

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED
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Application of SnowCrest Telephone, Inc.)
for a Certificate of Public Convenience and) **A.09-10-006**
Necessity to provide full facilities-based and resale) (Filed October 5th, 2009)
Competitive Local Exchange Services within)
the California Service Area of Pacific Bell)
Telephone Company d/b/a AT&T California.)

RESPONSE TO THE INQUIRIES OF THE ASSIGNED ALJ

By SnowCrest Telephone, Inc.

Response to the inquiry of the Assigned ALJ. Questions are copied in gray, answers in clear text.

1. Please certify that the statements below, in their entirety, are true for both applicant and its consultant, American CLEC. If such is not the case, please explain (Response need not be notarized).
 - a. To the best of applicant's knowledge, neither applicant, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule or order.
 - b. No affiliate, officer, director, partner, or person owning more than 10% of applicant, or anyone acting in such a capacity whether or not formally appointed, held one of these positions with a telecommunications carrier that filed for bankruptcy, or has been found either criminally or civilly liable by a court of appropriate jurisdiction for a violation of § 17000 et seq. of the California Business and Professions Code, or for any actions which involved misrepresentations to consumers, and to the best of applicant's knowledge, is not currently under investigation for similar violations.

SnowCrest Telephone, Inc., does hereby certify that item 1(a) and 1(b), in their entirety, are true. American CLEC, Inc., the consultant for SnowCrest Telephone, Inc., also certifies that item 1(a) and 1(b), in their entirety, are true with one exception regarding an officer of American CLEC having been involved with a telecommunications carrier that has filed for bankruptcy.

American CLEC, Inc., and its affiliates have been in operation for over 19 years. American CLEC specializes in helping Internet Service Providers (ISPs) become Competitive Local Exchange Carriers (CLECs). As such it encounters many ISPs and CLEC, some of which are in difficult financial positions and are typically for sale. Though acquisitions and turn-arounds are not our principal business, since 2001, American CLEC or its affiliates have acquired seven ISPs and/or CLECs. Typically, Michael Tague, President, and an officer of American CLEC becomes the principal officer of the acquired companies.

In 2001, we acquired an ISP in Indiana that had been in chapter 11 reorganization under the bankruptcy code through an asset purchase (Digicove, Inc). In 2007 we acquired an ISP & CLEC in Arkansas, Valuelinx Corporation, in a stock purchase that was in severe financial distress and was placed in chapter 11 reorganization by us within several months of its acquisition. In 2009 a CLEC that was formed by us, Win.Net Telecommunications, as part of an acquisition in Kentucky of Digital Crescent was put into chapter 11 bankruptcy.

At the time of their respective filings for chapter 11 bankruptcy, Michael Tague was an officer of both Valuelinx and Win.Net Telecommunications respectively.

In both cases, no services to customers were disrupted, no customer deposits or payments were lost or in any way impacted by the bankruptcy procedure. To the best of our knowledge, no complaints of any kind were filed with the Public Service / Public Utilities commissions in the respective states related in any way to the bankruptcy filings or operation under reorganization.

Taking over troubled companies – of any kind – is a challenge. When the situation is particularly difficult, reorganization under chapter 11 may be necessary. This step allows the business to continue while getting its house in order and prevents service disruptions.

In this case, American CLEC has no financial or ownership stake in SnowCrest and is not involved in the company other than our role as a technical and regulatory consultant.

2. **Requested Service Territory:** Applicant requests authorization to provide full facilities based and resold local exchange service in the service territory of Pacific Bell Telephone Company d/b/a AT&T California. Pursuant to Decision 95-12-056, Appendix C, Rule 4.E, an applicant for a CPCN, such as that requested by applicant, must provide a map of the service territories it proposes to serve.
 - a. Provide a map of the service territory applicant proposes to serve.

Service Territory Map. Attached, Appendix A, is a map of the proposed service territory.

3. **Proposed Environmental Assessment:** Applicant provides a Proposed Environmental Assessment in Exhibit E to the application.

a. Describe the typical setting where SnowCrest will install DSLAM remote terminals/equipment.

SnowCrest will place its remote terminals adjacent to existing remote terminals owned by AT&T. SnowCrest will provide broadband service to customers using copper wires that are already in place providing telephone service by AT&T. By the placement of DSLAM equipment in appropriate enclosures located a few feet from existing AT&T remote terminals, and connecting to the AT&T remote terminals with copper wires placed in a trench typically fewer than 10 feet in length, SnowCrest will be able to provide broadband service over the existing copper wires.

b. Provide photographs/drawings that illustrate the size and appearance of: (1) A typical DSLAM remote terminal; and (2) All the new equipment SnowCrest may install as part of a typical project.

Please see Appendix B. Pictures & descriptions of the two basic remote terminal cabinets planned are provided.

i. The smaller cabinet measures 15" x 26" x 15.5".

ii. The larger cabinet measures 43.5" x 41.1" x 63".

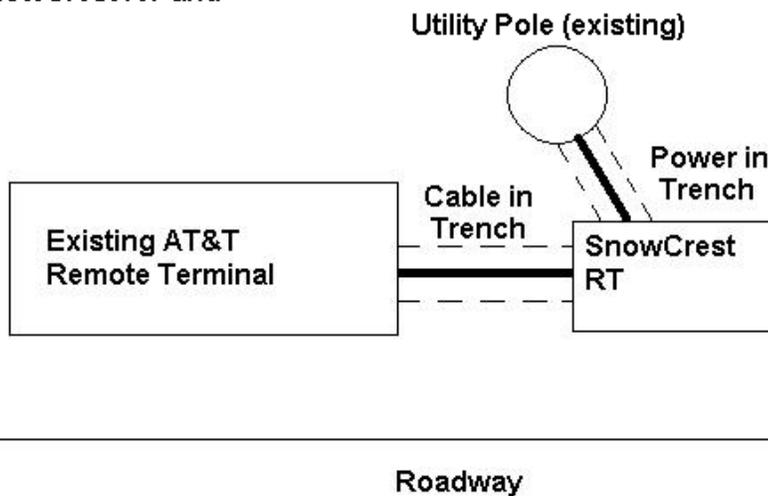
The smaller cabinet will be used in most instances with the larger reserved for a very few higher density areas.

- c. Provide a diagram that illustrates and explains all interconnections that will be made between SnowCrest's DSLAM equipment and the existing telecommunications network.

Existing AT&T Remote Terminal is typically set next to a Utility pole. We will locate next to the AT&T Remote Terminal and near the Utility pole. A short trench will be dug between the Remote Terminals and also between the SnowCrest Remote Terminal and the Utility pole. The SnowCrest Remote Terminal requires power.

Diagram:

Typical SnowCrest Arrangement.
Short trenches between RT's and between SnowCrest RT and Utility pole.



- d. Identify what project components will be installed on overhead facilities and what components will be installed underground.

SnowCrest does not plan to install any components overhead or underground apart from short trenches and cables as described above.

- e. Estimate the lengths of aerial/underground fiber that will be required for a typical project.

No SnowCrest fiber circuits are expected to be run.

- f. Explain the methods (trenching, micro-trenching, HDD) SnowCrest will use to install fiber optic conduit underground.

No fiber cables will be run. Our plan is to use existing copper plant controlled by AT&T.

- g. Estimate the length of time SnowCrest will need to install equipment and restore the environmental conditions of the project site to baseline conditions.

Environmental disruption will be minimal, however since some coordination of SnowCrest, AT&T, and the local Electrical utility will be necessary, the total time from beginning to completed install should be less than two weeks for any given Remote Terminal.

Sincerely,

A handwritten signature in blue ink that reads "Michael Tague". The signature is written in a cursive, flowing style.

Michael Tague, 19 November 2009

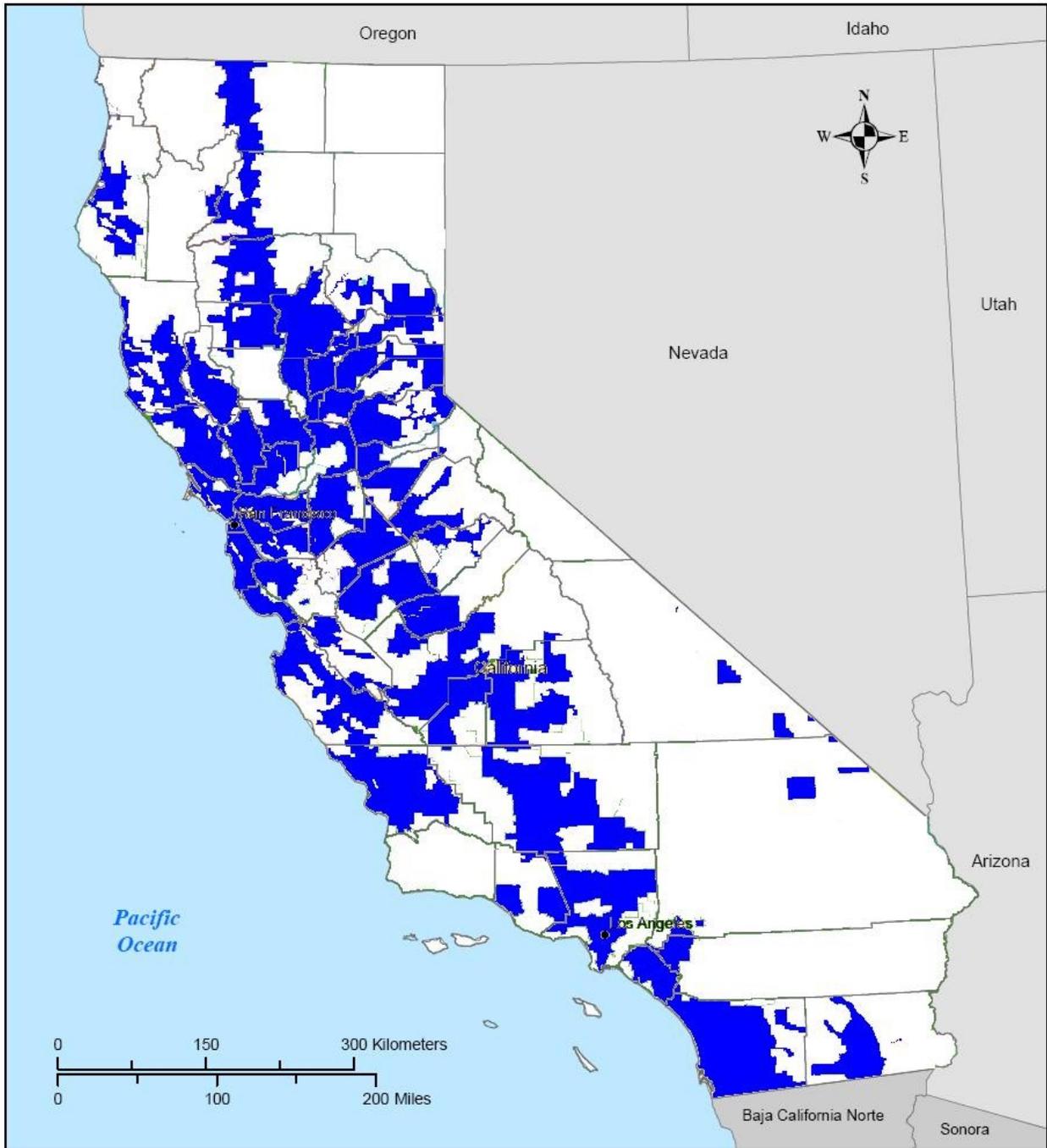
President, American CLEC on behalf of SnowCrest Telephone, Inc.

1048 E. Chestnut St

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Appendix A



**SnowCrest Proposed Service Areas
Coincident with AT&T / Pacific Bell**

Appendix B

The following is the DSLAM equipment which will be placed in the Remote Terminals. The picture shows the Zhone MALS 723, MALS 319, and MALS XP (back to front).



This is the smaller enclosure (most used): 15" x 26" x 15.5":



This is the larger enclosure 43.5" x 41.1" x 63":



CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of "Response to the Inquiries of the Assigned ALJ by SnowCrest Telephone, Inc." on all known parties to A.09-10-006 by e-mail message with the document attached to each person named in the official service list.

Executed on 12/02/2009 at Louisville, Kentucky.

A handwritten signature in blue ink that reads "Michael Tague". The signature is written in a cursive style with a long horizontal flourish extending from the end of the name.

Michael Tague

People Served:

Seaneen Wilson
California Public Utilities Commission
Division of Administrative Law Judges
smw@cpuc.ca.gov