of Eastern Oregon, Inc. is GRANTED. Wireless Local Termination Tariff Advice No. 246 is WITHDRAWN. This proceeding is TERMINATED.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
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.

¹ Motion, pp. 1-2.