

ORDER NO. 11 354

ENTERED SEP 19 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 1420

In the Matter of

ELTOPIA COMMUNICATIONS LLC

Application for a Certificate of Authority  
to Provide Telecommunications Service in  
Oregon and Classification as a Competitive  
Provider.

ORDER

**DISPOSITION: CANCELLATION ORDER RESCINDED**

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

Oregon telecommunications providers are required to provide requested information to the Commission. After investigation, the Commission found that Eltopia failed to comply with Oregon Universal Service Fund requirements per ORS 759.425 or pay a late statement penalty fee for 2010 as required by ORS 756.310. 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 canceled. If a certificate of authority is canceled, a company has the statutory right to request reconsideration.

The Commission found that Eltopia failed to comply with Oregon Universal Service Fund requirements per ORS 759.425 and OAR 860-032-0620 for the 1<sup>st</sup> Quarter of 2011 as well as failing to file the 2010 annual revenue fee statement to comply with ORS 756.310. At the July 26, 2011, public meeting, the Commission determined that Eltopia's certificate of authority should be canceled. Eltopia's certificate of authority was canceled in Order No. 11-304. On August 8, 2011, Eltopia filed a request to suspend Order No. 11-304, claiming it had complied with the Commission's rules and regulations. A review of the Commission's records indicates that Eltopia filed the requested

information but too late to prevent being canceled. However, given that the information is now up-to-date, the cancellation order should be rescinded.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 canceled again. If Eltopia again fails to fulfill its regulatory obligations and the certificate is canceled, 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 Commission expects all companies to comply with the requirements of certification, including submitting all reports and payments on time. The company should review its procedures and make corrections to ensure that these obligations are met in a timely manner. Any future application or request for reconsideration must include as applicable:

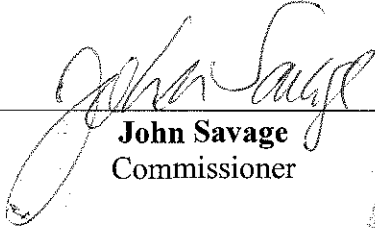
1. An explanation of why the company was unable to comply with the Commission rules;
2. Proof of payment of all outstanding revenue fees, including late payment fees, owed for each calendar year of operation pursuant to ORS 756.310(a), in accordance with Commission requirements;
3. Proof of compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425; and
4. Proof of filing of any outstanding annual reports pursuant to OAR 860-032-0060.

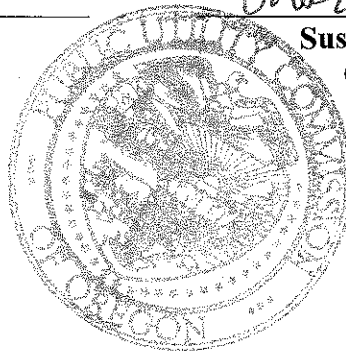
Eltopia sent the required information to the Commission after the due date and after notification that its certificate was being canceled. The information did not arrive in time to prevent the certificate from being canceled, but was subsequently received. The company indicates that it is providing telecommunications service in Oregon and requests the cancellation order be rescinded. Given that the company is currently in compliance with the Commission rules and is currently serving customers in Oregon, Order No. 11-304, canceling Eltopia's certificate of authority, should be rescinded.


**ORDER**

IT IS ORDERED that Order No. 11-304 canceling the certificate of authority of Eltopia Communications, LLC is rescinded.

Made, entered, and effective SEP 19 2011

  
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**John Savage**  
Commissioner



  
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**Susan K. Ackerman**  
Commissioner

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.