



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Kevin Cramer
Bonny M. Fetch

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 19, 2012

Darrell Nitschke
Executive Secretary
600 East Boulevard, Dept 408
Bismarck, ND 58505-0480

Re: Public Service Commission v. Pacific Telecom Communications Group, Inc.
Case No. PU-12-750

Dear Mr. Nitschke:

Enclosed for filing is an Affidavit of Patrick Fahn in the captioned case.

Best regards,

A handwritten signature in cursive script that reads "Patrick Fahn".

Patrick Fahn
Advocacy Staff

enclosure
c/w enclosure: Steve Hamilton

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
v. Pacific Telecom Communications Group, Inc.
Complaint**

Case No. PU-12-750

AFFIDAVIT OF PATRICK FAHN

Patrick Fahm, being duly sworn, states as follows:

1. That he is a citizen on the United States of America, of legal age, residing at Bismarck, North Dakota.
2. That he is employed with the North Dakota Public Service Commission (Commission) as Director of Compliance and competitive Markets, and as such is charged with the duty of enforcing the relevant provisions of the North Dakota Century Code.
3. That Pacific Telecom Communications Group, Inc. (Pacific) is a California corporation with principle offices at 12228 Venice Boulevard, Suite 559, Los Angeles, CA 90066.
4. That on December 15, 2009 Pacific completed a registration, using the Commission's electronic web-based form, to provide local telecommunications services in North Dakota.
5. That Pacific was granted a certificate of authority in Oregon on February 16, 2010. After failing to respond to two requests from the Oregon Commission for an annual report, the Oregon Commission cancelled Pacific's certificate of authority on August 3, 2012.
6. That on October 1, 2012 Commission Advocacy Staff filed with the North Dakota Public Service Commission a formal Complaint alleging Pacific was in violation of North Dakota Century Code Chapter 49-03.1 for failing to comply with the registration requirements outlined in North Dakota Century Code Section 49-03.1-09(2)(g).
7. That also on October 1, 2012 Mark Gruman, Commission Advocacy Staff Counsel sent a copy of the formal complaint to Pacific via regular mail.
8. That Under N.D.C.C. Section 49-03.1-09(2)(g), if Pacific has its authority to provide service revoked, it has fifteen days to update this Commission of the date and jurisdiction of revocation. As of the date of the Complaint, no such information has been provided to the Commission by Pacific.

9. That the Complaint included conspicuous language indicating that an answer to the formal complaint must be served upon the Commission by Pacific within twenty days after service of the Complaint on Pacific, or the Complaint may be deemed admitted.
10. That on October 10, 2012 the Commission found the Complaint stated a prima facie case.
11. That on October 31, 2012 the Commission received a copy of a letter from Pacific Telecom notifying the North Dakota Attorney General that Pacific Telecom is ceasing operations in North Dakota.
12. That on November 9, 2012 the Commission issued a Notice of Hearing, scheduling the hearing for January 17, 2013 beginning at 9:00 a.m. in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota.
13. That on November 14, 2012 the Commission served the Notice of Hearing on Pacific by certified mail.
14. That on November 19, 2012 the Commission served the Complaint on Pacific by certified mail.
15. That Pacific has not filed with the Commission a response or answer to the Complaint nor made any other filing responsive to the Complaint, as of the date of this affidavit.
16. That the required time period for Pacific to file a response or answer has expired.
17. That this affidavit is made for the purpose of providing a record of default.

Dated this 18th day of December, 2012.

By: Patrick Fahn
Patrick Fahn

Subscribed and sworn to before me
this 18th day of December, 2012.

County of Burleigh

John G. Hamre
Notary Public

