

Vicki McLean, Administrator
Central Services Division

> -----Original Message-----

> From: BOOTH Dave
> Sent: Monday, February 03, 2003 3:49 PM
> To: MCLEAN Vicki
> Subject: Eligible Carrier

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> The eligible carrier language in OAR 860-033-0001(7)(a) that we discussed

> was adopted in docket AR 335 (Order 97-489).

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> The language in the PUC rule was adopted to conform to rules the FCC adopted in FCC Order 97-157. In that order, the FCC determined that it

> would use eligible carrier requirements in Section 214(e) of the Telecommunications Act for all federal universal service programs, including the low income "Lifeline" program. Section 214(e)(A) states

> that an eligible carrier must "offer the services that are supported by

> Federal universal service support mechanisms under section 254(c), either

> using its own facilities or a combination of its own facilities and resale

> of another carrier's services..." You can see that the PUC rule follows

> the wording of the federal law quite closely. By the way the FCC also

> concluded that service provided using unbundled network elements (UNEs)

> qualifies as using ones own facilities.