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Decision 98-02-038 February 4, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service.

R.95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service.

I.95-04-044
(Filed April 26, 1995)

ORDER MODIFYING DECISION 97-09-110

On January 13, 1998, petitioner, Accelerated Connections, Inc. (ACI), filed a *Petition for Modification of ACI's Certificate of Public Convenience and Necessity (Petition)* to provide telecommunications service in California, which was granted in Decision (D.) 97-09-110. In its Petition, ACI requests modification of D.97-09-110 to expand its previously granted authority to also offer facilities-based inter and intraLATA (Local Access Transport Area) toll services. ACI previously received authority to resell interLATA and intraLATA toll and local exchange communication services pursuant to D.97-07-032. ACI filed a separate petition to offer facilities-based local exchange services in this docket. (Petition No. 75, Filed June 27, 1997.) ACI's petition for facilities-based local exchange service was granted on September 24, 1997, pursuant to D.97-09-110. Despite these previous filings, ACI has not received express authority to offer *facilities-based interexchange* services from this Commission. ACI states that the information contained in ACI's petition for authority to provide facilities-based competitive local exchange service previously filed June 27, 1997, including the financial statements, the list of potential competitors, the territory where ACI will offer service, and operating costs, is still correct and directly relevant to ACI's provision of interexchange service.

Discussion

No party to this proceeding, nor any of ACI's competitors, would be prejudiced by the Commission's expedited modification of D.97-09-110 to expand ACI to offer facilities-based interexchange services. The Commission has already performed an environmental assessment of ACI's local exchange facilities, which resulted in the issuance of a Negative Declaration. (See D.97-09-110.) No further environmental review is necessary to grant this Petition. Since this Commission has already reviewed and approved ACI's authority for facilities-based service, this Petition is noncontroversial and does not raise any material issues of fact. Therefore, we shall grant ACI's Petition for Modification of D.97-09-110 on an expedited ex parte basis, as directed below. ACI has previously satisfied all the requirements to become a nondominant facilities-based interexchange carrier, including the requisite financial showing of \$100,000 and the requisite showing of technical expertise.

Findings of Fact

1. In D.97-09-110, ACI was granted authority to offer facilities-based local exchange service within the service territories of Pacific Bell and GTE California Incorporated.
2. ACI did not explicitly ask for, nor was it granted, facilities-based interexchange authority from this Commission.
3. ACI has formally petitioned this Commission to have its operating authority modified to include facilities-based interexchange authority.
4. The showing which ACI previously made in support of its facilities-based local exchange authority also provides support for its requested facilities-based interexchange authority.

Conclusions of Law

1. No party to this proceeding would be prejudiced by the Commission's expedited granting of ACI's Petition for Modification pursuant to Rule 15(d) of the Commission's Rules of Practice and Procedure.

2. D.97-09-110 should be modified as set forth in the order below:

IT IS ORDERED that Decision (D.) 97-09-110 is modified as follows:

D.97-09-110 is modified to authorize Accelerated Connections, Inc. to provide facilities-based intrastate, inter- and intraLATA (Local Access Transport Area) toll authority within California pursuant to the terms and conditions outlined in D.97-09-110.

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