

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1481
Phase III

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Staff Investigation of the Oregon Universal
Service Fund.

PREHEARING CONFERENCE
MEMORANDUM

On November 13, 2013, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of Commission Staff, the Citizens' Utility Board of Oregon (CUB), CenturyLink, Frontier Communications, Tracer,¹ the Oregon Telecommunications Association(OTA), Verizon, the Oregon Cable Telecommunications Association (OCTA), and AT&T.

Procedural Schedule

The parties could not agree on a procedural schedule. Staff proposed that, after the Commission addresses the petition for administrative rulemaking filed by OTA on November 4, 2013, docketed as AR 577, a detailed procedural schedule be adopted in the event that the Commission rejects the rulemaking petition.² The schedule would be limited to addressing Item 4 (b) of the Phase II stipulation of the parties, attached to Order No. 13-162 as Appendix A at 2. Staff's proposed schedule is as follows;

EVENT	DATE
First date for discovery (regardless of PUC action on rulemaking petition)	January 6, 2014
All parties' opening testimony due	March 10, 2014
Workshop/settlement conference	March 19, 2014
All parties' response testimony due	May 2, 2014
All parties' reply testimony due	June 2, 2014
Second workshop/settlement conference	June 11, 2014
Pre-hearing briefs due	June 30, 2014
Hearing	Week of July 7, 2014
Post-hearing briefs due ³	August 12, 2014

¹ The Telecommunications Ratepayers Association for Cost-based and Equitable Rates ("Tracer").

² Staff was supported in its proposal by CUB, OCTA, Tracer, and Verizon. AT&T noted that it did not object to Staff's proposal.

³ The parties would be able to reserve the right to file a reply brief, if necessary.

In the event that the Commission adopted the petition for rulemaking, Staff proposed a prehearing conference be held on February 6, 2014 in lieu of the schedule set forth above.

CenturyLink, OTA, and Frontier opposed the Staff's proposed schedule and instead proposed that only a further prehearing conference to be held on February 6, 2014, regardless of the Commission disposition of the petition for rulemaking and that no discovery be undertaken prior to that time.

In support of the position not to adopt a schedule, CenturyLink cited conflicts with pending FCC proceedings and a drain on resources to address matters at both the federal and state levels simultaneously. OCTA counsel argued in favor of adopting the Staff-proposed schedule.

It was agreed that the administrative law judge would refrain from adopting a schedule for this phase of the proceeding, but would receive argument on the question according to the following schedule:

EVENT	DATE
CenturyLink, OTA, and Frontier argument	November 20, 2013
OCTA, Staff, CUB, and Verizon reply argument	November 27, 2013

Parties are reminded that for cases continuing over one year, an attorney not licensed in Oregon appearing *pro hac vice* must file a new application to continue to participate in the case.⁴

Dated this 15th day of November, 2013, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

⁴ See UTCR 3.170(5); OAR 860-001-0320(3).

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 these proceedings 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 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, 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 as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not 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 of an ALJ's authority is defined in OAR 860-001-0090. The ALJs 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 through 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 through 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. 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. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. 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 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 from the date of service of the order. *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 from the date of service of the order. *See* ORS 756.610.