

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

CP 1395

In the Matter of the Cancellation of the)
Certificate of Authority Held by AIRNEX) ORDER
COMMUNICATIONS INC.)

DISPOSITION: CERTIFICATE OF AUTHORITY CANCELED

On March 8, 2008, Airnex Communications Inc. was granted a certificate of authority to provide telecommunications service in Oregon as a competitive provider. *See Order No. 08-158.*

Airnex Communications Inc. (Airnex) failed to pay the 3rd Quarter 2009 Oregon Universal Service Fund (OUSF) contributions or submit the 3rd Quarter 2009 OUS2 worksheet to comply with 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 January 19, 2010, 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 2010, it is required to file an annual fee statement and pay a minimum of \$100 for that year.

The Commission notes that this is the third time it has canceled a certificate held by the certificate holder. Staff requested Airnex provide the already delinquent report and monies by December 23, 2009. The report and money were filed on January 19, 2010. Should Airnex again request reconsideration or apply for new authority, additional requirements and consideration by the Commission will apply. It is not in the public interest to continue to grant authority to a provider who repeatedly ignores Commission rules. Before the Commission will process any future application for certification, the certificate holder must fully comply with Commission rules. Any future application must include:

1. Payment of all outstanding revenue fees, including all applicable late fees, owed for each calendar year of operation as a certified telecommunications provider pursuant to ORS 756.310(4)(a), in accordance with Commission requirements;

2. Confirmation of compliance with Oregon Universal Service Fund (OUSF) requirements pursuant to ORS 759.425 and OAR 860-032-0610 through 860-032-0660. All OUSF reports, contributions, late payment penalties, interest and late statement fees are due and owing for all quarters of operation, regardless of whether the telecommunications service provider held a certificate for the applicable period(s); and
3. Annual reports outstanding for each calendar year of operation as a certified telecommunications provider pursuant to OAR 860-032-0060.

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

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

Made, entered, and effective FEB 16 2010.



BY THE COMMISSION

Becky L. Beier
Becky Beier
Commission Secretary

A party may request rehearing or reconsideration of this order pursuant to 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 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

Document1