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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 362

In the Matter of a Rulemaking to Amend)	
OAR Chapter 860, Divisions 021, 032, and)	
034 to Adopt Rules to Implement)	
HB 2578, PUC Fees Due from)	ORDER
Telecommunications Utilities and)	
Competitive Telecommunications)	
Providers.)	

DISPOSITION: ORDER OF RULEMAKING ADOPTED

On August 24, 1999, the Public Utility Commission of Oregon (Commission) opened this docket to consider new rules that would define terms, identify and clarify the annual PUC fee¹ payment and reporting requirements for telecommunications utilities and competitive telecommunications providers, and adopt PUC Fee Statement forms for telecommunications providers. The proposed new rules were drafted in response to amendments made in HB 2578² to ORS 756.310, 756.320, and 756.360 by the 1999 Legislature.

On August 26, 1999, the Commission filed a Notice of Proposed Rulemaking with the Oregon Secretary of State, and was published in the October 1, 1999, *Oregon Bulletin*. Copies of the proposed rules, the Notice of Proposed Rulemaking Hearing, and the Statement of Need and Fiscal Impact were sent to a list of interested parties. Interested parties were invited to and attended a workshop held on September 14, 1999, which identified concerns with the original drafts of the rules. As a result, a few changes were made to the proposed rules. Written comments were filed by October 21, 1999. Staff proposed further changes in its written comments. Thereafter a hearing was held on October 28, 1999. Additional changes were made as a result of the hearing.

¹ The Commission will use the term "PUC fee" rather than "Commission fee," since this is the term consistently used by the parties.

² The amendments became effective on October 23, 1999.

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The Commission considered this matter at its Public Meeting on November 30, 1999. The Commission decided to adopt the new rules as modified and set forth in Appendix A to this order.

Background

The 1999 Legislature revised ORS 756.310, 756.320, and 756.360 related to the annual PUC fee. The revisions modify the assessment base and add approximately 600 competitive telecommunications providers to that base. The revisions to ORS 756.310 regarding the PUC fees payable by telecommunications providers become operative for the calendar year 2000, and are payable to the Commission no later than April 1, 2001. The proposed rules seek to identify and clarify the annual PUC fee payment and reporting requirements for telecommunications utilities and competitive telecommunications providers.

The Proposed New Rules

Six new rules have been proposed: OAR 860-021-0036, Annual Fees Payable to the Commission by a Telecommunications Utility; OAR 860-032-0008, Failure to File Information or Pay the Annual Fee; OAR 860-032-0080, Definition of Gross Retail Intrastate Revenue for Purposes of Annual Fees Payable to the Commission; OAR 860-032-0090, Allocation of Revenues by a Telecommunications Provider; OAR 860-032-0095, Annual Fees Payable to the Commission by a Competitive Provider; and OAR 860-034-0095, Annual Fees Payable to the Commission by a Utility.

The proposed rules were modified to reflect changes that resulted from the workshop held on September 14, 1999. Further revisions were made in Staff's written comments, filed on October 21, 1999, and at the hearing, held on October 28, 1999. The final version of the proposed rule is set forth in Appendix A to this order, and includes the workshop modifications, the modifications proposed in Staff's written comments, and the modifications made at the hearing.

Written comments were filed by four parties: U S WEST Communications, Inc., (U S WEST); GTE Northwest Incorporated (GTE); the Oregon Telecommunications Association (OTA), and the Staff of the Commission (Staff). These parties, with the addition of AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Oregon (collectively AT&T), and CenturyTel of Oregon, Inc. (CenturyTel), also attended the hearing.³ The comments of the parties are summarized below. Since the positions of many parties are similar, the comments are summarized by topic.

³ In addition to those parties listed above, GST Telecom Oregon, Inc. attended the workshop.

(1) Definition of “gross retail intrastate revenue”:

A number of parties object to the definition of “gross retail intrastate revenue” in proposed OAR 860-032-0080. That definition states that gross retail intrastate revenue means “the total amount derived from intrastate retail service before uncollectibles or expenses.” The objecting parties state that this definition is contrary to the language of the amended statute, and point out that the language in HB 2578 is different than the language in the previous version of ORS 756.310.

The previous version of OAR 756.310(3) stated: “The fee payable by each public utility and each telecommunications utility under subsection (1) of this section shall not exceed twenty-five hundredths of one percent of such public utility’s *gross operating revenues derived within this state in the preceding calendar year* or portion thereof, but in no case shall the fee be less than \$10.00.” (emphasis added). In HB 2578, subsection (6)(a) states: “For a telecommunications provider, the fee payable under subsection (1) of this section shall be a percentage amount not to exceed twenty-five hundredths of one percent of the provider’s *gross retail intrastate revenue* for each calendar year, but in no case shall the fee be less than \$100.” (emphasis added). The objecting parties contend that the language difference is significant and that the legislature intended to change the meaning of the previous version of ORS 756.310.

Staff believes that the proposed rule reflects a reasonable, appropriate, and practical interpretation of the statutory term. Staff also notes that the term “derived from” is commonly used in the FCC’s Uniform Systems of Accounts (USOA) to describe proper revenue accounting. Further, the term “derived from” is different from the prior statutory term “derived within,” which focuses on the geographic source of revenues.

Disposition: It is noteworthy that none of the objecting parties has been able to articulate a useful alternative definition of “gross retail intrastate revenues,” nor have they been able to adequately explain what they perceive to be the difference in meaning between this phrase and the sentence used in the proposed rule to define that phrase, “gross retail intrastate revenues means the total amount derived from intrastate retail service before uncollectibles and expenses.” The Commission finds that the language of the proposed rule provides an appropriate and useful definition to give guidance on what will be considered “gross retail intrastate revenue” for purposes of PUC fee assessments. Use of the phrase “derived from” is consistent with the USOA and generally accepted accounting principles (GAAP). Moreover, the Commission finds that there is nothing in the legislative history of HB 2578 to indicate what the legislature intended by the phrase “gross retail intrastate revenue,” or to suggest that the language of the proposed rule is inconsistent with that intention.

(2) Yellow pages revenues:

U S WEST and GTE argue that yellow pages revenues should be excluded from the assessment of PUC fees. Their various arguments may be summarized as follows: The language of HB 2578 limits the assessment of fees to telecommunications providers and does not extend to affiliates. Yellow pages advertisers are not “retail customers,” and thus there is no way to allocate the PUC fee to such customers. Non-telecommunications providers publish yellow pages but will not be subject to the PUC fee. Yellow pages directories cannot be an integral service because some CLECs do not offer such directories.

Staff indicates that a telecommunication utility’s directory advertising is within the Commission’s jurisdiction and is “a service which is provided in connection with, and is integral to, the provision of adequate telephone service,” citing UT 85, Order No. 89-1807 at 12. Staff emphasizes that the term “service” is to be used in its broadest and most inclusive sense, as stated in ORS 756.010(8). In addition, Staff notes that yellow page revenues have long been assigned to the local jurisdiction under the FCC’s Part 36 rules. In addition, FCC and Commission accounting rules require telecommunications utilities to record yellow pages directory revenues in their systems of accounts, citing 47 CFR § 32.5230, and OAR 860-027-0050 and 860-034-0393. Because of the above, Staff asserts that the arguments that yellow pages revenues are collected by an affiliate are irrelevant.

With regard to the argument that yellow pages advertisers are not retail customers, Staff responds that an equitable assessment to Oregon retail customers of the portion of the PUC fee derived from yellow pages revenues will satisfy the need to allocate the fee to customers, and providers could allocate a percentage based on advertisers’ telephone bills. With regard to the argument that other directory publishers are not required to pay the PUC fee, Staff explains that directory publishers who are not telecommunications providers are not subject to the PUC fee because they are not subject to the Commission’s jurisdiction. The fact that a competitor chooses not to publish a directory does not make such directories any less an integral part of telecommunications service generally.

Finally, Staff points out that yellow page directory revenues have long been included in the PUC fee base, and that nothing in HB 2578 directs the exclusion of such revenues. In addition, Staff also cites to prior Commission orders, in response to various arguments that the revenues are those of the affiliate, regarding the transfer of yellow pages assets to an affiliate owned by the same parent corporation without the payment of adequate consideration.

Disposition: The Commission deems yellow page directories to be an intrastate service. The directories are distributed locally and are used almost exclusively

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by intrastate retail customers to locate information about the geographic area for which the volume is published. Likewise, the advertisers are almost exclusively located intrastate. The Commission has previously found that yellow page directories are an integral part of telephone service.

In addition, HB 2578 is intended in part to broaden the Commission's funding base to add competitive telecommunications providers to the assessment base and to modify the base accordingly. There is nothing in the legislative history to indicate that the Legislature intended to exclude yellow page revenues. Staff's points that yellow page directory revenues are local and retail in nature, and that those revenues are currently included in the PUC fee base, are persuasive. Thus, the Commission finds that those revenues should continue to be included in the PUC fee base.

(3) Universal Service Fund (USF) revenues, including federal USF, Oregon USF, and Oregon Residential Service Protection Fund (RSPF):

GTE maintains that federal USF revenues, Oregon USF revenues, and Oregon RSPF revenues should not be used in calculating the PUC fee assessment. OTA takes the same position only with regard to federal USF revenues. GTE argues that USF funds are used to offset costs that cannot be charged to retail customers in high cost areas. It contends that including such revenues in determining the Company's PUC assessment will lead to rural customers paying more than urban customers. In addition, GTE contends that if a telecommunications provider serves a predominantly rural area, the assessment base will diverge significantly from the recovery base. GTE also claims that such an assessment method is not competitively neutral.

OTA claims that inclusion of federal USF revenues is inconsistent with the plain meaning of HB 2578, since federal USF revenues are neither retail nor intrastate. OTA notes that federal USF revenues represent the recovery of costs that have been allocated to the interstate jurisdiction. OTA also explains that the revenue for USF distributions comes from assessment on telecommunications providers, not intrastate end users, and the assessments are based only on interstate services, thus the ultimate source of the funds is interstate and not intrastate.

Staff contends that USF revenues should be used to calculate the PUC assessment. Staff's position is that the PUC fee is based upon the provider's revenues from providing intrastate retail services, regardless of whether the source of those revenues is a third party. Staff also notes that federal USF payments reduce state expenses and thereby support the local loop, citing 47 CFR § 36.601(a). Staff believes that the focus should be on revenues and not costs.

Disposition: The Commission concurs with Staff that the PUC fee should be based upon the provider's revenues from providing intrastate retail services, regardless of the source of those revenues, and thus finds that it is appropriate to include distributions from the federal USF, the Oregon USF, and the Oregon RSPF in determining a provider's PUC assessment. The Commission also concurs that the focus should be on revenues and not costs. Revenues from these funds are used to provide local exchange service to end user customers, which is a retail intrastate service.

(4) Subscriber Line Charge (SLC) revenues:

OTA objects to the use of SLC revenues to determine the amount owed by a provider for PUC fees. OTA asserts that SLC charges are imposed by the Federal Communications Commission (FCC) for the recovery of costs allocated to the interstate jurisdiction. Thus, OTA contends that SLCs are interstate and not intrastate revenues, and should be excluded from the assessment of PUC fees. OTA also points out that the SLC charges recognize the use of the local loop for interstate services.

Staff counters that OTA is essentially arguing for an overlay of the FCC's separations process on the assessment of PUC fees, and questions whether this historical regulatory scheme is appropriate in this context. Staff maintains that the focus should be on gross revenues, and not on costs. Staff also raises an equitable argument that competitive local exchange carriers (CLECs) would be assessed on all their revenues, while incumbent local exchange carriers would not, thus creating a competitive problem for CLECs.

Disposition: The Commission concurs with Staff that it is inappropriate to overlay the separations process on the PUC assessments, particularly when an anticompetitive effect could result. Again the focus should be on revenues, not costs. The Commission also notes that the SLC charges are assessed upon and paid by all end users of local service.

(5) If the PUC fees are embedded in rates, the provider should not have to separately describe the item on bills:

U S WEST suggests that proposed OAR 860-021-0036(3) and (4) should be clarified to exclude utilities complying with subsection (4) from the requirements of subsection (3). U S WEST contests the obligation to describe the apportioned amount of the annual PUC fee on the bills of retail customers.⁴ At the hearing, U S WEST

⁴ Both proposed OAR 860-021-0036(3)(b) and OAR 860-021-0036(4) contain this requirement. The difference is that OAR 860-021-0036(4) addresses those telecommunications utilities that have the annual PUC fee embedded in their Commission-approved retail rates.

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elaborated on its concerns, stating that because of other changes necessitated by the Y2K bug, it does not believe it will have time to program its billing system with the necessary modifications prior to January 1, 2000.

Staff points out that the requirement in proposed OAR 860-021-0036(3)(b) and (4) is required by section (6)(b) of the statute, which reads, “The amount of the charge shall be described on the retail customer’s bill in a manner determined by the provider.” *See* ORS 756.310(6)(b).

Disposition: The Commission finds that the requirement complained of is required by the statute, and the language in the proposed rules faithfully tracks the language of the statute. U S WEST is certainly free to describe the apportioned amount in any way that is consistent with the rule, which may include an additional page to the bill that sets out the charge. However, the Commission is not free to ignore the legislative language by carving out an exception for telecommunications utilities that have the PUC fee embedded in their rates.

(6) Radio common carrier revenues:

U S WEST raised a concern over whether radio common carrier or wireless services would ever be subject to assessment for PUC fees.

Disposition: This concern was resolved at the hearing. The workshop version of proposed rule OAR 860-032-0080(2) stated that the term gross retail intrastate revenues excludes revenue from the following services: “. . . radio common carrier, personal communications systems (PCS), and cellular, except when the service is provided by a telecommunications provider as part of the provision of telecommunications service subject to the Commission's jurisdiction, . . .” The hearing version of the same proposed rule now states that gross retail intrastate revenues excludes revenue from the following services: “. . . when provided by a radio common carrier: cellular, personal communications systems (PCS), radio paging, or other radio communications services.” This clarifies that cellular, PCS, paging, and other radio services will not be included when they are provided by a radio common carrier. This is consistent with subsection (8)(b) of HB 2578 and ORS 759.005(2)(e) and (2)(g)(A).

Sample form for gross revenue fee statements:

As part of the Staff Report that recommended opening this docket, Staff proposed the adoption of two separate forms to be used by competitive telecommunications providers and telecommunications utilities to report their gross revenues. Staff’s original proposals were attached to the Staff Report as Attachments C and D. Staff worked with the parties to this docket, and subsequently offered into the record as Staff Exhibit #3 a sample “Gross Revenue Fee Statement” form to be used by

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all telecommunications providers, regardless of whether they are competitive telecommunications providers or telecommunications utilities. The exhibit was admitted into the record at the hearing without objection.

The Commission has reviewed Staff Exhibit #3, and finds the form appropriate for use by telecommunications providers for reporting their gross revenues. Use of one form rather than two may avoid confusion, particularly for companies that may be certified as both telecommunications utilities and competitive telecommunications providers. The Commission will adopt this sample form for use commencing January 1, 2000.

Summary

In summary, we conclude that the proposed new rules, along with the modifications made as a result of the workshop, the written comments, and the hearing, will establish rules to implement the changes in ORS 756.310, 756.320, and 756.360, as a result of HB 2578.

ORDER

IT IS ORDERED that:

1. Proposed new rules OAR 860-021-0036, Annual Fees Payable to the Commission by a Telecommunications Utility; OAR 860-032-0008, Failure to File Information or Pay the Annual Fee; OAR 860-032-0080, Definition of Gross Retail Intrastate Revenue for Purposes of Annual Fees Payable to the Commission; OAR 860-032-0090, Allocation of Revenues by a Telecommunications Provider; OAR 860-032-0095, Annual Fees Payable to the Commission by a Competitive Provider; and OAR 860-034-0095, Annual Fees Payable to the Commission by a Utility, are adopted as set forth in Appendix A, attached to this order. The new rules will be effective upon filing with the Oregon Secretary of State.

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2. The sample form, "Gross Revenue Fee Statement for Telecommunications Providers," admitted into evidence as Staff Exhibit #3 and attached to this order as Appendix B, is adopted for use by telecommunications providers beginning January 1, 2000.

Made, entered, and effective _____.

BY THE COMMISSION:

Vikie Bailey-Goggins
Commission Secretary

A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-021-0036

Annual Fees Payable to the Commission by a Telecommunications Utility

(1) The Commission shall provide statement forms and each telecommunications utility shall provide the requested information on the form for the subject year.

(2) Each telecommunications utility shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0023. For payments due on or before April 1, 2000, the annual fee shall be no less than \$10. For payments due on or after April 1, 2001, the annual fee shall be no less than \$100.

(3) For retail intrastate service rendered on or after January 1, 2000, a telecommunications utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility through Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) If the annual fee charge is embedded in the telecommunications utility's Commission-approved retail rates, and the utility does not separately charge the customer an additional amount for the apportioned annual fee, then the utility may comply with subsection (3) of this rule by merely describing the apportioned amount of the charge on the retail customer's bill.

(5) If the annual fee charge is embedded in the telecommunications utility's Commission-approved retail rates, and the utility separately charges the customer an additional amount for the apportioned annual fee, then the utility must comply with ORS 756.310(6)(c).

(6) Each telecommunications utility shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(7) If the Commission receives a public record request for the information required in sections (1) and (6) of this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

(8) Subject to the applicable requirements of the Public Records Law or ORS 759.060, access to this material shall be limited to Commissioners, their Counsel, and Commission employees. The materials shall be segregated and maintained in a locked file.

Stat. Auth.: ORS Ch. 183, 192, 756 & 759

Stats. Implemented: ORS 756.060, 756.310 & 756.320

Hist.: NEW

860-032-0008

Failure to File Information or Pay the Annual Fee

(1) If the Commission has not received an annual fee payment from a telecommunications provider by April 1 of the year after the calendar year upon which the fee is based, a penalty shall be due and payable. The penalty shall equal two percent of the annual fee for each and every month or fraction thereof that the fee remains unpaid.

(2) If the Commission has not received requested information or an annual fee within the specified time, or a telecommunications provider does not cooperate with a Commission audit, the Commission may commence a proceeding to impose sanctions, including but not limited to, revoking the telecommunications provider's certificate of authority to operate in Oregon.

Stat. Auth.: ORS Ch. 183 & 756

Stats. Implemented: ORS 756.040, 756.310, 756.320, 756.350 & 759.020

Hist.: NEW

860-032-0080

Definition of Gross Retail Intrastate Revenue for Purposes of Annual Fees Payable to the Commission

“Gross retail intrastate revenue” means the total amount derived from intrastate retail service before uncollectibles or expenses. Gross retail intrastate revenues shall be accrued in accordance with generally accepted accounting principles during the calendar year. For purposes of determining the annual fees payable to the Commission by telecommunications providers under OARs 860-021-0036, 860-032-0095, and 860-034-0095:

(1) “Gross retail intrastate revenue” includes all revenue paid by or on behalf of a final customer for the following services: Centrex; directory and operator services including yellow pages; extended area service; features and advanced services including custom calling, vertical service, custom local area signaling service, market expansion lines, remote call forwarding, toll restriction, and voice messaging; interexchange and long distance services when the call or signal originates and terminates in Oregon; and local service including subscriber line charge and universal service fund (USF) distributions from the federal USF, Oregon USF, and Residential Service Protection Fund.

(2) “Gross retail intrastate revenue” excludes revenue from the following services: carrier billing and collection; carrier access; interstate interexchange and long distance services; internet service; payphone service sold to an end user; installation, maintenance, repair, lease rental, or sale of telecommunications equipment; and when provided by a radio common carrier: cellular, personal communications systems (PCS), radio paging, or other radio communications services.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.310

Hist.: NEW

860-032-0090

Allocation of Revenues by a Telecommunications Provider

(1) Each telecommunications provider shall allocate total Oregon revenues between gross retail intrastate revenues from telecommunications services and other revenues for each subject year.

(2) Each telecommunications provider shall maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services for each subject year.

Stat. Auth.: ORS Ch. 183 & 756

Stat. Implemented: ORS 756.310

Hist.: NEW

860-032-0095

Annual Fees Payable to the Commission by a Competitive Provider

(1) The Commission shall provide statement forms and each competitive provider shall provide the requested information on the form for the subject year.

(2) Each competitive provider, which holds an Oregon certificate at any time during the subject year, shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0023. The annual fee shall be no less than \$100.

(3) For retail intrastate service rendered on or after January 1, 2000, a competitive provider must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility through Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) Each competitive provider shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(5) If the Commission receives a public record request for the information required in sections (1) and (4) of this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

(6) Subject to the applicable requirements of the Public Records Law or ORS 759.060, access to this material shall be limited to Commissioners, their Counsel, and Commission employees. The materials shall be segregated and maintained in a locked file.

(7) A cooperative that is a competitive provider shall pay an annual fee only on the gross retail intrastate revenue from telecommunications services that are provided under the cooperative's ORS 759.020 certificate of authority. A cooperative shall not

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pay an annual fee on revenue from telecommunications services that are provided under the cooperative's ORS 759.025 certificate of authority.

Stat. Auth.: ORS Ch. 183, 192, 756 & 759

Stats. Implemented: ORS 756.310 & 756.320

Hist.: NEW

860-034-0095

Annual Fees Payable to the Commission by a Utility

(1) The Commission shall provide statement forms and each utility shall provide the requested information on the form for the subject year.

(2) Each utility shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0023. For payments due on or before April 1, 2000, the annual fee shall be no less than \$10. For payments due on or after April 1, 2001, the annual fee shall be no less than \$100.

(3) For retail intrastate service rendered on or after January 1, 2000, a utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility through Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) Each utility shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(5) If the Commission receives a public record request for the information required in sections (1) and (4) of this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

(6) Subject to the applicable requirements of the Public Records Law or ORS 759.060, access to this material shall be limited to Commissioners, their Counsel, and Commission employees. The materials shall be segregated and maintained in a locked file.

Stat. Auth.: ORS Ch. 183, 192, 756 & 759

Stats. Implemented: ORS 756.060, 756.310 & 756.320

Hist.: NEW