

AUG 14 1995

Decision 95-08-007 August 11, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Quarter Call, Inc. for a)
 Certificate of Public Convenience)
 and Necessity to Operate as a) Application 95-01-049
 Reseller of Telecommunications) (Filed January 25, 1995)
 Services Within California.)

OPINION**ORIGINAL**

Quarter Call, Inc. (Applicant), a Delaware corporation, seeks a certificate of public convenience and necessity (CPCN) under Public Utilities (PU) Code § 1001 to permit it to resell telecommunication services in California. It filed an application on January 25, 1995. No protest has been received. On March 8, 1995, the assigned administrative law judge (ALJ) requested that the application be supplemented to state, among other information, whether Applicant was applying for authority as an intraLATA reseller, an interLATA reseller, or both.¹ The ALJ also requested the following:

1. documentation, of deposits, if any, required of Applicant by local exchange companies or interexchange carriers,
2. disclosure of whether any person associated with Applicant had any prior association with a non-dominant interexchange carrier that filed for bankruptcy or went out of business,

¹ California is divided into ten Local Access and Transport Areas (LATAs) of various sizes, each containing numerous local telephone exchanges. "InterLATA" describes services, revenues, and functions that relate to telecommunications originating in one LATA and terminating in another. "IntraLATA" describes services, revenues, and functions that relate to telecommunications originating and terminating within a single LATA.

3. a copy of the Applicant's confirmed plan of reorganization or other authoritative evidence of its status under the Bankruptcy Code²,

4. a copy of Applicant's articles of incorporation properly certified by the Secretary of State of the State of Delaware,

5. a certificate of the Secretary of State of the State of California attaching a true and correct copy of the Applicant's certificate of qualification to transact interstate business in California as a foreign corporation, and

6. other information.

On April 10, 1995, the assigned ALJ again wrote to the Applicant, stating that the above information had not been received. The ALJ also requested copies of all other orders, decrees, or judgments of any court or other governmental body to which the Applicant is subject that had been issued at any time since January 1, 1993 if they remained in force in effect.³

The Applicant submitted a partial response to the ALJ's requests for supplementation. On May 11, 1995, the ALJ requested that Applicant complete the supplementation and specifically directed that Applicant request any extension of time in advance. The Applicant did not respond prior to June 12, 1995, the date set by the ALJ.

By Decision (D.) 84-01-037 (14 CPUC2d 317 (1984)) and later decisions we authorized interLATA entry generally. By D.94-09-

² Applicant's financial information indicated that it was a debtor-in-possession.

³ Because of a report in the May 26, 1994 Washington Post that a firm of the same name was the subject of a complaint by the United States Securities and Exchange Commission alleging a scheme to defraud investors by misrepresentations and failure to disclose that a vice president of that firm was an ex-convict.

065, we authorized competitive intraLATA services effective January 1, 1995, for carriers meeting specified criteria.

We will not authorize the interLATA and intraLATA services that Applicant seeks to provide because Applicant has failed to supplement its application as directed, including documentation of any deposits required by interexchange carriers.

Findings of Fact

1. A notice of Applicant's filing of the application appeared in the Daily Calendar on March 3, 1995.
2. No protests have been filed.
3. A hearing is not required.
4. By prior Commission decisions we authorized competition in providing interLATA telecommunications service.
5. By D.94-09-065, we authorized competitive intraLATA services effective January 1, 1995, for carriers meeting specified criteria.
6. Applicant has failed to demonstrate that it meets such criteria.

Conclusions of Law

1. Applicant has failed to show that the public convenience and necessity require interLATA and intraLATA services offered by Applicant.
2. The application should be denied.

ORDER

IT IS ORDERED that the application of Quarter Call, Inc. for a certificate of public convenience and necessity is denied, without prejudice to its right to make future application.

This order is effective today.

Dated August 11, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, Jr.
HENRY M. DUQUE
Commissioners

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

Wealey Franklin
Acting Executive Director