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

Application of Common Point LLC for a
Certificate of Public Convenience and
Necessity in Order to Provide Limited
Facilities-Based and Resold Competitive Local
Exchange, Access, and Interexchange Service

A.10-10-021

(Filed October 26, 2010)

RESPONSE TO THIRD ALJ REQUEST

Patrick M. Rosvall
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Attorneys for Common Point LLC

February 25, 2011

On February 24, 2011, Assigned Administrative Law Judge ("ALJ") Anthony Colbert issued the Assigned Administrative Law Judge's Ruling Requiring Applicant to file Additional Information Necessary for the Commission to Reach a Decision on the Application (the "Ruling"). The Ruling requests additional information to demonstrate that Applicant Common Point ("Applicant") can meet expected carrier deposit requirements. Applicant hereby responds by clarifying that the \$150,000 Guarantee provided in the Application includes sufficient funds to cover any anticipated deposits, based on the Commission's assumption of a \$25,000 deposit cost. Applicant further clarifies that this funding will be available for the purpose of paying deposits, should that be necessary.

Section O on page 6 of the Application provides as follows:

O. Demonstration of Financial Ability (Rule 3.1(g)): Attached as Exhibit E is a Guarantee in the amount of **\$150,000** from Associated Network Partners, Inc., Common Point's holding company. The Guarantee demonstrates that Common Point has access to more than \$100,000 in unencumbered available funds. Accordingly, Common Point meets the financial criteria required by D.95-07-054, Appendix A., §§ 4B(1) and 4B(4)(c) (*emphasis added*)

Although D.95-07-054 only requires an Applicant to show that it has \$100,000 in unencumbered available funds, Applicant's Guarantee from Associated Network Partners, Inc. ("ANPI") provides an additional \$50,000 in funding beyond that required amount. Applicant arranged for that additional amount in its Guarantee from ANPI precisely to show that it would have more than enough funding to satisfy any deposits.

Applicant hereby confirms that the additional \$50,000 in funding in the ANPI Guarantee would be available to cover any deposit requirements, should there be any. Applicant does not believe at this point that it will necessarily have to pay any interconnection deposits, and Applicant has not investigated the specific costs of such deposits. However, Applicant accepts

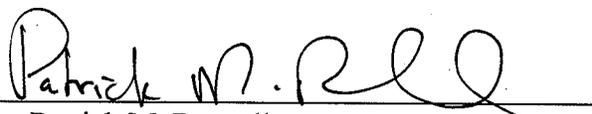
the Commission's imputation of a \$25,000 deposit amount for the purposes of this Application.
As discussed above, Applicant's Guarantee from ANPI is sufficient to satisfy this requirement.

* * *

Should any questions arise with the above clarification, Common Point representatives
will be available to offer further explanation and/or documentation.

Dated this 25th of February, 2011, at San Francisco, California.

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VERIFICATION

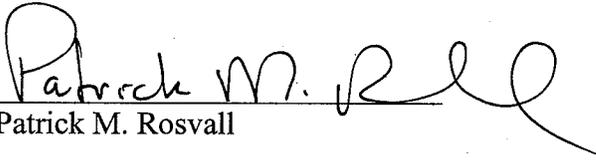
I, Patrick M. Rosvall, declare:

I am an attorney for Applicant Common Point LLC ("Common Point") in this matter. Common Point is absent from the County of San Francisco, California, where I have my office. Therefore, in accordance with Rule 1.11(d) of the Rules of Practice and Procedure of the California Public Utilities Commission, I make this verification on its behalf.

I have read the foregoing document. I am informed and believe, and on that ground allege, that the matters stated in it are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 25, 2011 at San Francisco, California.


Patrick M. Rosvall

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CERTIFICATE OF SERVICE

I, Martin Spence, declare:

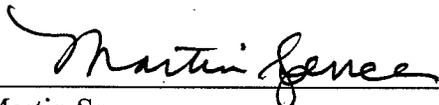
I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is COOPER, WHITE & COOPER LLP, 201 California Street, 17th Floor, San Francisco, CA 94111.

On February 25, 2011, I served the **RESPONSE TO THIRD ALJ REQUEST** by sending via e-mail a true and correct copy in Adobe Acrobat PDF searchable format to the parties on the CPUC's service list for Proceeding A. 10-10-021 (see attached).

Hard copies of the Response were also mailed to Assigned ALJ W. Anthony Colbert and Assigned Commissioner Timothy Alan Simon.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 25, 2011, at San Francisco, California.



Martin Spence

SERVICE LIST

**CPUC Service List as of February 24, 2011
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