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Decision 97-10-002 October 9, 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 Non-Dominant Telecommunications Firms.

Rulemaking 94-02-003
(Filed February 3, 1994)

Investigation on the Commission's Own Motion to Establish a Simplified Registration Process for Non-Dominant Telecommunications Firms.

Investigation 94-02-004
(Filed February 3, 1994)

ORIGINAL

**DECISION AUTHORIZING TELECOMMUNICATIONS DIVISION DIRECTOR
TO REJECT REGISTRATION APPLICATIONS
OF NONDOMINANT INTEREXCHANGE CARRIERS**

Background

In Decision 97-06-107, the Commission established a streamlined registration process by which nondominant interexchange carriers (NDIECs) can receive a certificate of public convenience and necessity (CPCN) to provide interLocal Access and Transport Area and intraLocal Access and Transport Area telecommunications service. Decision 97-08-050 granted the Executive Director authority to grant the CPCN at the successful conclusion of the registration process. These decisions did not, however, specify the means by which registration applications would be rejected.

Discussion

The Commission currently rejects CPCN applications with a Commission Decision, which requires that the full Commission act on an application at a formal Commission meeting. This process, due to public notice requirements and the Commission meeting schedule, can take several weeks, a result that is inconsistent with the objective of streamlining the process.

In the case of a registration application which has been accepted for filing, the only substantial basis for rejection is that the filed tariffs fail to comply with Commission requirements. This determination will be made by the Commission's Telecommunications Division.

The most efficient means of communicating a rejection to the applicant is by a letter ruling from the Telecommunications Division Director. Such a letter ruling shall specify the Commission rule or regulation with which the tariffs fail to comply. The letter ruling will also direct the Docket Office to close the registration docket and to publish the rejection in the Daily Calendar.

Findings of Fact

1. Noncompliance with Commission tariff requirements is the only substantive basis for rejecting an NDIEC registration that has otherwise been accepted for filing.
2. The Telecommunications Division Director determines whether tariffs meet Commission requirements.

Conclusion of Law

The Telecommunications Division Director should be authorized to reject registration applications which fail to comply with Commission tariff requirements.

O R D E R

IT IS ORDERED that:

1. The Telecommunications Division Director is authorized to reject registration applications for a Certificate of Public Convenience and Necessity by nondominant interexchange carriers where the tariffs filed fail to comply with Commission requirements.

2. Such a rejection shall be by letter which shall include a citation to the requirement which the tariffs violate and it shall also direct the Docket Office to close the docket and publish the rejection in the Daily Calendar.

3. All rejection letters shall reference the authority granted in this decision.

This decision is effective today.

Dated October 9, 1997, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners