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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 473

In the Matter of a Temporary Rulemaking )  
to Prescribe a Time Period for Final Action ) ORDER  
in Pole Attachment Complaints. )

**DISPOSITION: TEMPORARY RULE ADOPTED**

Section 224 of the Telecommunication Act of 1996<sup>1</sup> provides that a state must take final action on a pole attachment complaint within 180 days after the complaint is filed unless rules and regulations of the state prescribe a time period, not exceeding 360 days, for responding to such complaints. Oregon currently has no rules or regulations that prescribe a time period for responding to such complaints.

The Commission has recently received, and is currently reviewing, a number of complex pole attachment complaints that will require more than 180 days to complete.

The temporary rule, attached as Appendix A, requires the Commission to issue a final order in any pole attachment complaint within 360 days of the filing of such complaint. This rule will allow time for the Commission to sufficiently review the pole attachment complaints while still issuing a final order within the time frame prescribed by the FCC.

Although the Commission is considering a permanent rule on this subject, a temporary rule is advisable to ensure compliance with the Telecommunications Act for the complaints currently under review.

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<sup>1</sup> Telecommunications Act of 1996, 47 U.S.C. § 224(c)(3), provides:

For purposes of this subsection, a State shall not be considered to regulate the rates, terms, and conditions for pole attachments \*\*\* (B) with respect to any individual matter, unless the State takes final action on a complaint regarding such matter – (i) within 180 days after the complaint is filed with the State, or (ii) within the applicable period prescribed for such final action in such rules and regulation of the State, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

At its Public Meeting of October 30, 2003, the Commission considered and adopted the temporary rule as contained in Appendix A.

**ORDER**

IT IS ORDERED that:

1. The temporary rule attached as Appendix A is adopted.
2. The temporary rule shall be effective upon filing with the Secretary of State.

Made, entered, and effective \_\_\_\_\_.

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**Lee Beyer**  
Chairman

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**John Savage**  
Commissioner

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**Ray Baum**  
Commissioner

A person 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.

**860-028-0895**

**Time Frame for Final Action by Commission**

**Upon receipt of a complaint regarding any individual matter under these rules, the Commission shall, within 360 days, issue a final order.**

**Stat. Auth.: ORS Ch. 183, 756, 757 & 759, 47 USC § 224(c)(3)(B)(ii)**

**Stats. Implemented: ORS 756.040, ORS 757.270 through 757.290, ORS 759.045, and ORS 759.650 through 759.675**

**Hist.: New**