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Decision 96-10-060 October 25, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applications of STARTEC	)	Application 95-09-065
Incorporated for a Certificate of Public Convenience	)	(Filed September 26, 1995;
and Necessity to Provide Re-Sale	)	Petition to Modify filed
Telecommunications Service Within California.	)	August 14, 1996)
	)	

ORDER

Startec, Inc. (Startec), a Maryland corporation qualified to do business in California as B-Zeenet, Inc., and Maryland Startec, Inc., seeks modification of Decision (D.) 96-04-078, which granted Startec a certificate of public convenience and necessity to operate as a reseller of the interLocal Access and Transport Area (LATA) telecommunication services offered by communication common carriers in California, subject to certain conditions.

In its Petition to Modify, Startec argues that it erroneously omitted to include in its application a request to provide intraLATA services, though the proposed tariff accompanying the application includes both inter- and intraLATA rates and specifies that it is applicable to both inter- and intraLATA service. Responses to the Petition were to be filed and served no later than September 6, 1996. No response was filed.

By D.84-01-037 (14 CPUC2d 317 (1984)) and later decisions, we authorized interLATA entry generally. However, we limited the authority conferred to interLATA service; and we subjected the applicants to the condition that they not hold themselves out to the public to provide intraLATA service. Subsequently, by D.94-09-065, we authorized competitive intraLATA services effective January 1, 1995, for carriers meeting specified criteria.

These criteria are the same regardless of whether the applicant seeks authority to offer interLATA service, intraLATA service, or both. Since we found Startec has met the criteria in D.96-04-078 with respect to providing interLATA service, and since Startec's proposed tariff indicated its intent to offer both inter- and intraLATA service, we will modify D.96-04-078 and authorize the intraLATA service that applicant seeks to provide.

We also note that Startec's application indicates it is qualified to business in California under two names, E-Zeenet, Inc. and Maryland Startec, Inc. In D.96-04-078, we erroneously omitted recognition of "Maryland Startec, Inc." as a qualified dba. We take this opportunity to correct that omission.

**THEREFORE, IT IS ORDERED that:**

1. Decision 96-04-078 is modified in the following respects:
  - a. Conclusion of Law 3 is modified to include intraLATA service. The resultant conclusion of law shall state:

"Public convenience and necessity require the interLATA and intraLATA services to be offered by applicant."
  - b. Conclusion of Law 9 is modified to include intraLATA service. The resultant conclusion of law shall state:

"Because of the public interest in competitive interLATA and intraLATA services, the following order should be effective immediately."
  - c. Ordering Paragraph 1 is modified to include intraLATA service, remove the conditions applicable when only interLATA service is authorized, and recognize "Maryland Startec, Inc." as a qualified dba. The resultant ordering paragraph shall state:

"A certificate of public convenience and necessity is granted to Startec, Inc., qualified to do business in California as E-Zeenet, Inc. and Maryland Startec, Inc. (applicant) to operate as a reseller of interLocal Access and Transport Area (interLATA) and, to the extent

authorized by Decision (D.) 94-09-065, IntraLocal Access and Transport Area (intraLATA) telecommunication services offered by communication common carriers in California."

- d. Ordering Paragraph 3.a. is modified to include IntraLATA service. The resultant paragraph shall state:

"Applicant is authorized to file with this Commission tariff schedules for the provision of interLATA and intraLATA service. Applicant may not offer interLATA and intraLATA service until tariffs are on file. Applicant's initial filing shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI, and shall be effective not less than 1 day after filing. Applicant shall comply with the provisions in its tariffs."

2. This proceeding is closed.

This order is effective today.

Dated October 25, 1996, at Sacramento, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

Commissioner Daniel Wm. Fessler,  
being necessarily absent, did not  
participate.