

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 28, 2009**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ N/A

DATE: July 14, 2009

TO: Public Utility Commission

FROM: Marlene Gorsuch

THROUGH: Lee Sparling, Bryan Conway and Kay Marinos

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UA 146)
Reallocation of local exchange telecommunications service territory for
Malheur Home Telephone Company.

STAFF RECOMMENDATION:

Reallocate Malheur Home Telephone Company's local exchange telecommunications service territory using the boundaries of the exchange maps filed with and approved by the Commission as set forth in Table 1. This reallocation replaces all previous territory allocations for Malheur Home Telephone Company (Malheur).

DISCUSSION:

The 2005 Legislature changed Oregon's territory allocation law for telecommunications utilities and telecommunications cooperatives. The purpose of the change was two-fold. First, the new law allocates local exchange telecommunications service territory (service territory) as a geographic area within boundaries set forth on exchange maps filed with and approved by the Commission. See ORS 759.500(1). This replaces the old "metes and bounds" descriptions frequently used by the Commission to identify the geographic boundaries of local telephone exchanges.

The new law, Section 27, chapter 232, Oregon Laws 2005, provides, in part, that the Commission shall:

- (1) Reallocate every allocated local exchange telecommunications service territory to a telecommunications utility, cooperative corporation or municipality to whom the Commission had previously allocated local exchange telecommunications service territory. Allocations granted by the Commission pursuant to this subsection shall replace all allocations to telecommunications

utilities, cooperative corporations or municipalities granted by the commission prior to January 1, 2006.

(2) Upon request, allocate every local exchange telecommunications service territory that is shown on a map approved by the Commission that is unallocated as of December 31, 2005, to the telecommunications utility, cooperative corporation or municipality that filed the map.

Malheur has Commission-approved maps on file for the company's local exchanges, Nyssa, Ontario, Oregon Slope and Vale. Staff was unable to find any prior Commission orders that allocated Malheur's territories via any metes and bounds descriptions.

On June 4, 2009, Staff sent Malheur a letter describing Staff's conclusions in detail, and asking Malheur to make corrections, if any, by June 25, 2009. Malheur confirmed Staff's basic conclusion regarding the relationship between the previous territory allocation and the approved local exchange maps.

Table 1 describes reallocation for Malheur in detail. Reallocations are identified by exchange name and the effective date of the most recent corresponding Commission-approved exchange map.

TABLE 1

EXCHANGE	MAP ISSUE & EFFECTIVE DATES
Nyssa	Issued January 4, 1985, Effective February 4, 1985
Ontario	Issued January 4, 1985, Effective February 4, 1985
Oregon Slope	Issued January 4, 1985, Effective February 4, 1985
Vale	Issued January 4, 1985, Effective February 4, 1985

PROPOSED COMMISSION MOTION:

The Commission reallocate Malheur Home Telephone Company's local exchange telecommunications service territory using the boundaries of the exchange maps filed with and approved by the Commission as set forth in Table 1, replacing all previous territory allocations for Malheur Home Telephone Company.