

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 770

In the Matter of

CIMCO COMMUNICATIONS, INC.

Petition for Waiver of Notice Requirement
of OAR 860-032-0020.

ORDER

DISPOSITION: PETITION GRANTED

On October 7, 2009, CIMCO Communications, Inc., (CIMCO or Company) filed a petition with the Public Utility Commission of Oregon (Commission), requesting a waiver of the 90-day period for Commission notification of abandonment of service under OAR 860-032-0020(11), and permission to notify its customers no less than 30 days before abandoning telecommunications service in Oregon.

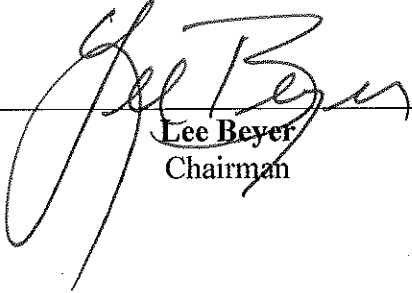
OAR 860-032-0020(11) requires a competitive provider that intends to abandon any or all services in Oregon to notify customers of its intent at least 90 days before abandoning the services. OAR 860-032-0020(11) also requires the abandoning provider to file notice with the Commission at the same time it mails notices to its customers. If the Commission grants CIMCO's petition for waiver of the 90-day notice requirement and permits a notice period of no less than 30 days, the Company will have met all applicable Commission notice requirements. A description of the filing is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting on October 20, 2009, the Commission adopted Staff's Recommendation and granted CIMCO's petition for waiver of the notice requirement.

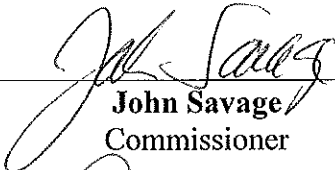
ORDER

IT IS ORDERED that CIMCO Communications, Inc.'s petition to waive the 90-day period for Commission notification of abandonment of services under OAR 860-032-0020(11) is granted, and a notice period of no less than 30 days is permitted.


Made, entered, and effective OCT 28 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. CA13

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 20, 2009

REGULAR _____ CONSENT _____ EFFECTIVE DATE _____ NA _____

DATE: October 8, 2009

TO: Public Utility Commission

FROM: Celeste Hari *CH*

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

SUBJECT: CIMCO COMMUNICATIONS, INC.: (Docket No. CP 770) Petition for Waiver of Notice Requirement of OAR 860-032-0020(11).

STAFF RECOMMENDATION:

The Commission should grant the petition by CIMCO Communications, Inc. (CIMCO) seeking waiver of the 90-day time period for Commission and customer notification of abandonment of service under OAR 860-032-0020(11) and permit a notice period of not less than 30 days.

DISCUSSION:

The Commission's abandonment of service rule for competitive telecommunications service providers is OAR 860-032-0020. On October 7, 2009, CIMCO filed a notice of abandonment and a request for waiver of OAR 860-032-0020(11). The abandonment is scheduled to be effective December 1, 2009.

OAR 860-032-0020(11) requires a competitive provider that intends to abandon any or all services in Oregon, to notify customers and the Public Utility Commission of Oregon, of its intent to abandon at least 90 days prior to the actual abandonment. OAR 860-032-0020(16) allows the Commission to grant a petition to waive any time period or requirement of the rules for good and sufficient reason.

CIMCO has been a competitive telecommunications provider in Oregon since March 10, 2000. See docket CP 770, Order No. 00-137. The company entered into an agreement

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with Comcast Phone of Oregon, LLC (Comcast) whereby the assets and customer accounts of CIMCO will be acquired by Comcast. Comcast has a current certificate of authority to provide telecommunications service in Oregon. See docket CP 1070, Order No. 02-579. CIMCO states that upon completion of the transaction, it will request its certificate of authority granted under Docket CP 770 be canceled. The company does not intend to continue operating in Oregon after the transaction is completed.

CIMCO currently has no residential customers in Oregon and does not provide local exchange service to its customers. CIMCO's small Oregon customer base consists of five business customers to whom the company provides interexchange and/or dedicated transmission service. These five customers will be acquired by Comcast.

The public interest will not be harmed by the grant of the waiver. With so few customers affected, CIMCO can provide individual service to them during the transition period. The customers will receive the same services, rates, terms and conditions with Comcast that they currently have with CIMCO. In fact, they will have access to other services via Comcast that are not available through CIMCO, such as local exchange service. The transition will be seamless to the customer other than they will be billed by a different carrier. Customers also have the option of discontinuing service and selecting a different provider other than Comcast if they so choose.

While waivers should not be granted routinely, given the very small number of customers involved in this particular transaction and the fact that there are no residential customers impacted, a notice period of not less than 30 days is reasonable. CIMCO has committed to working with the five affected customers to assist in the transition. In addition, CIMCO and Comcast are processing similar transactions in most other states and are attempting to have them coincide if possible. CIMCO has complied with all other parts of OAR 860-032-0020.

PROPOSED COMMISSION MOTION:

CIMCO Communications, Inc.'s petition for waiver of the 90-day time period for Commission and customer notification of abandonment of service under OAR 860-032-0020(11) be granted and a notice period of not less than 30 days be permitted.

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APPENDIX A
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