

ALJ/RC1/gab

Decision 97-03-031 March 18, 1997

Mailed  
MAR 18 1997  
**ORIGINAL**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Microwave Services, Inc. for a  
Certificate of Public Convenience and  
Necessity to Provide Facilities-Based  
InterLATA and intraLATA Non-Switched  
Private Line Telecommunications  
Services within the State of California.

Application 96-05-027  
(Filed May 10, 1996)

In the Matter of the Application of  
Digital Services Corporation, dba  
Virginia Digital Services Corporation for a  
Certificate of Public Convenience and  
Necessity to Provide Facilities-Based  
Services within the State of California.

Application 96-05-028  
(Filed May 10, 1996)

**OPINION**

Each of the above-captioned applications was closed by the Commission by a decision (D.) in August 1996. The Commission granted certificates to Microwave Services, Inc. (MSI), in D.96-08-010, and to Digital Services Corporation (DSC), in D.96-08-011. MSI and DSC (petitioners) each filed a petition for modification of its related Decision on October 30, 1996.

Petitioners each seek to be granted specific authority to operate as a facilities-based provider of interLATA and intraLATA nonswitched private line commercial services in California. This reflects a misunderstanding of the Decisions. There is, in fact, no difference between the authority granted to different types of nondominant interexchange carriers (NDIEC). Whether a proposed NDIEC proposes to operate as facilities-based carrier or as a "pure reseller," the same ordering paragraph applies. What differs is that an applicant that qualifies as a "switchless reseller" under D.93-05-010 need only show that it has \$25,000 of cash or cash equivalent available to meet start-up expenses, while other NDIECs must demonstrate that they have \$100,000 available.

**Findings of Fact**

1. The Commission granted certificates of public convenience and necessity to MSI in D.96-08-010 and to DSC in D.96-08-011.
2. Petitioners each filed a petition for modification of its related Decision on October 30, 1996.

**Conclusions of Law**

1. Application (A.) 96-05-027 and A.96-05-028 should be consolidated.
2. The petitions to modify D.96-08-010 and D.96-08-011 should be dismissed.

**O R D E R**

**THEREFORE, IT IS ORDERED that:**

1. Application (A.) 96-05-027 and A.96-05-028 are consolidated, and the petitions to modify Decision (D.) 96-08-010 and D.96-08-011 are dismissed.
2. Proceeding A.96-05-027 is closed.
3. Proceeding A.96-05-028 is closed.

This order is effective today.

Dated March 18, 1997, at San Francisco, California.

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