

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1303

In the Matter of)	
)	
AT&T COMMUNICATIONS OF THE)	ORDER
PACIFIC NORTHWEST, INC.)	
)	
Petition for Waiver of Notice Requirement of)	
OAR 860-032-0020.)	

DISPOSITION: WAIVER GRANTED

On February 16, 2007, AT&T Communications of the Pacific Northwest, Inc. (AT&T) filed a request with the Public Utility Commission of Oregon (Commission) seeking a waiver of the 90-day period for customer notification of abandonment of service under OAR 860-032-0020(11)(a), and permission for a notice period of 75 days. A description of the filing and its procedural history is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting on March 13, 2007, the Commission adopted Staff's recommendation.

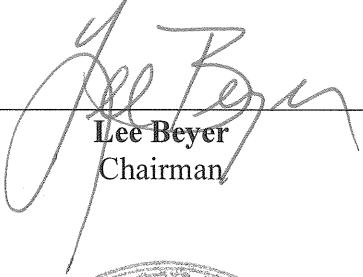
ORDER

IT IS ORDERED that:

- 1) The petition filed by AT&T Communications of the Pacific Northwest, Inc. requesting a waiver of the 90-day notification of abandonment of service required under OAR 860-032-0020(11)(a) is granted.

2) A notice period of 75 days is permitted.

Made, entered, and effective MAR 16 2007.



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.

ITEM NO. CA8

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 13, 2007**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ NA _____

DATE: March 1, 2007

TO: Public Utility Commission

FROM: Celeste Hari *CH*

THROUGH: *in* Lee Sparling, *DB* Dave Booth, and *KM* Kay Marinos

SUBJECT: AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST INC:
(Docket No. UM 1303) Petition for Waiver of Notice Requirement of
OAR 860-032-0020.

STAFF RECOMMENDATION:

The Commission should grant the petition by AT&T Communications of the Pacific Northwest, Inc. (AT&T) seeking a 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 75 days.

DISCUSSION:

The Commission's abandonment of service rule for competitive telecommunications service providers is OAR 860-032-0020(11). On February 16, 2007, AT&T filed a request for waiver of OAR 860-032-0020(11)(a) and (b).

OAR 860-032-0020(11)(a) requires a competitive 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 February 12, 2006, AT&T filed a notice of abandonment of service in a portion of the Oregon City exchange with the Commission. The company has only two customers in that area. AT&T seeks permission to notify these customers 75 days before abandoning telecommunications service in the Oregon City exchange. The company is not abandoning service statewide.

OAR 860-032-0020(b) requires the abandoning company to file notice with the Commission at the same time it mails notice to its customers. AT&T did comply with this requirement on February 12, 2007, when it simultaneously, via overnight mail, sent notice to its customers and to the Commission. Since the company complied with this portion of the rule, there is no basis to grant a waiver of this portion of the rules.

AT&T Communications of the Pacific Northwest, Inc.
Docket UM 1303
March 1, 2007
Page 2

The situation surrounding the abandonment is unusual and is a result of the conclusion of Docket No. UA 55. The latter docket was a dispute between Qwest Corporation (Qwest) and Beaver Creek Cooperative Telephone Company (Beaver Creek) over territory which had been in Qwest's Oregon City exchange and then was reallocated to Beaver Creek. Qwest and Beaver Creek initially represented that Qwest had no customers in the area. A dispute arose after the reallocation when Qwest belatedly discovered that it did after all, have customers in the area. The final decision of the docket was that Qwest will withdraw from the disputed territory and Beaver Creek will be the incumbent local exchange carrier (ILEC) for the area. The date for Qwest to withdraw as an ILEC from the disputed territory is April 27, 2007. This is the date that AT&T stated as the effective date of its abandonment of service in the same territory.

AT&T leases the facilities from Qwest to provide service to two customers in the portion of Qwest's Oregon City exchange that is transferred to Beaver Creek. When Qwest withdraws from the area, AT&T no longer will be able to provide service through leased facilities from Qwest. AT&T received notice of Qwest's withdrawal on January 29, 2007. AT&T determined that it would no longer provide service in Oregon City. Customers and the Commission were sent a notification of abandonment via overnight mail on February 12, 2007. Staff notified AT&T of the necessity of a waiver on February 14, 2007. The waiver was filed on February 16, 2007.

OAR 860-032-0020(11)(c) specifically allows a telecommunications services provider, such as AT&T, 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 AT&T's petition for waiver of the 90-day notice requirement and permits a notice period of 75 days, the company will have met all applicable Commission notice requirements. AT&T could then proceed and abandon service effective April 27, 2007.

Waivers should not be granted routinely. However, given the special circumstances surrounding the petition to abandon, it is reasonable to allow 75 days notice. Customers have already been notified of the situation and were informed how to obtain service from Beaver Creek as well as other carriers. AT&T provided a telephone number and address for customers who have questions. Given the situation, 75 days is an adequate amount of time to protect the two customers involved and resolve any issues that may arise. The 75-day notice period should allow competing providers sufficient time to market their services to the two AT&T customers and for the customers to select a different provider before their current service ends on April 27, 2007.

AT&T Communications of the Pacific Northwest, Inc.
Docket UM 1303
March 1, 2007
Page 3

PROPOSED COMMISSION MOTION:

AT&T'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 75 days be permitted.

AT&T Waiver Petition