

ORDER NO. 13 122

ENTERED APR 02 2013

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1428

In the Matter of the Cancellation of the
Certificate of Authority Held by CYPRESS
COMMUNICATIONS OPERATING
COMPANY, LLC.

ORDER

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED

On November 5, 2008, Cypress Communications Operating Company, LLC ("Cypress") was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 08-533.

Cypress Communications Operating Company, LLC failed to submit the 3rd Quarter 2012 contribution, \$100 late statement fee, late payment penalty, and interest 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 March 12, 2013, 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 2013, it is required to file an annual fee statement and pay a minimum of \$100 for that year.

This is the fourth time the Commission has had to cancel a certificate held by Cypress since its certificate of authority to provide telecommunications service as a competitive provider in Oregon was issued in July 2002. *See* Order No. 02-461, docket CP 1069. The first cancellation was in September, 2004, for failure to provide OUS reports. *See* Order No. 04-503. Cypress also had a certificate of authority under Order No. 02-578, docket CP 1068. This docket was canceled in August 2004 for failure to file OUS reports. *See* Order No. 04-445. After filing the delinquent reports, the cancellation orders were rescinded for both dockets. *See* Order No. 04-566 and Order No. 04-568, respectively.

The second cancellation was in May 2008, for both dockets for failure to pay 2007 revenue fees. *See* Order Nos. 08-267 and 08-268. The company did not request reconsideration.

In November, 2008, Cypress applied for a new certificate of authority. Cypress provided a plan for preventing further issues with noncompliance and filed or paid all of the delinquent reports and fees. A new docket was established for the application. *See* Order No. 08-533, docket CP 1428. The certificate of authority was canceled for failure to file OUS reports for the 4th Quarter 2009. *See* Order No. 10-187. Cypress filed a request to suspend Order No. 10-187 and filed the delinquent reports. Cypress' certificate of authority was reinstated in Order No. 10-287.

Repeated failure to comply with Commission rules is a serious offense. A company that continually fails to comply with Commission rules forces a question of whether it is in the public interest to grant that company further authority to provide service. This is the fourth time Cypress has had its certificate of authority canceled 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. Cypress is no exception. 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 to the carrier's specific circumstances):

1. An explanation of why the company was unable to comply with the Commission rules;
2. An explanation of why the previously submitted corrective plan failed to ensure compliance;
3. A statement of why it is in the public interest for the Commission to reconsider or grant new authority since the company has repeatedly failed to comply with Commission rules;
4. 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;
5. Proof of compliance with Oregon Universal Service Fund requirements pursuant to ORS 759.425; and
6. Proof of filing of any annual reports outstanding pursuant to OAR 860-032-0060.

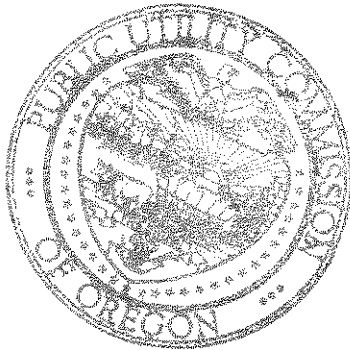
If Cypress fails to include these items with its request for reconsideration or application for new authority, the Commission will deny the reconsideration or deem the application incomplete and return it. The Commission wishes to emphasize that it may deny a

request for reconsideration or an application for new authority if it is not in the public interest to allow it.

IT IS ORDERED that the certificate of authority held by Cypress Communications Operating Company, LLC is canceled.

Made, entered, and effective APR 02 2013

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.

Document1