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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UA 91

In the Matter of the Application of PINE)
TELEPHONE SYSTEM, INC. for) ORDER
Allocation of Exclusively Served Territory.)

DISPOSITION: APPLICATION GRANTED

On August 28, 2001, Pine Telephone System, Inc. filed an application for allocation of unserved territory adjacent to territory Pine Telephone serves exclusively. The 16 square mile unserved area, known as the Greenhorn Area, is contiguous with Pine Telephone's larger Granite Exchange. Approximately 20 potential customers reside in the Greenhorn area.

The Commission published notice of the application pursuant to ORS 759.535(2). The Commission received no comments or requests for hearing.

Pine Telephone's request is for an order granting it the exclusive right to provide service in the Greenhorn Area. Staff points out that Section 253 of the Telecommunications Act of 1996 preempts state commissions from granting exclusive franchises to provide telecommunications services. Although Staff recommends that the Commission allocate the Greenhorn Area to Pine Telephone, Staff observes that the Commission could authorize another carrier to provide service in the area pursuant to ORS 759.020 and 759.050.

No other local exchange telecommunications utility or any other entity offers or provides service in the subject territory. It is more economical and feasible for Pine Telephone to serve the territory by an extension of its existing facilities than by an extension of the facilities of another telecommunications utility or entity.

Based on the application and Commission Staff investigation, we conclude that Pine Telephone's application to serve the Greenhorn Area should be approved. However, the Commission could authorize another carrier to provide service in the area. We grant Pine Telephone's application subject to the limitations on Commission authority to grant exclusive franchises imposed by Section 253 of the Telecommunications Act of 1996.

A description of the Pine Telephone service area, including the territory requested in this docket, is attached as Appendix A to this order.

ORDER

IT IS ORDERED that;

1. The application filed by Pine Telephone System, Inc. to provide telecommunications services in the unserved territory specified in Appendix A to this order is approved;
2. Pine Telephone System, Inc. shall file, within 30 days of the date of this order, a map of the Granite Exchange including the addition of the Greenhorn area.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

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 in 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(2). A party may appeal this order to a court pursuant to applicable law.