

Decision PROPOSED DECISION OF ALJ TSEN (Mailed on 7/7/2015)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RB Communications, Inc. for
Registration as an Interexchange Carrier
Telephone Corporation pursuant to the
Provisions of Public Utilities Code
Section 1013.

Application 14-03-011
(Filed March 5, 2014)

DECISION DISMISSING THE APPLICATION WITHOUT PREJUDICE

Summary

On March 5, 2014, RB Communications Inc. (RB or Applicant) filed a registration application as a Non-Dominant Interexchange Carrier (NDIEC) pursuant to Public Utilities Code Section 1013. Section 1013 exempts certain telecommunication carriers from the certification requirements of Section 1001 and allows them to register directly with the Commission's Communications Division (CD). CD determined that RB does not meet the requirements for NDIEC registration because its authority to operate as an NDIEC carrier was revoked by Commission Resolution T-17359 in 2012. RB's application to obtain a Certificate of Public Convenience and Necessity must be reviewed pursuant to the provisions of Section 1001 of the Public Utilities Code.

RB's registration application was converted to Application (A.) 14-03-011 and assigned to an Administrative Law Judge (ALJ) on July 1, 2014. After review of the application, the assigned ALJ sent an e-mail requesting additional

information on September 8, 2014¹. On May 20, 2015, an e-mail ruling was issued by the assigned ALJ requesting additional information. RB was required to provide audited financial information to show its fitness to operate, as well as provide proof of its surety bond pursuant to Decision 13-05-035.

To date, RB has not responded to the e-mail or email ruling requesting information.

Given RB's failure to respond to the September 8, 2014 e-mail and the May 20, 2015 ruling requesting additional information, this application should be dismissed without prejudice to refile at a later date. Should RB file a new application, it should reference this application. If RB is continuing to operate a telecommunications business in California, the Commission's Safety and Enforcement Division may move forward with enforcement action as appropriate.

1. Categorization and Need for Hearing

In Resolution ALJ 176-3333 dated March 27, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Given the lack of response from the Applicant, a public hearing is not necessary, and it is not necessary to change the preliminary determinations.

2. Assignment of Proceeding

Michael Picker is the assigned Commissioner and S. Pat Tsen is the assigned ALJ in this proceeding.

¹ A copy of the e-mail is attached as Attachment A.

3. Comments on Proposed Decision

The proposed decision of ALJ Tsen 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. No comments were filed.

Findings of Fact

1. RB's authority to operate as a telecommunications carrier was revoked by the Commission in Resolution T-17359 in 2012.
2. On September 8, 2014, the assigned ALJ sent an e-mail requesting RB to file a corrected application pursuant to California Pub. Util. Code § 1001.
3. On May 20, 2015, the assigned ALJ issued a ruling requesting RB to provide additional information, including audited financial information.
4. To date, RB has failed to submit the information requested in the September 8, 2014 e-mail or the May 20, 2015 ruling.

Conclusions of Law

1. RB Communications does not have authority to operate as a telecommunications carrier in California.
2. RB Communications, Inc. has failed to provide the information required by the Commission in this proceeding.
3. The record should be closed and the Application dismissed without prejudice.

O R D E R

IT IS ORDERED that:

1. The Commission's Safety and Enforcement Division shall move forward with enforcement action against RB Communications if it is operating as a telecommunications carrier in California without proper Commission authority.

2. Application 14-03-011 is dismissed without prejudice.
3. Application 14-03-011 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A

ALJ E-Mail Ruling dated September 8, 2014

ATTACHMENT A

From: Tsen, S. Pat
Sent: Monday, September 08, 2014 3:50 PM
To: 'Renzo@starfone.net'
Subject: A14-03-011 RB Communications CPCN Application

Good Afternoon,

The NDIEC registration application what you filed with the Communications Division has been re-assigned to be reviewed by the Administrative Law Judges Division. RB Communications' authority to operate was revoked and is not eligible to use the simplified registration process and must now file for a Certificate of Public Convenience and Necessity(CPCN) under section 1001 of the Public Utilities code.

You can find a sample application using instructions found at

<http://www.cpuc.ca.gov/NR/rdonlyres/F6BA3041-DAA5-45C4-9663-F8F9E7DD0C16/0/CPCNform022714.doc>

You can also find the Decision adopting the procedure for filing CPCNs at

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M066/K368/66368352.PDF>

Please review the above information and file the required information with the Docket office.

Thank you

S. Pat Tsen
Administrative Law Judge
California Public Utilities Commission
415-703-1216

ALJ Division Vision:

Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures due process and transparency, and respects the dignity of all participants.

(End of Attachment A)