

ORDER NO. 04-345

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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 1226  
CP 712

In the Matter of	)	
	)	
UNITED AMERICAN TECHNOLOGY, INC. and	)	
	)	ORDER
PROMISEVISION TECHNOLOGY, INC.	)	
	)	
Application to Transfer a Certificate of Authority to	)	
Provide Telecommunications Service in Oregon as a	)	
Competitive Provider.	)	

DISPOSITION: CP 1226 APPLICATION GRANTED; and  
CP 712, ORDER NO. 99-695, AUTHORITY  
TRANSFERRED

NOTE: By issuing this certificate, the Commission makes no endorsement or certification regarding the certificate holder's rates or service.

**INTRODUCTION**

On April 26, 2004, United American Technology, Inc., (United American or Applicant) and PromiseVision Technology, Inc., (PromiseVision) filed with the Commission a joint application to transfer authority to provide telecommunications service in Oregon as a competitive provider. The application requests to transfer the authority of PromiseVision, granted by Order No. 99-695, docket CP 712, to United American. The application was filed pursuant to OAR 860-0032-0005. Promise Vision is the transferor. United American is the transferee. Both entities together will be referred to as Joint Applicants.

Joint Applicants requested an effective date of June 18, 2004.

PromiseVision is currently authorized to provide interexchange switched service (toll) and non-switched, private line service (dedicated transmission service) statewide in Oregon. This authority will be transferred to United American on the effective date specified in this order. All terms and conditions will also be transferred to United American. Upon granting this transfer of authority, PromiseVision will no longer have authority to provide service and must cease providing telecommunications service in Oregon.

The Commission served notice of the application on the Commission's telecommunications mailing list on May 5, 2004. No protests or requests to be made parties of the proceeding were filed.

Based on the record in this matter, the Commission makes the following:

## **FINDINGS OF FACT**

### **The Proposed Operation**

Applicant, United American, will provide intrastate, interexchange, switched telecommunications service (toll) and non-switched, private line service (dedicated transmission service) statewide in Oregon. Applicant will operate as a reseller of interexchange service and may purchase network elements and finished services for resale only from other certified carriers. Applicant will not directly provide operator services as defined in OAR 860-032-0001, and will not be an "operator services provider" as defined in ORS 759.690(1)(d).

## **OPINION**

### **Applicable Law**

ORS 759.020 governs Applicant's request to provide telecommunications as a competitive provider. Under ORS 759.020(5), the Commission shall classify Applicant as a competitive provider if Applicant demonstrates that its services are subject to competition, or that its customers or those proposed to become customers have reasonably available alternatives. In making this determination, the Commission must consider the extent to which services are available from alternative providers that are functionally equivalent or substitutable at comparable rates, terms and conditions, existing economic or regulatory barriers to entry, and any other factors deemed relevant.

OAR 860-032-0015 authorizes the Commission to suspend or cancel the certificate if the Commission finds that (a) the holder made misrepresentations when it filed the application, or (b) the certificate holder fails to comply with the terms and conditions of the certificate.

### **Resolution**

**Existence of Alternatives.** AT&T, MCI, Sprint Communications, Qwest Corporation, Verizon Northwest Inc., and others provide interexchange telecommunications service in the service area requested by Applicant.

**Suitability of Alternatives.** Applicant's customers or those proposed to become customers have reasonably suitable alternatives to Applicant's services. Subscribers to Applicant's services can buy comparable services at comparable rates from other vendors.

**Barriers to Entry.** The level of competition in the market shows that both economic and regulatory barriers to entry are relatively low.

### CONDITIONS OF THE CERTIFICATE

There are several conditions listed in the application. Oregon Administrative Rules relating to certificates of authority are generally included in OAR chapter 860, division 032. Conditions applicable to certificate holders include, but are not limited to the following: OARs 860-032-0007, 860-032-0008, 860-032-0011, 860-032-0012, 860-032-0013, 860-032-0015, 860-032-0020, 860-032-0045, 860-032-0060, and 860-032-0090. The conditions listed in the application and those contained in Oregon Administrative Rules are adopted and made conditions of this certificate of authority. A condition of this certificate of authority is that Applicant shall comply with applicable laws, Commission rules, and Commission orders related to provision of telecommunications service in Oregon.

1. Applicant shall not take any action that impairs the ability of other certified telecommunications services providers to meet service standards specified by the Commission.
2. Applicant shall comply with all conditions listed in the application.
3. Applicant shall pay an annual fee to the Public Utility Commission of Oregon pursuant to ORS 756.310 and 756.320 and OAR 860-032-0095. The minimum annual fee is \$100. Applicant is required to pay the fee for the preceding calendar year by April 1.
4. Applicant shall make quarterly contributions to the Oregon Universal Service fund based on a Commission approved schedule and surcharge percentage assessed on all retail intrastate telecommunications services sold in Oregon, pursuant to ORS 759.425. If Applicant bills the surcharge to its end-users, Applicant shall show the charges as a separate line item on the bill with the words "Oregon Universal Service Surcharge \_\_\_\_%".
5. If Applicant provides services to a subscriber who, in turn, resells the services, including operator services, then Applicant and the subscriber must comply with ORS 759.690 and OAR 860-032-0007.
6. Applicant, as transferee, shall be liable for all fees incurred and reports due by the transferor as of the effective date of this order.

**CONCLUSIONS**

Applicant has met the requirements for a certificate of authority to provide telecommunications service as a competitive provider. The application should be granted.

**ORDER**

IT IS ORDERED that:

1. The joint application of United American Technology, Inc., and PromiseVision Technology, Inc., to transfer the authority granted by Order No. 99-695, docket CP 712, from PromiseVision to United American is granted. Applicant, United American Technology, Inc., is granted authority to provide interexchange service.
2. Applicant is designated as a competitive telecommunications provider.
3. Applicant may provide authorized services statewide in Oregon.
4. Applicant shall comply with conditions of the certificate.
5. The authority granted to PromiseVision Technology, Inc., by Order No. 99-695 in docket CP 712 is transferred, and Order No. 99-695 is cancelled. PromiseVision Technology, Inc., no longer has authority to operate in Oregon as a competitive telecommunications provider.
6. The transfer and this order will be effective June 18, 2004.

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

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**Lee Sparling**  
Director  
Utility Program

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 pursuant to applicable law.