

ORDER NO. 13 203

ENTERED JUN 05 2013

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

CP 1085

In the Matter of the Cancellation of the  
Certificate of Authority Held by INMATE  
COMMUNICATIONS CORP.

ORDER

**DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED**

On August 9, 2002, Inmate Communications Corp (ICC) was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 02-553.

ICC has failed to pay the late statement fee for the 4<sup>th</sup> Quarter 2012 to comply with Oregon Universal Service Fund (OUSF) 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 May 21, 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 ICC since its certificate of authority to provide telecommunications service as a competitive provider in Oregon was issued in February 1996. *See* Order No. 96-042, Docket CP 123. The first cancellation was in July 2001, for failure to pay annual revenue fees for 2000 as required by ORS 756.310, and failure to comply with OUSF requirements per ORS 759.425 and OAR 860-032-0008(2). *See* Order No. 01-671.

The second cancellation was in May 2005, for failure to file the 4<sup>th</sup> Quarter OUS2 Form to comply with OUSF requirements per ORS 759.425 and OAR 860-032-0008(2). *See* Order No. 05-720. The company filed the delinquent report and their certificate was reinstated on July 28, 2005. *See* Order No. 05-875.

The third cancellation occurred in July 2010, for failure to pay the 4<sup>th</sup> Quarter 2009 OUSF fees per ORS 759.425 and OAR 860-032-0008(2). *See* Order No. 10-271. ICC

filed a request to suspend Order No. 10-271 and filed the delinquent report. ICC's certificate of authority was reinstated on November 1, 2010. *See* Order No. 10-428.

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 ICC 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. ICC 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 ICC 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.

**ORDER**

IT IS ORDERED that the certificate of authority held by Inmate Communications Corp is canceled.

Made, entered, and effective JUN 05 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