

ORDER NO. 20-232

ENTERED Jul 28 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1517

In the Matter of

ONSTAR CORPORATION,

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

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on July 28, 2020, 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:



Nolan Moser
Chief Administrative Law Judge



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.

ITEM NO. CA9

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 28, 2020**

REGULAR CONSENT EFFECTIVE DATE July 28, 2020

DATE: July 9, 2020

TO: Public Utility Commission

FROM: Jon Cray

THROUGH: Michael Dougherty and Phil Boyle **SIGNED**

SUBJECT: RESIDENTIAL SERVICE PROTECTION FUND:
(Docket No. UM 1517)
OnStar Corporation Request for Waiver of OAR 860-033-0006(7),
OAR 860-033-0006(8), and OAR 860-033-0006(9).

STAFF RECOMMENDATION:

Staff recommends the Public Utility Commission of Oregon (Commission) approve OnStar Corporation’s request for waiver of the Residential Service Protection Fund (RSPF) late payment fee, interest, and late report fee, effective July 28, 2020.

DISCUSSION:

Issue

Whether the Commission should approve OnStar Corporation’s request for waiver of OAR 860-033-0006(7), OAR 860-033-0006(8), and OAR 860-033-0006(9).

Applicable Law

Pursuant to OAR 860-033-0006(5), “The [RSPF] Remittance Report and surcharges are due to the Commission on or before the 21st calendar day after the close of each month...” Failure to submit the Remittance Report and surcharges in full on or before the due date results in the assessment of a late payment fee, interest and late report fee in accordance with OAR 860-033-0006(7), OAR 860-033-0006(8) and OAR 860-033-0006(9), respectively.

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As provided in OAR 860-033-0006(10), "The Commission may waive the late report fee, the late payment fees and the interest...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."

Analysis

Background

OnStar Corporation did not file the RSPF Remittance Report and surcharges for the month of January 2020 until February 26, 2020, five days past the deadline. The Commission issued a Notice of Proposed Assessment on March 16, 2020, and OnStar Corporation filed a request for waiver on March 27, 2020.

Before the Commission issued a Notice of Proposed Assessment, Staff, by letter, informed OnStar Corporation and its original tax preparer of the missed deadline and requested payment. Staff's letter to the original tax preparer was returned as undeliverable. After OnStar Corporation received the letter, the company's new tax preparer contacted and explained to Staff that the late filing was due to the transition of tax preparers. OnStar Corporation confirmed the latter for Staff and the new preparer committed to future punctual filings on behalf of the company that, to date, had demonstrated compliance without issue.

Conclusion

Staff supports OnStar Corporation's request for waiver of the RSPF late payment fee, interest, and late report fee. The company provided evidence demonstrating that the late filing for the month of January 2020 was due to circumstances beyond its control.

PROPOSED COMMISSION MOTION:

Approve OnStar Corporation's request for waiver of the RSPF late payment fee, interest, and late report fee, effective July 28, 2020.