

ORDER NO. 13 184
ENTERED MAY 16 2013

**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DISPOSITION: CANCELLATION ORDER RESCINDED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 pay the 3rd Quarter 2012 \$100 late statement fee to comply with Oregon Universal Service Fund requirements per ORS 759.425. 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.

At the March 12, 2013, public meeting, the Commission determined that Eltopia's certificate of authority should be canceled. Eltopia's certificate of authority was canceled in Order No. 13-113. On April 1, 2013, Eltopia filed a request to suspend Order No. 13-113, claiming it had complied with the Commission's rules and regulations. A review of the Commission's records indicates that Eltopia filed the required 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 However, given that the information is now up-to-date, the cancellation order should be rescinded.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 had canceled a previous certificate of authority. Eltopia's certificate of authority was canceled for the first time at the July 26, 2011, public meeting. 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 1st Quarter of 2011. Eltopia's certificate of authority was canceled in Order No. 11-304. On August 8, 2011, Eltopia filed a request for reconsideration of Order No. 11-304 and a comprehensive plan of action describing Eltopia's procedures being put in place to prevent future cancellations. A review of the Commission's records indicate the Eltopia filed the requested information

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 recertification 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 Commission notes that this is the second time that the company's certificate of authority has been canceled and rescinded. 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. 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 given that 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 outstanding annual reports pursuant to OAR 860-032-0060.

ORDER


IT IS ORDERED that Order No. 13-113 canceling the certificate of authority of Eltopia Communications, LLC is rescinded.

Made, entered, and effective MAY 16 2013.

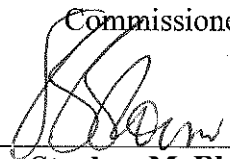


John Savage
Commissioner





Susan K. Ackerman
Commissioner



Stephen M. Bloom
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.