

ORDER NO. 15 309

ENTERED OCT 06 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

MT. ANGEL TELEPHONE COMPANY,

Request for Partial Waiver of
OAR 860-032-0200.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on October 6, 2015, 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 Circuit Court for Marion County in compliance with ORS 183.484.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 6, 2015

REGULAR _____ CONSENT X EFFECTIVE DATE October 7, 2015

DATE: September 23, 2015

TO: Public Utility Commission

FROM: Jim Stanage *JS*

THROUGH: Jason Eisdorfer *JE*, Bryan Conway *BC*, and Bruce Hellebuyck *BH*

SUBJECT: MT ANGEL TELEPHONE COMPANY:
(Docket No. UM 1631 and Docket No. ADV 101/Advice 95) Establishes
Emergency Line service for business customers and requests a partial
waiver of OAR 860-032-0200.

STAFF RECOMMENDATION:

Staff recommends that the request for a partial waiver of OAR 860-032-0200 be granted.

DISCUSSION:

The circumstances of this filing are unusual. Mt. Angel Telephone Company (Mt. Angel) proposes to establish Emergency Line (ePhone) Service that provides a business access line with certain limitations for a monthly rate of \$1.00 and requests a partial waiver of the OAR 860-032-0200, *Essential Services*.

Emergency Line Service provides an access line that would be toll blocked and would not have a directory listing. It will allow outgoing E911 calls only---i.e., it does not allow outgoing calls---but with unlimited incoming calls and would have a monthly rate of \$1.00 per line for business customers.

Although Mt. Angel does not need prior approval from the Commission in order to establish a new service, it cannot, legally, do so in this instance while violating a Commission rule. Staff has advised Mt. Angel to request the waiver in order to avoid violating the rule.

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Directory Listing is on the list of essential services under OAR 860-032-0200(6)(n). Staff takes this to mean that if a customer subscribes to a local access line (residential or business), which is an "essential service," then they must also receive a Directory Listing, which is also an "essential service." That is, a customer can only get any of the services on the essential service list, if the customer subscribes to a local access line, and that is why staff thinks the two services are closely linked. Moreover, it is a longstanding policy of the Commission that a local access line subscriber automatically gets a free listing in the utility's directory.

Mt. Angel wants to offer a local access line that does not include a Directory Listing, which would appear to conflict with the rule. Mt. Angel is arguing in its request for a waiver that, in effect, Emergency Line Service is not the company's regular access line service, but rather a down-graded version with a monthly rate of only \$1.00 instead of the usual \$15.20 local business access line rate and that, therefore, this is an adequate reason to recognize an exception and waive the rule.

Because Emergency Line Service does not allow outgoing calls it greatly reduces its value to customers and a customer probably would not subscribe to the service if they wanted others to call their assigned number. Therefore, customers would subscribe to the proposed service knowing that they are making a trade-off for a less than full access line service, and not having a directory list for this reason would appear to potentially meet the customers' expectations. In turn, staff believes that the Commission should waive the directory listing requirement in the rule.

Staff recognizes that the monthly rate of \$1.00 may not cover the economic cost of service for a local access line. However, counsel has advised staff that the Commission's authority under ORS 759.040 to suspend and further investigate under ORS 759.180 through ORS 759.190 does not apply to a utility regulated under ORS 759.040.

The filing was submitted on September 16, 2015, which is less than 30 days prior to the effective date. However, ORS 759.190, which requires tariff filings to be made at least 30 days prior to their effective dates, does not apply to a utility regulated under ORS 759.040.

This filing would have a negligible effect on annual revenues.

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PROPOSED COMMISSION MOTION:

Mt. Angel Advice No. 95 requesting waiver of OAR 860-032-0200(6)(n) regarding the provision of a directory listing be granted.

MtAngel95.Emergency Line.UM1631