

ORDER NO. 11 313

ENTERED AUG 17 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 885

In the Matter of the Cancellation of the  
Certificate of Authority Held by USA  
DIGITAL COMMUNICATIONS INC.

ORDER

**DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED**

On December 7, 2000, USA Digital Communications, Inc. was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 00-779.

USA Digital Communications, Inc. has failed to pay the late statement fee for the 1<sup>st</sup> Quarter 2011 to comply with Oregon Universal Service Fund requirements per ORS 759.425.

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 notes that this is the third time it has canceled a certificate held by the certificate holder 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. 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 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. A statement of why it is in the public interest for the Commission to reconsider or grant new authority given the company has repeatedly failed to comply with Commission rules;

4. Proof of payment of all outstanding revenue fees, including all applicable late fees, owed for each calendar year of operation as a certified telecommunications provider pursuant to ORS 756.310(6)(a), in accordance with Commission requirements;
5. Proof 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
6. Proof of filing of any outstanding annual reports pursuant to OAR 860-032-0060.

Additionally, the company may be required to appear before the Commission. 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 USA Digital Communications, Inc. is canceled.

Made, entered, and effective AUG 17 2011.

BY THE COMMISSION:



*Becky L. Beier*  
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**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.