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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

AR 399

In the Matter of a Rulemaking to Make)
Housekeeping Changes to OARs 860-023-0055,) ORDER
860-032-0012, and 860-034-0390 Related to)
Telecommunications Service Standards.)

DISPOSITION: RULES ADOPTED

On January 9, 2001, at its regular public meeting, the Commission adopted Commission Staff’s recommendation to open this docket to make housekeeping changes to OARs 860-023-0055, 860-032-0012, and 860-034-0390, related to telecommunications service standards.

Staff requested this rulemaking to update OAR 860-032-0012. OAR 860, Division 032, applies to telecommunications providers, including competitive providers with certificates of authority under ORS 759.020 or ORS 759.050. OAR 860-032-0012 contains service standards for competitive providers, written before passage of Senate Bill (SB) 622. After implementation of SB 622, ORS 750.450 prescribes minimum telecommunications service quality standards. OARs 860-023-0055 and 860-034-0390 comply with ORS 759.450; OAR 860-032-0012 does not.

Staff proposed to revise OAR 860-032-0012 to refer to OARs 860-023-0055 and 860-034-0390. OARs 860-023-0055 and 860-034-0390 are placed in Divisions 023 and 034, where they appear to apply to telecommunications utilities only. Having a cross-reference to these rules in OAR 860-032-0012 will alert competitive providers that OARs 860-023-0055 and 860-034-0390 apply to them. A cross-reference is preferable to restating the wording of the existing rules, because it will help ensure consistent service standards. Staff has found that duplicate rules are difficult to explain to companies and difficult to manage. For example, OAR 860-032-0012 was not revised when OARs 860-023-0055 and 860-034-0390 were changed.

By their terms, OARs 860-023-0055 and 860-034-0390 apply to every “telecommunications carrier,” but the term is not used anywhere else in the OARs, and it is not defined until subsection (1)(l) of each rule. Staff’s proposal defines the term with a reference in the opening sentence. It also updates the statutes implemented.

Staff’s proposed rule and a Notice of Proposed Rulemaking were filed with the Secretary of State on January 9, 2001. The Notice advised interested persons of their rights to request a hearing. No person requested a hearing, and the time for such a request is past.

Only Verizon Northwest Inc. (Verizon) filed comments on the proposed changes. The title of OAR 860-032-0012 originally read: "Service Standards of Competitive Providers." Staff's proposed title read: "Retail Telecommunications Service Standards for Telecommunications Providers." Verizon suggested changing "Providers" to "Carriers" in the title, because the rule's text refers to telecommunications carriers rather than providers. The retail service quality rules in Divisions 23 and 34 also use the term "carrier" rather than "provider." Moreover, Verizon noted that the Commission has defined "telecommunications carrier" and "telecommunications provider" differently in OAR 860-023-0055 and OAR 860-032-0001(9).

The title in the proposed rule, OAR 860-032-0012, was changed to read "Retail Telecommunications Service Standards." The rule, with the new title, was filed again with the Secretary of State on March 8, 2001. Comments were due on April 23. No one filed comments or requested a hearing. The revised rules are contained in Appendix A to this Order.

At its regular public meeting of May 22, 2001, the Commission voted to adopt the rules as set out in Appendix A.

ORDER

IT IS ORDERED that:

1. The rules attached as Appendix A and made part of this order are adopted.
2. The rules shall become effective upon filing with the Secretary of State.

Made, entered, and effective _____.

BY THE COMMISSION:

Vikie Bailey-Goggins
Commission Secretary