

ORDER NO. 11 304

ENTERED AUG 10 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1420

In the Matter of the Cancellation of the
Certificate of Authority Held by ELTOPIA
COMMUNICATIONS LLC.

ORDER

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED

On August 13, 2008, Eltopia Communications LLC was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. See Order No. 08-422.

Eltopia Communications LLC has failed to submit the 1st Quarter 2011 OUS2 form to comply with Oregon Universal Service Fund requirements per ORS 759.425.

No late statement penalty fee was paid for 2010 as required by ORS 756.310. On June 29, 2011, the Commission notified the certificate holder that the required fees were not received.

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 July 26, 2011, Public Meeting that the certificate holder has 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 2011, it is required to file an annual fee statement and pay a minimum of \$100 for that year.

The Commission also concludes that it will not process a future application filed by the certificate holder for certification as a competitive provider, unless the certificate holder fully complies with Commission rules. Any future application must include:

1. Payment of all revenue fees, including all applicable late fees, owed for each calendar year of operation as a certified telecommunications provider pursuant to ORS 756.310(4)(a), in accordance with Commission requirements;
2. Confirmation of compliance with Oregon Universal Service Fund (OUSF) requirements pursuant to ORS 759.425 and OAR 860-032-0610 through 860-032-0660. All OUSF reports, contributions, late payment penalties, interest and late statement fees are due and owing for all quarters of operation, regardless of whether the telecommunications service provider held a certificate for the applicable period(s); and

- 3. Annual reports for each calendar year of operation as a certified telecommunications provider pursuant to OAR 860-032-0060.

If the certificate holder fails to include these items with its application, the Commission will deem the application incomplete and return it.

IT IS ORDERED that the certificate of authority held by Eltopia Communications LLC is canceled.

Made, entered, and effective AUG 10 2011

BY THE COMMISSION:



Becky L. Beier
Becky L. Beier
Commission Secretary

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

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