

ORDER NO. 14 259
ENTERED JUL 15 2014

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 920

In the Matter of the Cancellation of the
Certificate of Authority Held by TCAST
COMMUNICATIONS, INC.

ORDER

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED

On April 12, 2001, TCAST Communications, Inc. (TCAST) was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See* Order No. 01-285.

TCAST has failed to comply with Oregon Universal Service Fund (OUSF) requirements per ORS 759.425 for 4th Quarter 2013. TCAST was notified of the delinquency on February 28, March 1, and March 10 of 2014, but failed to respond.

The certificate holder failed to file an annual report for 2013 as required by OAR 860-032-0060(2)(a). On April 23, 2014, and June 16, 2014, the Commission notified the certificate holder that the report had not been received. The certificate holder again failed to respond.

No revenue fees were paid for 2013 as required by ORS 756.310. On April 16, 2014, the Commission notified TCAST that the required fees were not received. The certificate holder again failed to respond.

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 8, 2014, 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 2014, 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 canceled a certificate held by TCAST. The first cancellation was on October 23, 2002, for failure to comply with OUSF requirements. *See* Order No. 02-747. After filing the delinquent report, the cancellation order was rescinded. *See* Order No. 02-832.

The second cancellation was on July 21, 2003, again for failure to comply with OUSF requirements. *See* Order No. 03-426. After paying the late fee, the cancellation order was rescinded. *See* Order No. 03-606.

TCAST's certificate of authority was canceled a third time on May 12, 2004, again for failure to comply with OUSF requirements. *See* Order No. 04-250. After filing the delinquent report, the cancellation order was rescinded. *See* Order No. 04-348.

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 TCAST's certificate of authority has been 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. TCAST 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. 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;
3. Proof of payment of all outstanding revenue fees, including late payment fees, owed for each calendar year of operation pursuant to ORS 756.310(4)(a), in accordance with Commission requirements;
4. Proof of compliance with OUSF requirements pursuant to ORS 759.425;
5. Proof of filing of any outstanding annual reports pursuant to OAR 860-032-0060; and
6. Proof of compliance with Residential Service Protection Fund (RSPF) requirements pursuant to ORS Chapter 290, Section 7, Oregon Laws 1987, and OAR 860-033-0006.

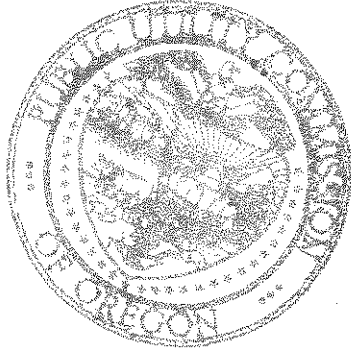
If the certificate holder fails to include these items with its application, the Commission will deem the application incomplete and return it.


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IT IS ORDERED that the certificate of authority held by TCAST Communications, Inc. is canceled.

Made, entered, and effective JUL 15 2014

BY THE COMMISSION:





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.