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Decision 97-08-083 August 26, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's Own Motion to
Establish a Simplified Registration Process for
Nondominant Telecommunication Firms.

R.94-02-003
(Filed February 3, 1994)

Investigation on the Commission's Own Motion to
Establish a Simplified Registration Process for
Nondominant Telecommunication Firms.

I.94-02-004
(Filed February 3, 1994)

ORDER CORRECTING ERRORS

Decision 97-06-107 issued on June 25, 1997, contains four errors in Attachment A, Form of Application for Registration:

1. The decision number is missing in question 1;
2. Question 2 contains a duplicate line;
3. Instruction 4 lacks specificity as to what type of facilities can be included; and
4. Instruction 7 is unclear what entity's financial information is required.

Ordering Paragraph 6 also contains an error in that it fails to fully cite the subsection of General Order 96-A from which interexchange carriers and competitive local carriers will be exempt. The complete citation is "III.G(1) and (2)."

This order corrects these errors.

Therefore, under the authority of Resolution A-4661,

IT IS ORDERED that Decision (D.) 97-06-107 is corrected at Attachment A, Form of Application for Registration to include "D.97-06-107" in question 1, to delete the duplicate line in question 2, to add the type of facilities which qualify for the exemption to instruction 4, and "applicant's" is added to instruction 7. A corrected form is

R.94-02-003, I.94-02-004 ALJ/MAB/rmn

attached. Ordering Paragraph 6 is corrected to add "III" to the citation to General Order 96-A.

This order is effective today.

Dated August 26, 1997, at San Francisco, California.

/s/ WESLEY M. FRANKLIN

WESLEY M. FRANKLIN
Executive Director

Attachment A

Form of Application for Registration

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1 In the Matter of the Application of the Applicant
 Named Below for Registration as an Interexchange
 Carrier Telephone Corporation Pursuant to the
 Provisions of Public Utilities Code Section 1013
 and D.97-06-107

A.

(Insert the full legal name of applicant; see instruction 1; attach fictitious names, if any)
Street address:
Telephone: () —

2 Applicant is: (Check only one; see instruction 2.)	A corporation (attach good standing certificate) <input type="checkbox"/> A limited partnership (attach good standing certificate) <input type="checkbox"/> A limited liability company (attach good standing certificate) <input type="checkbox"/> A general partnership <input type="checkbox"/> A sole proprietor <input type="checkbox"/> A trust <input type="checkbox"/> Other (describe) <input type="checkbox"/>
Attach name, street address, and telephone number of applicant's registered agent for service of process Attach list of the names, titles, and street addresses of all officers and directors, general partners, trustees, members, or other persons authorized to conduct the business of applicant at a similar level Attach list of all affiliated entities (see instruction 2)	

3 Legal domicile of applicant is: (Check only one; see instruction 3.)	California <input type="checkbox"/> Other (identify): <input type="checkbox"/>
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4 Applicant will operate as: (Check only one; see instruction 4.)	Switchless reseller <input type="checkbox"/> Facilities-based carrier <input type="checkbox"/>
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5 Applicant will provide service: (Check only one; see instruction 5.)	Statewide <input type="checkbox"/> In specific portions only (attach description and map) <input type="checkbox"/>
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6 Applicant will provide: voice and data telecommunications only (Check only one; see Instruction 6.)	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

7 No affiliate, officer, director, general partner, or person owning more than 10% of applicant, or anyone acting in such a capacity whether or not formally appointed, held one of these positions with an IEC that filed for bankruptcy or has been found either criminally or civilly liable by a court of appropriate jurisdiction for a violation of § 17000 et seq. of the California Business and Professions Code or for any actions which involved misrepresentations to consumers, and to the best of applicant's knowledge, is not currently under investigation for similar violations. (Check only one; see Instruction 2.)	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

8 To the best of applicant's knowledge, neither applicant, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule or order.	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

9 Applicant has a minimum of (a) \$25,000 in the case of a switchless reseller OR (b) \$100,000 in the case of a facilities based applicant, in each case reasonably liquid and available to meet the firm's first-year expenses, including deposits required by local exchange carriers or interexchange carriers or (c) has profitable interstate operations to generate the required cash flow. (Check only one; see instruction 7.)	True (attach documentation)	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

10 Applicant has the required expertise to operate as an interexchange carrier of the type indicated in the application.	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

11 Applicant is eligible for an exemption from tariffing requirements as set out in Commission Decision 96-12-033 and seeks such an exemption. (Check only one; see instruction 8.)	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

Signed:

Name _____

Title _____

Dated _____

Street
Address _____

Telephone
Fax _____

Instructions:

1. Enter the legal name of applicant exactly as it appears on its articles or certificate of corporation or similar charter document.
2. Good standing certificates are available from the office of the Secretary of State of the State of California and should be dated of a date not more than 60 days prior to the date of filing the application. An original certificate must be attached to the manually signed copy of the application. An affiliated entity is any entity under common control with applicant. Common control exists if the same individuals or entities have the direct or indirect power to determine the action of applicant and such entity through the right to vote shares, by contract or agreement, or otherwise. Note whether any such entity is a reporting company for purposes of the Securities Exchange Act of 1934, as amended.
3. For individuals, domicile is the place of legal residence; for entities, it is the state of incorporation or organization.
4. A switchless reseller only uses the switch of another carrier; a facilities based carrier uses its own switch as well as the facilities of another carrier. Only facilities which meet the requirements for exemption from the California Environmental Quality Act (CEQA) pursuant to Commission Rule of Practice and Procedure 17.1(h)(1)(A)(1.) may be included in a CPCN registration. Specifically, minor alterations in an existing structure such as installing a switch in an existing building. All other facilities will require a formal application.
5. If service is to be provided to less than the entire State of California, specify the exact area for which authority is requested.
6. Applicants which will provide services other than ordinary voice and data communications may not use the registration system.
7. Attach applicant's audited balance sheet for the most recent fiscal year, an unaudited balance sheet as of the most recent fiscal quarter, a bank statement as of the month prior to the date of filing the application, or a third-party undertaking to provide the required amounts on behalf of applicant. If the balance sheet shows current liabilities in excess of current assets or negative equity, explain how applicant will be able to maintain sufficient liquidity for its first year of operations.
8. All NDIECs exempt from tariffing requirement must comply with the Consumer Protection Rules adopted in Decision 96-09-098.

(END OF ATTACHMENT A)

Decision 97-08-083 August 26, 1997

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ORIGINAL.

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I hereby declare under penalty of perjury under the laws of the State of California that the foregoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

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(END OF ATTACHMENT A)