

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1085

In the Matter of)
)
INMATE COMMUNICATIONS CORP)
)
Application for a Certificate of Authority)
to Provide Telecommunications Service in)
Oregon and Classification as a Competitive)
Provider.)

ORDER

DISPOSITION: CANCELLATION ORDER RESCINDED

On August 9, 2002, the Commission granted a certificate of authority to Inmate Communications Corp (ICC) to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 02-553.

Oregon telecommunications providers are required to provide requested information to the Commission. After investigation, the Commission found that ICC failed to comply with Oregon Universal Service Fund requirements per ORS 759.425 and OAR 860-032-0620 for the 4th Quarter 2009. At the June 22, 2010, public meeting, the Commission determined that ICC's certificate of authority should be cancelled. ICC's certificate of authority was cancelled in Order No. 10-271. On September 13, 2010, ICC filed a comprehensive plan of action and included a request to suspend Order No. 10-271, claiming that it had complied with the Commission's rules and regulations. The company provided proof of compliance with the letter requesting reconsideration.

HISTORY

ICC has had two previous cancellations of its certificate of authority. The company was granted authority to provide telecommunications service as a competitive provider in February, 1996. *See* Order No. 96-042, docket CP 123. The first cancellation for docket CP 123 occurred in July, 2001, for failure to file Universal Service Fund quarterly reports. *See* Order No. 01-671. ICC did not request reconsideration for this cancellation and later applied for a new certificate of authority. The Commission granted the new certificate of authority in Order No. 02-553, docket CP 1085.

The second cancellation occurred in May, 2005. *See* Order No. 05-720. The certificate was cancelled for failure to file the 4th Quarter OUS2 Form to comply with Oregon Universal Service Fund requirements per ORS 759.425. The order also noted that

any future application for certification must be accompanied by confirmation that all delinquent fees were paid and filings were submitted for both revenue fee and Oregon Universal Service Fund requirements. On July 12, 2005, ICC filed a request for reconsideration of the cancellation Order No. 05-720. After noting that all delinquent reports were filed, the Commission rescinded cancellation Order No. 05-720 and reinstated ICC's certificate of authority in docket CP 1085.

Including the cancellation of the certificate of authority for docket CP 123 and the granting of a new certificate of authority in docket CP 1085, the Commission notes that this is the third time ICC has requested reinstatement after continued violation of Oregon statutes. It is not the Commission's intent to cause undue disruption to customers of cancelled competitive providers. Under the circumstances, the cancellation of ICC's certificate should be rescinded. However, the company should be aware that repeated failure to comply with Commission rules is a serious matter and could result in the company being denied a certificate of authority to provide telecommunication services in Oregon. The granting of a certificate places responsibility on the company to fully comply with Commission rules. If ICC again fails to fulfill its regulatory obligations and the certificate is cancelled, the Commission may conclude that it is not in the public interest to process a future application for re-certification as a competitive provider. The company may be required to appear before the Commission to respond to Commission inquiries and explain why a certificate should be issued or reconsideration granted to a company that repeatedly fails to comply with Commission rules. Should the company request reconsideration of this order or apply for new authority, it must fully comply with all Commission rules. Any future application or request for reconsideration must include as applicable:

1. An explanation of why the company was unable to comply with the Commission rules;
2. A detailed plan of action, including specific measures the company has put in place to prevent future noncompliance and the name and contact information of the responsible party;
3. Proof of payment of all outstanding 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;
4. Proof of compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425; and
5. Proof of filing of any annual reports outstanding pursuant to OAR 860-032-0060.
6. A statement of why it is in the public interest for the Commission to reconsider or grant new authority given that the company has repeatedly failed to comply with Commission rules.

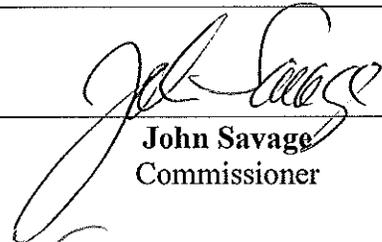
ORDER

IT IS ORDERED that Order No. 10-271 cancelling the certificate of authority of Inmate Communications Corp is rescinded.

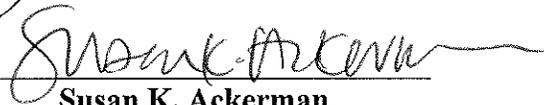
Made, entered, and effective NOV 01 2010.



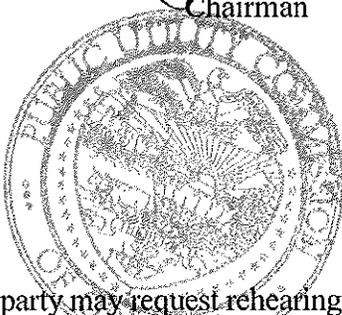
Ray Baum
Chairman



John Savage
Commissioner



Susan K. Ackerman
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.