



UM 1517

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April 8, 2010

JAN 20 2011

Public Utility Commission of Oregon
Residential Service Protection Fund
PO Box 2153
Salem, Oregon 97308-2153

Public Utility Commission of Oregon
Administrative Hearings Unit Division
*originally filed with
filing center 4-13-10
dbd*

SUBJECT: Docket # (Not Yet Assigned)
FINAL NOTICE - Oregon PUC/RSPF Late Reporting Fees, Penalty and Interest against
American Fiber Network, Inc.

Gentlemen:

American Fiber Network, Inc. is requesting waiver of all but one of the assessed late fees/penalty/interest for the above-referenced surcharge matter received via email on April 5th, 2010. We inadvertently set up the due date incorrectly based on other Oregon surcharge due dates, which are due the last day of the month. We absolutely realize this was incorrect. We are sending payment for the first late filing billed for (3rd quarter, 2008) which was totally on us. However, since we file quarterly, if we would have been notified and billed for that late fee in a timely manner (with 90 days) of our mistake, we would have corrected our calendar going forward and not had that situation happen in the future. As you will note, all filings were certainly mailed out prior to the 31st, which we showed as the due date and arrived within the five days allowed beyond that.

Therefore, American Fiber Network, Inc. feels that, per Oregon Administrative Rule (OAR) 860-033-0006(9), keeping the latter five reports from being late was beyond its control.

Again, we ask the Boards understanding in waiving the last five late fee charges, penalty and interest. We have updated our records and should be able to stay within compliance easily going forward.

Sincerely,

/s/
Bob Innes
CFO
American Fiber Network, Inc.

DOCKETED