

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

CP 1126

In the Matter of the Cancellation of the
Certificate of Authority Held by X5 PDX
LLC.

ORDER

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED

On March 20, 2003, X5 PDX LLC was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 03-167.

X5 PDX LLC has failed to remit the contribution amount for the 1st 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 expects all companies to comply with the requirements of certification, including submitting all reports and payments on time. The Commission notes that this is the second time it has canceled a certificate held by the certificate holder. 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 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;

- 4. 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
- 5. Proof of filing of any 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 X5 PDX LLC is canceled.

Made, entered, and effective AUG 17 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.