

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 531

In the Matter of Housekeeping
Amendments to OAR 860-034-0010,
860-034-0120, and 860-034-0310.

ORDER

DISPOSITION: RULES AMENDED

On March 5, 2009, the Public Utility Commission of Oregon (Commission) filed a Notice of 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) and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001 on March 6, 2009. Notice of the rulemaking was published in the April 2009 *Oregon Bulletin*. Interested persons were given until April 23, 2009, to file written comments or request a hearing. No comments were filed, and no hearing was requested.

The amendments to OAR 860-034-0010 clarify that “for good cause shown,” the Commission may waive or deviate from the Division 034 rules. By making this clarification, the Commission may be able to process more efficiently such requests by subject companies. The amendments to OAR 860-034-0120 are necessary because for the subject companies, an increase in the late payment charge falls within the scope of OAR 860-034-0310, and is not determined by the Commission, as it is for the large telecommunications utilities. The amendments to OAR 860-034-0310 use terms more readily understood by the industry, changing “rate for intrastate telecommunications services” to “rate contained in a tariff schedule.” Other housekeeping changes to these three rules increase readability.

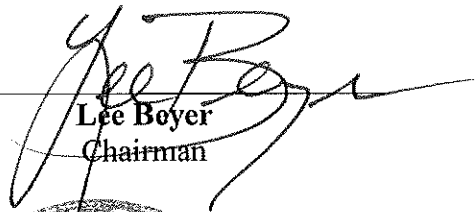
ORDER

IT IS ORDERED that:

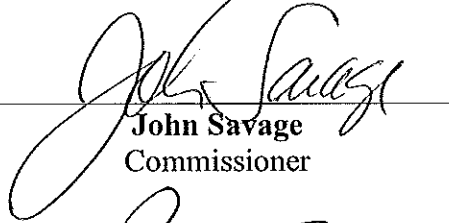
1. The modifications to Oregon Administrative Rules 860-034-0010, 860-034-0120, and 860-034-0310 as set forth in Appendix A, are adopted.

2. The amended rules become effective upon filing with the Secretary of State.

Made, entered, and effective MAY 04 2009.



Lee Boyer
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.

860-034-0010**Scope of the Rules**

(1) The adoption of these rules **shall** does not preclude the Commission from altering or amending them in whole or in part or from requiring any other or additional service, equipment, facility, or standard upon a complaint, Commission motion, or small telecommunications utility application. Furthermore, these rules **shall** do not in any way relieve any utility from any of its duties under Oregon law. Upon application by a small telecommunications utility and **for good cause shown**, the Commission may relieve the small telecommunications utility of any obligations under these rules.

(2) The rules contained in this Division apply exclusively to telecommunications cooperatives and small telecommunications utilities as defined in section (3) of this rule.

(3) As used in this Division:

(a) "Small telecommunications utility" means a telecommunications utility partially exempt from regulation under ORS 759.040;

(b) "Telecommunications utility" has the meaning given the term in ORS 759.005;

(c) "Telecommunications cooperative" or "Type 1 cooperative" means an unincorporated association or cooperative corporation that provides telecommunications services; and

(d) "Type 2 cooperative" means an unincorporated association or cooperative corporation that charges joint rates or provides through services as defined in OAR 860-034-0015.

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

Stats. Implemented: ORS 756.040, 759.045, 759.220 & 759.225

860-034-0120**Late-Payment Charge**

(1) A small telecommunications utility may apply a late-payment charge to customer accounts not paid in full each month, provided the utility has filed the late-payment charge in its rate schedule.

(2) The charge will be based on a monthly late-payment rate applied to overdue account balances at the time of preparing the subsequent month's bill for residential accounts or by the bill due date for all other accounts. The late-payment charge may not be applied to time-payment accounts that are current. ~~The Commission will determine the late-payment rate based on a survey of prevailing market rates for late-payment charges of commercial enterprises and will advise all small telecommunications utilities of the changes in the rate they may use to determine late-payment charges on overdue customer accounts as needed.~~ The current late-payment rate and the conditions for its application to customer accounts **shall** must be specified on the utility bill.

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

Stats. Implemented: ORS 759.040 & 759.045

860-034-0310

Announcement of Rate Increases by Small Telecommunications Utilities

(1) A small telecommunications utility ~~which~~that increases any rate ~~for intrastate telecommunications services shall~~ contained in a tariff schedule must notify its affected customers at least 45 days before the proposed effective date of the increase. A copy of such notification ~~shall~~must at the same time be provided to the Commission.

(2) The small telecommunications utility ~~shall~~must notify its customers by:

(a) Inserting an announcement in the small telecommunications utility's regular billing to its customers; or

(b) Mailing an announcement to each customer.

(3) The announcement ~~shall~~must contain the following information:

(a) The list of services subject to increase, current and proposed rates, and amount and percentage of increase for each service;

(b) The reasons for the proposed rate increase;

(c) The effective date of the proposed rate increase;

(d) The Commission's toll-free telephone number and address; and

(e) The following statement: "Customers may petition the Public Utility Commission of Oregon to investigate the rate increase. The Commission will investigate the rate increase if it receives petitions signed by customers (10 percent of customers or 500, whichever is the lesser), on or before (ten days before the proposed effective date). If the Commission does not receive sufficient petitions by (ten days before the proposed effective date), the proposed rates will become effective on (the proposed effective date) without Commission review. Petitions should be sent to the Commission's Consumer Services Division. The Company will provide a current copy of the local exchange directory and its service territory map within ten days of a request from any customer."

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

Stats. Implemented: ORS 759.045