

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

CP 1126

In the Matter of)	
)	
X5 PDX LLC)	
)	ORDER
Application for a Certificate of Authority to Provide)	
Telecommunications Service in Oregon and)	
Classification as a Competitive Provider.)	

DISPOSITION: CANCELLATION ORDER RESCINDED

On March 20, 2003, the Public Utility Commission of Oregon (Commission) granted a certificate of authority to X5 PDX LLC (X5 PDX) to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 03-167. Oregon telecommunications providers are required to pay annual revenue fees to the Commission. After investigation, the Commission found that X5 PDX failed to pay its full revenue fees for 2004, as required in ORS 756.310. X5 PDX paid the remaining outstanding revenue fees on June 6, 2005. Because the payment of the full amount owed was not received by April 1, 2005, a 2 percent penalty per month was assessed on the difference. On June 23, 2005, a Fee Assessment Letter and Proposed Order in docket FA 592 were sent to the company assessing a late payment penalty; however, X5 PDX did not respond, and Order No. 05-885 assessing the penalty was served on August 8, 2005. At the August 2, 2005, public meeting, the Commission determined that X5 PDX's certificate of authority should be cancelled. X5 PDX's certificate of authority was canceled in Order No. 05-940.

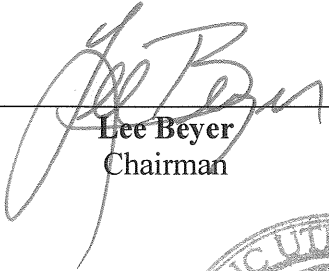
On September 13, 2005, Staff of the Public Utility Commission of Oregon (Staff) filed a request to rescind Order No. 05-940. After review of the Commission's records, Staff informed the Commission that X5 PDX's late payment penalty was paid on July 20, 2005. Due to a posting error, X5 PDX's late penalty payment was inadvertently applied to X5 PDX's Oregon Universal Service Fund account instead of its revenue fees account.

Under the circumstances, the cancellation of X5 PDX's certificate should be rescinded.

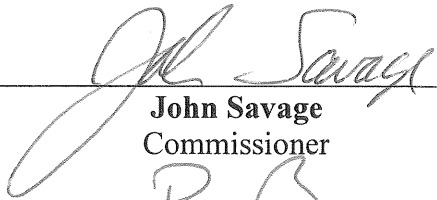
ORDER

IT IS ORDERED that Order No. 05-940 canceling the certificate of authority of X5 PDX LLC, is rescinded.

Made, entered, and effective SEP 22 2005.



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.