

ORDER NO. 17 431

ENTERED OCT 24 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

ASOTIN TELEPHONE COMPANY,

Request for Partial Waiver of
OAR 860-034-0040(2) and (7).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on October 24, 2017, 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:




Michael Dougherty
Chief Operating Officer

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.

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ITEM NO. CA2


PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 24, 2017

REGULAR _____ CONSENT X EFFECTIVE DATE Upon Approval

DATE: October 11, 2017

TO: Public Utility Commission

FROM: Stephen Hayes 

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck 

SUBJECT: ASOTIN TELEPHONE COMPANY: (Docket No. UM 1631) Pursuant to OAR 860-034-0010(1), Petition For Partial Waivers of Commission Rules; OAR 860-034-0040(2) and (7).

STAFF RECOMMENDATION:

Staff recommends that the Commission approve the petition of Asotin Telephone Company dba TDS Telecom (Asotin or Company) for partial waivers of OAR 860-034-0040 subsections (2) and (7).

DISCUSSION:

Issue

Whether the Commission should approve Asotin's petition for partial waivers.

Applicable Rule or Law

The Commission's Oregon Administrative Rule (OAR) 860-034-0010(1) affords relief by waiver upon request or its own motion of any Division 034 rule for good cause shown.

OAR 860-034-0040, in relevant part, requires the following of every small telecommunications utility:

1. Under Subsection (2) "Each small telecommunications utility shall keep on file and open for public inspection at its offices, complete rate schedules, contract forms, rules and regulations of the utility, and a copy of the Commission's rules and regulations."

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2. Under Subsection (7) "Notices approved by the Commission shall be posted in a conspicuous place in each small telecommunications utility office where credit matters are transacted, setting forth the rights and responsibilities of customers under these rules. The notices shall be printed in large boldface type and shall be written in language that is easy to understand."

Asotin was approved to offer services in Oregon as a Telecommunications Public Utility by Commission Order No. 86-1185 (UM 56).

Analysis

Background

Asotin filed its written petition for relief by partial waivers on September 20, 2017. Asotin requests partial waivers of OAR 860-034-0040 subsections (2) and (7) as it does not have an Oregon office location and will post the required information and notices online, rather than making it available in an office.

Discussion of Good Cause

The Company explains that the Oregon Flora-Troy Exchange is served out of Washington State. Staff estimates that Asotin's office in Asotin, Washington is approximately 48 miles from Troy, Oregon. This is approximately a one hour drive for the 95 Oregon customers served by Asotin.

Asotin states that establishing an office in Oregon would be costly and a burden to rate payers. The Oregon Public Utility Commission (OPUC) Consumer Services Section has not received any complaints due to the lack of an Oregon office serving Asotin's customers.

Asotin's petition outlines a plan to provide the information and notices required by the subject rules through internet postings on its website that includes a link to the Commission's website.

Staff used FCC map resources to verify that there was reasonable access for Asotin customers to the Internet. While a seemingly remote Oregon area,¹ the FCC map indicates there are between 4 and 5 Internet Access Service providers in the Flora-Troy general area.² An additional FCC map using the same data set indicate there are between 600 and 800 residential fixed internet users per census tract.³ In this area of

¹ From June 2016 data updated to the map on May 18, 2017.

² <https://www.fcc.gov/maps/residential-fixed-internet-access-service-providers-by-census-block/>

³ <https://www.fcc.gov/reports-research/maps/residential-fixed-internet-access-service-connections-per-1000-households-by-census-tract/>

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the state a census tract could be larger than the Flora-Troy Exchange and would not correlate exactly to the Exchange boundaries. However, this information gives a reasonable indication that residents in this general area have access to and utilize internet access.

Staff recommends that Asotin periodically provide information to its Oregon customers indicating where this information is located and how to access it. As an example, this could be accomplished by periodic bill messages or a message included in its annual notice to customers. Should any customer indicate the need for the information who does not have access to the internet or has an impediment, Staff recommends that Asotin work with the customer to agree on a reasonable accommodation. Finally, as Staff cannot take responsibility for external links to its website Staff recommends that the link or links to the Commission website be tested by Asotin periodically to ensure that the links are functioning properly and provide access to the correct information. Asotin agrees to follow Staff's recommendations.

Conclusion

Staff finds that Asotin has submitted the required written petition and an acceptable plan to mitigate the lack of an office located in Oregon. Staff concludes that Asotin has shown good cause and provided a mitigation plan sufficient for the Commission to approve its petition for partial rule waivers.

PROPOSED COMMISSION MOTION:

Approve Asotin Telephone's petition for partial waivers of Oregon Administrative Rule Sections 860-034-0040(2) and (7) as they relate to posting for public inspection required information and notices in an office location.

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