

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1382

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

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED

On September 4, 2007, FreedomStarr Communications Inc. was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 07-388.

FreedomStarr Communications Inc. has failed to comply with Oregon Universal Service Fund requirements per ORS 759.425 and OAR 860-032-0620 for the 4th Quarter of 2009.

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 April 13, 2010, Public Meeting that the certificate holder had failed to comply with Commission rules and terms of the certificate. The certificate of authority to provide telecommunications service should be canceled, per OAR 860-032-0008(2). The company is reminded that because it had a certificate of authority for one or more days during 2010, it is required to file an annual fee statement and pay a minimum of \$100 for that year.

This is the fourth time the Commission has had to cancel a certificate held by the FreedomStarr since its certificate of authority to provide telecommunications service as a competitive provider in Oregon was issued in February 2000. *See* Order No. 00-075, docket CP 748. The first cancellation was in December, 2003, for failure to file OUS reports. *See* Order No. 03-713. After filing the delinquent report, the cancellation order was rescinded. *See* Order No. 04-040.

The second cancellation was in February, 2005, for failure to file OUS reports. *See* Order No. 05-078. Again, the company complied and requested that the cancellation order be rescinded. The cancellation order was rescinded by Order No. 05-158.

FreedomStarr's certificate of authority was canceled a third time in April, 2007, for failure to file its OUS reports. *See* Order No. 07-132. Order No. 07-132 required the company to provide information to the Commission regarding a plan to prevent future

noncompliance issues. The Company did not file for reconsideration of Order No. 01-132 during the 60-day reconsideration period.

In July, 2007, FreedomStarr applied for a new certificate of authority. FreedomStarr provided a plan for preventing further issues with noncompliance and filed or paid all of the missing reports and fees. A new docket was established for the application. *See* Order No. 07-388, docket CP 1382. It is that certificate that is now being canceled by this order, the fourth cancelation for this company.

Repeated failure to comply with Commission rules is a serious offense. A company that continually fails to comply with Commission rules forces a question of whether it is in the public interest to grant that company further authority to provide service. This is the fourth time FreedomStarr has had its certificate of authority canceled due to failure to comply with Commission rules. The Commission expects all companies to comply with the requirements of certification, including submitting all reports and payments on time. FreedomStarr is no exception. Should the company request reconsideration of this order or apply for new authority, it must fully comply with all Commission rules. Any future application or request for reconsideration must include (as applicable to the carrier's specific circumstances):

1. An explanation of why the company was unable to comply with the Commission rules.
2. An explanation of why the previously submitted corrective plan failed to ensure compliance.
3. A statement of why it is in the public interest for the Commission to reconsider or grant new authority given that the company has repeatedly failed to comply with Commission rules.
4. Proof of payment of all outstanding 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;
5. Proof of compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425; and
6. Proof of filing of any annual reports outstanding pursuant to OAR 860-032-0060.

If FreedomStarr fails to include these items with its request for reconsideration or application for new authority, the Commission will deny the reconsideration or deem the application incomplete and return it. The Commission wishes to emphasize that it may deny a request for reconsideration or an application for new authority if it is not in the public interest to allow it.

IT IS ORDERED that the certificate of authority held by FreedomStarr Communications Inc. is canceled.

Made, entered, and effective MAY 12 2010.



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