

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1459

In the Matter of

ESCHELON TELECOM OF OREGON,
INC. AND ITS OREGON AFFILIATES

Petition for Exemption from all Service
Quality Reporting Requirements under
OAR 860-032-0012.

ORDER

DISPOSITION: PETITION GRANTED

On November 20, 2009, Eschelon Telecom of Oregon Inc. and its Oregon affiliates (Eschelon or Company) filed a petition, with the Public Utility Commission of Oregon (Commission), for exemption from all Service Quality Reporting requirements under OAR 860-032-0012(16)(d). A description of the filing and its procedural history is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

Staff recommends the Commission grant Eschelon's petition for exemption from certain Service Quality Reporting, but expressly reserves the authority to revoke the exemption for cause as explained in Appendix A.

At its Public Meeting on January 5, 2010, the Commission adopted Staff's Recommendation and approved Eschelon's current request.

ORDER

IT IS ORDERED that Eschelon Telecom of Oregon Inc. and its Oregon Affiliates' petition to cease reporting service quality results is granted, subject to revocation upon a showing by Commission Staff that service has degraded.

Made, entered, and effective JAN 11 2010.


Lee Beyer
Chairman


John Savage
Commissioner


Ray Baum
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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

ITEM NO. CA6

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: January 5, 2010**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: December 17, 2009

TO: Public Utility Commission

FROM: Wolodymyr Birko 

THROUGH: Lee Sparling, Bryan Conway and Irv Emmons 

SUBJECT: ESCHELON TELECOM OF OREGON INC: (Docket No. UM 1459)
Petition for exemption from all Service Quality Reporting requirements
under OAR 860-032-0012(16)(d).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the petition for exemption from certain Service Quality Reporting filed by Eschelon Telecom of Oregon, Inc. (Eschelon), and its Oregon affiliates: Advanced TelCom, Inc., Shared Communications Services, Inc., Oregon Telecom, Inc. and United Communications, Inc. d/b/a UNICOM but expressly reserve the authority to revoke the exemption for cause as explained in this Staff report.

DISCUSSION:

On November 20, 2009, Eschelon and its Oregon affiliates filed a petition pursuant to Oregon Administrative Rule (OAR) 860-032-0012(16)(b) requesting exemption from the rule's monthly Service Quality Reporting (SQR) requirement. Eschelon and its Oregon affiliates are certified as Competitive Local Exchange Carriers (CLECs) in the State of Oregon. They have met all service quality objective service levels as set forth in sections (4) through (8) of OAR 860-032-0012 for the 12 consecutive months ending in August, 2009. Staff has checked with the Consumer Services Division, and neither Eschelon or its' affiliates have had a complaint filed against them in the past 12 months.

Granting an exemption request under the rule does not vacate Eschelon's continuing requirement to measure service quality metrics, gather information and retain a complete record of service quality data. Eschelon's request, if granted, would only exempt Eschelon from submitting the SQR to the Commission on a monthly basis. The exemption would also prevent the posting of SQR's on the Commission's website. Any

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exemption from Service Quality Reporting may be revoked upon a showing by Staff that service has degraded, primarily by a resumption of service complaints.

PROPOSED COMMISSION MOTION:

The Commission grant Eschelon's petition to cease reporting service quality results subject to revocation upon a showing by Staff that service has degraded.

Eschelon exemption