

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 15, 2003**

REGULAR \_\_\_\_\_ CONSENT  X  EFFECTIVE DATE  April 16, 2003

**DATE:** April 2, 2003

**TO:** John Savage through Phil Nyegaard and Lance Ball

**FROM:** David Sloan

**SUBJECT:** SPRINT/UNITED TELEPHONE CO OF THE NORTHWEST: (Advice No. OR03-03) Moves Personal II and Home II Solutions from the Business to the Residence section of the Special Exchange Services tariff.

**STAFF RECOMMENDATION:**

Staff recommends the tariff filing be allowed to go into effect.

**DISCUSSION:**

On March 13, 2003, Sprint/United Telephone Company of the Northwest (Sprint or Company) filed Advice No. OR03-03 proposing changes to its tariff PUC OR. No. 3. The purpose of the filing is to move two currently tariffed packaged services, Sprint Personal II Solution and Sprint Home II Solution, from the Business section to the Residence section of the Company's Special Exchange Services tariff. Although, in practice, the two packages are only offered to Residence customers, in earlier filings the Company erroneously placed the two packages in the Business section of the tariff. The filing is intended to correct these previous filing errors, and to reflect in the Company's tariff its actual practice concerning the two service packages.

**History** – Sprint Personal Solution was introduced in the Business portion of the tariff in Advice No. OR02-29, effective December 18, 2002. The Company renamed the package Sprint Personal II Solution in its Advice No. OR02-31. Sprint Home II Solution was introduced in the Business portion of the tariff in Advice No. OR02-31, effective January 8, 2003. Staff presented OR02-29 on the December 17, 2002 Public Meeting Consent Agenda and presented OR02-31 on the January 7, 2003 Public Meeting Consent Agenda. Each filing was presented to the Commission as a new Business package, with a staff recommendation to allow the filing to go into effect. The Commission adopted staff's recommendation for each filing.

**Staff Analysis** – Staff concludes that Advice No. OR03-03 corrects a reasonable business error. Staff finds no indication of any Company intent, through the erroneous filings, to mislead customers or the Commission. Staff is concerned that the two service packages are being sold to Residence customers between the effective date of the erroneous filings and the effective date of Advice No. OR03-03 without a Residence tariff. The Service Packages are being sold to Residence customers at the rates, terms and conditions the Company filed in its erroneous Business service filings. Staff concludes that no customer has been harmed by the erroneous filings and notes that the Company made the corrective filing on its own.

Since the Service Packages have been in effect in the Business section of the tariff for several months, the Commission could require the Company to file a Petition to Abandon these Business Service Packages pursuant to OAR 860-032-0020, and to make a filing introducing the Residence Service Packages. Alternatively, since there are no customers for the Business Service Packages, the Commission could accept Advice No. OR03-03 as a Petition to Abandon the Business Service Packages and as a filing introducing the Residence Service Packages. However, staff notes that neither of these scenarios would satisfy the issue of the Company selling the Residence Service Packages for several months without a Residence tariff - a technical violation of ORS 757.225.

Having expressed concerns and having outlined possible courses of action the Commission might take concerning the filing, staff recommends that Advice Nos. OR02-29 and OR02-31 be treated as reasonable business errors and that Advice No. OR03-03 be allowed to go into effect. Staff concludes that no customer has been harmed by the erroneous filings and that Advice No. OR03-03 does not conflict with the public interest.

**PROPOSED COMMISSION MOTION:**

The tariff sheets filed with Sprint/United Telephone Company of the Northwest's Advice No. OR03-03 be allowed to go into effect for service rendered on or after April 16, 2003.