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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

CP 685

In the Matter of	)	
	)	
TON SERVICES INC.,	)	
	)	ORDER
Application for a Certificate of Authority	)	
to Provide Telecommunications Service in	)	
Oregon and Classification as a Competitive	)	
Provider.	)	

**DISPOSITION: CANCELLATION ORDER RESCINDED**

On September 24, 1999, the Commission granted a certificate of authority to TON Services Inc. (TSI) to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 99-558.

Oregon telecommunications providers are required to provide requested information to the Commission. After investigation, the Commission found that TSI failed to file an annual report and pay revenue fees for the year 2002 as required by OAR 860-032-0060(2)(a) and ORS 756.310, respectively. At the July 15, 2003, public meeting, the Commission determined that TSI's certificate of authority should be canceled. TSI's certificate of authority was canceled in Order No. 03-423. On August 1, 2003, TSI filed a request to suspend Order No. 03-423, claiming that it had complied with the Commission's rules and regulations. A review of the Commission's records indicated that TSI filed the requested information and Order No. 03-695 was entered on December 1, 2003, reinstating TSI's certificate of authority.

Again, after investigation, the Commission found that TSI failed to comply with Oregon Universal Service Fund requirements per ORS 759.425. At the January 20, 2004, public meeting, the Commission determined that TSI's certificate of authority should be canceled. TSI's certificate of authority was canceled in Order No. 04-063. On March 15, 2004, TSI filed a request to suspend Order No. 04-063, claiming that it had complied with the Commission's rules and regulations. A review of the Commission's records indicates that TSI filed the requested information on May 14, 2004.

The information sent by TSI to the Commission was late. However, the information has been received and it indicates TSI is providing telecommunications service in Oregon. Under the circumstances, the cancellation of TSI's certificate should be rescinded.

The Commission notes that this is the second time that TSI has sought reinstatement following the cancellation of its authority. Under these circumstances, the Commission emphasizes the need for TSI to fully comply with the Commission's rules and regulations in the future. If TSI again fails to fulfill its regulatory obligations, the Commission may conclude that it is not in the public interest to process a future application for re-certification as a competitive provider.

**ORDER**

IT IS ORDERED that Order No. 04-063 canceling the certificate of authority of TON Services Inc., is rescinded.

Made, entered, and effective \_\_\_\_\_.

\_\_\_\_\_  
**Lee Beyer**  
Chairman

\_\_\_\_\_  
**John Savage**  
Commissioner

\_\_\_\_\_  
**Ray Baum**  
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.