

ORDER NO. 04-458

ENTERED AUG 06 2004

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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 700

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

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELLED

On December 3, 1999, NOW Communications Inc. was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 99-739.

The late statement penalty fee of \$100 and monthly penalty fees of \$4.00 were not 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 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 NOW Communications 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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