

ALJ/TRP/sid

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Decision 98-02-090 February 19, 1998

ORIGINAL

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Integrated Teleservices, Inc. (U-5441-C) to expand its Certificate of Public Convenience and Necessity to include authority to operate as a competitive local exchange service provider.

Application 95-12-087  
(Filed December 12, 1995)

**O P I N I O N**

On December 21, 1995, Integrated TeleServices, Inc. (ITS or Applicant), pursuant to Decision (D.) 95-07-054, filed an application for an Amendment to its Certificate of Public Convenience and Necessity (CPCN) to expand its existing authority to operate as a non-dominant interexchange carrier to include authority to resell local exchange telecommunications services to the full extent allowed by the California Public Utilities Commission (CPUC or Commission).

ITS is a non-dominant world-wide long distance telecommunications company that provides a number of voice and data communications services to business and residential customers. ITS currently originates and terminates interstate and international traffic in California and is expanding to offer service nationwide. ITS was granted authority to provide intrastate, interLATA telecommunications services within California by D.95-01-005.

ITS failed to submit supporting exhibits with its initial filing. In response to requests from the Administrative Law Judge (ALJ), the Applicant ultimately supplied partial information on June 23, 1997, relating to the qualifications of its management, its financial statements, and a short statement relating to environmental impacts. Despite the requests of the ALJ, the Applicant still failed to provide the exhibit showing its proposed tariff. The provision of the proposed tariff is an essential prerequisite to evaluate and grant the Applicant's CPCN filing. Therefore, because the Applicant has failed to supply the draft tariff up to the present time, we shall deny the application

without prejudice for lack of prosecution. The Applicant is free to submit a new CPCN filing for subsequent consideration with the requisite supporting exhibits, including a draft tariff.

**Findings of Fact**

1. ITS, pursuant to D.95-07-054, filed its application for an Amendment to its CPCN to expand its existing authority to operate as a non-dominant interexchange carrier by being granted authority to resell local exchange telecommunications services as allowed by the CPUC in I.95-04-044.

2. ITS has failed to submit a draft tariff in support of its application, despite previous requests from the assigned ALJ to do so.

3. The draft tariff is an essential prerequisite for evaluating an applicant's CPCN filing in order to determine whether to grant the request for CPCN authority.

**Conclusions of Law**

1. The application of ITS should be denied without prejudice due to the lack of prosecution by ITS failing to provide a draft tariff within a reasonable period of time.

2. ITS should be permitted to submit a new application for subsequent consideration with the requisite supporting exhibits, including draft tariffs.

**ORDER**

**IT IS ORDERED that:**

1. Application (A.) 95-12-087 is denied without prejudice due to lack of prosecution.

2. A.95-12-087 is closed.

This order is effective today.

Dated February 19, 1998, at San Francisco, California.

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