

**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DISPOSITION: CANCELLATION ORDER RESCINDED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 (AFN) to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 01-280, docket CP 906.

Oregon telecommunications providers are required to provide requested information to the Commission. After investigation, the Commission found that AFN failed to file its annual fee statement for 2009 as required by ORS 756.310. At the July 27, 2010, public meeting, the Commission determined that AFN's certificate of authority should be cancelled. AFN's certificate of authority was cancelled in Order No. 10-316. On September 14, 2010, AFN filed a comprehensive plan of action and included a request to suspend Order No. 10-316, claiming that it had complied with the Commission's rules and regulations. The company provided proof of compliance with the letter requesting reconsideration.

HISTORY

AFN has had two previous cancellations of its certificate of authority. The company was granted authority to provide telecommunications service as a competitive provider in December, 1998. *See* Order No. 98-545, docket CP 523. The company requested additional services which resulted in a new docket, CP 906, cancelling docket CP 523. *See* Order No. 01-280.

AFN's certificate of authority (CP 906) was cancelled on August 5, 2004, for failure to pay a late statement penalty fee of \$100 for 2003. *See* Order No. 04-425. AFN paid the fee and was reinstated on September 22, 2004. *See* Order No. 04-552. Again, AFN failed to pay a late payment penalty fee for 2005 and their certificate of authority was cancelled on August 14, 2006. *See* Order No. 06-460. AFN paid the fee and was reinstated on

November 21, 2006. *See* Order No. 06-644.

As noted above, AFN's certificate of authority has been cancelled again. The Commission notes that this is the third time AFN has requested reinstatement after continued violation of Oregon statutes. It is not the Commission's intent to cause undue disruption to customers of cancelled competitive providers. Under the circumstances, the cancellation of AFN's certificate should be rescinded. However, the company should be aware that repeated failure to comply with Commission rules is a serious matter and could result in the company being denied a certificate of authority to provide telecommunication services in Oregon. The granting of a certificate places responsibility on the company to fully comply with Commission rules. If AFN 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. The company may be required to appear before the Commission to respond to Commission inquiries and explain why a certificate should be issued or reconsideration granted to a company that repeatedly fails to comply with Commission rules. 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:

1. An explanation of why the company was unable to comply with the Commission rules.
2. A detailed plan of action, including specific measures the company has put in place to prevent future noncompliance and the name and contact information of the responsible party.
3. 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.
4. Proof of compliance with Oregon Universal Service Fund requirements pursuant ORS 425.759.
5. Proof of filing of any outstanding annual reports pursuant to OAR 860-032-0060.

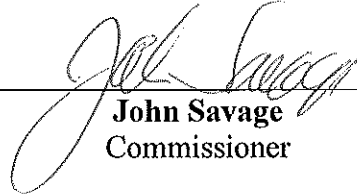
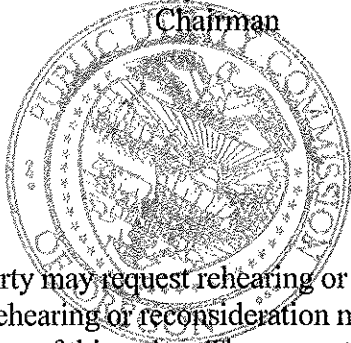
ORDER

IT IS ORDERED that Order No. 10-316 cancelling the certificate of authority of City of Ashland/Ashland Fiber Network is rescinded.

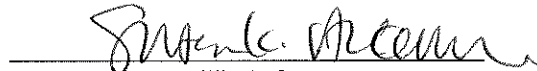
Made, entered, and effective NOV 03 2010.



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 to a court pursuant to applicable law.