

FEB 4 1998

Decision 98-02-037 February 4, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In re Application of Venture Technologies Group, Inc.
a/k/a Allegro Communications for Authority to
Provide Local Exchange Service as a Nonfacilities
based Competitive Local Carrier in the State of
California.

Application 95-09-071
(Filed September 1, 1995)

ORIGINAL

O P I N I O N

On September 1, 1995, Venture Technologies Group, Inc., also known as Allegro Communications (Venture or the Applicant), initially filed a Petition in Investigation (I.) 95-04-044 for Competitive Local Exchange Services Provider Authority offering resale and facilities-based service within the territories of Pacific Bell (Pacific) and GTE California, Inc. (GTEC) as prescribed by Decision (D.) 95-07-054.

As directed in Decision (D.) 95-07-054, issued in R.95-04-043/1.95-04-044 prospective competitive local carriers (CLCs) were to file petitions for authority by September 1, 1995, to enable us to act upon and approve said petitions in time to allow local exchange competition on facilities-basis to begin by January 1, 1996, in the territories of Pacific and GTEC.

We used the investigation docket of this proceeding to administer the initial certification of all of the eligible CLC petitions. A second group, consisting of CLC resellers, was upon approval of their petitions, permitted to begin service by March 1, 1996. Venture filed its petition pursuant to this process.

The Commission staff reviewed Venture's petition and sent Venture a letter on November 27, 1995, outlining various deficiencies in its filing. In response to the deficiency letter, Venture asked for extension of time to correct the problems. In D.95-12-057, we granted Venture request for extension of time to file corrections to its petition and indicated that we would consider its request with the reseller group to be

certificated effective March 1, 1996. Venture was ordered to file their corrections by January 15, 1996.

Although Commission staff discussed the deadline for filing corrections, Venture had not filed its corrections by February 9, 1996, more than three weeks after the deadline we established. We, therefore, ordered in D.96-02-072 that the petition from Venture be converted to an application which would be addressed outside of the Local Competition docket. The petition was converted to Application 95-09-071.

Since the issuance of D.96-02-072, Venture has continued to fail to provide the correction of deficiencies previously outlined in the letter from the Commission staff. Venture has been given ample time to provide correction of the deficiencies. Accordingly, we conclude that good cause exists to deny without prejudice the application of Venture for lack of prosecution.

Venture is free to file a new application for CPCN authority with the correction of deficiencies as previously noted. We shall consider its request if and when it makes such filing. Since Venture was previously included in the Mitigated Negative Declaration (MND) approved in D.95-12-057, we shall consider relying on the previous MND in evaluating any subsequent CLC CPCN filing by Venture. Venture will be expected to show, however, that its proposed project is not significantly different from that which was previously represented in the MND approved by D.95-12-057.

Findings of Fact

1. Venture initially filed its petition for authority to offer competitive local exchange service on September 1, 1995.
2. The Commission staff sent a letter to Venture on November 27, 1995, informing it of various filing deficiencies which it needed to correct in order to qualify for Commission approval of its petition.
3. Venture failed to correct any of the deficiencies by the deadline specified by the Commission, and Venture's petition was therefore converted into an application.
4. Up to the present time, Venture has still failed to correct any of the deficiencies previously noted by the Commission staff.

Conclusions of Law

1. Venture has had ample time to respond to the deficiencies in its filing.
2. The application of Venture should be denied without prejudice due to Venture's lack of prosecution.
3. Since Venture was previously included in the MND approved in D.95-12-057, we may consider relying on the previous MND in evaluating any subsequent CLC CPCN filing by Venture. Venture will be expected to show, however, that its proposed project is not significantly different from that which was previously represented in the MND approved by D.95-12-057.

O R D E R

IT IS ORDERED that:

1. The Application of Venture Technologies, Inc. for a certificate of public convenience and necessity to offer competitive local exchange service is denied without prejudice.
2. Application 95-09-071 is closed.

This order is effective today.

Dated February 4, 1998, at San Francisco, California.

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