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Decision 98-03-052 March 26, 1998

**ORIGINAL**

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

In the Matter of the Application of Atlas Equity, Inc.,  
d/b/a Performance Telecom (U-5750-C) for  
Exemption from the Tariffing Requirements for its  
Non-Dominant Interexchange Carrier Service.

Application 97-12-018  
(Filed December 8, 1997)

### O P I N I O N

Atlas Equity, Inc., dba Performance Telecom (U-5750-C) (applicant), a California corporation, a nondominant interexchange carrier (NDIEC) (U-5750-C), is hereby granted an exemption from the requirement to file tariffs.

On December 8, 1997, applicant filed an application requesting an exemption from tariffing requirements. By Decision (D.) 96-09-098, D.96-12-033, and D.97-06-107, the Commission took the steps to implement its authority to exempt specified classes of telecommunications carriers from §§ 454, 489, 491, and 495 of the Public Utilities Code and the requirement to file tariffs. Corresponding to any request for an exemption from the tariffing requirement is an obligation to be subject to the Consumer Protection Rules adopted in D.96-09-098. Applicant agreed to abide by the consumer protection rules adopted in D.96-09-098, as modified from time to time.

#### Findings of Fact

1. The application was filed on December 8, 1997, and appeared in the Commission's Daily Calendar on December 16, 1997.
2. There were no timely protests to the application.
3. No hearings are required.
4. The applicant was qualified for and requested an exemption from tariffing requirements. Applicant also agreed to abide by the consumer protection rules adopted in D.96-09-098, as modified from time to time.

**Conclusion of Law**

Applicant should be granted an exemption from the requirement to file tariffs.

**O R D E R**

**IT IS ORDERED that:**

1. Atlas Equity, Inc., dba Performance Telecom (U-5750-C) (applicant), is exempt from the requirement to file tariffs subject to the conditions set forth below.
2. Applicant shall abide by the Commission's Consumer Protection Rules adopted in Decision 96-09-098 as modified from time to time.
3. Application 97-12-018 is closed.

This order is effective today.

Dated March 26, 1998, at San Francisco, California.

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