

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 906

In the Matter of	)	
	)	
CITY OF ASHLAND/ASHLAND FIBER	)	
NETWORK	)	ORDER
	)	
Application for a Certificate of Authority	)	
to Provide Telecommunications Service in	)	
Oregon and Classification as a Competitive	)	
Provider.	)	

**DISPOSITION: CANCELLATION ORDER RESCINDED**

On April 12, 2001, the Commission granted a certificate of authority to City of Ashland/Ashland Fiber Network (Ashland) to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 01-280.

Oregon telecommunications providers are required to pay annual revenue fees to the Commission. After investigation, the Commission found that Ashland failed to pay the late statement penalty fee as required in OAR 860-032-0095(2)(b). On April 19, May 14, and June 15, 2004, the Commission notified the certificate holder that the required fee was not received. At the July 29, 2004, public meeting, the Commission determined that Ashland's certificate of authority should be canceled. Ashland's certificate of authority was canceled in Order No. 04-425.

On September 7, 2004, Ashland filed a request to suspend Order No. 04-425, claiming that it had complied with the Commission's rules and regulations. A review of the Commission's records indicates that Ashland filed the requested information and Order No. 04-552 was entered on September 22, 2004, reinstating Ashland's certificate of authority.

Again, after investigation, the Commission found that Ashland failed to file a late payment penalty as required by OAR 860-032-0060(2)(a) and ORS 756.310, respectively. On June 30, 2006, the Commission notified Ashland that the late payment penalty had not been received. At the July 27, 2006, public meeting, the Commission determined that Ashland's certificate of authority should be canceled. Ashland's certificate of authority was canceled in Order No. 06-460. On August 18, 2006, Ashland filed a request to suspend Order No. 06-460, claiming that it had complied with the Commission's rules and regulations. A review of the Commission's records indicates that

Ashland filed the requested information and paid revenue fees for 2005 as required by ORS 756.310.

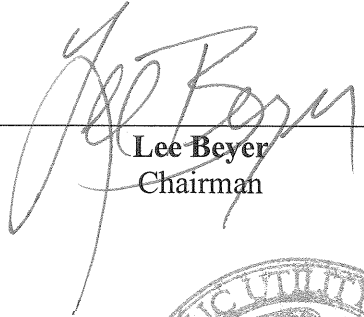
The information sent by Ashland to the Commission was late. However, the information has been received and it indicates Ashland is providing telecommunications service in Oregon. Under the circumstances, the cancellation of Ashland's certificate should be rescinded.

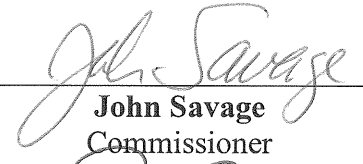
The Commission notes that this is the second time that Ashland has sought reinstatement following the cancellation of its authority. Under these circumstances, the Commission emphasizes the need for Ashland to fully comply with the Commission's rules and regulations in the future. If Ashland again fails to fulfill its regulatory obligations, the Commission may conclude that it is not in the public interest to process a future application for recertification as a competitive provider.

**ORDER**

IT IS ORDERED that Order No. 06-460 canceling the certificate of authority of City of Ashland/Ashland Fiber Network, is rescinded.

Made, entered, and effective NOV 21 2006

  
\_\_\_\_\_  
**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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.