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Decision 97-06-028 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Comcast Telephony Communications )  
 of California Inc. for a )  
 Certificate of Public Convenience )  
 and Necessity to Provide Local )  
 Exchange and Intrastate )  
 Interexchange Services On a )  
 Facilities Basis Within the State )  
 of California. )

**ORIGINAL**

Application 96-12-060  
(Filed December 31, 1996)

O P I N I O N

**ORIGINAL**

I. Summary

Comcast Telephony Communications of California Inc. (Comcast or applicant) seeks a certificate of public convenience and necessity (CPCN) under Public Utilities (PU) Code § 1001 for authority to provide facilities-based and resold local exchange and interexchange telecommunications services. By this decision, we grant the authority requested subject to the terms and conditions set forth below.

II. Background

By Decision (D.) 84-01-037 (14 CPUC2d 317 (1984)) and later decisions, we authorized interLATA entry generally.<sup>1</sup> 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 as providing intraLATA service.

<sup>1</sup> 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.

Subsequently, by D.94-09-065, we authorized competitive intraLATA interexchange services effective January 1, 1995, for carriers meeting specified criteria.

In D.95-07-054 and D.95-12-056, we authorized the filing of applications for authority to offer competitive local exchange service within the service territories of Pacific Bell (Pacific) and GTE California Incorporated (GTEC). Applicants who are granted authority to provide competitive local exchange service must comply with various rules, including: (1) the consumer protection rules set forth in Appendix B of D.95-07-054; (2) the rules for local exchange competition set forth in Appendix C of D.95-12-056; and (3) the customer notification and education rules adopted in D.96-04-049.

### III. Overview of the Application

Comcast, a California corporation, filed Application (A.) 96-12-060 on December 31, 1996. There were no protests to the application. Applicant seeks authority to provide facilities-based and resold local exchange services as a competitive local carrier (CLC) throughout Pacific's and GTEC's service territories. Applicant also requests authority to provide facilities-based and resold interexchange services (intraLATA and interLATA toll) as a nondominant interexchange carrier (NDIEC) throughout the entire state. Finally, applicant requests authority to construct facilities for the provision of local exchange services in the Counties of Orange, Santa Barbara, San Bernardino, and Ventura.

Rule 18(b) of the Commission's Rules of Practice and Procedure (Rule) requires applicants for CPCNs to serve their applications upon potential competitors and upon cities and counties in which the applicant proposes to render service. To effect applicant's compliance with Rule 18(b), assigned Administrative Law Judge Kenney required applicant to (1) serve its application and a Notice of Availability of the exhibits to its application upon those competitors shown on the Commission's

current lists for NDIECs and CLCs; and (2) serve a complete copy of its application upon those cities and counties in which applicant proposes to construct facilities.<sup>2</sup> Applicant, however, requests a waiver of Rule 18(b) to the extent the Rule requires applicant to serve its application on those cities and counties in which the applicant does not intend to construct any facilities. We have routinely granted requests for waivers of Rule 18(b) under such circumstances, and shall likewise grant applicant's request.

IV. Financial Qualifications of Applicant

To be granted a CPCN, an applicant for authority to provide facilities-based local exchange and/or interexchange services must demonstrate that it has (1) a minimum of \$100,000 of cash or cash equivalent to meet the firm's start-up expenses,<sup>3</sup> and (2) sufficient additional resources to cover any deposits required by local exchange carriers (LECs) and/or interexchange carriers (IECs).<sup>4</sup> To meet this requirement, applicant provided a "Revolving Credit Note" issued by its affiliate Comcast Financial Corporation in the amount of \$100,000, plus any additional amount

<sup>2</sup> Applicant served a complete copy of its application upon all 20 cities and four counties within which applicant may possibly construct facilities.

<sup>3</sup> The \$100,000 requirement for CLCs is contained in D.95-12-056, Appendix C, Rule 4.B(1). The \$100,000 requirement for NDIECs was established by D.93-05-010, 49 CPUC2d 197 at 203-205 (1993) and the means of meeting the \$100,000 requirement are described in D.91-10-041, 41 CPUC2d 505 at 520 (1991).

<sup>4</sup> The requirement for CLC applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying LECs and/or IECs is set forth in D.95-12-056, Appendix C, Rule 4.B(1). For NDIECs, the requirement is found in D.93-05-010, 49 CPUC2d 197 at 208 (1993).

that applicant might need to fund deposits required by underlying LECs or IECs.<sup>5</sup>

We find that applicant has met our requirement that it possess sufficient financial resources to construct its fiber optic network and fund its proposed operations.

V. Technical Qualifications of Applicant

Applicants for NDIEC and CLC authority are required to make a reasonable showing of technical expertise in telecommunications or a related business. Applicant states that although it is still in the process of developing a management team, it nonetheless possesses the requisite expertise since it will be under the technical and managerial oversight of Comcast Corporation, its ultimate parent.<sup>6</sup> According to applicant, Comcast Corporation is a publicly-held corporation with 1995 revenues totaling \$3.36 billion from the following business activities: cable television, direct-to-home satellite television, wireless services (cellular and PCS), and television programming (e.g., QVC). Applicant also states that Comcast Corporation has 12,000 employees worldwide, including at least 1,300 employed by telephony affiliates. According to applicant, it will be able to draw upon these significant resources as necessary to provide local exchange and interexchange services in California. In addition,

<sup>5</sup> To demonstrate that Comcast Financial Corporation (CFC) has the ability to lend applicant the funds specified in the Revolving Credit Note, applicant submitted an unaudited balance sheet of CFC which shows that as of December 31, 1996, CFC held over \$153 million in cash, cash equivalents, and short-term investments; and that CFC's assets were well in excess of its liabilities.

<sup>6</sup> Applicant states that it is a wholly-owned subsidiary of Comcast Telephony Communications Holdings, Inc., which in turn is a wholly-owned subsidiary of Comcast Cable Communications, Inc. (CCCI). CCCI, in turn, is a wholly-owned subsidiary of Comcast Corporation.

applicant submitted biographical information on 13 of Comcast Corporation's key employees who applicant asserts will be involved at various levels in the activities of applicant.<sup>7</sup> Finally, applicant asserts that none of its employees or the employees of its parent company, Comcast Telephony Corporation, were previously associated with or employed by an NDIEC that went bankrupt or out of business..

As an additional check on the applicant's technical qualifications, the names of the applicant and the four highest ranking employees of Comcast Corporation were searched in the ALLPUC file of the STATES library and in the FCC file of the FEDCOM library of the Lexis database. No information was uncovered that would indicate that the applicant or any of its key employees is unfit to provide public utility service.

We find that applicant, due to its association with Comcast Corporation, is technically qualified to operate as a public utility.

#### VI. California Environmental Quality Act (CEQA) Review

Applications to provide facilities-based local exchange services must be reviewed for compliance with CEQA.<sup>8</sup> CEQA requires the Commission to assess the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced to the fullest extent possible. To achieve this objective, Rule 17.1 requires the proponent of any project subject to Commission approval to submit an environmental assessment which is referred to as a Proponent's Environmental

<sup>7</sup> The biographical information submitted on the 13 key employees of Comcast demonstrates that they are well qualified to oversee the activities of applicant.

<sup>8</sup> D.95-12-056, Appendix C, Section 4.C.(2).

Assessment (PEA). The PEA is used by the Commission to focus on any impacts of the project which may be of concern and to prepare the Commission's Initial Study to determine whether the project would need a Negative Declaration or an Environmental Impact Report (EIR).

Applicant filed its PEA as Exhibit H to A.96-12-060. As described in the PEA, applicant intends to provide local exchange service primarily through the resale of facilities furnished by third parties such as Pacific. According to applicant, it will supplement the facilities secured from third parties with the limited construction of its own facilities, such as the installation of service boxes, the collocation of equipment in a competitor's central office, and the installation of network interface devices at customers' premises. In addition, applicant states that it may utilize the current and future infrastructure deployed by its cable television affiliates. Applicant claims that its proposed construction will not have a significant adverse effect on the environment.

Applicant's CEQA review was consolidated with the CEQA review of eight other CPCN applications by facilities-based CLCs. After assessing the PEAs for these nine facilities-based CLCs, Commission staff prepared a draft Negative Declaration and Initial Study generally describing the applicants' projects and their potential environmental effects. The Initial Study identified potentially significant impacts from applicants' projects which, with mitigating measures, could be reduced to a less than significant level. (Pub. Res. Code § 21080(c)(2).) The draft

Negative Declaration and Initial Study was then circulated for public review and comment.<sup>9</sup>

In D.97-04-011, issued on April 9, 1997, in A.96-11-049, we approved the Final Mitigated Negative Declaration for the projects proposed by nine applicants for facilities-based CLCs, including the project proposed by Comcast in the instant application. We find that with the inclusion of mitigation measures set forth in the Final Mitigated Negative Declaration contained in Attachment B of D.97-04-011, applicant's proposed project will not have potentially significant environmental effects. Accordingly, we shall require applicant to comply with the Mitigation Monitoring Plan (Appendix C to the Final Mitigated Negative Declaration approved in D.97-04-011) in order to ensure ensure that the listed Mitigation Measures will be followed and implemented.<sup>10</sup>

#### VII. Conclusion

We conclude that the application conforms to our rules for certification to provide competitive local exchange and interexchange telecommunications services. Accordingly, we shall approve the application subject to the terms and conditions set forth herein.

<sup>9</sup> One written comment was received. This written comment is described and addressed in Appendix D to the Final Mitigated Negative Declaration approved in D.97-04-011 issued in A.96-11-049.

<sup>10</sup> Along with a copy of this decision, the Commission's Process Office shall mail to applicant a copy of the Final Mitigated Negative Declaration approved in D.97-04-011.

Findings of Fact

1. Applicant filed A.96-12-060 on December 31, 1996, for authority to provide telecommunications services as both a CLC and an IEC.
2. Applicant served its application on 20 cities and four counties within which applicant proposes to construct facilities.
3. Applicant served its application and a Notice of Availability of the exhibits to its application on all telephone corporations with which it is likely to compete.
4. Notice of A.96-12-060 appeared in the Daily Calendar on January 8, 1997.
5. Applicant filed an amendment to its application on March 18, 1997. Notice of amendment appeared in the Daily Calendar on March 27, 1997.
6. Applicant filed a second amendment to its application on May 7, 1997. Notice of the amendment appeared in the Commission's Daily Calendar on May 9, 1997.
7. Applicant requests a waiver of Rule 18(b) to the extent the Rule requires service of A.96-12-060 on all cities and counties in which the applicant does not intend to construct any facilities.
8. The Commission has routinely granted nondominant telecommunications carriers, such as applicant, an exemption from Rule 18(b) to the extent that the Rule requires the applicant to serve its application on cities and counties in which no construction of facilities is proposed.
9. No protests have been filed.
10. A hearing is not required.
11. In prior Commission decisions, competition in providing interLATA telecommunications services was authorized, but those offering such services were generally barred from holding out to the public the provision of intraLATA service.



12. In D.94-09-065, the Commission authorized competitive intraLATA services effective January 1, 1995, for carriers meeting specified criteria.

13. In prior decisions the Commission authorized competition in providing local exchange telecommunications service within the service territories of Pacific and GTEC.

14. In D.95-07-054, D.95-12-056, D.95-12-057, and D.96-02-072, the Commission authorized CLCs meeting specified criteria to offer facilities-based services effective January 1, 1996, and resale services effective March 31, 1996.

15. Applicant has demonstrated that it has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.

16. Applicant represented that it has additional financial resources to fund deposits that might be required by LECs or IECs in order to provide the proposed services.

17. The key employees of applicant's ultimate parent, Comcast Corporation, possess the requisite experience and knowledge to oversee applicant's operations.

18. Applicant represented that no one associated with or employed by applicant or its immediate parent, Comcast Telephony Communications, Inc., was previously associated with an IEC that filed for bankruptcy or went out of business.

19. A search of the ALLPUC file of the STATES library and the FCC file of the FEDCOM library of the Lexis database did not reveal anything to indicate the applicant is unfit to provide public utility service.

20. A.96-12-060 included proposed tariffs. Subsequently, applicant filed amended tariff pages in order to comply with Commission requirements regarding customer deposits.

21. With the exception of the deficiencies listed in Attachment B to this decision, applicant's tariffs, as amended,

comply with the requirements established by the Commission, including prohibitions on unreasonable deposit requirements.

22. Exemption from the provisions of PU Code §§ 816-830 has been granted to other NDIECs and CLCs. (See, e.g., D.86-10-007, D.88-12-076, and D.96-05-060.)

23. The transfer or encumbrance of property of nondominant carriers has been exempted from the requirements of PU Code § 851 whenever such transfer or encumbrance serves to secure debt. (See D.85-11-044 and D.96-05-060, Ordering Paragraph 15.)

24. CEQA requires the Commission to assess the potential environmental impact of a project.

25. The Commission staff conducted an Initial Study of the environmental impact of nine facilities-based CLC applications, including A.96-12-060, and prepared a Mitigated Negative Declaration.

26. Decision 97-04-011, issued on April 9, 1997, approved a Final Mitigated Declaration for the projects proposed by nine applicants for facilities-based CLCs, including the project proposed by Comcast Telephony Communications of California, Inc.

27. In D.97-04-011, the Commission found that with the incorporation of all mitigation measures discussed in the Mitigated Negative Declaration (Attachment B of D.97-04-011), certification of the nine CLCs covered therein, including Comcast Telephony Communications of California Inc., will result in no significant adverse impact on the environment.

#### Conclusions of Law

1. Applicant has the financial ability to provide the proposed service.

2. Applicant has made a reasonable showing of technical expertise in telecommunications.

3. Public convenience and necessity require that competitive local exchange and interexchange services to be offered by applicant, subject to the terms and conditions set forth herein.

4. Applicant is subject to:

- a. The current 3.2% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service (PU Code § 879; Resolution T-15799, November 21, 1995);
- b. The current 0.36% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (PU Code § 2881; Resolution T-16017, April 9, 1997);
- c. The user fee provided in PU Code §§ 431-435, which is 0.11% of gross intrastate revenue for the 1996-1997 fiscal year (Resolution M-4782);
- d. The current surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-A (PU Code § 739.30; D.96-10-066, pp. 3-4, App. B, Rule 1.C., set by Resolution T-15987 at 0.0% for 1997, effective February 1, 1997);
- e. The current 2.87% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-B (D.96-10-066, p. 191, App. B, Rule 6.F.); and
- f. The current 0.41% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Teleconnect Fund (D.96-10-066, p. 88, App. B, Rule 8.G.).

5. Applicant should be exempted from Rule 18(b)'s requirement to serve its application on cities and counties in which the applicant does not propose to construct any facilities.

6. Applicant should be exempted from PU Code §§ 816-830.
7. Applicant should be exempted from PU Code § 851 when the transfer or encumbrance serves to secure debt.
8. The application should be granted to the extent set forth below.
9. Applicant, once granted a certificate of public convenience and necessity to operate as a CLC, should be subject to the Commission's rules and regulations regarding the operations of CLCs as set forth in D.95-07-054, D.95-12-056, and other Commission decisions.
10. Any CLC which does not comply with our rules for local exchange competition adopted in Rulemaking 95-04-043 shall be subject to sanctions including, but not limited to, revocation of its CLC certificate.
11. To be in compliance with CEQA, applicant is required to carry out the specific mitigation measures outlined in the Final Mitigated Negative Declaration appended to D.97-04-011.
12. With the incorporation of the specific mitigation measures outlined in the Final Mitigated Negative Declaration (see Attachment B of D.97-04-011), applicant's proposed project will not have potentially significant environmental impacts.
13. Because of the public interest in competitive local exchange and interexchange services, the following order should be effective immediately.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Comcast Telephony Communications of California Inc. (applicant) to operate as a facilities-based provider and reseller of competitive local exchange and interexchange services, subject to the terms and conditions set forth below.

2. Applicant shall file a written acceptance of the certificate granted in this proceeding.

3. Applicant is authorized to file with this Commission tariff schedules for the provision of competitive local exchange and interexchange services. Such tariffs must correct the deficiencies listed in Attachment B to this order. Applicant may not offer services 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. The tariff shall be effective not less than one day after tariff approval by the Commission's Telecommunications Division. Applicant shall comply with the provisions in its tariffs.

4. Applicant is a competitive local carrier (CLC). The effectiveness of its future CLC tariffs is subject to the schedules set forth in Appendix C, Section 4.E of Decision (D.) 95-12-056:

"E. CLCs shall be subject to the following tariff and contract filing, revision and service pricing standards:

"(1) Uniform rate reductions for existing tariff services shall become effective on five (5) working days' notice to the Commission. Customer notification is not required for rate decreases.

"(2) Uniform major rate increases for existing tariff services shall become effective on thirty (30) days' notice to the Commission, and shall require bill inserts, or a message on the bill itself, or first class mail notice to customers at least 30 days in advance of the pending rate increase.

"(3) Uniform minor rate increases, as defined in D.90-11-029, shall become effective on not less than five (5) working days' notice to

the Commission. Customer notification is not required for such minor rate increases.

- "(4) Advice letter filings for new services and for all other types of tariff revisions, except changes in text not affecting rates or relocations of text in the tariff schedules, shall become effective on forty (40) days' notice to the Commission.
- "(5) Advice letter filings revising the text or location of text material which do not result in an increase in any rate or charge shall become effective on not less than five (5) days' notice to the Commission.
- "(6) Contracts shall be subject to GO 96-A rules for NDIECs, except interconnection contracts.
- "(7) CLCs shall file tariffs in accordance with PU Code Section 876."

5. Applicant is a nondominant interexchange carrier (NDIEC). The effectiveness of its future NDIEC tariffs is subject to the schedules set forth in Ordering Paragraph 5 of D.90-08-032 (37 CPUC2d 130 at 158), as modified by D.91-12-013 (42 CPUC2d 220 at 231) and D.92-06-034 (44 CPUC2d 617 at 618):

"5. All NDIECs are hereby placed on notice that their California tariff filings will be processed in accordance with the following effectiveness schedule:

- "a. Inclusion of FCC-approved rates for interstate services in California public utilities tariff schedules shall become effective on one (1) day's notice.

- "b. Uniform rate reductions for existing services shall become effective on five (5) days' notice.
- "c. Uniform rate increases, except for minor rate increases, for existing services shall become effective on thirty (30) days' notice, and shall require bill inserts, a message on the bill itself, or first class mail notice to customers of the pending increased rates.
- "d. Uniform minor rate increases, as defined in D.90-11-029, for existing services shall become effective on not less than 5 working days' notice. Customer notification is not required for such minor rate increases.
- "e. Advice letter filings for new services and for all other types of tariff revisions, except changes in text not affecting rates or relocations of text in the tariff schedules, shall become effective on forty (40) days' notice.
- "f. Advice letter filings merely revising the text or location of text material which do not cause an increase in any rate or charge shall become effective on not less than five (5) days' notice."

6. Applicant may deviate from the following provisions of GO 96-A: (a) paragraph II.C.(1)(b), which requires consecutive sheet numbering and prohibits the reuse of sheet numbers; and (b) paragraph II.C.(4), which requires that "a separate sheet or series of sheets should be used for each rule." Tariff filings incorporating these deviations shall be subject to the approval of the Commission's Telecommunications Division. Tariff filings shall reflect all fees and surcharges to which applicant is subject, as reflected in Conclusion of Law 4.

7. Applicant shall file as part of its initial tariff, after the effective date of this order and consistent with Ordering Paragraph 3, a service area map.

8. Prior to initiating service, applicant shall provide the Commission's Consumer Services Division with the applicant's designated contact person(s) for purposes of resolving consumer complaints and the corresponding telephone number. This information shall be updated if the name or telephone number changes, or at least annually.

9. Applicant shall notify this Commission in writing of the date that local exchange service is first rendered to the public within five days after local exchange service begins.

10. Applicant shall notify this Commission in writing of the date interLATA service is first rendered to the public within five days after service begins and again within five days of when intraLATA service begins.

11. Applicant shall keep its books and records in accordance with the Uniform System of Accounts specified in Title 47, Code of Federal Regulations, Part 32.

12. In the event the books and records of the applicant are required for inspection by the Commission or its staff, applicant shall either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to applicant's office.

13. Applicant shall file an annual report, in compliance with GO 104-A, on a calendar-year basis using the information request form developed by Commission staff contained in Appendix A to this decision.

14. Applicant shall ensure that its employees comply with the provisions of Public Utilities (PU) Code § 2889.5 regarding solicitation of customers.

15. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire



if not exercised within 12 months after the effective date of this order.

16. The corporate identification number assigned to applicant is U-5781-C which shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

17. Within 60 days of the effective date of this order, applicant shall comply with PU Code § 708, Employee Identification Cards, and notify the Director of the Telecommunications Division in writing of its compliance.

18. Applicant is exempted from the provisions of PU Code §§ 816-830.

19. Applicant is exempted from PU Code § 851 for the transfer or encumbrance of property, whenever such transfer or encumbrance serves to secure debt.

20. Applicant is exempted from Rule 18(b) of the Commission's Rules of Practice and Procedure to the extent that the Rule requires applicant to serve a copy of its application on the cities and counties in which applicant does not propose to construct any facilities.

21. If applicant is 90 days or more late in filing an annual report or in remitting the fees listed in Conclusion of Law 4, the Commission's Telecommunications Division shall prepare for Commission consideration a resolution that revokes the applicant's certificate of public convenience and necessity, unless the applicant has received the written permission of the Commission's Telecommunications Division to file or remit late.

22. Applicant shall comply with the consumer protection rules contained in Appendix B of D.95-07-054.

23. Applicant shall comply with the Commission's rules and regulations for local exchange competition contained in Appendix C of D.95-12-056, including the requirement that CLCs shall place customer deposits in a protected, segregated, interest-bearing

escrow account subject to Commission oversight. (D.95-12-056, Appendix C, Section 4.F.(15).)

24. Applicant shall comply with the Commission's rules and regulation for NDIECs set forth in D.93-05-010, D.90-08-032, and other Commission decisions, including the requirement contained in D.90-08-032 (37 CPUC2d at 145-146) that customer deposits related to interexchange service that are held for more than one month must bear the Commission-required rate of interest currently set at 7% simple interest. This rate of interest shall continue to apply unless and until it is reset by subsequent Commission action or superceded by the rate of interest set forth in D.96-09-098, Appendix A, Rule 4.B.

25. Applicant shall comply with the customer notification and education rules adopted in D.96-04-049 regarding passage of calling party number.

26. The entire Final Mitigated Negative Declaration that was approved and adopted in D.97-04-011 is hereby incorporated into this order by reference. A copy of the Final Mitigated Negative Declaration shall be provided to applicant along with this decision.

27. The applicant shall comply with the conditions and carry out the mitigation measures outlined in the Final Mitigated Negative Declaration attached to D.97-04-011.

28. The applicant shall provide the Director of the Commission's Energy Division with reports on compliance with the conditions and implementation of mitigation measures under the schedule as outlined in the Final Mitigated Negative Declaration adopted in D.97-04-011.

29. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from the date of this order.

30. The application is granted, as set forth above.

31. Application 96-12-060 is closed.

This order is effective today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON

Président

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

ATTACHMENT A  
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INFORMATION REQUESTED OF COMPETITIVE LOCAL CARRIERS

TO: ALL COMPETITIVE LOCAL CARRIERS

Article 5 of the Public Utilities Code grants authority to the California Public Utilities Commission to require all public utilities doing business in California to file reports as specified by the Commission on the utilities' California operations.

A specific annual report form has not yet been prescribed for the California interexchange telephone utilities. However, you are hereby directed to submit an original and two copies of the information requested in Attachment A no later than March 31st of the year following the calendar year for which the annual report is submitted.

Address your report to:

California Public Utilities Commission  
Auditing and Compliance Branch, Room 3251  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

Failure to file this information on time may result in a penalty as provided for in §§ 2107 and 2108 of the Public Utilities Code.

If you have any question concerning this matter, please call (415) 703-1961.

ATTACHMENT A  
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INFORMATION REQUESTED OF COMPETITIVE LOCAL CARRIERS

To be filed with the California Public Utilities Commission, 505 Van Ness Avenue, Room 3251, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

1. Exact legal name and U # of reporting utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).  
If incorporated, specify:
  - a. Date of filing articles of incorporation with the Secretary of State.
  - b. State in which incorporated.
6. Commission decision number granting operating authority and the date of that decision.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.
9. A list of all affiliated companies and their relationship to the utility. State if affiliate is a:
  - a. Regulated public utility.
  - b. Publicly held corporation.
10. Balance sheet as of December 31st of the year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.

(END OF ATTACHMENT A)