BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1107(1)

In the Matter of	)	
	)	
VCI COMPANY f/k/a STAN	)	ORDER
EFFERDING, dba VILAIRE	)	
	)	
Notice of Relinquishment of its Eligible	)	
Telecommunications Carrier Status.	)	

DISPOSITION: NOTICE OF RELINQUISHMENT APPROVED

   VCI Company f/k/a Stan Efferding, dba Vilaire (VCI), an Oregon certified competitive telecommunications service provider and designated eligible telecommunication carrier (ETC), seeks relinquishment of its ETC status effective February 1, 2007. The Public Utility Commission of Oregon (Commission) designated VCI as an ETC in Order No. 03-749 (Docket UM 1107). VCI seeks an order approving the relinquishment of both its federal ETC status in Oregon and its Oregon state ETC status to participate in the Oregon Telecommunications Assistance Program (OTAP). The Commission Staff supports the relinquishment of VCI's ETC status.

DISCUSSION

   The relinquishment of ETC status is governed by 47 C.F.R. §54.205. That rule first requires a carrier seeking to relinquish ETC status to provide advanced notice to the state commission. The rule then imposes two requirements on the state commission. The state commission: (1) shall permit an ETC to relinquish its designation in any area served by more than one ETC; and, (2) prior to permitting an ETC to relinquish its status, require the remaining ETCs to ensure that all customers served by the relinquishing carrier will continue to be served.[1]

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[1] Paragraph (b) of Section 54.205 also requires that the relinquishing carrier provide sufficient notice to permit the purchase or construction of adequate facilities by any remaining ETCs. That requirement is not applicable here, as VCI has not constructed any network in Oregon and had been providing services using the facilities of the remaining ETC, Qwest.

VCI's request for relinquishment meets these requirements. First, VCI has provided advanced notice of its intent to relinquish its ETC status. Second, the area in which VCI seeks to relinquish its designation is served by more than one ETC. As Staff notes, VCI's designated service area in Oregon is defined as the service area of Qwest Corporation, which will remain as an ETC in the areas affected by VCI's relinquishment. Other carriers, such as RCC Minnesota, US Cellular Corporation, Wantel Inc., and Edge Wireless are certified as ETCs in portions of VCI's service area.

In addition, actions that have been taken by VCI are sufficient to ensure that its customers will be able to obtain service from an alternative local exchange service provider. On November 3, 2006, VCI filed a notice to abandon service in Qwest's Oregon service territory and, at that time, provided notice to its customers and Qwest of its plans. We conclude that this notice provided sufficient notice to allow VCI's customers the ability to find an alternative provider and allow Qwest to prepare and serve those customers, should those customers choose to switch to Qwest.

Both VCI and Staff request this order also include language that refers to the pending investigation into VCI. *See* Docket No. UM 1288. First, VCI requests a statement be included that, in relinquishing its ETC status, "VCI does not waive its rights to reimbursement from OTAP for lines served prior to the Date of Relinquishment." Staff does not oppose VCI's request, but recommends that the order also include a statement acknowledging VCI's obligation to pay back any monies that may be found owing to the OTAP fund or the federal low-income fund, as a result of the UM 1288 investigation.

We will include both statements. Although VCI objects to Staff's clarification, both statements accurately reflect VCI's continuing rights and obligations following the relinquishment of its ETC status.

FINDINGS OF FACT

VCI is an Oregon certified competitive telecommunications service provider and designated ETC.

On November 3, 2006, VCI filed a notice to abandon service in Qwest's Oregon service territory and, at that time, provided notice to its customers and Qwest of its plans.

On November 29, 2006, VCI filed notice to relinquish both its federal ETC status in Oregon and its Oregon ETC status to participate in OTAP.

VCI's designated service area in Oregon is defined as the service area of Qwest, which will remain as an ETC in the areas affected by VCI's relinquishment. Other carriers, such as RCC Minnesota, US Cellular Corporation, Wantel Inc., and Edge Wireless are also certified as ETCs in portions of VCI's service area.

CONCLUSIONS OF LAW

VCI provided advanced notice to this Commission of its request to relinquish its ETC status.

The area in which VCI seeks to relinquish its designation is served by more than one ETC.

VCI customers will continue to be served by other remaining ETCs.
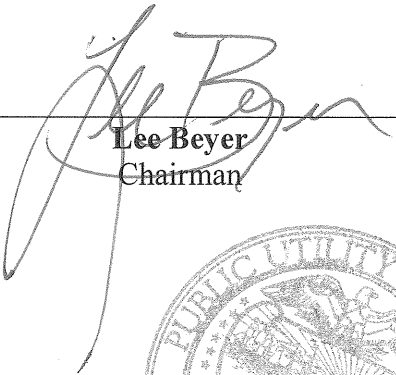
ORDER

IT IS ORDERED that**:**

1.   The notice of relinquishment of eligible telecommunication carrier status, filed by VCI Company f/k/a Stan Efferding, dba Vilaire, is approved and effective February 1, 2007.

2.   In relinquishing its ETC status, VCI Company f/k/a Stan Efferding, dba Vilaire, does not waive its rights to reimbursement from the Oregon Telephone Assistance Program for lines served prior to February 1, 2007.

3. VCI Company f/k/a Stan Efferding, dba Vilaire, remains obligated to pay back any monies that may be found owing to the Oregon Telecommunications Assistance Program fund or the federal low-income fund as a result of the investigation pending in docket UM 1288.

Made, entered, and effective   JAN 2 9 2007   .

_____   _____
Lee Beyer   John Savage
Chairman   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.