

BEFORE THE OREGON PUBLIC UTILITY COMMISSION

THE OREGON TELECOMMUNICATIONS
ASSOCIATION, CANBY TELEPHONE
ASSOCIATION and MOLALLA
COMMUNICATIONS COMPANY,

Complainants,

v.

MCMINNVILLE ACCESS COMPANY,
d/b/a ONLINENW,

Defendant.

Docket No. UM 1580

COMPLAINT TO REQUIRE MCMINNVILLE
ACCESS COMPANY, d/b/a ONLINE NW TO
REGISTER WITH THE COMMISSION AND
PAY ACCESS CHARGES

ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

Kathryn Tate
CEO
McMinnville Access Company, d/b/a OnlineNW
340 NE Ford Street
PO Box 1357
McMinnville, OR 97128

Answer

McMinnville Access Company, d/b/a OnlineNW (“OnlineNW”) responds to the basis for the complaint in Section V containing the allegations in the Complaint to Require McMinnville Access Company, d/b/a OnlineNW to Register with the Commission and Pay Access Charges (“the Complaint”) as follows:

5.1 Denied.

5.2 Denied.

5.3 Denied.

5.4 Denied.

5.5 The paragraph contains legal conclusions for which an answer is not required. To the extent that the paragraph contains any factual allegations, they are denied.

To the extent there are any additional factual allegations in the Complaint, they are expressly denied.

Affirmative Defense

1. OnlineNW is an Internet service provider that bundles voice over Internet protocol (“VoIP”) communications with its Internet services.¹ This Commission does not currently have the jurisdiction to require OnlineNW to maintain a certificate of authority or “register” to provide Internet services such as VoIP to the public.²
2. OnlineNW does not transport any traffic of any sort to Plaintiffs. OnlineNW transports its on-net VoIP traffic to its affiliated competitive provider Pacific Wave Communications, ID #7411.³ All off-net calls are transmitted via Internet protocol transport agreements with SIP providers in the same method that all VoIP providers do so. As such OnlineNW is not responsible for transporting any traffic for termination to Plaintiffs’ end users such that access charges may lawfully be charged.

Respectfully submitted,

/s/

Kathryn Tate
CEO
McMinnville Access Company, d/b/a OnlineNW

¹ See Appendix B attached to the Complaint. “Digital Phone FAQ's What is Digital Phone Service? OnlineNW Digital Phone Service (or Voice over IP or VoIP) refers to telephone service that is transmitted via the Internet instead of a traditional copper land-line.

² See the following webpage maintained by the Oregon Public Utility Commission:
<http://www.puc.state.or.us/PUC/telecom/jurisdiction.shtml>

³ See <http://apps.puc.state.or.us/edockets/Utility.asp?OrganizationId=7411>

CERTIFICATE OF SERVICE

I certify that I have this day sent the attached Answer and Affirmative Defenses to the Complaint to Require McMinnville Access Company, d/b/a OnlineNW to Register with the Commission and Pay Access Charges by electronic mail and an original and five copies via U.S. mail to the following:

Public Utility Commission

Attn: Filing Center, 550 Capitol Street NE #215, PO Box 2148, Salem, OR 97308.
puc.filingcenter@state.or.us

I further certify that I have this day sent the attached Answer to the Complaint to Require McMinnville Access Company, d/b/a OnlineNW to Register with the Commission and Pay Access Charges to be served electronically on the following members of the service list established for this docket whom have waived paper service:

CANBY TELEPHONE ASSN

KEITH GALITZ

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LAW OFFICE OF RICHARD A FINNIGAN

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MOLALLA COMMUNICATIONS COMPANY

STEVE LOUTZENHISER

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OREGON TELECOMMUNICATIONS ASSN

BRANT WOLF

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Dated at McMinnville, Washington, this 8th day of March, 2012.

/s/

Kathryn Tate
CEO, OnlineNW