

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 1364

In the Matter of	)	
	)	
STARTEC GLOBAL OPERATING COMPANY	)	ORDER
	)	
Application for a Certificate of Authority to Provide	)	
Telecommunications Service in Oregon and	)	
Classification as a Competitive Provider.	)	

DISPOSITION: APPLICATION GRANTED

**Note:** By issuing this certificate, the Commission makes no endorsement or certification regarding the certificate holder's rates or service.

**INTRODUCTION**

Startec Global Operating Company (Applicant) filed the application on April 2, 2007. Applicant requests authority to provide interexchange telecommunications service in Oregon as a competitive provider.

The Commission served notice of the application on April 4, 2007. The Commission did not receive any protests.

Based on the record in this matter, the Commission makes the following:

**FINDINGS AND CONCLUSIONS**

**The Proposed Operation**

Applicant will provide intrastate, interexchange, switched telecommunications service (toll) statewide in Oregon. Applicant indicates that it intends to resell the services of other certified carriers. Applicant did not indicate that it would operate as a facilities based provider. Applicant may purchase network elements and finished services for resale only from other certified carriers.

Applicant will not directly provide operator services as defined in OAR 860-032-0001. Applicant will not be an 'operator service provider' as defined in ORS 759.690(1)(d).

Applicant has had two previous certificates of authority in Oregon. Startec Inc. was granted a certificate of authority on February 18, 1997. *See* Docket No. CP 246, Order No. 97-068. Startec Inc. changed its name to Startec Global Communications Corp. and filed an application to transfer its certificate of authority to Startec Licensing Company. The application was granted in Docket No. CP 246, Order No. 99-007. Startec Licensing had its certificate of authority canceled for failure to file compliance reports. *See* Order No. 01-955. The company did not request to have the cancellation order rescinded and missed the sixty (60) day reconsideration period. Startec Licensing Company changed its name to Startec Global Operating Company in December, 2005. The company emerged from bankruptcy and filed a new application on November 21, 2002. The application was granted on May 1, 2003. *See* CP 1121, Order No. 03-274. CP 1121 was canceled on September 8, 2006, for failure to file the 1<sup>st</sup> Quarter 2006 OUS2 form and fee. *See* Order No. 06-510. Again, the company did not request to have the cancellation order rescinded and missed the sixty (60) day reconsideration period. Now, the company has filed this new application after becoming current on all compliance reports and submitting notice to the Commission of its plan to remain compliant in the future. Since that time, the company has been operating without a valid certificate of authority.

Applicant has paid all delinquent fees and has filed all delinquent reports including those for the years of operation without a certificate. The application being considered now is subject to additional filing requirements. It is required that under the circumstances where authority has been canceled for failure to comply with Commission rules and then the company applies for authority again, the certificate holder must provide information to the Commission why it believes it is in the public interest to again grant a certificate of authority to an entity that has repeatedly ignored Commission rules. Applicant supplied this information with the final application. Applicant indicated that the deadlines for reports and payments are now clear and set forth specific organizational changes and safety checks regarding the payment of fees and filing of reports. Applicant supplied contact information regarding specific duties related to the Commission rules.

It is expected that the company will follow the procedures indicated in its application and will comply with all Commission rules in the future. Should Applicant fail to comply and this certificate is canceled, it should be noted that the company may not be considered for another certificate without going through more formal proceedings.

### **Applicable Law**

ORS 759.020 governs Applicant's request to provide telecommunications as a competitive provider. Under ORS 759.020(5), the Commission shall classify Applicant as a competitive provider if Applicant demonstrates that its services are subject to competition, or that its customers or those proposed to become customers have reasonably available alternatives. In making this determination, the Commission must consider the extent to which services are available from alternative providers that are

functionally equivalent or substitutable at comparable rates, terms and conditions, existing economic or regulatory barriers to entry, and any other factors deemed relevant.

OAR 860-032-0015 authorizes the Commission to suspend or cancel the certificate if the Commission finds that (a) the holder made misrepresentations when it filed the application, or (b) the certificate holder fails to comply with the terms and conditions of the certificate.

## **Resolution**

**Existence of Alternatives.** AT&T, MCI, Sprint Communications Company, Qwest Corporation, Verizon Northwest Inc. and others provide toll and operator services in the service area requested by Applicant.

**Suitability of Alternatives.** Applicant's customers or those proposed to become customers have reasonably suitable alternatives to Applicant's services. Subscribers to Applicant's services can buy comparable services at comparable rates from other vendors.

**Barriers to Entry.** The level of competition in the market shows that both economic and regulatory barriers to entry are relatively low.

## **Conditions of the Certificate**

There are several conditions listed in the application. Oregon Administrative Rules relating to certificates of authority are generally included in OAR chapter 860, division 032. Conditions applicable to certificate holders include, but are not limited to, the following: OARs 860-032-0007, 860-032-0008, 860-032-0011, 860-032-0012, 860-032-0013, 860-032-0015, 860-032-0020, 860-032-0060, and 860-032-0090. The conditions listed in the application and those contained in Oregon Administrative Rules are adopted and made conditions of this certificate of authority. A condition of this certificate of authority is that Applicant shall comply with applicable laws, Commission rules, and Commission orders related to provision of telecommunications service in Oregon. Further, Applicant shall comply with the following conditions:

1. Applicant shall not take any action that impairs the ability of other certified telecommunications service providers to meet service standards specified by the Commission.
2. Applicant shall comply with all conditions listed in the application.
3. Applicant shall pay an annual fee to the Commission pursuant to ORS 756.310 and 756.320 and OAR 860-032-0095. The minimum annual fee is \$100. Applicant is required to pay the fee for the preceding calendar year by April 1.

4. Applicant shall make quarterly contributions to the Oregon Universal Service fund based on a Commission approved schedule and surcharge percentage assessed on all retail intrastate telecommunications services sold in Oregon, pursuant to ORS 759.425. If Applicant bills the surcharge to its end-users, Applicant shall show the charges as a separate line item on the bill with the words "Oregon Universal Service Surcharge \_\_\_\_%".
5. If Applicant provides services to a subscriber who, in turn, resells the services, including operator services, then Applicant and the subscriber must comply with ORS 759.690 and OAR 860-032-0007.

**Conclusions**

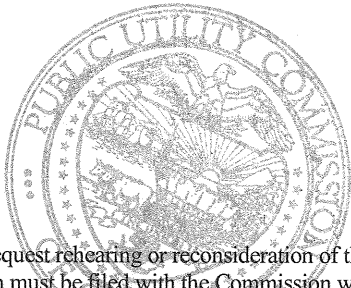
Applicant has met the requirements for a certificate to provide telecommunications service as a competitive provider. The application should be granted.

**ORDER**

IT IS ORDERED that:

1. The application of Startec Global Operating Company for authority to provide interexchange switched (toll) telecommunications service is granted.
2. Applicant is designated as a competitive telecommunications provider.
3. Applicant may provide authorized services statewide in Oregon.
4. Applicant shall comply with conditions of the certificate.

Made, entered, and effective MAY 16 2007.



A handwritten signature in black ink, appearing to read "Lee Sparling", is written over a horizontal line.

**Lee Sparling**  
Director  
Utility Program

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.