Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Cheap2Dial Telephone, LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.	Application 08-09-020 (Filed September 18, 2008)

DECISION CORRECTING AND MODIFYING DECISION 09-11-010

Summary

This decision corrects and modifies Decision 09-11-010 to add an ordering paragraph granting an exemption to Cheap2Dial Telephone, LLC from the requirement to file tariffs, and to make related changes elsewhere in the decision.

This proceeding is closed.

1. Discussion

On September 18, 2008, Cheap2Dial Telephone, LLC (Petitioner) filed an application (Application) pursuant to Pub. Util. Code § 1013 and the registration process adopted in Decision (D.) 97-06-107 and related decisions for registration as an interexchange carrier and authority to do business as a switchless reseller of long-distance service in California. Petitioner set forth in the Application that the Petitioner was "eligible for an exemption from tariffing requirements as set out in D.98-08-031 and seeks such an exemption."

On November 20, 2009, the Commission issued D.09-11-010 and granted Petitioner a certificate of public convenience and necessity. However, D.09-11-010 inadvertently left out the standard ordering paragraph and related

decision language granting the requested exemption from the requirement to file tariffs. On December 23, 2009, Petitioner filed a petition for modification (Petition) seeking to correct that error.

There is no opposition to the Petition. The requested relief in the Petition is reasonable. D.09-11-010 therefore should be corrected and modified as requested. We also take this opportunity to update paragraphs 5.2(e) and 3 of the Appendix A to D.09-11-010 to correctly reflect a surcharge change and the updated rule numbering consistent with the Commission's current Rules of Practice and Procedure.

2. Waiver of Comment Period

This decision adopts the unopposed Petition to correct an inadvertent error in D.09-11-010. This decision should be considered an uncontested matter, and as such, no comment period should be required. Therefore, pursuant to Section 311(g), we find that the 30-day comment period for public review and comment is not required here.

3. Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and Kimberly H. Kim is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Petitioner was qualified to and requested an exemption from tariff filing requirements in the Application.
2. D.09-11-010 inadvertently left out the standard ordering paragraph and related decision language which would have granted Petitioner the requested exemption from the requirement to file tariffs.
3. D.09-11-010 therefore should be corrected and modified as requested.

Conclusions of Law

1. Petitioner's requested relief in the Petition is reasonable.

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

O R D E R

IT IS ORDERED that:

1. Decision (D.) 09-11-010 is corrected and modified as follows:

   a. The Finding of Fact 4 of D.09-11-010 is revised and reads as follows:

      > The Petitioner was qualified to and requested an exemption from tariff filing requirements in the Application.

   b. New Conclusion of Law 4 is added to D.09-11-010 and reads as follows:

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

   c. A new Ordering Paragraph 5 is added to D.09-11-010 and reads as follows:

      > 5. Applicant is exempt from the requirement to file tariffs subject to the conditions set forth in the attached Appendices.

   d. The previously numbered ordering paragraph 5 to D.09-11-010 is renumbered as Ordering Paragraph 6 and reads as follows:

      > 6. Application 08-09-020 is closed.

   e. Revised Appendix A of D.09-11-010 consistent with the corrections set forth in this decision is attached and supersedes Appendix A to D.09-11-010.

2. Application 08-09-020 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

REVISED APPENDIX A

NON-DOMINANT INTEREXCHANGE CARRIER REGISTRATION

1. If you requested confidential treatment of the financial portions of your application, it was granted and those materials will remain under seal for one year from the date of the decision. If you wish to continue the seal on those materials beyond the one-year period, you must make a formal request no later than 30 days prior to the expiration of the year explaining the reasons why you believe such extension is necessary.

2. You are subject to the following fees, and you must remit them regularly. Per the instructions in Decision (D.) 00-10-028, the Combined California PUC Telephone Surcharge Transmittal Form must be submitted, even if the amount due is $0.

   a. The current 1.15% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 879; Resolution T-17071, effective April 1, 2007);

   b. The current 0.20% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; Resolution T-17127 effective January 1, 2008);

   c. The user fee provided in Pub. Util. Code §§ 431-435, which is 0.18% of gross intrastate revenue for the 2007-2008 fiscal year (Resolution M-4819);

   d. The current 0.13% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-A (Pub. Util. Code § 739.3; D.96-10-066, pp. 3-4, App. B, Rule 1.C; set by Resolution T-17128, effective January 1, 2008);

e. The current 0.45% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-B (D.96-10-066, p. 191, App. B, Rule 6.F; D.07-12-054); Resolution T-17215, dated October 15, 2009, effective December 1, 2009;

f. The current 0.00% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Advances Services Fund (D.07-12-054); and

g. The current 0.079% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Teleconnect Fund (set by Resolution T-17142, effective June 1, 2008).

These fees change periodically. In compliance with Resolution T-16901, December 2, 2004, you should check the joint tariff for surcharges and fees filed by Pacific Bell Telephone Company (dba AT&T California) and apply the current surcharge and fee amounts in that joint tariff on your end-user bills until further revised.

3. You are exempt from Rule 3.1(b) of the Commission's Rules of Practice and Procedure.

4. You are exempt from Pub. Util. Code §§ 816-830.

5. You are exempt from Pub. Util. Code § 851 when the transfer or encumbrance serves to secure debt.

6. You shall file a written acceptance of the certificate granted in this proceeding with the Director of the Communications Division.

7. Prior to initiating service, you shall provide the Manager of the Commission's Consumer Affairs Branch with your designated contact person(s) for purposes of resolving consumer complaints and the corresponding telephone number(s). This information shall be updated if the name or telephone number changes, or at least annually.

8. You shall notify the Director of the Communications Division in writing of the date interLATA service is first rendered to the public within five days after service begins and again within five days of when intraLATA service begins.

9. You shall keep your books and records in accordance with the Generally Accepted Accounting Principles.

10. In the event your books and records are required for inspection by the Commission or its staff, you shall either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to your office.

11. You shall file an annual report with the Director of the Communications Division, in compliance with General Order 104-A, on a calendar-year basis, using the information request form developed by Commission staff and contained in Appendix B. You shall file an annual affiliate transaction report with the Director of the Communications Division, in compliance with D.93-02-019, on a calendar-year basis, using the form developed by the Commission staff and contained in Appendix C.

12. You shall ensure that your employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

13. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

14. Pub. Util. Code § 708 requires public utilities to provide ID badges to all employees with a format specified in that Section, and employees to present that badge when they request entry to customer or subscriber premises. You shall send a letter to the Director of the Communications Division within 60 days of

the effective date of this order declaring that you have issued the required badges.

15. If you are 90 days or more late in filing an annual report or in remitting the fees listed above, Communications Division shall prepare for Commission consideration a resolution that revokes your CPCN, unless you have received the written permission of Communications Division to file or remit late.

16. If your company is planning to discontinue service or to file for bankruptcy, you are required to contact the Bankruptcy Coordinator in the Communications Division immediately. Please ask us for instructions in your particular circumstances; our rules are designed to ensure that your telecommunications customers receive adequate notice and are minimally inconvenienced. Your compliance is necessary so that you are not penalized for failure to follow Commission rules.

17. Beginning December 6, 2004, you must abide by the Consumer Protection Rules contained in General Order 168.

(END OF REVISED APPENDIX A)