Decision 11-10-001 Date of Issuance: October 4, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of WiMacTel, Inc., for Registration as an Interexchange Carrier Telephone Corporation pursuant to the provisions of Public Utilities Code Section 1013.	Application 11-06-015 (Filed June 6, 2011)

DECISION GRANTING WIMACTEL, INC. A REGISTRATION LICENSE

WiMacTel, Inc., a Delaware corporation, filed an application on June 6, 2011, for a registration license to provide long distance and operator services in California to transient end user services as a non-dominant interexchange carrier. This application was filed pursuant to the registration process adopted in Commission Decision (D.) 97-06-107, as modified by D.10-09-017.

The applicant was qualified to use the registration process, and demonstrated compliance with the filing requirements for a registration license application adopted in D.10-09-017, namely:

1. The applicant provided a Certificate of Qualification as a Foreign Corporation from the California Secretary of State.
2. The applicant attested "true" to Questions 8 and 9 of the Application for Registration License regarding fitness requirements of each officer, director, partner, and/or owner.
3. The applicant demonstrated a minimum of $25,000 in assets as a switchless reseller.
4. Applicant demonstrated the required expertise to operate as a switchless reseller.

Tariffs

Applicant did not seek an exemption from tariff requirements as set out in D.98-08-031. Applicant submitted a draft of its initial tariff schedule. Commission staff reviewed Applicant's draft tariffs for compliance with Commission rules and regulations. Deficiencies are noted in Appendix D to this decision. In its compliance tariff filing, Applicant must correct these deficiencies as a condition of our approval of its application.

Performance Bond

All registrants are required to obtain a continuous performance bond, pursuant to Public Utilities Code §1013(f) and D.10-09-017 and D.11-09-026. Registrants must provide a copy of its executed bond to the Executive Director within five business days after the effective date of the issuance of a registration license. Although the Applicant submitted a copy of the executed performance bond with us on March 25, 2011, the Commission revised its bond requirement in D.11-09-026 on September 22, 2011. Accordingly, the Applicant will need to amend its performance bond consistent with O.P. 3 of D.11-09-026 and submit an Information-Only advice letter filing with the revised bond.

Comments

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2) and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is being waived.

No protests to the application were filed. Therefore, pursuant to the authority granted to the Executive Director by D.97-08-050, the applicant should be granted a registration license to provide this service.

Findings of Fact

1. The application was filed on June 6, 2011, and appeared in the Commission's Daily Calendar on June 15, 2011.

2. The application complied with the requirements of the registration process adopted in D.97-06-017 as modified by D.10-19-017.

3. No protests to the application were filed.

4. Applicant executed a performance bond on March 25, 2011, prior to filing their application, and provided a copy of its executed bond in the instant application. Commission staff reviewed the bond for compliance with D.10-09-017 and noted that it did not comply with the bond requirements specified in O.P. 3 of D.11-09-026, which requires that the bond be available to address the non-payment of taxes or fees or both in addition to fines, penalties, and restitution related to enforcement actions. The applicant will need to amend its bond and submit an Information-Only advice letter filing with the revised executed performance bond.

5. Applicant was eligible for and did not seek an exemption from tariffing requirements. Applicant also agreed to observe the consumer protection rules adopted in D. 98-08-031.

6. Applicant submitted a draft of its initial tariff schedule. Commission staff reviewed Applicant's draft tariffs for compliance with Commission rules and regulations, and noted deficiencies listed in Appendix D to this decision. Except for these deficiencies, Applicant's draft tariff complies with the Commission's requirements.

Conclusions of Law

1. The Executive Director is authorized to sign, on behalf of the Commission, orders granting a registration license to non-dominant interexchange carriers that are qualified to use the registration process adopted in D.97-06-107, as modified by D10-09-017, and which successfully complete the process.

2. Applicant has the financial ability to provide the proposed service.

3. Applicant demonstrated the required expertise to operate as a switchless reseller.

4. Applicant should be granted the requested registration license subject to the conditions in the attached Appendices A to D.

5. Applicant, once granted a registration license, should be subject to the applicable Commission rules, decisions, General Orders, and statutes that pertain to California's public utilities.

6. Applicant should submit an Information-Only advice letter filing to the Director of Communications Division containing a copy of its revised executed performance bond addressing the non-payment of taxes or fees or both in addition to the categories of fines, penalties and restitution related to enforcement actions, as previously approved.

7. Since the Applicant submitted an initial draft tariff filing that contains deficiencies, the Applicant should correct the deficiencies noted in its draft tariffs as indicated in Appendix D to this decision.

O R D E R

IT IS ORDERED that:

1. A registration license is granted to WiMacTel, Inc., to operate as a switchless reseller of inter-Local Access and Transport Area (LATA) and, to the extent authorized by Decision 94-09-065, intra-LATA telecommunications services offered by communication common carriers in California subject to the conditions set forth in the attached Appendices A-D.

2. WiMacTel, Inc. is assigned corporate identification number U-7220-C . The utility identification number, U-7220-C, must be included in the caption of all original filings with this Commission, and in all correspondence with this Commission.

3. WiMacTel, Inc. must submit an Information-Only advice letter filing to the Director of Communications Division containing a copy of its revised executed

performance bond consistent with D.11-09-026, addressing the non-payment of taxes or fees or both in addition to the categories of fines, penalties and restitution related to enforcement actions, as previously approved. Instructions on how to file an advice letter is published in the Commission's website: www.cpuc.ca.gov.

4. WiMacTel, Inc. must correct the deficiencies noted in its draft tariffs as indicated in Appendix D to this decision by making an initial tariff filing using a Tier 1 Advice Letter in compliance with General Order 96-B General Rules regarding Advice Letter filings and Telecommunications Industry Rules regarding Tier 1 Advice Letter filings. WiMacTel, Inc. may not offer services until tariffs are on file. After the initial tariff filing, WiMacTel is required to file current tariffs at least once a year on CD-ROM, or its certificate will be cancelled. Instructions on how to file tariffs on published in the Commission's website: www. cpuc.ca.gov.

5. WiMacTel, Inc. must file, in this docket, a written acceptance of the registration license granted in this proceeding within 30 days of the effective date of this order. This filing does not reopen the proceeding.

6. WiMacTel, Inc. must exercise the license granted, and render service under the rules authorized within 12 months after the effective date of this order as a matter of law. The license will expire if not exercised within this timeframe.

7. WiMacTel, Inc. must file and pay a regulatory assessment fee (known as the User Fee) as described in Appendix A, #5 of this decision. The minimum annual user fee amount due is $100. Carriers in default of filing and paying user fees for a period of 30 days or more will be subject to penalties including suspension or revocation of their authority to operate in California.

8. WiMacTel, Inc. must report and remit CPUC program surcharges online using the Telecommunications & User Fees Filing System (TUFFS) and the California State Agency Electronic Funds Transfer (EFT) web based payment system on a monthly or semi-annual basis, as described in Appendix A, #6 of this decision. WiMacTel, Inc.

must file surcharges even if the amount due is zero. The Commission will consider the revocation of operating authority for carriers that are more than 90 days late in filing and remitting surcharges.

9. WiMacTel, Inc. must submit annual reports to the Commission on its California operations as covered in Appendix B and C, and is subject to annual performance bond requirements specified in Commission Ordering Paragraphs 4-9 of D.10-09-017 and subsequent Commission orders.

10. Application 11-06-015 is closed.

This order is effective today.

Dated September 28, 2011, at San Francisco, California.

/s/ Paul Clanon

PAUL CLANON
Executive Director

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 thirty days prior to the expiration of the year explaining the reasons why you believe such extension is necessary.

2. You shall file in the docket in this proceeding, a written acceptance of the registration license within 30 days of the effective date of this decision.

3. 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. At the time that each of these notifications are made, you shall identify each telephone corporation that provides you with services for resale. You shall update this information as changes occur pursuant to General Order 96-B General Rule 6 – Process for Handling Information-only filings using the Tier 1 Advice Letter process. Use the key words "Information-Only" on the Proposed Advice Letter (PAL) coversheet.

4. Prior to initiating service, you shall provide the Manager of the Commission's Consumer Affairs Branch with an official contact person(s) at the utility 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. The mailing address for the Consumer Affairs Branch is located on the website at http://www.cpuc.ca.gov/PUC/aboutus/Divisions/CSID/Consumer+Affairs/

Appendix A

5. You are subject to comply with the Public Utilities Commission (PUC) User Fee reporting and payment filing requirement. The minimum annual user fee amount due is $100. Instructions for reporting and filing are available at http://www.cpuc.ca.gov/PUC/Telco/Consumer+Information/userfee.htm. Please call (415) 703-2470 for questions regarding User Fee reporting and payment.

6. You are subject to comply with the CPUC telephone surcharge reporting and payment filing requirements, even if the amount due is zero.
Information and instructions for online reporting and payment of surcharges are available at:
http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/Surcharge+Remittance.htm. To request a user ID and password for online filing and for questions, please email telco_surcharge@cpuc.ca.gov.

7. You shall file: a) an annual report with the Director of the Communications Division, in compliance with GO 104-A, on a calendar-year basis, using the information request form developed by Commission staff and contained in Appendix B; and b) 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.

8. If you are 90 days or more late in filing an annual report, in paying the PUC user fee, and in reporting and filing surcharges listed above, Communications Division shall prepare for Commission consideration a resolution that revokes your license, unless you have received the written permission of Communications Division to file or remit late.

Appendix A

9. You are subject to the performance bond reporting requirements specified in Ordering Paragraphs 4 to 9 of Decision 10-09-017 in Rulemaking 09-07-009 and any bond requirements adopted by the Commission in future decisions, rulings or orders.

10. The license 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 by matter of law.

11. You did not request an exemption from the requirement to file tariffs. The initial tariff filing should correct the deficiencies noted in Appendix D to this decision.

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

13. You are exempt from PU Code §§ 816-830.

14. You are exempt from PU Code § 851 when the transfer or encumbrance serves to secure debt.

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

16. 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.

17. You shall ensure that your employees comply with the provisions of Public Utilities (Pub. Util.) Code § 2889.5 regarding solicitation of customers.

18. 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

Appendix A

the Director of the Communications Division within 60 days of the effective date of this order declaring that you have issued the required badges.

19. You must abide by the Consumer Protection Rules contained in General Order 168.

20. If your company is planning to discontinue service or to file for bankruptcy, you are required to contact the Director of the Communications Division (CD) immediately and notify your customers. Please contact the Director of CD for instructions in your particular circumstances. Industry rules 7.1, 7.4, and 8.5 in General Order 96-B 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.

(END OF APPENDIX A)

Appendix B

TO: ALL INTEREXCHANGE TELEPHONE UTILITIES

Article 5 of the Public Utilities Code grants authority to the California Public Utilities Commission to require all public utilities doing business in California to file reports as specified by the Commission on the utilities' California operations.

A specific annual report form has not yet been prescribed for the California interexchange telephone utilities. However, you are hereby directed to submit an original hardcopy and a machine readable electronic copy using Microsoft Word or compatible format of the information requested in Attachment B pages 2 and 3 no later than March 31st of the year following the calendar year for which the annual report is submitted.

Address your report to:

Director, Communications Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Failure to file this information on time may result in a penalty as provided for in §§ 2107 and 2108 of the Public Utilities Code.

If you have any question concerning this matter, please call (415) 703-2883.

Appendix B

Information Requested of California Interexchange Telephone Utilities.

To be filed with the Director, Communications Division, California Public Utilities Commission, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

1. Exact legal name and U # of reporting utility.

2. Address.

3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.

4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.

5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).

   If incorporated, specify:

   a. Date of filing articles of incorporation with the Secretary of State.

   b. State in which incorporated.

6. Commission decision number granting operating authority and the date of that decision.

7. Date operations were begun.

8. Description of other business activities in which the utility is engaged.

9. A list of all affiliated companies and their relationship to the utility. State if affiliate is a:

   a. Regulated public utility.

   b. Publicly held corporation.

Appendix B

10. Balance sheet as of December 31st of the year for which information is submitted.

    Income statement for California operations for the calendar year for which information is submitted.

(END OF APPENDIX B)

Appendix C

CALENDAR YEAR AFFILIATE TRANSACTION REPORT

1. Each utility shall list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the annual Affiliate Transaction report:
   - Form of organization (e.g., corporation, partnership, joint venture, strategic alliance, etc.);
   - Brief description of business activities engaged in;
   - Relationship to the utility (e.g., controlling corporation, subsidiary, regulated subsidiary, affiliate);
   - Ownership of the utility (including type and percent ownership);
   - Corporate officers.
2. The utility shall prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries listed in #1 above. The chart should have the controlling corporation (if any) at the top of the chart; the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart and all secondary subsidiaries and affiliates (e.g., a subsidiary that in turn is owned by another subsidiary and/or affiliate in the lower levels. Any regulated subsidiary should be clearly noted.
3. For a utility that has entities that are classified as "controlling corporations" of the competitive utility, the utility must only report under the requirements of #1 and #2 above any affiliated entity that either (a) is a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariffed services.
4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.
5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility's annual Affiliate

Appendix C

Transaction Report and verified in accordance with Section 1-F of Decision 93-02-019.

6. Utilities that do not have affiliated entities must file, in lieu of the annual transaction report, an annual statement to the Commission stating the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

(END OF APPENDIX C)

Appendix D

List of deficiencies in tariff filed by WiMacTel, Inc. in A.11-06-015 to be corrected in its initial tariff compliance filing.

1. Special Information required on forms – On sheet 19 please include sample copies of printed customer forms, such as applications of service, regular bills for service, contract forms, delinquency notices, disconnect notices, etc. Each bill must prominently display a toll-free number for service or billing inquiries, along with an address where the customer may write. Please provide a sample bill. (see Rule 4, D.96-09-098 and G.O. 96B, 8.5.8)
2. Deposits – On sheet 20, WiMacTel, Inc. should discuss the terms and conditions for refunding deposits and interest. (see Rule 6, D.96-09-098)
3. Notices – On sheet 20, please add that notices the Company sends to customers, or the Commission, shall be a legible size and printed in a minimum point size type of 10 and are deemed made on date of presention. The Company shall provide a copy of the form of any notice required to the Consumer Services Division of the Commission (see Rule 7, D.96-09-098)
3. Prorating of Bills – must be included in tariff (see Rule 8, D.96-09-098)
4. Disputed Bills – On sheet 26, please correct the website address to read www.cpuc.ca.gov
5. Change of Service Provider – Please provide this in the tariff (see Rule 12, D.96-09-098)
6. Privacy of Customers – Please clarify that the Company shall provide "in writing" a description of how the Company handles the customer's private information (see Rule 15, D.96-09-098).
7. Responsibilities of Aggregators – On sheet 37, please add the requirement that every telephone display a notice that surcharges may apply to operator-assisted and calling card calls. (see Public Utilities Code section 742.3)