

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UA 146

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Staff's reallocation of local exchange
telecommunications service territory for
Malheur Home Telephone Company.

ORDER

DISPOSITION: REALLOCATION APPROVED

The 2005 Legislature changed Oregon's territory allocation law for telecommunications utilities and telecommunications cooperatives. The new law allocates local exchange telecommunications service territory as a geographic area within boundaries set forth in exchange maps filed with and approved by the Commission. This replaces the old "metes and bounds" descriptions. See ORS 759.500(1).

Section 27, chapter 232, Oregon Laws 2005, directs the Commission to:

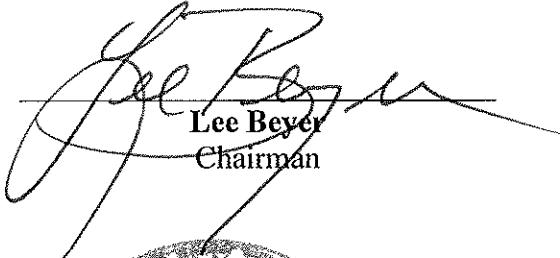
Reallocate every allocated local exchange telecommunications service territory to a telecommunications utility, cooperative corporation or municipality to whom the commission had previously allocated local exchange telecommunications service territory. Allocations granted by the commission pursuant to this subsection shall replace all allocations to telecommunications utilities, cooperative corporations or municipalities granted by the commission prior to January 1, 2006.

At the July 28, 2009, Commission Public Meeting Staff recommended the reallocation of Malheur Home Telephone Company's (Malheur Home) local exchange telecommunications service territory using the boundaries of the exchange maps filed with and approved by the Commission, as set forth in Table 1 of Appendix A, replacing all previous territory allocations for Malheur Home.

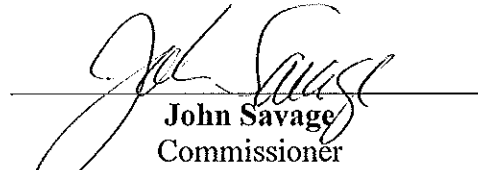
ORDER

IT IS ORDERED that Malheur Home Telephone Company's local exchange telecommunications service territory is reallocated using the boundaries of the exchange maps filed with and approved by the Commission as set forth in Table 1 contained in Appendix A, replacing all previous territory allocations for Malheur Home Telephone Company.

Made, entered, and effective AUG 10 2009 .



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. CA18

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 28, 2009**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: July 14, 2009

TO: Public Utility Commission

FROM: Marlene Gorsuch *MG*

THROUGH: *LS* Lee Sparling, *BC* Bryan Conway and *KM* Kay Marinos

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UA 146)
Reallocation of local exchange telecommunications service territory for
Malheur Home Telephone Company.

STAFF RECOMMENDATION:

Reallocate Malheur Home Telephone Company's local exchange telecommunications service territory using the boundaries of the exchange maps filed with and approved by the Commission as set forth in Table 1. This reallocation replaces all previous territory allocations for Malheur Home Telephone Company (Malheur).

DISCUSSION:

The 2005 Legislature changed Oregon's territory allocation law for telecommunications utilities and telecommunications cooperatives. The purpose of the change was two-fold. First, the new law allocates local exchange telecommunications service territory (service territory) as a geographic area within boundaries set forth on exchange maps filed with and approved by the Commission. See ORS 759.500(1). This replaces the old "metes and bounds" descriptions frequently used by the Commission to identify the geographic boundaries of local telephone exchanges.

The new law, Section 27, chapter 232, Oregon Laws 2005, provides, in part, that the Commission shall:

- (1) Reallocate every allocated local exchange telecommunications service territory to a telecommunications utility, cooperative corporation or municipality to whom the Commission had previously allocated local exchange telecommunications service territory. Allocations granted by the Commission pursuant to this subsection shall replace all allocations to telecommunications

Malheur Reallocation
 July 14, 2009
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utilities, cooperative corporations or municipalities granted by the commission prior to January 1, 2006.

(2) Upon request, allocate every local exchange telecommunications service territory that is shown on a map approved by the Commission that is unallocated as of December 31, 2005, to the telecommunications utility, cooperative corporation or municipality that filed the map.

Malheur has Commission-approved maps on file for the company's local exchanges, Nyssa, Ontario, Oregon Slope and Vale. Staff was unable to find any prior Commission orders that allocated Malheur's territories via any metes and bounds descriptions.

On June 4, 2009, Staff sent Malheur a letter describing Staff's conclusions in detail, and asking Malheur to make corrections, if any, by June 25, 2009. Malheur confirmed Staff's basic conclusion regarding the relationship between the previous territory allocation and the approved local exchange maps.

Table 1 describes reallocation for Malheur in detail. Reallocations are identified by exchange name and the effective date of the most recent corresponding Commission-approved exchange map.

TABLE 1

EXCHANGE	MAP ISSUE & EFFECTIVE DATES
Nyssa	Issued January 4, 1985, Effective February 4, 1985
Ontario	Issued January 4, 1985, Effective February 4, 1985
Oregon Slope	Issued January 4, 1985, Effective February 4, 1985
Vale	Issued January 4, 1985, Effective February 4, 1985

PROPOSED COMMISSION MOTION:

The Commission reallocate Malheur Home Telephone Company's local exchange telecommunications service territory using the boundaries of the exchange maps filed with and approved by the Commission as set forth in Table 1, replacing all previous territory allocations for Malheur Home Telephone Company.