

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

CP 985

In the Matter of the Cancellation of the)	
Certificate of Authority Held by KMC)	ORDER
DATA LLC)	

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELLED

On December 24, 2001, KMC Data LLC was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 01-1097.

The certificate holder failed to file an annual report for 2004 as required by OAR 860-032-0060(2)(a). The Commission notified the certificate holder by telephone or electronic mail 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.

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 August 2, 2005, Public Meeting that the certificate holder has failed to comply with Commission rules and terms of the certificate. 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 certification as a competitive provider, unless the certificate holder fully complies with Commission rules. 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), 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 with its application, the Commission will deem the application incomplete and return it.

IT IS ORDERED that the certificate of authority held by KMC Data LLC is cancelled.

Made, entered, and effective AUG 24 2005.



BY THE COMMISSION

Becky L. Beier

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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