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Decision 97-05-016 May 6, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Intermedia Communications Inc. for a)
certificate of convenience and)
necessity to operate as a provider of)
interexchange telecommunications)
services within California.)

Application 96-09-030
(Filed September 20, 1996;
Petition for Modification
filed January 29, 1997)

OPINION ON MODIFICATION
OF DECISION 96-12-047

Intermedia Communications Inc. (applicant) filed a petition for modification (petition) of Decision (D.) 96-12-047 on January 29, 1997. Applicant's petition appeared on the Commission's Daily Calendar of February 11, 1997. A copy of the petition was served on all parties to which its application was served. No response to the petition was received.

Applicant seeks to modify Ordering Paragraph 3 of D.96-12-047 which requires applicant to file tariffs with the Commission. Specifically, applicant seeks an exemption from the tariff requirements of Public Utilities (PU) Code Sections 454, 489, 491, and 495, and cancellation of applicant's interexchange tariffs presently on file with the Commission.

Applicant's request is consistent with Ordering Paragraph 2 of D.96-12-033, the Commission's rulemaking proceeding into the establishment of a simplified registration process for nondominant telecommunications firms, and should be granted. That ordering paragraph provides for nondominant interexchange carriers, such as applicant, to apply for exemption from the tariffing requirements of PU Code Sections 454, 489, 491, and 495, pursuant to PU Code Section 495.7(b)(2), effective January 1, 1997.

Findings of Fact

1. Applicant seeks an exemption from PU Code Sections 454, 489, 491, and 495, and authority to cancel its interexchange tariffs presently on file with the Commission.
2. Applicant's request is consistent with the authority granted in D.96-12-033.
3. Applicant's petition appeared on the Commission's Daily Calendar of February 11, 1997.
4. No party filed an opposition to applicants request.

Conclusions of Law

1. Applicant's petition should be granted.
2. Because of the public interest in competitive interexchange services, the following order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Intermedia Communications Inc. (applicant) is exempted from the tariffing requirements of Sections 454, 489, 491, and 495 of the Public Utilities Code, and its interexchange tariffs currently on file with the Commission may be withdrawn.
 2. Applicant shall continue to be subject to the Consumer Protection Rules set forth in Appendix A to Decision 96-09-098 as they may be in effect from time to time.
 3. Application 96-09-030 is closed.
- This order is effective today.
Dated May 6, 1997, at San Francisco, California.

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