

This is an electronic copy. Appendices may not appear.

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UI 93 (25)

In the Matter of the Supplemental Application of	)	
GTE Northwest Incorporated for Approval of an	)	ORDER
Agreement with AG Communications Systems	)	
Corporation, an Affiliated Interest, for Hardware	)	
and Software Improvements.	)	

**DISPOSITION: SUPPLEMENTAL APPLICATION APPROVED WITH CONDITIONS**

On November 5, 1999, the Commission received a supplemental application from GTE Northwest Incorporated (Company), filed pursuant to ORS 759.375 and ORS 759.390, requesting approval of an agreement for hardware and software improvements with AG Communications Systems Corporation (AGCS), an affiliated interest.

Based on a review of the application and the Commission's records, the Commission finds that the application satisfies applicable statutes and administrative rules. At its Public Meeting on November 30, 1999, the Commission adopted Staff's recommendation to approve the application with conditions. Staff's recommendation is attached as Appendix A and is incorporated by reference.

**OPINION**

**Jurisdiction**

ORS 759.005 defines a "telecommunications utility" as anyone providing telecommunications service to the public in Oregon. The Company is a telecommunications utility subject to the Commission's jurisdiction.

**Affiliation**

An affiliated interest relationship between GTE Northwest Incorporated and AG Communications Systems Corporation exists under ORS 759.010.

**Applicable Law**

ORS 759.390 requires telecommunications utilities to seek approval of contracts with affiliated interests within 90 days of execution of the contract. The intent of the statute is to protect ratepayers from the abuses which may arise from less than arm's length transactions. *Portland General*

*Electric Company*, UF 3739, Order No. 81-737 at 6. Failure to file within the 90-day time limit may preclude the utility from recovering costs incurred under the contract. *See* ORS 759.390.

ORS 759.390(3) requires the Commission to approve the contract if the Commission finds that the contract is fair and reasonable and not contrary to the public interest. However, the Commission need not determine the reasonableness of all the financial aspects of the contract for ratemaking purposes. The Commission may reserve that issue for a subsequent proceeding.

Ratepayers should not be harmed by approval of this application.

### CONCLUSIONS

1. The Company is a telecommunications utility subject to the jurisdiction of the Commission.
2. An affiliated interest relationship exists between GTE Northwest Incorporated and AG Communications Systems Corporation.
3. The agreement is fair, reasonable, and not contrary to the public interest.
4. The application should be granted.

### ORDER

IT IS ORDERED that the supplemental application of GTE Northwest Incorporated for authority to engage in certain affiliated interest transactions with AG Communications Systems Corporation is granted, subject to the conditions stated in Appendix A.

Made, entered, and effective \_\_\_\_\_.

BY THE COMMISSION:

---

**Vikie Bailey-Goggins**  
Commission Secretary

A party may request rehearing or reconsideration of this order pursuant to 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 of OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070. A party may appeal this order pursuant to ORS 756.580.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: NOVEMBER 30, 1999**

REGULAR AGENDA\_\_\_ CONSENT AGENDA X EFFECTIVE DATE\_\_\_\_\_

**DATE:** November 10, 1999

**TO:** Bill Warren through Marc Hellman and Mike Myers

**FROM:** Marion Anderson

**SUBJECT:** UI 93 (25) - GTE Northwest, Incorporated (GTE-NW) Supplemental Application for Approval of an Agreement with AG Communications Systems Corporation (AGCS) for Hardware and Software Improvements

**SUMMARY RECOMMENDATION:**

Staff recommends approval with conditions.

**DISCUSSION:**

This filing was made on November 30, 1999 and the estimated annual total Oregon cost of these enhancements is \$90,000.

The affiliated interest relationships are established under ORS 759.010 in that GTE Corporation has 100% equity positions in GTE-NW and GTE Communications Systems Corporation. The GTE Corporation equity position in AGCS is 19.99%. Under a joint venture agreement with AT&T, the latter position has declined by sale from an initial 51% and will be liquidated on the first business day following December 31, 2003.

**PERTINENT ISSUES:**

I have investigated the following issues to determine if this supplemental agreement is fair and reasonable, and not contrary to the public interest.

1. Scope of Services

The right to load System Version Release 4.0.0.1 in the existing central office switches is hereby conferred as an upgrade to base ISDN capability. Upgrade features include "AIN: Voice Activated Dialing, Blocking of 900, 976 and 700 calls, Suppressed Ringing and Abbreviated Dialing; Primary Rate Interface and Secondary Class of Service Table Expansion". Additionally, there are permanent upgrades for the temporary corrections for debugging problems discovered in operations.

2. Transfer Pricing Methods

Due to the lack of system interchangeability, once the initial switching investment was made, no alternative suppliers existed. Detailed Recommendation Condition 1 allows staff to develop necessary information as needed.

September 14, 1999  
Page 2

**PERTINENT ISSUES: (continued)**

3. Public Interest Compliance  
Sterling Sawyer, Senior Economic Analyst, reviewed the technical descriptions in this agreement and made the following statement: "This software load is consistent with GTE's attempt to keep the GTD-5 at the current level of operation as similar switch manufacture and achieve full potential of this switch design."
4. Records Availability, Audit Procedures and Reporting Requirements  
I believe that Detailed Recommendation Conditions 1 and 4 afford the Commission adequate access to records and provide for the auditing of transactions between GTE-NW and AGCS.

**CONCLUSIONS:**

Based on an investigation and review of this application, my conclusions are as follows:

1. GTE Northwest, Incorporated, is a regulated telecommunications company subject to the jurisdiction of the Public Utility Commission of Oregon.
2. An affiliated interest relationship exists between GTE Northwest, Incorporated, and AG Communications Systems Corporation.
3. The application appears to be fair and reasonable and not contrary to the public interest.

**DETAILED RECOMMENDATION:**

Based on the preceding discussion and conclusions, I recommend that the supplemental application presenting the amendment to existing agreements between GTE Northwest, Incorporated, and AG Communications Systems Corporation be approved with the following conditions:

1. GTE Northwest, Incorporated, shall provide Staff access to all books of account, as well as all documents, data and records of GTE Northwest, Incorporated, and AG Communications Systems Corporation that pertain to transactions between them.
2. The Commission reserves the right to review for reasonableness all financial aspects of this arrangement in any rate proceeding or earnings review under an alternative form of regulation.
3. GTE Northwest, Incorporated, shall notify the Commission in advance of any substantive changes to the agreement, including any material changes in any cost. Any changes to the agreement terms that alter the intent and extent of activities under the agreement from those approved herein shall be submitted for approval in an application for supplemental order (or other appropriate format) in this docket.
4. Condition 4 of Order No. 98-042 (carried over to all orders from Order No. 93-238 in this docket) remains in effect.

UI 93 (25)