

**APPLICATION FOR CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICE IN OREGON**

INSTRUCTIONS: Complete every applicable section of this application. Attach additional documents and/or sheets to complete responses (if needed). You will be notified when the Commission receives your application, and again when it has been processed. Upon acceptance of this application, the Commission will publish notice pursuant to ORS 759.020(2). After submitting this application electronically, mail one copy with original signature and all attachments.

Classification for which application is made. Check one.

- Competitive Telecommunications Provider (local, long-distance, shared telecommunications service).
 Telecommunications Utility

1. Exact Legal Name of Applicant:

Silv Communication Inc.

Applicant's Assumed Business Name(s) (if any) (e.g., dba, aka)
Must be registered with the Corporation Division.

Applicant will not use an assumed name.

Applicant's Type of Legal Entity (e.g., corporation, limited partnership)

Corporation

Business Address

**3460 Wilshire Boulevard
Suite 1103
Los Angeles CA 90010**

Phone **888.723.2199**

Fax **213.381.7711**

Email **silvcomm@yahoo.com**

2. Name and Address of Person to be Contacted for Further Information Regarding This Application:

**Andrew Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor WA 98335**

Phone **253.851.6700**

Fax **253.851.6474**

Email **aisar@millerisar.com**

3. Name and Address of Person to be Contacted for Regulatory Information. (Commission will send requests for information to this person):

**Andrew Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor WA 98335**

Phone **253.851.6700**

Fax **253.851.6474**

Email **aisar@millerisar.com**

4. Affiliated Interests:

Are you now or have you ever been affiliated with any provider of telecommunications service that serves Oregon? If so, who? When? Describe affiliation. Affiliated interest is defined in OAR 860-032-0001.

Applicant is not now nor has it ever been affiliated with any provider of telecommunications service that serves Oregon.

5. Previous Certificates of Authority:

List each certificate of authority previously granted by the Oregon PUC to Applicant and to each affiliated entity, under a legal name, an assumed business name, or any other name. Include all certificates whether or not canceled. For each certificate include: name of entity, docket number, and order number.

| | Name of Entity | Docket Number | Order Number |
|----|-------------------------|---------------|--------------|
| a. | Silv Communication Inc. | CP 1303 | 05-1085 |
| b. | | | |
| c. | | | |
| d. | | | |

AUTHORITY REQUESTED

6. Does applicant request authority to provide the following services?

- a. Shared telecommunications service (STS). STS includes resale of long-distance service to the STS provider's user group, but not to customers outside the user group. If yes, applicant must complete items 10 and 11. Yes No
- b. Local exchange (intraexchange) switched service (i.e., local dial tone). If yes, applicant must complete item 10. Yes No
- c. Local exchange (intraexchange) nonswitched, private line service (i.e., dedicated transmission service). Yes No
- d. Interexchange, switched service (i.e., long-distance toll). If yes, applicant must complete item 10. Yes No
- e. Interexchange, nonswitched, private line service (i.e., dedicated transmission service). Yes No

7. How Services Will Initially Be Provided

The following is required for public notice and information purposes and does not request authority.

- a. Will Applicant resell finished services of other Oregon certified carriers? (Resell means resale of finished services, not unbundled network elements.) Yes No
- b. Will applicant construct lines, loops, wires, fiber, or other transport facilities? Yes No
- c. Will Applicant have its own switching equipment? Yes No
- d. Will Applicant purchase (lease) unbundled network elements from other Oregon certified carriers? Yes No
- e. Will Applicant purchase or lease network components which are not unbundled network elements? Yes No

8. Areas for which Applicant seeks authority:

a. Intraexchange Authority:

Alternative I: List every local exchange in which Applicant seeks to provide local exchange (intraexchange) service.

Alternative II: List every incumbent local exchange carrier in whose exchanges Applicant seeks authority to provide local exchange (intraexchange) service.

Alternative III: If Applicant seeks authority to provide local exchange (intraexchange) service within every telephone exchange in Oregon, then specify "Statewide."

Applicant does not seek intraexchange authority.

b. Interexchange Authority:

Alternative I: List every local exchange in which Applicant seeks to provide interexchange service.

Alternative II: List every incumbent local exchange carrier in whose exchanges Applicant seeks authority to provide interexchange service.

Alternative III: If Applicant seeks authority to provide interexchange service in every telephone exchange in Oregon, then specify "Statewide."

Statewide

9. Describe special characteristics, limitations, or restrictions that will be part of Applicant's services:

None

10. Operator Services:

- a. Operator service includes, but is not limited to, billing or completion of third-party billing calls, person-to-person calls, collect calls, and credit card calls. See OAR 860-032-0001.
Will Applicant directly offer operator services? Yes No
- b. ORS 759.690(1)(d) defines "operator service provider" as a person who furnishes operator service under contract with a call aggregator. ORS 759.690(1)(a) defines a call aggregator as a person who furnishes a telephone for use by the public, i.e., transient use.
Will Applicant be an "operator service provider" as defined in ORS 759.690(1)(d)? Yes No

11. Shared Telecommunications Service:

Shared Telecommunications Service (STS) service is defined in OAR 860-032-0001. STS includes resale of long-distance service to the STS provider's user group, but not to customers outside the user group.

- a. Provide the address of the building where shared service will be provided through privately owned customer premises equipment. If Applicant intends to serve a user group located in two or more buildings, include an electronic copy of a map clearly showing the locations to be served by the Applicant. The information on the map must be precise and legible and include street names and the city where the building(s) is(are) located.

Applicant does not seek STS authority.

- b. An STS site or location consists of one building, or it consists of a complex of buildings or a campus on contiguous property. An STS provider may interconnect separate sites in order to aggregate toll traffic. An STS provider may not interconnect separate sites in order to provide local exchange service between those sites.
If serving buildings at separate sites, will applicant interconnect the buildings in order to aggregate toll traffic? Yes No
- c. Describe the user group or association at the STS location.

NOTE: Applicant must apply to PUC for another certificate of authority in order to add subsequent STS sites.

Conditions of a certificate of authority:

As a condition of a certificate of authority, applicant must comply with all applicable Commission rules and state law, as well as conditions listed in the certificate.

For your convenience, following is a summary of some conditions from OAR 860-032-0001 et seq. (Division 32). Additional conditions may be specified in the certificate.

- a. Certificate holder shall provide only telecommunications services authorized by the certificate.
- b. Certificate holder shall, at a minimum, meet the standard level of service specified in OAR 860-032-0012. The standard level of service is 99 percent probability that a call will not be blocked during the certificate holder's busy hour of the day.
- c. Certificate holder's books and records shall be open to inspection by the Commission to the extent necessary to verify information required by the Commission's rules.
- d. Certificate holder shall maintain its books and records according to generally accepted accounting principles and the applicable rules of the Commission.
- e. Certificate holder shall pay all access charges and subsidies imposed pursuant to the Commission's rules.
- f. Certificate holder shall pay an annual fee to the Commission pursuant to the Commission's rules. This fee will be based on the certificate holder's annual gross retail intrastate revenues and will be no less than \$100 per calendar year. The certificate holder shall collect the fee by charging an equitable amount to each retail customer and describe the amount of the apportioned charge on each retail customer's bill, pursuant to the Commission's rules.
- g. The certificate holder shall pay a quarterly amount to the Oregon Universal Service Fund based on a Commission-approved surcharge percentage assessed on all retail telecommunications services sold in Oregon pursuant to ORS 759.425(4).
- h. Certificate holder shall respond in a timely manner to Commission inquiries.

Pursuant to Residential Service Protection statutes, Chapter 290, Oregon Laws 1987, and Division 22, certificate holder shall be responsible to ensure that the Residential Service Protection Fund surcharge is remitted to the Commission. This surcharge is assessed against each paying retail subscriber at a rate that is set annually by the Commission.

Applicant understands that all services provided by Applicant must comply with all applicable Commission rules and state law, and with conditions of the certificate (check box at left).

| | |
|--|---|
| Signature of Person Authorized to Represent Applicant | Title Consultant, Miller Isar, Inc. |
| _____ Typewritten Name Andrew O. Isar | Date 2.22.07 |

**APPLICATION FOR CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICE IN OREGON**

Silv Communication Inc.

APPENDIX 1

In support the instant Application for Certificate of Authority to Provide Telecommunications Service in Oregon, Silv Communication Inc. (“Silv”) provides the following supplemental information.

I. Background.

On October 13, 2005, Silv was granted a Certificate of Authority to provide to provide interexchange and local exchange telecommunications services in Oregon as a competitive provider. On September 8, 2006, the Commission ordered cancellation of Silv’s Certificate of Authority for failure to file Oregon Universal Service Fund Form 2 (“Form OUS2”) for the 1st Quarter 2006, pursuant to ORS 759.425.¹

Realizing its inadvertent error, Silv took immediate steps to complete and file Form OUS2 for each quarter of 2006, the most recent filing for 4th Quarter 2006 filed on January 22, 2007. Further, Silv has submitted payment of the applicable Oregon Universal Service Fund contribution. Silv has ceased providing telecommunications services in Oregon pending a grant of certificate of authority.

¹ *In the Matter of the Cancellation of the Certificate of Authority Held by Silv Telecommunications, LLC*, Order, Order No. 06-512 (September 8, 2006).

II. Silv Is Now In Full Compliance With ORS 759.425.

A. Silv Has Corrected the Deficiency Resulting in Cancellation of its Certificate of Authority

As the basis for cancellation of Silv's Certificate of Authority, the Commission found that Silv had, "failed to file the 1st Quarter 2006 OUS2 form to comply with Oregon Universal Service Fund Requirements per ORS 759.425." Silv has submitted all remaining Form OUS2 reports for 2006 and payment of the applicable Oregon Universal Service Fund contribution for first Quarter and subsequent quarters in 2006, as confirmed by Ms. Meerdink, Oregon Public Utility Commission staff, through Solix, Inc., as documented in the electronic mail exchange in the Attachment. Silv has resolved the immediate deficiency resulting in cancellation of Silv's Certificate of Authority.

B. Silv Complies with the Remaining Prerequisites for Commission Consideration of a New Application for Certificate of Authority.

The Commission's Cancellation Order set forth three specific prerequisites for Commission processing of any subsequent application for certification by Silv. According to the Cancellation Order, any future Silv application for Certificate of Authority must include:

1. Payment of all revenue fees, including late payment fees, owed for each calendar year of operation pursuant to ORS 756.310(6)(a), in accordance with Commission requirements;
2. Confirmation of Compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425; and
3. Annual reports for each calendar year of operation pursuant to OAR 860-032-0060; and

As demonstrated below, Silv has satisfied these Commission's prerequisites for consideration of the Company's Petition for reinstatement.

Payment of all revenue fees, including late payment fees, owed for each calendar year of operation pursuant to ORS 756.310(6)(a): The Commission found Silv delinquent in reporting and payment of the Oregon universal service fund for 1st Quarter of 2006. Silv provides evidence of payment of these fees at the Attachment to this Appendix 1, satisfying Commission prerequisite 1. No Oregon universal service fund amounts or penalties are due or outstanding.

Confirmation of Compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425: The Attachment to this Appendix 1 also confirms Silv's compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425.

Annual reports for each calendar year of operation pursuant to OAR 860-032-0060: The Attachment to this Appendix 1 also confirms Silv's submission of its 2006 annual report, satisfying the Commission's third prerequisite for consideration.

III. Conclusion.

Silv has demonstrated that it has satisfied the deficiencies leading to cancellation of its Certificate of Authority and met the Commission's prerequisites for demonstration consideration of Silv's request for operating authority. Silv has implemented a scheduling process to ensure that ongoing report submissions and fund contributions are made on a timely basis. For the foregoing reasons, Silv respectfully requests that the Commission grant the instant Application.

ATTACHMENT

-----Original Message-----

From: MEERDINK Lois [mailto:Lois.Meerdink@state.or.us]
Sent: Thursday, February 22, 2007 9:21 AM
To: aisar@millerisar.com
Subject: FW: Silv Communications Inc. ID 8319

Hello, Andrew

It appears that SILV is current (with a credit) with the OUS reports. I also checked with staff regarding their revenue statement and fees for 2006. They have filed the 2006 revenue statement and paid the minimum \$100 so they are current there, also. They have filed their 2006 annual report so they have a clean slate. They can file a new application which should be processed fairly quickly. It would help if you would include a letter describing the company's efforts to abide by Commission rules. I believe you indicated that you were going to do this.

Please contact me if you have further questions.

Lois

From: Huffman, Linda [mailto:LHUFFMA@solixinc.com]
Sent: Thursday, February 22, 2007 4:21 AM
To: MEERDINK Lois
Subject: RE: Silv Communications Inc. ID 8319

Lois,
They have a credit balance of (\$163.55)

Linda Huffman
Manager - State Program Management
Solix, Inc.
lhuffma@solixinc.com
973-581-5252
973-599-6504 FAX

From: MEERDINK Lois [mailto:Lois.Meerdink@state.or.us]
Sent: Wednesday, February 21, 2007 1:22 PM
To: Huffman, Linda
Subject: Silv Communications Inc. ID 8319

Hello, Linda

The above company is going to file a new application. They were previously cancelled for failure to file the 1st Quarter 2006 OUS2 form and fees. They claim they are now current. Is this correct?

Thanks.

Lois Meerdink
Oregon Public Utility Commission
503-378-8959