



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

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Application of Berkeley Glass & Light for a Certificate of Public Convenience and Necessity to provide full facilities-based and resale Competitive Local Exchange Services within the California Service Area of Pacific Bell Telephone Company d/b/a AT&T California.

Application 16-06-016  
Filed June 30, 2016

**ADMINISTRATIVE LAW JUDGE'S RULING DIRECTING APPLICANT TO  
SUBMIT ADDITIONAL INFORMATION**

On June 30, 2016, Berkeley Glass & Light (Applicants) filed Application 16-06-016 for authorization to obtain a Certificate of Public Convenience and Necessity (CPCN) to provide full facilities-based and resale competitive local exchange services within the California service area of Pacific Bell Telephone Company d/b/a AT&T California.

Upon review of the submitted materials, the Commission requires additional information in order to consider this Application as follows:

1. Public Utilities Code Section 216(a) defines the term "Public utility" to include a "telephone corporation," which in turn is defined in Public Utilities Code Section 234(a) as "every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state." Applicant is to provide certification that, if granted a CPCN, it will operate as a telephone corporation under Public Utilities Code Section 234(a), and obey the Code and all Commission rules, decisions, and orders applicable to telephone corporations.
2. Applicant is to provide certification that it is a Common Carrier as defined by Section 153 of the Federal Telecommunications Act (the "Act") of 1996 eligible to interconnect with the public switched telephone network pursuant to Sections 251 and 252 of the Act.

3. Applicant is directed to submit its financial information using any of the following accepted forms of financial documentation<sup>1</sup> listed below:
  - a. Audited balance sheet and income statement of Berkeley Glass & Light as of its most recent fiscal year-end or a more recent period: or
  - b. Any of the following:
    - i. Cash or cash equivalent, including cashier's check, sight draft, performance bond proceeds,<sup>2</sup> or traveler's checks;
    - ii. Certificate of deposit or other liquid deposit, with a reputable bank or other financial institution;
    - iii. Preferred stock proceeds or other corporate shareholder equity, provided that use is restricted to maintenance of working capital for a period of at least twelve (12) months beyond certification of the applicant by the Commission;
    - iv. Letter of credit, issued by a reputable bank or other financial institution, irrevocable for a period of at least twelve (12) months beyond certification of the applicant by the Commission;

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<sup>1</sup> Please note that checking account statements or unaudited financial statements may not be acceptable. Applicant's financial information must show that Applicant has at least \$25,000 plus the amount required for deposits by other carriers, in cash equivalent that is reasonably liquid and readily available, to meet its expenses. If applicant intends to submit account statements such statements must reflect at least 3 months of current statements, including the most current statement available at the time of submission to the Commission.

<sup>2</sup> Please not that a performance bond used to satisfy the Applicant's financial requirement is separate from the performance bond to be executed within five days from written acceptance of CPCN authority required by Decision 13-05-035.

- v. Line of credit or other loan, issued by a reputable bank or other financial institution irrevocable for a period of at least twelve (12) months beyond certification of the applicant by the Commission, and payable on an interest-only basis for the same period;
  - vi. Loan, issued by a qualified subsidiary, affiliate, or a qualified corporation holding controlling interest in the applicant, irrevocable for a period of at least twelve (12) months beyond the certification of the applicant by the Commission;
  - vii. Guarantee, issued by a corporation, partnership, or other person or association, irrevocable for a period of at least twelve (12) months beyond certification of the applicant by the Commission; and
  - viii. Guarantee, issued by a subsidiary, affiliate or corporation holding a controlling interest in the applicant irrevocable for a period of at least twelve (12) months beyond certification of the applicant by the Commission.
4. Applicant is directed to disclose what deposits, if any are required to be provided to other telecommunications carriers in order to provide the proposed services. For each required deposit, please indicate the name of the carrier requiring the deposit, the amounts required and whether the amount had been paid and the date it was paid. If the amount of the deposits is unknown, Applicant will be required to have an additional \$25,000 in cash or cash equivalent that is reasonably liquid and readily available, as part of its financial requirement.

5. Applicant is directed to provide a statement of the specific services that it intends to provide.<sup>3</sup>
6. Applicant is directed to provide complete resumes for its management personnel and consultant.
7. Applicant is directed to provide the following specific certifications, verified under penalty of perjury that no one associated with or employed by the Applicant as an affiliate, officer, director, partner, agent, or owner of more than 10% of the Applicant:
  - a. Held one of these positions with a company that filed for bankruptcy;
  - b. Has been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonestly, failure to disclose, or misrepresentations to consumers or others;
  - c. Has been convicted of a felony;
  - d. Has been the subject of a criminal referral by judge or public agency;
  - e. Has had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction;
  - f. Personally entered into a settlement, or held one of these positions with a company that has entered into settlement, held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 *et seq.*, 17200 *et seq.*, or 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others;

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<sup>3</sup> The Applicant submitted an Application for full facilities-based and resale competitive local exchange services, yet there is no information in the application describing or supporting a CPCN for full facilities-based services.

(g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or

- g. Is being, or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.

Applicant must file a response to all requests made in this ruling within fifteen (15) days. Applicant shall entitle the response as “Responses to Administrative Law Judge Ruling Requesting Additional Information.”

If there are questions regarding the required information, Applicant may contact the assigned Administrative Law Judge, Darcie L. Houck, at (415) 703-2043 or [Darcie.Houck@cpuc.ca.gov](mailto:Darcie.Houck@cpuc.ca.gov).

**IT IS RULED** that:

1. Berkeley Glass & Light must file a full response to this ruling within 15 days of the date of this ruling.
2. If Berkeley Glass & Light fails to file a full response to this ruling within 15 days of the date of this ruling, the Administrative Law Judge may dismiss the Application *sua sponte*.

3. The response shall be entitled “Response to Administrative Law Judge Ruling Requesting Additional Information.”

Dated August 12, 2016, at San Francisco, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck  
Administrative Law Judge