

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**
4-19-17
02:02 PM

April 19, 2017

Agenda ID #15676
Ratesetting**TO PARTIES OF RECORD IN APPLICATION 16-11-004:**

This is the proposed decision of Administrative Law Judge Nilgun Atamturk. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's May 25, 2017 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Upon the request of any Commissioner, a Ratesetting Deliberative Meeting (RDM) may be held. If that occurs, the Commission will prepare and publish an agenda for the RDM 10 days beforehand. When the RDM is held, there is a related ex parte communications prohibition period. (*See* Rule 8.3(c)(4).)

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ KAREN V. CLOPTONKaren V. Clopton, Chief
Administrative Law JudgeKVC:ek4
Attachment

Decision **PROPOSED DECISION OF ALJ ATAMTURK** (Mailed 4/19/2017)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DAS Group Professionals, Inc. for a Certificate of Public Convenience and Necessity to provide Full Facilities-Based and Resold Competitive Local Exchange Service, Access and Interexchange Service in the State of California.

Application 16-11-004
(Filed November 8, 2016)

DECISION DISMISSING THE APPLICATION WITHOUT PREJUDICE**Summary**

This decision dismisses the application of DAS Group Professionals, Inc. for a Certificate of Public Convenience and Necessity authorizing the provision of full facilities-based and resold competitive local exchange access services, and non-dominant interexchange telecommunications services in this state without prejudice, based on DAS Group Professionals, Inc.'s failure to complete the application.

1. Background

On November 8, 2016, DAS Group Professionals, Inc. (DAS Group) filed Application 16-11-004 for authorization to obtain a Certificate of Public Convenience and Necessity (CPCN) to provide full facilities-based and resold competitive local exchange access services, and non-dominant interexchange services in California. No protests have been received.

On February 3, 2017, the assigned Administrative Law Judge (ALJ) issued a ruling directing DAS Group to provide additional information in support of its application for a CPCN, including audited financial information. DAS Group was to provide the requested information within 15 days of the issuance of the ruling, but it did not.

On March 2, 2017, the assigned ALJ issued another ruling directing DAS Group to provide the information requested in the February 3, 2017 ruling, to the Commission, on or before March 20, 2017. The March 2, 2017 ruling stated that failure to respond to the ruling may result in the dismissal of the application.

To date, DAS Group has not responded to the February 3 and March 2, 2017ALJ rulings.

2. Discussion

DAS Group has had more than a reasonable opportunity to complete its application for a CPCN and has failed to do so. Therefore, Application 16-11-004 shall be dismissed without prejudice based on DAS Group's failure to respond to the ALJ's rulings and to provide necessary documentation, including audited financial information to complete its application.

3. Request to File Under Seal

Pursuant to Rule 11.4 of the Commission's Rules of Practice and Procedure, DAS Group filed a motion for leave to file under seal Exhibit E of Application 16-11-004. Exhibit E contains confidential financial information. Good cause shown, we grant DAS Group's motion.

4. Categorization and Need for Hearing

In Resolution ALJ 176-3389 dated December 1, 2017, the Commission preliminarily categorized this application as ratesetting, and preliminarily

determined that hearings were not necessary. We agree with the preliminary determinations.

5. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Nilgun Atamturk is the assigned ALJ in this proceeding.

6. Comments on Proposed Decision

The proposed decision of ALJ Atamturk in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____.

Findings of Fact

1. On February 3, 2017, the assigned ALJ issued a ruling directing DAS Group Professionals, Inc. to provide additional information, including audited financial information.

2. On March 2, 2017, the assigned ALJ issued another ruling directing DAS Group Professionals, Inc. to respond to the ALJ ruling dated February 3, 2017, on or before March 20, 2017.

3. To date, DAS Group Professionals, Inc. has failed to submit the information requested.

4. DAS Group Professional, Inc. filed a motion for leave to file, under seal, Exhibit E of Application 16-11-004. Exhibit E contains financial information.

Conclusions of Law

1. DAS Group Professionals, Inc. has failed to provide the information required by the Commission in this proceeding.

2. The record should be closed and Application 16-11-004 should be dismissed without prejudice.
3. DAS Group's motion to file under seal confidential Exhibit A should be granted for three years.

O R D E R

IT IS ORDERED that:

1. The motion of DAS Group Professionals, Inc. for leave to file, under seal, Exhibit E of Application 16-11-004 is granted.
2. Application 16-11-004 is dismissed without prejudice.
3. DAS Group Professionals, Inc.'s (DAS Group) motion to file under seal Exhibit E to the application is granted for a period of three years from the effective date of this decision. During this three year period, this information shall not be publicly disclosed except on further Commission order of Administrative Law Judge ruling. If DAS Group believes that it is necessary for this information to remain under seal for longer than three years, DAS Group may file a new motion showing good cause for extending this order no later than 30 days before the expiration of this order.
4. Application 16-11-004 is closed.

This order is effective today.

Dated _____, at San Francisco, California.