

ORDER NO. 04-432

ENTERED AUG 05 2004

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

CP 1038

In the Matter of the Cancellation of the)
Certificate of Authority Held by KIGER) ORDER
TELEPHONE & TELEPHONY LLC.)

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELLED

On April 9, 2002, Kiger Telephone & Telephony LLC was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 02-253.

Kiger Telephone & Telephony LLC has failed to file the Oregon Universal Service Fund Form 2 for the first quarter of 2004 as required by ORS 759.425.

The certificate holder failed to file an annual report for 2003 as required by OAR 860-032-0060(2)(a). On April 15, and May 17, 2004, the Commission notified the certificate holder that the report had not been received. The certificate holder failed to respond to the original request for the annual report and to the second notification.

No revenue fees were paid for 2003 as required by ORS 756.310. On April 19, May 14, and June 15, 2004, the Commission notified the certificate holder that the required fees, statement, and accrued penalties were not received.

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 July 20, 2004, 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 also concludes that it will not process a future application filed by the certificate holder for recertification as a competitive provider, unless the certificate holder fully complies 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. 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 Kiger Telephone & Telephony LLC 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.

