

ORDER NO. 03-714

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

CP 671

In the Matter of the Cancellation of the)
Certificate of Authority Held by FOXTEL) ORDER
INC.)

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELLED

On August 9, 1999, Foxtel Inc. was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 99-481. This certificate was canceled and later reinstated when the company filed delinquent reports. *See* Order No. 03-055 and Order No. 03-107.

Foxtel Inc. has failed to comply with Oregon Universal Service Fund requirements per ORS 759.425.

ORS 756.515(4) provides that the Commission may, after investigation, but without hearing, make such findings and orders as deemed justified by the results of the investigation. In view of the foregoing, the Commission determined at its November 13, 2003, Public Meeting that the certificate holder has failed to comply with Commission rules and terms of the certificate and the certificate of authority to provide telecommunications service should be cancelled, per OAR 860-032-0008 (2).

The Commission notes that this is the second time it has canceled the certificate held by the certificate holder. Before the Commission will process any future application for recertification, the certificate holder must fully comply with the Commission's rules and regulations. Any future application 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) and 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.

The certificate holder must include all fees and documents for each year of operation, regardless of whether it held a valid certificate of authority from this Commission. In addition, the certificate holder must provide information to the Commission why it believes it is in the public interest to again grant a certificate of authority to an entity that has repeatedly ignored Commission rules. The Commission will evaluate the information to help determine whether to grant the application. If the certificate holder fails to include these items in its application, the Commission will deem the application incomplete and return it.

IT IS ORDERED that the certificate of authority held by Foxtel Inc. is cancelled.

Made, entered, and effective _____.

BY THE COMMISSION

Becky Beier
Commission Secretary

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.

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