

ORDER NO. 16 008

ENTERED JAN 12 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1070, CP 1345

In the Matters of

COMCAST PHONE OF OREGON, LLC,

and

FIRST COMMUNICATIONS, LLC,

Petitions for Waiver of Notice Requirement of
OAR 860-032-0020(11).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on January 12, 2016, 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: January 12, 2016**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: December 31, 2015

TO: Public Utility Commission

FROM: Kathy Shepherd 

THROUGH: Jason Eisdorfer, Bryan Conway, and Kay Marinos   

SUBJECT: COMCAST PHONE OF OREGON, LLC and FIRST COMMUNICATIONS, LLC: (Docket Nos. CP 1070 and CP 1345) Petition for Waiver of Notice Requirement of OAR 860-032-0020(11).

STAFF RECOMMENDATION:

The Commission should grant the petition by Comcast Phone of Oregon, LLC dba CIMCO, a Division of Comcast Business Services (Comcast) and First Communications, LLC (First Communications) (collectively, Petitioners) seeking waiver of the 90-day time period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11)(a) and (b), and permit a notice period of approximately 48 days for customers and 35 days for the Commission.

DISCUSSION:

On December 8, 2015, Petitioners filed notice with the Commission that Comcast will be transferring certain interexchange resale customers to First Communications. The transfer is scheduled to take place on or after January 12, 2016. Petitioners are both competitive telecommunications providers certificated to provide intraexchange and interexchange services in Oregon. Comcast was granted a certificate of authority on July 26, 2001, with additional services authorized on August 22, 2002. See Docket Nos. CP 939, Order No. 01-607, and CP 1070, Order No. 02-579. First Communications was granted a certificate of authority on September 15, 2006, with additional services authorized on January 9, 2007. See Docket Nos. CP 1332, Order No. 06-533, and CP 1345, Order No. 07-014.

OAR 860-032-0020(11) governs the abandonment or transfer of customers by competitive telecommunications service providers. This rule requires the provider to

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give 90 days' notice to both the affected customers and the Commission prior to the abandonment of service or transfer of customers. Petitioners request a waiver of the rule requiring 90 days' notice.

In its Joint Notice of Customer Transfer and Request for Waiver, Petitioners state that the sale of Comcast's customers to First Communications is planned for January 2016, in compliance with FCC notification requirements which require only 30 days' notice. Customers were notified of the transaction on November 25, 2015, approximately 48 days prior to the planned transfer. Therefore, Petitioners filed their request for waiver of OAR 860-032-0020(11)(a) and (b), specifically the 90-day notification period for customers and the Commission. 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.

Petitioners state that the transfer will be transparent to customers and will not affect the services available to customers or result in a change to the rates, terms, and conditions of their service. Customers also have the option of discontinuing service and selecting a different provider if they choose.

Because the transfer is planned to occur in January 2016, compliance with the 90-day notice requirement would delay the transfer and impose a significant burden on Petitioners. Petitioners assert that the public interest will not be harmed by granting the waiver and allowing approximately 48 days for customer notice. Staff agrees based on the small number of Oregon customers affected, the minimal impact on customers, and the ample time for customers to make a decision regarding their telecommunications service.

PROPOSED COMMISSION MOTION:

Comcast Phone of Oregon, LLC dba CIMCO, a Division of Comcast Business Services and First Communications, LLC's petition for waiver of the 90-day notice period for customer and Commission notification of abandonment of service under OAR 860-032-0020(11)(a) and (b) be granted and a notice period of approximately 48 days for customers and 35 days for the Commission be permitted.

CA1-Comcast First Comm 90-Day Notice Waiver