

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UT 125

In the Matter of

QWEST CORPORATION, fka
U S WEST COMMUNICATIONS, INC.,Application for an Increase in Revenues.

ORDER

DISPOSITION: APPLICATION FOR RECONSIDERATION DENIED;
BRIEFING SCHEDULE REESTABLISHED

The Northwest Public Communications Council (NPCC) seeks reconsideration of Order No. 25-342, which resolved threshold issues in these remand proceedings and directed additional briefing. For reasons provided below, we find no grounds to reconsider our order and deny NPCC's application.

I. PROCEDURAL HISTORY

On October 3, 2025, NPCC filed a "Motion to Stay Proceedings and to Reconsider the Commission's Order 25-342." NPCC contends that the Commission made several factual and legal errors and argues that no additional briefing is required. Following an exchange of filings by Qwest Corporation (Qwest) and NPCC, an administrative law judge issued a ruling clarifying that NPCC's motion would be treated as an application for reconsideration under ORS 756.561 and denied the request for a stay to allow that reconsideration.

On October 31, 2025, Qwest and the Commission Staff filed separate responses to NPCC's application. Both parties contend the Commission should summarily reject NPCC's request. On November 14, 2025, NPCC filed a reply to Qwest's, but not Staff's, response. On November 19, 2026, NPCC filed an errata to its reply.

II. APPLICABLE LAW

As Staff points out, Order No. 25-342 is an interim order resolving threshold issues. It is not a "final order" under ORS 183.310(6)(b) subject to judicial review under ORS 756.610. Nonetheless, ORS 756.561 allows a party to apply for reconsideration of any Commission order. OAR 860-001-0720(2) establishes the requirements for an

application for reconsideration. Section (3) of the rule provides that the Commission may grant the application upon a showing of new evidence, a change in the law or policy, an error of law or fact, or good cause.

III. DISCUSSION AND DECISION

We find that NPCC has failed to establish grounds for reconsideration under OAR 860-001-0720. NPCC restates arguments we previously rejected in Order No. 25-342 and misconstrues the Court of Appeal's decision in *Northwest Public Communications Council v. Qwest*, 323 Or App 151 (2022) (NPCC III). NPCC's application should be rejected and supplemental briefing should commence to allow the Commission to comply with the Court of Appeal's remand.

We adhere to and affirm our threshold decisions made in Order No. 25-342. The Court of Appeals "conclusively decided that the PUC's prior orders did not require the refunds NPCC seeks."¹ As we explained, the court concluded that our prior orders in docket UT 125 were focused on traditional ratemaking principles and "were based solely on the reduced revenue requirement under state law" and not obligations under federal law.² Because the refund procedures in those prior orders were related to Qwest's overall revenues and not costs to provide payphone services, the court held that "none of the PUC's orders require Qwest to pay additional refunds" for alleged non-[new services test]NST-compliant rates.³

That decision does not, as NPCC seems to suggest, eliminate the potential for refunds. To the contrary, our prior decision acknowledged the Court of Appeal's explicit conclusion that none of the prior Commission orders "*preclude* Qwest from additional refund liability for non-NST-complaint rates from 1996-2003."⁴ In other words, the court found that, while prior Commission orders in docket UT 125 did not require refunds, a remedy might be appropriate under federal law given our duty to protect customers from unjust exactions. For that reason, the Court of Appeals remanded this matter for us to determine "Qwest's refund liability for potential violations of federal law from that time period."⁵

We reject, again, NPCC's argument that our review on remand to is limited to whether Qwest's payphone rates charged from 1996 to 2003 "matched" the rates found we found to be NST complaint in 2007. As we previously explained, the Court of Appeals made no finding that the rates approved in 2007 apply to the earlier period in question. Moreover,

¹Order No. 25-342 at 2 (Aug 29, 2025).

² *NPCC III*, 323 Or App at 165.

³ *Id.* at 166.

⁴ *Id.* at 167 (emphasis supplied).

⁵ *Id.* at 166.

the Federal Communications Commission's (FCC) standards for payphone rates established only a maximum permissible rate, and there is no evidence in the record that the rates adopted in 2007 for PALs and fraud protection services were the maximum permissible rates. Importantly, the FCC also explained that states could, but were not required to, order refunds for any period after 1997 that a telecommunications carrier did not have NST-compliant rates in effect.

Our review on remand requires an examination of the two issues we asked parties to brief:

1. Whether Qwest's rates for payphone services in effect from 1997 through 2003 complied with federal law, and
2. If not, whether the law requires the PUC to provide a remedy.

As we explained in Order No. 25-342, the first question requires a review of the applicable provisions of the 1996 Telecommunications Act and the FCC's orders establishing payphone regulations. We ask the parties to provide a complete review of the origins of the NST, and well as the FCC articulation of the NST over time. The second question focuses on the PUC's refund authority under the circumstances presented here. Parties are directed to provide an analysis of our refund authority as clarified by the Oregon Supreme Court in *Gearheart v. PUC*, 356 Or 216 (2014).

Parties are directed to provide this supplemental briefing as follows:

Event	Date
Simultaneous Opening Briefs	Friday January 9, 2026, at 3:00 p.m.
Simultaneous Reply Briefs	Friday January 30, 2026, at 3:00 p.m.

ORDER

IT IS ORDERED that the application for reconsideration of Order No. 25-342, filed by Northwest Public Communications Council NPCC, is denied.

Made, entered, and effective November 25, 2025.



Letha Tawney
Chair



Les Perkins
Commissioner



Karin Power
Commissioner