

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 659

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

**DISPOSITION: CANCELATION ORDER RESCINDED**

On May 12, 1994, the Commission granted a certificate of authority to DeltaCom Inc. (DeltaCom) to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 94-775.

Oregon telecommunications providers are required to provide requested information to the Commission. After investigation, the Commission found that DeltaCom failed to respond to requests for information sent to DeltaCom as required by ORS 759.425 and OAR 860-032-0008(2). The responsibility to respond to Commission requests for information or comply with any Commission rule is clearly stated at the time a certificate is granted to a competitive provider. Failure to comply with this obligation may result in the company’s certificate of authority being cancelled. If a certificate of authority is cancelled, a company has the statutory right to request reconsideration.

**HISTORY**

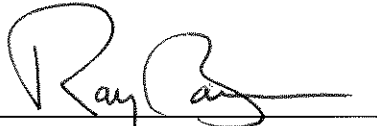
The Commission found that DeltaCom failed to comply with Oregon Universal Service Fund requirements per ORS 759.425 and OAR 860-032-0620 for the 4<sup>th</sup> Quarter 2009. At the April 13, 2010, public meeting, the Commission determined that DeltaCom’s certificate of authority should be cancelled. DeltaCom’s certificate of authority was cancelled in Order No. 10-165. On May 14, 2010, DeltaCom filed a request to suspend Order No. 10-165, claiming that it had complied with the Commission’s rules and regulations. At the request of the Commission, on July 13, 2010, Deltacom submitted a letter explaining their reason for filing a late report. A review of the Commission’s records indicates that DeltaCom filed the requested information.

The 4<sup>th</sup> Quarter 2009 OUS2 Form submitted by DeltaCom to the Commission was late. However, it has now been received and indicates DeltaCom is providing telecommunications service in Oregon. Under the circumstances, the cancellation of DeltaCom's certificate of authority should be rescinded. The Commission reminds the company that the granting of a certificate places responsibility on the company to fully comply with Commission rules. The company must undertake a plan to prevent the certificate being cancelled again. If DeltaCom again fails to fulfill its regulatory obligations and the certificate is cancelled, the Commission may conclude that it is not in the public interest to process a future application for re-certification as a competitive provider.

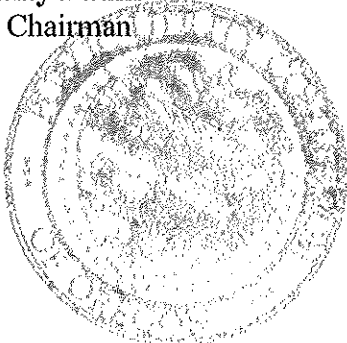
**ORDER**

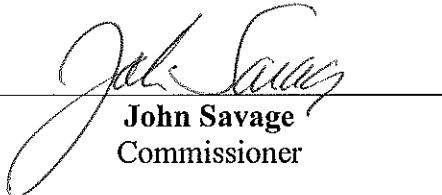
IT IS ORDERED that Order No. 10-165 cancelling the certificate of authority of DeltaCom Inc., is rescinded.

Made, entered, and effective           AUG 11 2010          .

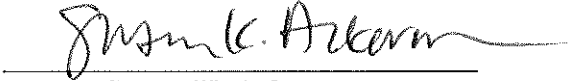


**Ray Baum**  
Chairman





**John Savage**  
Commissioner



**Susan K. Ackerman**  
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.