


## MEMORANDUM

To: File in Case No. PU-12-70

From: Illona A. Jeffcoat-Sacco 

Re: Cancellation of Hearing

Date: 17 January 2013

The Commission originally scheduled a hearing in this case for 9 Am on 17 January 2013 in the Commission's Hearing Room. Upon the default of the respondent, the Commission issued a default order on 21 December 2012 that erroneously failed to cancel the hearing.

The Commission's Executive Director was present at the time and place noticed and noted on the attached copy of the default order that there was no one in attendance.

On ~~Dec 13~~ <sup>21, 2012</sup> the Comm issued an Order on Default which erroneously failed to cancel the hearing. This hrg is cancelled

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

9:05 A.M. - JAN. 17, 2013

There was no one in attendance - ~~hearing~~ Cancelled

Case No. PU-12-750

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

Daniel  
Nitschke  
ex. Sec

ORDER AND NOTICE ON DEFAULT

December 21, 2012

On October 1, 2012 the North Dakota Public Service Commission (Commission) received a copy of Order No. 12-303 from the Public Utility Commission of Oregon cancelling the Certificate of Authority of Pacific Telecom Communications Group, Inc. (Pacific Telecom).

On October 1, 2012 Commission Advocacy Staff filed with the North Dakota Public Service Commission a formal Complaint alleging Pacific Telecom 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).

Also on October 1, 2012 Mark Gruman, Commission Advocacy Staff, sent a copy of the Complaint to Pacific Telecom via regular mail.

On October 10, 2012 the Commission found that the Complaint stated a *prima facie* case.

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.

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, 12<sup>th</sup> Floor, Bismarck, North Dakota. The notice stated the issues to be considered are:

1. Did Respondent violate any law, rule or order of the Commission?
2. Should Respondent's registration be revoked?

On November 14, 2012 the Commission served the Notice of Hearing on Pacific Telecom by certified mail.

On November 19, 2012 the Commission served the Complaint on Pacific Telecom by certified mail.

On December 18, 2012 Patrick Fahn, Public Service Commission Director of Compliance and Competitive Markets, filed an Affidavit asserting the violations and that Pacific Telecom did not file a response or answer to the Complaint and that the time period for Pacific Telecom to file such a response has expired.

The facts before the Commission indicate that Pacific Telecom did violate North Dakota Century Code Chapter 49-03.1 by failing to comply with the registration requirements in that chapter, as alleged in the formal Complaint and the Affidavit of Patrick Fahn.

The facts before the Commission indicate that Pacific Telecom is in default as of December 13, 2012 for failing to file an Answer within 20 days after the Complaint and Notice of Hearing was served on Pacific Telecom by certified mail on November 19, 2012.

This Order and Notice on Default constitutes written Notice of Default and a Statement of the grounds for default.

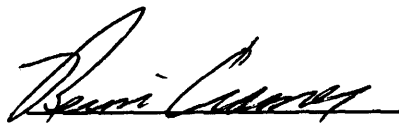
### **Order**

The Commission Orders:

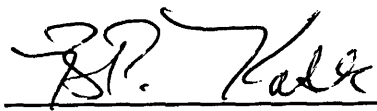
1. The Respondent is in Default under North Dakota Admin Code Chapter 69-02-02-03(1) for failing to file an Answer to Complaint within twenty days after service of the Complaint.
2. That Pacific Telecom has violated North Dakota Century Code Chapter 49-03.1 for failing to comply with the registration requirements outlined in North Dakota Century Code Section 49-03.1-09(2)(g).
3. This Order constitutes written Notice of Default and a Statement of the grounds for default.
4. Pacific Telecom's registration is hereby REVOKED, if this Order and Notice on Default is not contested within seven days of service of the Order and Notice on Pacific Telecom.

5. Pursuant to N.D.C.C. Section 28-32-30(2), Pacific Telecom has seven days to contest to vacate this default order or it becomes final.

**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Brian P. Kalk  
Chairman**



**Bonny M. Fetch  
Commissioner**