

ORDER NO. 12 448

ENTERED NOV 20 2012

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1517

In the Matter of

PREFERRED CONNECTIONS INC., NW

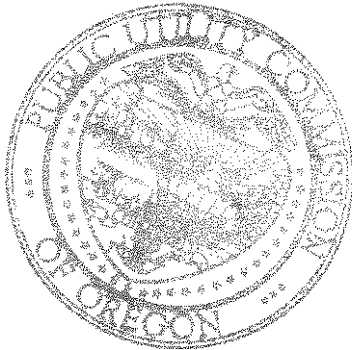
Request for Waiver of OAR 860-033-0006(7),
860-033-0006(8), and 860-033-0006(9)

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on November 20, 2012, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



Becky L. Beier

Becky L. Beier
Commission Secretary

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 20, 2012

REGULAR _____ CONSENT X EFFECTIVE DATE November 20, 2012

DATE: November 6, 2012

TO: Public Utility Commission

FROM: Jon Cray and Kathy Shepherd

THROUGH: Michael Dougherty and David Poston

SUBJECT: RESIDENTIAL SERVICE PROTECTION FUND (RSPF):
(Docket No. UM 1517) Preferred Connections Inc NW Request for Waiver
of Oregon Administrative Rule (OAR) 860-033-0006(7), 860-033-0006(8)
and 860-033-0006(9)

STAFF RECOMMENDATION:

Staff recommends the Commission, as authorized by OAR 860-033-0006(10), waive the assessed RSPF late report fee, the late payment penalty and the interest on the late surcharge fees to Preferred Connections Inc NW, effective November 20, 2012.

DISCUSSION:

Pursuant to OAR 860-033-0006(5), each telecommunications provider must submit to the Commission the RSPF Remittance Report and surcharge fees "on or before the 21st calendar day after the close of each month ..." Preferred Connections Inc NW filed the August 2012 RSPF Surcharge Remittance Form and remitted the surcharge fees to the Commission on September 25, 2012. Consequently, Staff assessed a late report fee, late payment penalty and an interest charge for a total of \$100.49 in accordance with OAR 860-001-0050. Specific amounts for each assessed charge are not included in order to protect the confidentiality of Preferred Connections Inc NW's business trade secrets.

Staff issued a notice on September 26, 2012, requesting payment from Preferred Connections Inc NW by October 11, 2012, for noncompliance with OAR 860-033-0006(5). The Commission then issued a Notice of Proposed Assessment to Preferred Connections Inc NW on October 16, 2012, for failure to meet the requirements outlined in OAR 860-033-0006(5).

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November 6, 2012
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Pursuant to OAR 860-033-0006(10), "...the Commission may waive the late report fee, the late payment fees and the interest on the unpaid surcharge fees, or any combination thereof, if the telecommunications provider ... files a written waiver request and provides evidence showing that the telecommunications provider ... submitted the Remittance Report and surcharge fees late due to circumstances beyond its control." Preferred Connections Inc NW rendered a letter on October 5, 2012, requesting waiver of the assessed charges for late filing of the RSPF Surcharge Remittance Form and surcharge fees. See Attachment A. Preferred Connections Inc NW explained that the employee responsible for filing the RSPF Surcharge Remittance Form and surcharge fees was unexpectedly hospitalized on September 18, 2012, and was therefore unable to meet the filing deadline. At the time, no other staff was available or trained in submitting the required filing; however, Preferred Connections Inc NW is training additional personnel for redundancy.

Staff supports Preferred Connections Inc NW's request for waiver of the RSPF late report fee, late payment penalty and interest charge because it provided evidence demonstrating that its delinquent August 2012 filing was attributed to circumstances beyond its control. In addition, Preferred Connections Inc NW has demonstrated compliance for all past and current filings and remittances in a timely and accurate fashion.

PROPOSED COMMISSION MOTION:

The Commission waive the RSPF late report fee, the late payment penalty and the interest on the late surcharge fees that was assessed to Preferred Connections Inc NW in accordance with OAR 860-033-0006(10), effective November 20, 2012.

UM 1517



October 5, 2012

Public Utility Commission of Oregon
Residential Service Protection Fund

To Kathy Sheppard

I was admitted into the hospital on September 18, 2012. I am the only one that has been filling out and submitting the Residential Service Protection Fund.

I am now in the process of training Elizabeth in filling out and submitting the Residential Service Protection Fund report.

Please waive the late fee or penalty as this was an unexpected event.

Respectfully,

Rick Rose,
Preferred Connections Inc., NW

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