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Decision 97-08-029 August 1, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Brumfield Network Communications
for a Certificate of Public Convenience and Necessity
to Provide Interexchange and Competitive Local
Exchange Services as a Facilities Based Carrier.

Application 96-12-062
(Filed December 31, 1996)

ORDER GRANTING PETITION FOR MODIFICATION

Background

On May 6, 1997, the Commission granted Brumfield Network Communications (Brumfield) a Certificate of Public Convenience and Necessity to operate "as a provider of competitive local exchange services and interLocal Access and Transport Area (interLATA) and, to the extent authorized in Decision (D.) 94-09-065, intraLocal Access and Transport Area (intraLATA) telecommunications services" subject to the terms and conditions set out in the decision.

On June 20, 1997, Brumfield filed a Petition for Modification of D.97-05-029 in which it asked that the decision be clarified to explicitly grant Brumfield authority to resell other carriers' services.

In support of its petition, Brumfield states that in its application it requested authorization to provide local exchange service as a facilities-based carrier. At the time it prepared its application, Brumfield and its counsel were unaware of the requirement that such an application must contain an explicit request for resale authority, if the applicant intends to resell the services of other carriers.

Brumfield further states that its application contains the required factual demonstrations for resale authority.

Discussion

The requirements for resale authority are less rigorous than those for facilities-based authority. Having previously determined that Brumfield met the higher

standards, we can similarly conclude that Brumfield meets the financial and technical standards for resale authority.

For this reason, we will grant Brumfield's requested modification to D.97-05-029.

Finding of Fact

Brumfield meets the requirements for authority to resell local exchange service.

Conclusion of Law

This petition should be granted.

Therefore, **IT IS ORDERED** that:

1. Ordering Paragraph 1 of Decision (D.) 97-05-029 is modified as follows:

"A certificate of public convenience and necessity is granted to Brumfield Network Communications (applicant) to operate as a facilities-based and resale provider of competitive local exchange services and interLocal Access and Transport Area (interLATA) and to the extent authorized by Decision 94-09-065, intraLocal Access and Transport Area (intraLATA) telecommunications services, subject to the terms and conditions set forth below."

2. Except as set out above, D.97-05-029 remains in full force and effect.
3. Application 96-12-062 is closed.

This order is effective today.

Dated August 1, 1997, at San Francisco, California.

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