

Enrolled
House Bill 2097

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Agriculture and Natural Resources for Oregon Telecommunications Association)

CHAPTER

AN ACT

Relating to carrier of last resort obligations; amending ORS 759.506; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 759.506 is amended to read:

759.506. (1) The purpose of establishing allocated territories under ORS 759.500 to 759.570 is to ensure that telecommunications utilities, cooperative corporations and municipalities certified by the Public Utility Commission to provide local exchange telecommunications service:

- (a) Provide adequate and safe service to the customers of this state; and
- (b) Serve all customers in an adequate and nondiscriminatory manner.

(2) The obligations described in this section may be referenced as carrier of last resort obligations.

(3) The commission, upon petition from a telecommunications utility, cooperative corporation or municipality, may exempt the telecommunications utility, cooperative corporation or municipality from the obligations described in this section if the commission finds, for a property with four or more single-family dwellings, that the owner or developer of the property, or a person acting on behalf of the owner or developer:

(a) Permits an alternative service provider to install its facilities or equipment used to provide local telecommunications service based on a condition of exclusion of the telecommunications utility, cooperative corporation or municipality during the construction phase of the real property;

(b) Accepts or agrees to accept incentives or rewards from an alternative service provider that are contingent upon the provision of any or all local telecommunications services by one or more alternative service providers to the exclusion of the telecommunications utility, cooperative corporation or municipality; or

(c) Collects from the occupants or residents of the property mandatory charges for the provision of any local telecommunications service provided to the occupants or residents by an alternative service provider in any manner, including, but not limited to, collection through rent, fees or dues.

(4) If the commission, upon petition from any interested person located within the property for which the commission has waived the carrier of last resort obligations under subsection (3) of this section, finds that the existing public convenience and necessity requires reinstatement of the carrier of last resort obligations, then the commission has the power to assign the obligations to a telecommunications utility, cooperative corporation or

municipality after a public hearing. The commission shall determine how the costs of serving the customers are allocated so that the telecommunications utility, cooperative corporation or municipality will be allowed an opportunity to recover reasonable and prudent costs that exceed the costs that would have been incurred to initially construct or acquire facilities to serve customers of the territory. The determination of cost allocation by the commission must also divide the costs allowed equitably among all customers of the territory to which service is being reinstated.

SECTION 2. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House April 22, 2009

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 12, 2009

.....
President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

.....
Secretary of State