

ORDER NO. 20-270

ENTERED Aug 25 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1517

In the Matter of

PEERLESS NETWORK OF OREGON, LLC,

Request for Waiver of OAR 860-033-0006(9).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on August 25, 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:

A handwritten signature in blue ink, appearing to read "Nolan Moser".

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.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: August 25, 2020**

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: July 27, 2020

TO: Public Utility Commission

FROM: Jon Cray

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

SUBJECT: RESIDENTIAL SERVICE PROTECTION FUND:
(Docket No. UM 1517)
Peerless Network of Oregon LLC Request for Waiver of
OAR 860-033-0006(9).

STAFF RECOMMENDATION:

Staff recommends the Public Utility Commission of Oregon (Commission) approve Peerless Network of Oregon LLC's (Peerless Network) request for waiver of the Residential Service Protection Fund (RSPF) late report fee for the February 2020 report.

DISCUSSION:

Issue

Whether the Commission should approve Peerless Network's request for waiver of OAR 860-033-0006(9).

Applicable Law

Pursuant to OAR 860-033-0006(5), "The [RSPF] Remittance Report... [is] due to the Commission on or before the 21st calendar day after the close of each month..." Failure to submit the Remittance Report... on or before the due date results in the assessment of a... late report fee in accordance with OAR 860-033-0006(9)."

As provided in OAR 860-033-0006(10), "The Commission may waive the late report fee ...if the telecommunications provider...files a written waiver request and provides

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evidence showing that the telecommunications provider...submitted the Remittance Report... late due to circumstances beyond its control.”

Analysis

Background

Peerless Network did not file the RSPF Remittance Report for the month of February 2020, due March 21, 2020. Staff mailed a letter on March 24, 2020, notifying Peerless Network and its tax preparer, Global Strategic Accountants, LLC (GSA) of the missed deadline. The letter was returned to the Commission as undeliverable and Staff alerted Peerless Network and GSA via email on March 27, 2020.

GSA filed the Remittance Report on April 8, 2020, eighteen (18) days past the deadline, but Peerless Network did not pay the \$100 late report fee. After Staff’s attempts to resolve via email on April 14, 2020 and April 20, 2021, GSA responded on April 21, 2020, the same date the Commission issued a Notice of Proposed Assessment to Peerless Network. GSA provided an explanation of the circumstances that affected timely submission of the Remittance Report. After Peerless Network received the Notice of Proposed Assessment, the Commission’s Administrative Hearings Division accommodated Staff’s request to file GSA’s April 21, 2020, email as the request for waiver on behalf of Peerless Network.

A GSA representative’s prolonged illness and the global public health threat posed by the novel infectious coronavirus, COVID-19, are factors that contributed to the delayed filing. Despite the GSA representative’s stand-in’s efforts to meet the filing deadline, GSA, during the same period, had ordered its employees to shelter in place to stop the spread of COVID-19. Compliance was not reasonably possible considering the challenges in navigating the transition from an office-based environment to remote work. GSA committed to future punctual filings on behalf of Peerless Network that, to date, had demonstrated compliance without issue.

Conclusion

Staff supports Peerless Network’s request for waiver of the RSPF late report fee. GSA, on behalf of Peerless Network, provided evidence demonstrating that the late filing for the reporting month of February 2020 was due to circumstances beyond the Peerless Network’s control.

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PROPOSED COMMISSION MOTION:

Approve Peerless Network's request for waiver of the RSPF late report fee for the February 2020 report.