

ORDER NO. 01-1025

ENTERED DEC 03 2001

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

AR 418

In the Matter of a proposed rulemaking)
opened as a result of AR 395 (Triennial) ORDER
Rules Review) to amend Oregon)
Administrative Rule 860-027-0031.)

DISPOSITION: RULE AMENDED

At its August 7, 2001, Public Meeting, the Public Utility Commission (PUC) opened docket AR 418, a rulemaking proceeding to make a housekeeping change to Oregon Administrative Rule 860-027-0031. Associated with PUC's triennial rules review (AR 395), Verizon Northwest Inc., suggested OAR 860-027-0031 be revised by removing the reference to Duff and Phelps and insert Fitch. According to Verizon, Duff and Phelps merged with Fitch and Fitch is the surviving company so this name change should be shown in the rule.

The Commission filed Notice of the Proposed Rulemaking with the Secretary of State on September 6, 2001, and subsequently provided notice to all interested persons on the Commission's rule changes list. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the October 1, 2001, *Oregon Bulletin*.

No written comments were filed and no request was made for a public hearing as a result of the notice.

At its December 3, 2001, Public Meeting, the Commission approved Staff's recommendation to adopt the proposed rule as set forth in Appendix A.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rule 860-027-0031, as set forth in Appendix A, is adopted.
2. The amended rule shall be effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

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.

860-027-0031

When the Commission May Reregulate Financings of Exempt Telecommunications Utilities

If any bond rating made by Standard and Poor's, Moody's, or ~~Duff and Phelps~~ Fitch for a large telecommunications utility exempt under ORS 759.315(5) from the requirements of ORS 759.310 and ORS 759.315(2) falls below "A," the Commission may find that reregulation of the large telecommunications utility under ORS 759.310 and ORS 759.315(2) is necessary to prevent the impairment of service to customers.

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

Stats. Implemented: ORS 759.040 & 759.045

Hist.: PUC 8-1994, f. & ef. 4-15-94 (Order No. 94-555); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)