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Decision 90 10 048 OCT 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
NCN Communications, Inc., for a)
Certificate of Public Convenience)
and Necessity to Operate as a)
Reseller of Telecommunications)
Services within California.)

Application 90-04-050
(Filed April 27, 1990)

And Related Matters.)

ORDER GRANTING REHEARING OF DECISION 90-07-026

Ainsley Ano and Associates and Marlyn Ano (applicants) have filed an application for rehearing of Decision 90-07-026, in which we granted NCN Communications, Inc., a certificate of public convenience and necessity for permission to operate as a reseller of telephone service offered by communication common carriers providing telecommunication service in California.

Ainsley Ano and Associates and Marlyn Ano have made numerous allegations of violations of civil and criminal laws by NCN Communications, Inc., in their application for rehearing, that are beyond the scope of this Commission's jurisdiction. Additionally, applicants have alleged that NCN Communications, Inc., is a "pyramid" or "scam" enterprise and that NCN Communications, Inc., fraudulently induced applicants to withdraw their protest to NCN Communications, Inc.'s application for the certificate. We believe such conduct may have a bearing on whether or not the public interest is served by the issuance of a certificate of public convenience and necessity to NCN Communications, Inc. In addition, applicants have also alleged that NCN Communications, Inc., has misrepresented its financial

status to the Commission in seeking its certificate. This issue is, of course, within our province to entertain and the allegation concerns us greatly.

We have carefully considered all of the allegations of error raised in the application filed by the Ainsley Ano and Associates and Marilyn Ano and conclude that for the reasons set forth above, rehearing of this proceeding is necessary.

THEREFORE, for good cause appearing,
IT IS HEREBY ORDERED that:

1. The application for rehearing of Decision 90-07-026 filed by Ainsley Ano and Associates and Marilyn Ano is granted.
2. Applicant and all interested parties are to appear at the place and time noticed by the assigned Administrative Law Judge for prehearing conference, such notice to be served on all parties filing pleadings in Application 90-04-050.

The Executive Director shall serve a copy of this order on the parties of Application 90-04-050.

This order is effective today.

Dated OCT 12 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SAURMAN, Executive Director