

D R A F T

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Carrier Oversight and Programs Branch**

**RESOLUTION T- 17278
July 29, 2010**

R E S O L U T I O N

Resolution T-17278, Revocation of Wireless Identification Registrations Issued to Commercial Mobile Radio Service Providers for Failure to Comply with Public Utilities Code Section 401, Specifically the Filing of Public Utilities Commission Reimbursement Account Reports and the Remitting of Applicable Fees.

Summary

This resolution revokes ten (10) Wireless Identification Registrations (WIRs) held by the carriers listed in Appendix A, for failure to comply with Public Utilities Code Sections 401 through 435.

Background

WIRs are issued to Commercial Mobile Radio Service (CMRS) providers by letter from the Communications Division (CD) Director under the registration process established by Decision (D.) 94-10-031.

The California Public Utilities Commission (CPUC or Commission), pursuant to Public Utilities Code (PU Code) Sections 401 through 435 requires telephone carriers, including WIRs, to file reports with the Commission, either annually or quarterly depending on the level of carriers' California revenue, which show the amount of California Intrastate revenue earned. The annual report is called an Annual Fee Statement for CPUC Utilities Reimbursement Account Fees, and is mailed to carriers in December of every year. The carrier is required to remit CPUC Utilities Reimbursement Account Fees on the intrastate revenue it receives. Further, if the carrier is in default of the submission and/or payment of CPUC Utilities Reimbursement Account Fees for more than 30 days, the CPUC may

suspend or revoke the certificate of public convenience and necessity, permit, or other operating authority of a person or corporation that is in such default (PU Code 405). Carriers having zero (0) intrastate revenue are still required to file an annual CPUC Utilities Reimbursement Account Fee report indicating this zero revenue.

In December 2009 the CPUC Information and Management Services Division mailed a copy of the Annual Fee Statement for CPUC Utilities Reimbursement Account Fees for the period January 1, 2009 to December 31, 2009 (see Appendix B) to WIR carriers on this list (see Appendix A). A response was required by January 15, 2010 to this first notice.

After noting that many WIR carriers had failed to provide reports or fees by the due date, CD undertook the following steps to achieve compliance.

1. Prepared a list of those WIR carriers that had been delinquent in submitting reports or fees.
2. Sent a second notice on April 1 2010 to all delinquent WIR carriers by first class mail to remind them of the Commission reporting and fee requirements; carriers were instructed to report before May 01, 2010.

In total, CD sent notices to 19 WIR carriers. One WIR carrier voluntarily surrendered its registration and eight submitted compliance reports as requested. However CD did not receive replies from 10 carriers. The notices were either returned to CD staff by the post office as undeliverable or the carrier did not respond by the extended due date. After the May 01 due date had passed CD staff attempted to contact the 10 carriers by telephone with no response. Those WIR carriers failing to respond and the carrier who voluntarily relinquished their registration are listed in Appendix A.

Discussion

This resolution addresses the 10 WIR carriers who are in default of CPUC Utilities Reimbursement Account Fee report requirements under PU Code Section 401-435 and have not responded to Commission staff attempts to contact them. The registrations are listed in Appendix A. Since the 10 WIR carriers listed in Appendix A have failed to comply with the Commission's reporting and fee filing requirements, CD staff has prepared this Resolution to revoke the registrations of these WIR carriers.

It is reasonable to conclude that the WIR carriers who have failed to reply to Commission notices have gone out of business or are no longer offering CMRS service in California. Proper measures were taken by Commission staff to contact the carriers listed in Appendix

A. Removing these carriers from our records is appropriate, as it would improve accuracy of our records in eliminating inactive carriers.

If any of the WIR carriers listed in Appendix A is in fact in business and continues operations after the effective date of this Resolution, we will require it to report all revenues for 2009 and later and submit all fees and surcharges due including a fine of \$100 or 25% of fees and surcharges due, whichever is greater, before its WIR will be reinstated. CD should be authorized to collect the fine from any WIR carrier seeking reinstatement, and CD will remit the fine to the State Treasury. Any carrier operating without a WIR that fails to abide by this requirement will be referred to the Consumer Protection and Safety Division for enforcement action.

CD's draft resolution in this matter was noticed in the PUC's Daily Calendar of July 29, 2010, in accordance with PU Code Section 311(g) (1).

Notice

Notice of carrier names on this Resolution also appeared on the PUC's Daily Calendar for 30 days. Interested parties are invited to contact CD staff with questions or comments on this Resolution.

Findings

1. The 10 WIR carriers listed in Appendix A are registered by CD as CMRS providers under the WIR registration process established by D.94-10-031.
2. Carriers are required to annually or quarterly report California revenues and corresponding CPUC Utilities Reimbursement Account Fees under PU Code Sections 401 through 435.
3. The 10 WIR carriers listed in Appendix A have failed to file CPUC Utilities Reimbursement Account Fee reports and corresponding fees.
4. Proper measures were taken by Commission staff to contact the companies listed in Appendix A. For the carriers that have failed to respond to Commission notifications, it is reasonable to conclude that these carriers have gone out of business or are no longer providing CMRS service in California.
5. The carriers' WIR registrations should be revoked and their WIR Identification Numbers should be cancelled under PU Code Section 405 for failure to comply with PU Code Sections 401 through 435.

6. If any WIR carrier listed in Appendix A is in fact in operation and is operating after the effective date of this Resolution, the carrier should report all gross intrastate revenues for 2009 and later and pay all applicable fees and surcharges due including a fine of \$100 or 25% of fees and surcharges due, whichever is greater, before CD reinstates the carrier's WIR registration.
7. CD should be authorized to collect the fine from any WIR carrier seeking reinstatement and remit the fine to the State Treasury.

THEREFORE, IT IS ORDERED that:

1. The Wireless Identification Registrations (WIRs) issued to the carriers listed in Appendix A are revoked.
2. The carriers' WIR Identification Numbers are canceled.
3. Any WIR carrier listed in Appendix A that seeks reinstatement after the effective date of this Resolution shall report all gross intrastate revenue for 2009 and later, and pay all applicable fees and surcharges including a fine of \$100 or 25% of fees and surcharges due, whichever is greater.
4. The Communications Division is authorized to collect a fine of \$100 or 25% of fees and surcharges due, whichever is greater, on all applicable fees and surcharges from any WIR carrier seeking reinstatement and remit the fine to the State Treasury.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on July 29, 2010. The following Commissioners approved it:

PAUL CLANON
Executive Director

APPENDIX A
List of Carriers to be Revoked

	U Number	Type of Authority	Carrier Name
1	4111	CER	PAY-LESS CELLULAR INC.
2	4202	CER	AMERICAS CONEX, LLC
3	4272	CER	LOCUS TELECOMMUNICATIONS, INC.
4	4344	CER	PNG TELECOMMUNICATIONS, INC.
5	4361	CER	AZTECA MOBILE, LLC
6	4371	CER	NOSVA LIMITED PARTNERSHIP
7	4375	CER	CROSSROADS WIRELESS HOLDING LLC
8	4382	CER	TENNESSEE TELEPHONE SERVICE, LLC
9	4392	CER	SIRO WIRELESS LLC
10	4394	CER	ERNEST COMMUNICATIONS, INC

End of Appendix A

Appendix B

Fund 045-FUCURA	CALIFORNIA PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA PO Box 942887 Sacramento CA 94287-7081 December 1, 2009	TELCOIA - Webform 800
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Utility ID Number: U- _____	(Circle One)	Utility Type: CEC CER CLC CLR IEC IER LEC POC RTU
Utility Name: _____		
Utility Address: _____		
Utility City, State Zip: _____		
Name of Report Preparer: _____		

Annual Fee Statement for CPUC Utilities Reimbursement Account, California Cellular Carriers or Telephone and Telegraph Corporations, pursuant to Chapter 2.5 Part 1, Division 1, Public Utilities Code, for the period January 1, 2009 to December 31, 2009.

Utilities shall make payment of the fee to the Commission on or before January 15, 2010, consistent with Section 433(a) of the California Public Utilities Code.

1. Gross intrastate revenue(s)	\$ _____
2. Less intrastate revenue(s) (if reported on line 1):	
A. Directory advertising and sales	\$ _____
B. Terminal equipment sales	\$ _____
C. Inter-utility sales	\$ _____
D. Total of above exclusions	\$ _____
3. Adjusted intrastate revenue(s) (line 1 minus line 2D)	\$ _____
4. Fee (multiply line 3 by .0010 or enter actual amount billed)	\$ _____
5. Optional uncollectibles: Rate case factor	\$ _____
(multiply factor by line 4)	
6. Optional adjustments (enter both or neither):	
A. Interest earned on fees collected	\$ _____
B. Administrative costs on fees collected	\$ _____
C. Subtotal (line 6A minus line 6B, if used)	\$ _____
7. Fees Due (line 4 minus line 6 if used; plus or minus line 6C)	\$ _____

Verification: I hereby declare the foregoing information is true and correct to the best of my knowledge and belief.

Type or print Name and Title _____	(Area Code) Phone Number _____
Signature _____	Date _____

Please send remittance payable to "CPUC" with this completed and signed fee statement to the above address. All checks returned from the bank will incur a \$10 service charge to the CPUC.

For more information, contact: Carmelita Reyes at (415) 703-2888

End of Appendix B