

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 19, 2004**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ **Upon Filing with
Secretary of State**

DATE: October 11, 2004

TO: Commissioner Lee Beyer, Ray Baum, and John Savage

THROUGH: Lee Sparling, Phil Nyegaard, and Cynthia VanLanduyt

FROM: Terry Lambeth, Rules Project Leader

SUBJECT: AR 484: Adopt Changes to OARs 860-027-0120 and 860-034-0580 for Incumbent Local Exchange Carriers.

STAFF RECOMMENDATION:

I recommend the Commission adopt the amendments set out in Appendix A to update the Commission's rules for preservation of records of telecommunications utilities and cooperatives, also known as incumbent local exchange carriers (ILECs), in OARs 860-027-0120 and 860-034-0580.

DISCUSSION:

OARs 860-027-0120 and 860-034-0580 require ILECs to follow the Federal Communications Commission's (FCC) October 1998 edition for preservation of records. This amendment would adopt the FCC's most recent edition dated October 2003. The main difference is the new §42.10, Public Availability of Information Concerning Interexchange Services.

It is staff's understanding that the record retention rules have not changed substantially for the energy utilities. Therefore, staff is not proposing any changes for energy utilities in OAR 860-027-0120.

PROPOSED COMMISSION MOTION:

The Commission adopt the permanent rule amendments as set forth in Appendix A of the attached proposed order.

ORDER NO. DRAFT

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 484

In the Matter of a Rulemaking to Update the)
Preservation of Records Rules for Incumbent)
Local Exchange Carriers.) ORDER

DISPOSITION: RULE CHANGES ADOPTED

INTRODUCTION

At its regular public meeting on July 20, 2004, the Public Utility Commission of Oregon (Commission) opened this docket to consider updating the Commission's rules for preservation of records of telecommunications utilities and cooperatives, also known as incumbent local exchange carriers (ILECs), in OARs 860-027-0120 and 860-034-0580.

On July 20, 2004, the Commission filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact (Notice) with the Secretary of State. The Notice was published in the *Oregon Bulletin* on September 1, 2004, along with a deadline for comments and requests for hearing. The Commission also sent the Notice to a list of interested persons. No comments or requests for hearing were received.

At its regular public meeting on October 19, 2004, the Commission adopted Staff's recommendation to adopt the proposed changes. Staff's recommendation is attached as Appendix A and is incorporated by reference.

ORDER

IT IS ORDERED that:

1. Staff's recommended changes to OARs 860-027-0120 and 860-034-0580, as found in Appendix A, are adopted.
2. The changes shall be effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-027-0120

Preservation and Destruction of Records

(1) Electric Utilities. Preservation of Records of Public Utilities and Licensees, Part 125, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition) is hereby adopted and prescribed by the Commission for each electric utility with the following exception: Corporate and General, Organizational documents – An electric utility shall retain minute books of stockholders', directors', and directors' committee meetings for twenty-five years.

(2) Gas Utilities. The Preservation of Records of Public Utilities and Licensees, Part 225, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition) is hereby adopted and prescribed by the Commission for each gas utility with the following exception: Corporate and General, Organizational documents – A gas utility shall retain minute books of stockholders', directors', and directors' committee meetings for twenty-five years.

(3) Steam Heat Utilities. The Preservation of Records of Public Utilities and Licensees, Part 125, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition) is hereby adopted and prescribed by the Commission for each steam heat utility with the following exception: Corporate and General, Organizational documents – A steam heat utility shall retain minute books of stockholders', directors', and directors' committee meetings for twenty-five years.

(4) Large telecommunications Utilities. The Regulations to Govern the Preservation of Records of Communication Common Carriers, Part 42, 47 Code of Federal Regulations Chapter 1 (October 1, ~~1998~~2003, ~~E~~Edition) is hereby adopted and prescribed by the Commission for each large telecommunications utility.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 756.105, 759.045 & 759.225

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 12-1985, f. & ef. 8-20-85 (Order No. 85-751); PUC 15-1986, f. & ef. 11-10-86 (Order No. 86-1144); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 8-2000, f. & ef. 5-26-00 (Order No. 00-262); Renumbered from 860-028-0010 by PUC 19-2001, f. & ef. 6-21-01 (Order No. 01-487)

860-034-0580

Preservation and Destruction of Records for Small Telecommunications Utilities and Type 2 Cooperatives

The Regulations to Govern the Preservation of Records of Communication Common Carriers, Part 42, 47 Code of Federal Regulations Chapter 1 (October 1, ~~1998~~**2003**, ~~E~~edition) is hereby adopted and prescribed by the Commission for all small telecommunications utilities and Type 2 telecommunications cooperatives.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.045 & 759.225

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 3-1999, f. & ef. 8-10-99 (Order No. 99-468); PUC 8-2000, f. & ef. 5-26-00 (Order No. 00-262); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)