

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1017(3)

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Investigation into Expansion of the
Oregon Universal Service Fund to
Include the Service Areas of Rural
Telecommunications Carriers

PREHEARING CONFERENCE
MEMORANDUM

On June 7, 2011, the Public Utility Commission of Oregon (Commission) held a prehearing conference in this docket. Representatives appeared on behalf of Oregon Cable Telecommunications Association (OCTA); Commission Staff (Staff); CenturyLink; GVNW Consulting, Inc. (GVNW); Oregon Telecommunications Association (OTA); the Citizens' Utility Board of Oregon (CUB); PriorityOne; the Oregon Exchange Carrier Association (OECA); tw telecom of oregon llc (tw telecom); Comcast; Comspan; and AT&T.

Petitions to Intervene

Prior to the conference, petitions to intervene were filed by OCTA, OTA, GVNW, OECA, and tw telecom. No party attending the conference objected to the petitions. Upon review of the petitions, I find that these parties have sufficient interest in the proceedings to participate and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.¹ The petitions to intervene are therefore granted. In addition, CUB filed a notice of intervention on June 3, 2011, in compliance with ORS 774.180.

Procedural Schedule

The parties agreed to the following procedural schedule, which was adopted:

EVENT	DATE
Petitions to Intervene Due	June 16, 2011

¹ See OAR 860-001-0300.

Workshop/Settlement Conference ²	June 28, 2011
Issues Lists Due	July 18, 2011
OECA and OTA Opening Testimony Due	August 5, 2011
Second Workshop/Settlement Conference	August 23, 2011
Intervenor and Staff Response Testimony Due	September 12, 2011
Third Workshop/Settlement Conference	September 21, 2011
All Parties' Reply Testimony Due	October 7, 2011
Hearing	October 27, 2011

The schedule includes a requested date for petitions to intervene. By statute, a person may petition to intervene at any time before the close of the record.³ But because it is helpful if parties are identified early in the proceedings, the Commission requests that petitions to intervene be filed by the date identified above.

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice.⁴

Dated this 8th day of June, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

UM 1017(3) PHC Memo 6-8-11

² Workshop/settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule workshops or settlement conferences.

³ See ORS 756.525.

⁴ See UTCR 3.170, OAR 860-001-0320.

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in this proceeding will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to this hearing, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission staff, if participating in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified, and present evidence and witnesses on those issues. See OAR 860-001-0450 to OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. See ORS 756.538 and 756.543; OAR 860-001-0500 to 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. See OAR 860-001-0450(1)(b). Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The ALJ's draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days. See ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days. See ORS 756.610.