

ENTERED DEC 11 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UA 166, UM 1743

In the Matters of

WARM SPRINGS
TELECOMMUNICATIONS COMPANY,
dba WARM SPRINGS TELECOM

ORDER

Application for Allocation of Previously
Unallocated Territory (Wanapine) (UA 166)

Application for Certification as a
Telecommunications Utility (UM 1743)

DISPOSITION: APPLICATIONS APPROVED

I. INTRODUCTION

On June 24, 2015, Warm Springs Telecommunications Company, dba Warm Springs Telecom (WST) filed two requests with the Public Utility Commission of Oregon in a common application.¹

The first request, docketed as UA 166, seeks allocation of all unallocated territory within the current Warm Springs Reservation boundaries to WST. This territory will constitute a new exchange named the "Wanapine Exchange." The second request, docketed as UM 1743, seeks a certificate of authority for WST to serve the Wanapine Exchange as the incumbent local telecommunications carrier (ILEC). WST proposes to provide intraexchange switched and dedicated services within the Wanapine Exchange, as well as interexchange switched and dedicated services. WST expects to use its own facilities and switching equipment to provide these services. We served notice of the application consistent with statutory requirements. No objections were received.

Commission Staff concludes that this application is a reasonable and necessary first step toward obtaining federal financing to provide service to unserved residents on the Warm Springs Reservation. Staff recommends approval of both requests, conditioned upon WST meeting all legal and regulatory obligations of a certificated telecommunications utility.

¹ WST first filed on June 24, 2015, and subsequently filed an amendment to correct the company's name on September 25, 2015. WST filed revised maps on December 8, 2015 to more accurately indicate the territory for which WST has requested allocation.

II. BACKGROUND

This application addresses the service and allocation of territory in the Warm Springs Reservation, which is located in central Oregon. The southeast section of the reservation is allocated to Qwest Corporation, dba CenturyLink as the authorized ILEC. WST, owned by the Confederated Tribes of Warm Springs, currently serves residents in the Century Link-allocated area as a competitive local exchange carrier (CLEC).² A small portion along the northwest boundary is allocated to other telecommunications utilities.

The central portion, a large geographic area with a small number of residences, has not yet been allocated to any telecommunications utility. WST identified 29 residences in this area. WST states that, although it provides competitive telecommunications services to seven of these homes, at this time, no utility or competitive provider serves the remaining 22 homes in the unallocated area.

Through its application, WST seeks to provide services as an ILEC in the unallocated portion of the reservation (the proposed Wanapine Exchange). WST would provide intraexchange switched and dedicated services, as well as interexchange switched and dedicated services, using its own facilities and switching equipment. WST is not requesting to serve customers presently served by any assigned telecommunications utility.

WST seeks this allocation and utility certification in order to position itself to request federal funding to expand its network throughout the reservation. In addition to immediately reaching currently-unserved customers, WST seeks to eventually provide telecommunications services to all residents and businesses on the reservation. WST explains that, as a rural telecommunications utility, it would gain access to federal financing, such as loans from USDA's Rural Utilities Service. WST's long-term goal is to provide affordable telecommunications services to all reservation residents and businesses.

III. DISCUSSION

A. Allocation of Territory

ORS 759.535 sets forth the procedures for applying for allocation of unserved territory. OAR 860-034-0470 further defines the information to be included in the application of a small telecommunications utility. Consistent with these provisions, WST attached sufficient maps as revised Exhibits A, B, and C to its application showing the requested allocation and demonstrating that the area is not served by another person providing similar local exchange telecommunications service.³

² See Order No. 10-137 (docket CP 1470) authorizing WST to operate as a CLEC in Oregon.

³ To the extent necessary, we waive the requirement in OAR 860-034-0470(2) to show the location of facilities in the vicinity of the boundaries of the territory applied for. The application does include a map that indicates that most of the existing buildings in the proposed new exchange are located reasonably close to the area in which WST currently provides services as a CLEC.

ORS 759.535 places procedural notice obligations on the Commission. We met these requirements through publication of notice of WST's application in the Madras Pioneer newspaper and service on our telecommunications list.

Consistent with ORS 759.506(1), the Commission's purpose in allocating territory is to ensure that utilities provide safe and adequate local exchange services and that all customers are served in an adequate and nondiscriminatory manner. WST demonstrated that allocating to it the remaining territory within the Warm Springs Reservation will further this objective by allowing it to reach unserved customers and access federal funds to further build out its network on the reservation.

B. Certificate of Authority

ORS 759.020 requires a certificate of authority from the Commission before providing intrastate telecommunications services. Applicants may apply for status as a telecommunications utility or, if the applicant's services are subject to competition or its customers have reasonable alternatives, as a competitive telecommunications services provider. OAR 860-032-0005 defines the requirements for an application. WST submitted a complete application form as part of its filing.

OAR 759.020(2) requires the Commission to provide notice of the filing. We satisfied this requirement by serving notice on a service list consisting of all new applications and competitive providers.

WST's application should be granted. Granting a request for certification is conditioned upon the applicant meeting all Commission rules and state law. Among other requirements, WST will need to file tariffs prior to commencing service in the proposed exchange.

The new ILEC entity will also need to comply with federal requirements, as outlined in Staff's correspondence in this docket. With reference to 47 C.F.R. § 51.223(b), we request that the Federal Communications Commission treat WST as an incumbent local exchange carrier in the area of the Wanapine Exchange.

IV. CONCLUSION

We find that the proposed allocation and certification is reasonable and not contrary to the public interest.



V. ORDER

IT IS ORDERED THAT:

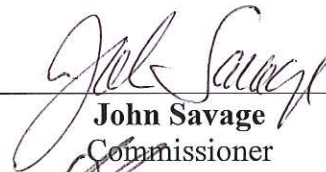
1. The applications of Warm Springs Telecommunications Company, dba Warm Springs Telecom are granted with the conditions described in this order.
2. The revised maps filed by Warm Springs Telecommunications Company, dba Warm Springs Telecom seeking the allocation of a certain local exchange telecommunications service territory, are approved.
3. The Wanapine Exchange, as defined by the map identified as Revised Exhibit C to the application of Warm Springs Telecommunications Company, dba Warm Springs Telecom is created. The map is attached as Appendix A to this order.
4. The Wanapine Exchange is allocated to Warm Springs Telecommunications Company, dba Warm Springs Telecom.
5. Warm Springs Telecommunications Company, dba Warm Springs Telecom is designated as a telecommunications utility with authority to provide telecommunications services in the area of the Wanapine Exchange.
6. This Commission requests that the Federal Communications Commission treat Warm Springs Telecommunications Company, dba Warm Springs Telecom as an incumbent local exchange carrier in the area of the Wanapine Exchange.

DEC 11 2015

Made, entered, and effective _____.



Susan K. Ackerman
Chair

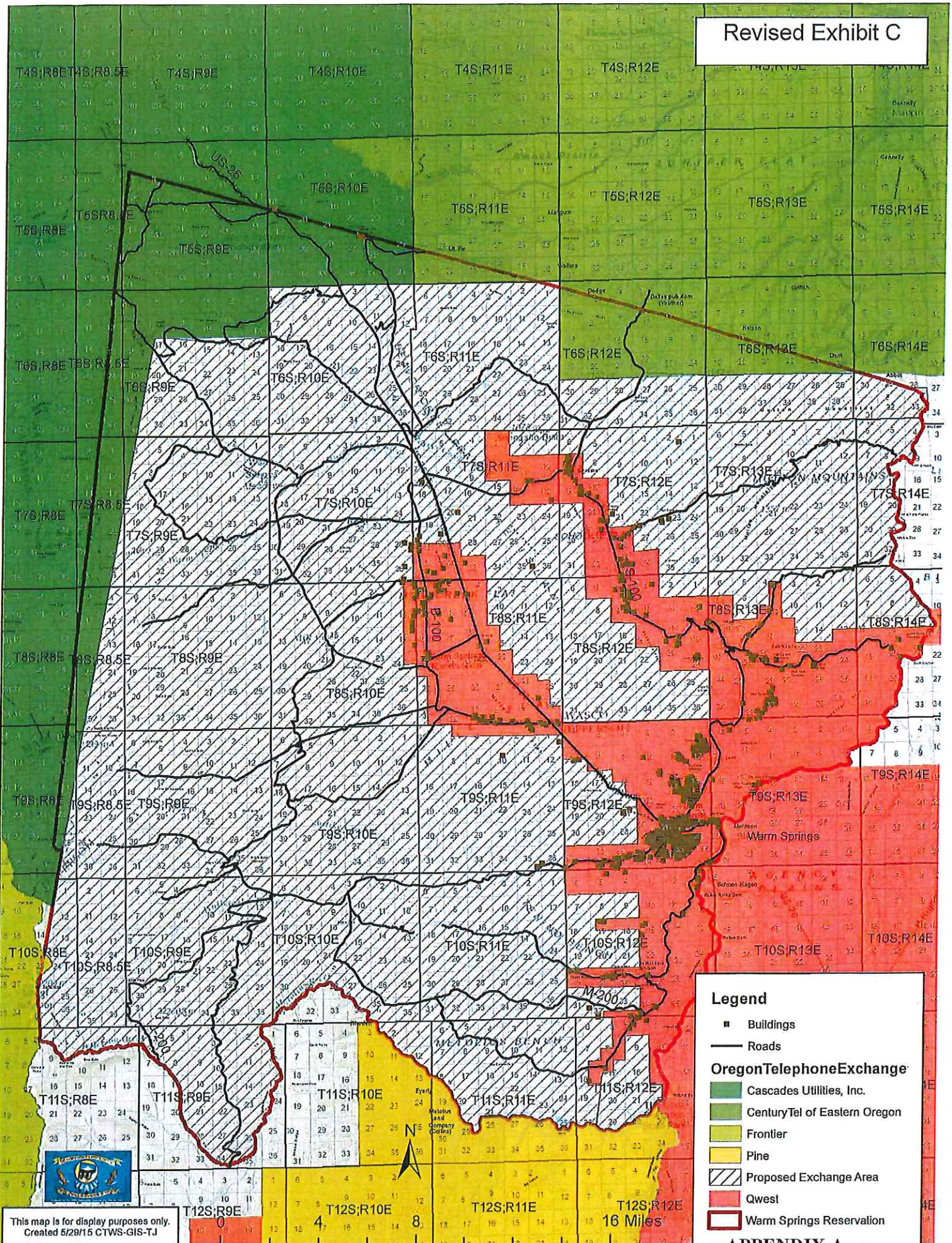
John Savage
Commissioner



Stephen M. Bloom
Commissioner

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.

Revised Exhibit C



Legend

- Buildings
- Roads
- Oregon Telephone Exchange**
- Cascades Utilities, Inc.
- CenturyTel of Eastern Oregon
- Pine
- ▨ Proposed Exchange Area
- Qwest
- ▭ Warm Springs Reservation

This map is for display purposes only.
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