

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 414 & UM 725

In the Matter of)	
)	
USOL, INC.)	ORDER
)	
Petition for Waiver of Notice Requirement)	
of OAR 860-032-0020.)	

DISPOSITION: APPLICATION APPROVED

On November 8, 2005, USOL, Inc. (USOL or Company) filed a petition with the Public Utility Commission of Oregon (Commission) requesting a waiver of the 90-day time period for customer notification of abandonment of service under OAR 860-032-0020(11)(a), and permission to notify its customers 60 days before abandoning telecommunications service in Oregon.

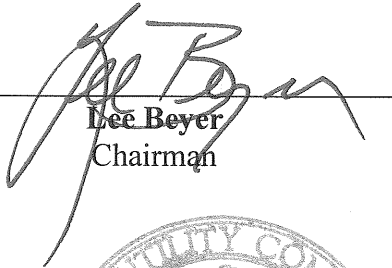
OAR 860-032-0020(11)(a) requires a provider that intends to abandon any or all services in Oregon to notify customers of its intent at least 90 days before abandoning the services. If the Commission grants USOL's petition for waiver of the 90-day notice requirement and permits a notice period of 60 days, the Company will have met all applicable Commission notice requirements. A description of the filing is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting on December 6, 2005, the Commission adopted Staff's Recommendation and approved USOL's petition for waiver of the notice requirement.

ORDER

IT IS ORDERED that USOL Inc.'s application to waive the 90-day time period for customer notification of abandonment of services under OAR 860-032-0020(11)(a) is granted, and a notice period of 60 days is permitted.

Made, entered, and effective DEC 12 2005.



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.

ITEM NO. CA7

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 6, 2005**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ NA _____

DATE: November 22, 2005

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: Lee Sparling, *LS* Phil Nyegaard, *PN* and Dave Booth *DB*

SUBJECT: USOL, INC.: (Docket Nos. CP 414 and UM 725) Petition for Waiver of Notice Requirement of OAR 860-032-0020.

STAFF RECOMMENDATION:

The Commission should grant the petition by USOL, Inc.¹ seeking waiver of the 90-day time period for customer notification of abandonment of service under OAR 860-032-0020(11)(a), and permit a notice period of 60 days.

DISCUSSION:

The Commission's abandonment of service rule for competitive telecommunications service providers is OAR 860-032-0020(11). OAR 860-032-0020(11)(a) requires a provider that intends to abandon (i.e., cease providing) any or all services in Oregon, to notify customers of its intent at least 90 days before abandoning the services. On November 14, 2005, USOL, Inc. (USOL) filed a petition requesting a waiver of the 90-day notice period. USOL seeks permission to notify its customers 60 days before abandoning telecommunications service in Oregon.

The company provided a notice of intent to abandon service to its customers on November 9, 2005. The notice informed customers that the company intends to abandon service effective January 9, 2006. USOL filed a copy of the customer notification with the Commission on November 14, 2005, as required by OAR 860-032-0020(11)(b). USOL provides telecommunications service to 525 Oregon customers.

USOL is certified by the Commission as a shared telecommunications service provider. The company provides service to 525 customers in Oregon, predominantly in the

¹ USOL, Inc. was formerly known as Firstlink Communications, LLC. The original certificate was Docket UM 725 and was later amended by Docket CP 414.

USOL, Inc. (Docket Nos. UM 725 and CP 414)
November 22, 2005
Page 2

Portland area. The company provides service from a switch located in a leased space at Portland Center, located at 255 SW Harrison, in Portland. The property management company of the leased space is Affinity Property Management.

USOL received a notice of termination of tenancy from Affinity Property Management on October 26, 2005. The notice terminated tenancy as of November 26, 2005. Affinity Property granted USOL an extension of tenancy based on OAR 860-032-0020 and on USOL petitioning for a waiver of the 90-day rule.

Affinity Property Management is conducting extensive renovation of the building housing USOL's switch. They do not intend to have USOL retain its current space in the building and there is no other available space in the building for the switch. USOL evaluated the availability and feasibility of relocating its switch in another building. The company determined that it was not economically or technically feasible to relocate.

OAR 860-032-0020(11)(c) specifically allows a telecommunications services provider, such as USOL, to abandon service, but only if the exiting provider has complied with the Commission's customer notice requirements for abandonment of service. If the Commission grants USOL's petition for waiver of the 90-day notice requirement and permits a notice period of 60 days, the company will have met all applicable Commission notice requirements. USOL could then proceed and abandon service effective January 9, 2006.

Waivers should not be granted routinely. However, given the economics, lack of available space to relocate, and certainty that USOL cannot remain in its current location, it is reasonable to allow 60 days notice. Customers have already been notified of the situation and were informed how to obtain service from another carrier as well as how to retain their current number if they wish to do so. USOL provided a telephone number and address for customers who have questions. Given the situation, 60 days should be an adequate amount of time to protect customers and resolve any issues that may arise. The 60-day notice period should allow competing providers sufficient time to market their services to USOL customers before their current service ends on January 9, 2006.

PROPOSED COMMISSION MOTION:

USOL, Inc.'s petition for waiver of the 90-day time period for customer notification of abandonment of service under OAR 860-032-0020(11)(a) be granted, and a notice period of 60 days be permitted.

USOL, Inc. Waiver Petition pmm