

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 533

In the Matter of

Clarifying OAR 860-032-0620, Quarterly
OUS Report: Filing and Payment.

ORDER

DISPOSITION: RULE AMENDED

On February 5, 2009, the Public Utility Commission of Oregon (Commission) filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. Notice was provided to certain legislators specified in ORS 183.335(1)(d) on February 6, 2009, and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001 on February 11, 2009. Notice of the rulemaking was published in the March 2009 *Oregon Bulletin*.

DISCUSSION AND COMMENTS

The proposed amendments to OAR 860-032-0620 clarify the penalty waiver provisions, the deferral provisions, and the need for an officer of the telecommunications provider to sign the quarterly contribution report in order to verify the information in the report as accurate and complete. As noted in the notice, filing inaccurate or incomplete contribution reports can lead to monetary penalties for a telecommunications provider.

Qwest Corporation (Qwest), Technologies Management, Inc. (TMI), and Verizon Northwest Inc. (Verizon) filed comments. At issue in all the comments was the proposed requirement that the contribution report be signed by an officer of the telecommunications provider.

In its comments, Qwest noted that requiring the signature of an officer, rather than an authorized company employee, adds an administrative burden by requiring the transport of the documents to and from its headquarters location and by requiring additional levels of review prior to the officer's signature. Qwest proposed requiring the signature of an authorized company employee on the contribution report rather than an officer of the company.

TMI noted that it is a nationwide consulting firm specializing in regulatory compliance, and that as part of its service, it offers clients the option of giving TMI a Power of Attorney authorizing TMI to sign and file reports on the client's behalf after the client has approved the report in writing. TMI also agreed with Qwest that requiring the signature of an officer of the company would create administrative burdens. TMI asked that the Commission clarify that contracted consultants may sign the contribution reports on behalf of the telecommunications provider so long as the filing clearly identifies the consultant as the attorney-in-fact for the provider.

Verizon's comments echoed the concerns of Qwest and TMI. Verizon pointed out that its financial group prepares the contribution report and in its case, the persons preparing the reports are the best individuals to verify that the information in the report is accurate. Verizon proposed that the rule be modified to allow the signature of an officer of the company or the signature of an individual designated by an officer to sign the contribution report.

RESOLUTION


We find that requiring the signature of an officer of the company unnecessarily increases the administrative burdens. We agree with those providing comments that an officer of the company or an individual designated by an officer of the company should be allowed to sign the OUS contribution reports. Section (1) of the rule shall be modified accordingly.

ORDER

IT IS ORDERED that:

1. The modifications to Oregon Administrative Rule 860-032-0620, as set forth in Appendix A, are adopted.
2. The amended rules shall become effective upon filing with the Secretary of State.

Made, entered, and effective APR 10 2009.



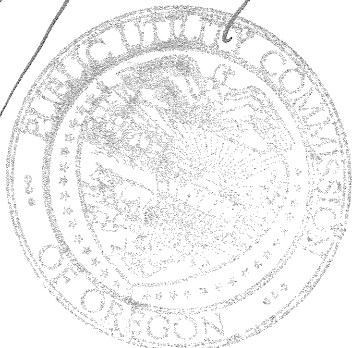
Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-032-0620

Quarterly OUS Report: Filing and Payment

- (1) For the purpose of the OUS fund, a telecommunications provider ~~shall~~**must** file its contribution report with the OUS Administrator. The contribution report is due on or before the 10th day of the second month after the close of each three-month quarter (i.e., approximately 40 days after the end of each three-month quarter). **The contribution report must include the signature of an officer of the telecommunications provider, or an officer's designee, verifying the accuracy of the information in the contribution report.** A telecommunications provider ~~shall~~**must** send its contribution report so that it is received in the OUS Administrator's offices no later than 5 p.m. on the date it is due.
- (2) A telecommunications provider ~~shall~~**must** file the contribution report for each quarter with no exceptions, including when the contribution amount shown on the report is \$0.00.
- (3) The amount shown on the contribution report is due and payable by the telecommunications provider on or before the 28th day of the second month after the close of each three-month quarter. Payment ~~shall~~**must** be made to the Commission. A telecommunications provider ~~shall~~**must** send payment (electronically or by mail) so that it is received in the Commission's offices by no later than 5 p.m. on the date it is due.
- (4) If the contribution amount is less than \$100, a telecommunications provider may defer payment and accumulate it to the following quarter's contribution. This accumulation may continue interest-free until either the accumulated amount is greater than \$100 or four quarters have passed from the first deferment, whichever comes first. **The telecommunications provider must note the deferral on its contribution report.**
- (5) If a telecommunications provider fails to file a contribution report as required by these rules, the Commission shall impose a late report fee of \$100. The Commission ~~shall~~**may** not impose a late report fee until a contribution report is five business days past due.
- (6) If a telecommunications provider files a contribution report but fails to pay the contribution amount in full on or before the day it is due, **unless the amount due is deferred under section (4) of this rule,** the Commission shall add a late payment fee equal to 9 percent of the unpaid amount of the contribution, up to a maximum of \$500. The Commission ~~shall~~**may** not impose a late payment fee until the required payment is five business days past due.
- (7) If a telecommunications provider fails to pay the contribution amount in full on or before the day it is due, **unless the amount due is deferred under section (4) of this rule,** the Commission shall add interest on the unpaid contribution amount at the rate of 9 percent per annum from the day payment was due until paid.

(8) If the amount shown due on a contribution report is not paid on the due date, **unless the amount due is deferred under section (4) of this rule**, the Commission may issue a proposed order to set the sum due. The Commission may waive **the late report fee, the late payment fees, the interest on the unpaid contribution amount, or any combination thereof**, if the **provider requests the waiver and provides** evidence showing that the provider paid its contribution amount late due to circumstances beyond its control.

Stat. Auth.: ORS 183, 192, 756 & 759

Stats. Implemented: ORS 756.040, 759.015 & 759.425