This is an electronic copy. Attachments may not appear. BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

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THE NORTHWEST PUBLIC COMMUNICATIONS COUNCIL,)	
Complainant,)	ORDER
VS.)	
QWEST CORPORATION,)	
Defendant.)	

DISPOSITION: COMPLAINT/REQUEST FOR DECLARATORY RULING DISMISSED

On May 14, 2001, Northwest Public Communications Council (NPCC, formerly Northwest Payphone Association) filed a complaint and request for declaratory ruling with the Public Utility Commission of Oregon (Commission). NPCC claims that the public access line (PAL) rates charged by the defendant, Qwest Corporation (Qwest) do not comply with the "new services test" adopted by the Federal Communications Commission (FCC) in accordance with §276 of the Telecommunications Act of 1996 (the Act). NPCC requests a declaratory ruling holding that Qwest overcharged all PAL customers since April 15, 1997, and an order directing Qwest to pay refunds to those customers.

On June 21, 2001, the Administrative Law Judge granted a joint motion by NPCC and Qwest requesting that the Commission stay proceedings in this docket pending the final order in PUC docket UT 125, Phase II, the rate design phase of Qwest's rate case.

On September 14, 2001, the Commission issued Order No. 01-810 in docket UT 125, Phase II. On January 8, 2002, the Commission issued Order No. 02-009, denying NPCC's application for reconsideration in that docket. Among other things, those orders hold that Qwest's PAL rates do not violate either the FCC's "new services test" or §276 of the Act. NPCC's complaint and request for declaratory ruling is therefore moot and should be dismissed.

ORDER

IT IS ORDERED that the complaint and request for declaratory ruling filed by the Northwest Public Communications Council against Qwest Corporation is dismissed.

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.