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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UCB 19

OREGON EXCHANGE CARRIER	)
ASSOCIATION, et al.,	)
	)
Complainants,	)
	)
v.	)
	)
LOCALDIAL CORPORATION, an Oregon	)
Corporation,	)
	)
Defendant.	)

ORDER

**DISPOSITION: COMPLAINT DISMISSED AS MOOT**

On October 13, 2003, the Oregon Exchange Carriers Association and a number of its local exchange carrier members<sup>1</sup> (collectively, OECA or Complainant) filed a complaint (Complaint) against LocalDial Corporation (LocalDial or Defendant).<sup>2</sup> OECA alleged that LocalDial had been acting as an interexchange carrier and using OECA’s facilities and that therefore access charges should be paid by LocalDial to OECA pursuant to valid tariffs. OECA alleged that LocalDial had failed to make such access charge payments. OECA further alleged that LocalDial was in violation of ORS 759.020 for failing to register as a telecommunications utility or competitive telecommunications service provider.<sup>3</sup>

<sup>1</sup> Beaver Creek Cooperative Telephone Company; Canby Telephone Association; Cascade Utilities, Inc.; CenturyTel of Oregon, Inc.; Clear Creek Mutual Telephone Company; Colton Telephone Company; Gervais Telephone Company; Molalla Communications Company; Monitor Cooperative Telephone Company; Mount Angel Telephone Company; People’s Telephone Co.; Pioneer Telephone Cooperative; St. Paul Cooperative Telephone Association; Scio Mutual Telephone Association and Stayton Cooperative Telephone Company.

<sup>2</sup>The Complaint came to the Commission after the Clackamas County Circuit Court granted a motion to dismiss without prejudice the complaint filed with it by OECA against LocalDial, on the grounds that the Commission had primary jurisdiction. *Oregon Exchange Carrier Association, Inc., et al. v. LocalDial Corporation*, Case No. CCV 0301796.

<sup>3</sup> Complaint, pp. 6-8.

In its Answer, LocalDial admitted that it had not registered with the Commission and that it had not paid access charges, but denied that it was required to either register with the Commission or pay access charges. It further offered affirmative defenses of federal preemption, lack of ripeness for adjudication, lack of standing and no private right of action residing in Complainants.<sup>4</sup>

Petitions to intervene in the proceeding were filed by Qwest Corporation (Qwest); Integra Telecom of Oregon, Inc. (Integra); Verizon Northwest Inc. (Verizon) and AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Oregon (AT&T). The petitions were granted at a prehearing conference on December 3, 2003. Subsequently, petitions to intervene were filed by WorldCom, Inc. (MCI), and Sprint Corporation (Sprint). The petitions were granted by Memorandum of December 9, 2003.

In the following months, parties submitted pleadings and testimony on the issues and participated in several teleconferences.

On June 23, 2004, LocalDial filed a letter with the Commission that states, in pertinent part, as follows:

LocalDial has concluded that it is not possible for the company to both comply with Order No. 8 in WUTC Docket No. UT-031472 and stay in business. Accordingly, and in compliance with the Washington Commission's Order No. 8, LocalDial has ceased providing all VoIP services, both intrastate and interstate, to its customers in *all states* in which the company has been operating. In order to avoid disruption to its customers, LocalDial has arranged to switch its customers to Marathon Communications, a telecommunications company that is registered with the Commission. (Emphasis supplied.)

As LocalDial is no longer providing the services that formed the bases of the OECA Complaint, all of the issues raised in the Complaint are now moot.

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<sup>4</sup> Answer, pp. 3-5.

**ORDER**

IT IS ORDERED that the Complaint filed by the Oregon Exchange Carrier Association, *et al.*, against LocalDial Corporation is DISMISSED AS MOOT.

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

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**Lee Beyer**  
Chairman

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**Ray Baum**  
Commissioner

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**John Savage**  
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.