

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UCB 31

MARGARET FURLONG DESIGNS,)
)
 Complainant,)
)
 vs.)
)
 QWEST CORPORATION.)
)
 Defendant.)

ORDER

**DISPOSITION: COMPLAINT DISMISSED WITH PREJUDICE;
DOCKET CLOSED**

On November 17, 2005, Margaret Furlong Designs (Complainant) filed a formal complaint with the Public Utility Commission of Oregon (Commission) against Qwest Corporation (Qwest). The Complainant alleges that Qwest incorrectly charged her \$166.55 for installation of her DSL line. Complainant states that she was promised complete installation of a DSL line at no charge. In addition, Complainant alleges that she is being overcharged for her monthly DSL line and Internet service. Complainant states that she was promised these services for a monthly cost of \$43.93, plus tax, but is being charged \$57.99, plus tax.

On December 5, 2005, Qwest filed a Motion to Dismiss stating that the Commission lacks jurisdiction to resolve this dispute because the dispute involves Stand Alone DSL and Internet service, which are unregulated interstate offerings.

OPINION AND ORDER

The Commission does not have jurisdiction to hear this complaint because the dispute involves information services that are unregulated by the Commission. This conclusion is based on analysis of several relevant state statutes and federal law.

Pursuant to ORS 756.040(1), the Commission represents customers of any “telecommunications utility.” “Telecommunications utility” is defined in ORS 759.005(1) and includes companies that provide “telecommunications service” to the public. “Telecommunications service” means two-way switched access and transport of voice communications. . . . ORS 759.005(2)(g). Congress has differentiated between “telecommunication services”, which may be regulated by state law, and “information services”, like the Internet, which may not. Vonage Holdings Corp. v. Minnesota Public Utilities Commission, 290 F. Supp. 2d 993, 994 (D. Minn. 2003) (the process of transmitting calls over the Internet was found to be information services which may not be regulated by

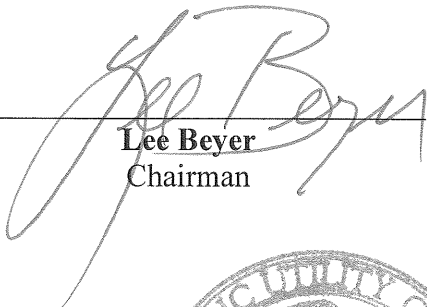
state law). Congress has spoken clearly on the issue of regulating the Internet: "It is the policy of the United States. . . to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." 47 U.S.C. § 230(b).

Stand alone DSL and Internet Service do not qualify as telecommunications services regulated by the Commission. Instead, they are information services which may not be regulated by the Commission.

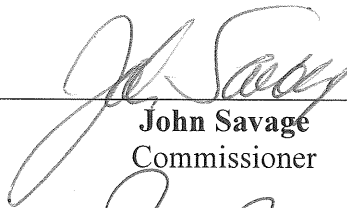
ORDER

IT IS ORDERED that the complaint filed by Margaret Furlong Designs against Qwest Corporation is dismissed with prejudice. This docket is closed.

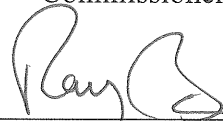
Made, entered, and effective JAN 10 2006



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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.