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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

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In the Matter of)	
)	
U S WEST TELECOMMUNICATIONS,)	
INC. (QWEST CORPORATION),)	
)	ORDER
Application for an Order Transferring Right)	
to Exclusively Served Territory, Fairway)	
Downs, Oregon City, to Beaver Creek)	
Telephone Company.)	

DISPOSITION: TIME FOR COMPLIANCE EXTENDED

By Order No. 04-225, entered April 27, 2004, the Commission ruled that Qwest Corporation (Qwest), in its role as an incumbent local exchange carrier (ILEC), shall serve no new customer, whether at an existing Qwest service location or at a new location, in the Beaver Creek exchange from the date that the order was issued, i.e., April 27, 2004. The Commission also ruled that Qwest would begin operating as a competitive local exchange carrier (CLEC) in the Beaver Creek exchange after a three-year transition period.

On May 19, 2004, Qwest filed a Motion for an Extension to July 1, 2004, to Implement Requirements of Order No. 04-225, and for Clarification of Various Requirements or Prohibitions (Motion). Qwest asserts that it has every intention of complying with the Order but contends that the steps it must take preclude instantaneous compliance.¹ In support of its contention, Qwest provides examples of necessary changes to customer databases and to engineering facilities, databases and records, some of which will require manual analyses.²

¹ Motion, p. 2.

² *Id.*, pp. 2-4.

Qwest also seeks clarification “regarding various alleged requirements or prohibitions as a result of the Commission’s order.”³ Qwest believes that the Order, while prohibiting serving a new customer, permits Qwest to provide additional lines to the same customer and could reasonably be interpreted to also allow changing telephone numbers, changing features or custom calling packages, adding DSL services, changing from a residential to a business account and allowing for “supercedures,” i.e., those circumstances where the identity of the customer changes due to death or incapacity of the subscribing customer.⁴

On May 27, 2004, counsel for Beaver Creek Cooperative Telephone Company (BCT) filed a letter (BCT Letter) in response to the Qwest Motion, which reads, in pertinent part, as follows:

BCT has no objection to Qwest’s request for a brief extension to July 1, 2004 to implement some of the order requirements. Their request seems to be one that is reasonable under the circumstances. The caveat that BCT requests is that the three-year period of time contained in Order No. 04-225 should run from the date of the Order itself, April 27, 2004, not from July 1, 2004. With that caveat, BCT has no objection to Qwest’s request.

On May 28, 2004, the Commission Staff filed a Response to Qwest’s Motion for Extension and for Clarification (Staff Response), which concurred with the BCT Letter with respect to the extension. The BCT Letter did not address any of the matters for which Qwest sought clarification. Staff addressed the question of clarification and noted that it “does not object to Qwest’s Request for Clarification[.] Staff agrees it is reasonable to interpret the order to allow Qwest to make changes on existing accounts.”⁵

Discussion. The extension of time sought by Qwest and concurred in by BCT and the Commission staff is reasonable on its face and should be granted. The BCT interpretation of the termination date of the transition period is correct. That date is unaffected by the extension of time granted to Qwest herein.

With respect to Qwest’s interpretation of the “no new customer” prohibitions that the Commission imposed upon it in Order No. 04-225, we find Qwest’s interpretations, which we have summarized above, to be reasonable. Actions undertaken by Qwest with respect to existing customer accounts as described in its Motion shall not be deemed to violate the conditions imposed in Order No. 04-225.

³ *Id.*, p. 4

⁴ *Id.*, p. 5.

⁵ Staff Response, p. 2.

ORDER

IT IS ORDERED that Qwest shall have until July 1, 2004, to comply with the terms of Order No. 04-225.

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.