

Decision 15-06-052 June 25, 2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Integrated Path Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Limited Facilities-Based Competitive Local Exchange and Interexchange Telecommunication Services within California.

Application 14-12-018
(Filed December 22, 2014)

DECISION GRANTING INTEGRATED PATH COMMUNICATIONS, LLC A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IN ORDER TO PROVIDE RESOLD AND LIMITED-FACILITIES-BASED LOCAL EXCHANGE SERVICE AND INTEREXCHANGE SERVICE

Summary

Pursuant to Public Utilities Code Section 1001, we grant Integrated Path Communications, LLC a certificate of public convenience and necessity to provide resold and limited-facilities-based local exchange telecommunications services and interexchange service in California subject to the terms and conditions set forth in the Ordering Paragraphs.

1. Background

On December 22, 2014, Integrated Path Communications, LLC (the Applicant or IPC), a corporation authorized to do business in California filed an application for a certificate of public convenience and necessity (CPCN) to provide resold and limited-facilities-based telecommunications services in the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T), Verizon California Inc. (Verizon), Citizens Telecommunications

Company of California, Inc. d/b/a Frontier Communications of California (Citizens), and SureWest Telephone¹ (SureWest) and interexchange service in California.

IPC seeks authority to provide resold and limited facilities based competitive local carrier (CLC) and interexchange services to business customers throughout the state of California. IPC will facilitate the availability of broadband and related services, providing fully integrated “last mile” broadband solutions on an individual case by case basis. IPC proposes to provide data private line and data network services, managed virtual private network (VPN) configurations, and backhaul/transport connectivity. IPC proposes to provide these services using the facilities and services of other carriers or its own facilities, such as routers and associated electronics, which IPC shall install only in or on existing structures.

IPC’s principal place of business is located at 9030 State Route 22, Suite 3, Hillsdale, NY 12529.

2. Jurisdiction

Public Utilities Code (Pub. Util. Code) Section 216(a) defines the term “Public utility” to include a “telephone corporation,” which in turn is defined in Pub. Util. Code § 234(a) as “every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.”

IPC proposes to provide data private line and data network services, managed VPN configurations, and backhaul/transport connectivity. IPC is a telephone corporation and a public utility subject to our jurisdiction.

¹ SureWest was formerly known as Roseville Telephone Company.

3. California Environmental Quality Act (CEQA)

The CEQA requires the California Public Utilities Commission (Commission) act as the designated lead agency to assess the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced to the fullest extent possible. Since IPC states that it does not intend to construct any facilities other than equipment to be installed in existing buildings or structures, it can be seen with certainty that there is no possibility that granting this application will have an adverse impact upon the environment. Before it can construct facilities other than equipment to be installed in existing buildings or structures, IPC must file for additional authority, and submit to any necessary CEQA review.

4. Financial Qualifications

To be granted a CPCN, an applicant for authority to provide limited-facilities-based and resold local exchange and interexchange services must demonstrate that it has a minimum of \$100,000 cash or cash equivalent to meet the firm's start-up expenses.² An applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by local exchange carriers and/or interexchange carriers in order to provide the proposed service.³ In the application, IPC provided supporting documentation Confidential Exhibit "E" that \$100,000 plus an amount equal to the deposit

² The financial requirement for Competitive Local Exchange Carriers is contained in Decision (D.) 95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.91-10-041.

required by AT&T, Verizon, Citizens, and SureWest would be available to IPC for one year following certification. Since IPC has provided documentation that it possesses a minimum of \$100,000 that is reasonably liquid and available, it has demonstrated that it has sufficient funds to meet its start-up expenses and has fulfilled this requirement.

IPC does not yet have agreement with other carriers to purchase services for resale, and it anticipates that the requirement for a deposit (if any) will be negotiated as part of such agreements.

Therefore, no additional resources are required at this time to cover deposits.

5. Technical Qualifications

To be granted a CPCN for authority to provide local exchange and interexchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.⁴ IPC supplied biographical information on its management in Exhibit "G" to its application that demonstrated that it has sufficient expertise and training to operate as a telecommunications provider.

In its application, IPC verified that no one associated with or employed by IPC as an affiliate, officer, director, partner, or owner of more than 10% of IPC was previously associated with a telecommunications carrier that filed for bankruptcy, was sanctioned by the Federal Communications Commission or any

³ The requirement for CLC applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying Local Exchange Carriers and/or IECs is set forth in D.95-12-056, Appendix C. For NDIECs, the requirement is found in D.93-05-010.

⁴ D.95-12-056 at Appendix C Rule 4.A.

state regulatory agency for failure to comply with any regulatory statute, rule, or order, or has been found either civilly or criminally 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, nor is currently under investigation for similar violations.

For the above reasons, we find that IPC is in compliance with the requirements of D.95-12-056.

6. Tariffs

Commission staff reviewed IPC's draft tariffs for compliance with Commission rules and regulations. The deficiencies are noted in Attachment A to this decision. In its compliance tariff filing, IPC shall correct these deficiencies as a condition of our approval of its application.

7. Map of Service Territory

To be granted a CPCN for authority to provide local exchange service, an applicant must provide a map of the service territories it proposes to serve.⁵ In its Response, IPC provided a map of the location of its proposed service territory, in compliance with this requirement.

⁵ D.95-12-056 at Appendix C Rule 4.E.

8. Expected Customer Base

IPC estimates that the total number of end user customers served at the end of its first year of service will be two customers. IPC estimates that service will be provided to approximately twenty end user customers at the end of its fifth year. Therefore, IPC has complied with this requirement.

9. Conclusion

We conclude that the application conforms to our rules for certification as a competitive local exchange and interexchange carrier. Accordingly, we grant IPC a CPCN to provide limited-facilities-based and resold local exchange telecommunications service in the service territory of AT&T, Verizon, Citizens, and SureWest and interexchange service in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs (OP).

The CPCN granted by this decision provides benefits to IPC and corresponding obligations. IPC receives authority to operate in the prescribed service territory, it can request interconnection with other telecommunications carriers in accordance with Section 251 of the Federal Communications Act (47 U.S.C. 251), and it receives access to public rights of way in California as set forth in D.98-10-058 subject to the CEQA requirements set forth in this decision. In return, IPC is obligated to comply with all applicable Pub. Util. Codes and Commission Rules, General Orders (GO), and decisions applicable to telecommunications carriers providing approved services. The applicable Codes, Rules, etc. include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, IPC is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in the Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code § 451 which states that every public utility "...shall furnish and maintain

such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.”

10. Request to File Under Seal (Include only if requested by applicant)

Pursuant to Rule 11.4 of the Commission’s Rules of Practice and Procedure, IPC has filed motions for leave to file Exhibit “E” to the application as confidential materials under seal. IPC represents that the information is sensitive, and disclosure could place IPC at an unfair business disadvantage. We have granted similar requests in the past and do so here.

11. Categorization and Need for Hearings

In Resolution ALJ 176-3349, dated January 15, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

12. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Pub. Util. Code and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

13. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner, and Dorothy Duda is the assigned Administrative Law Judge (ALJ) co-assigned with Junaid A. Rahman ALJ Pro Tem in this proceeding.

Findings of Fact

1. Notice of the application appeared on the Daily Calendar on December 23, 2014. No protests have been filed. A hearing is not required.
2. IPC is a telephone corporation and a public utility as defined in Pub. Util. Code §§ 234(a) and 216(a).
3. IPC has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
4. IPC has sufficient additional cash or cash equivalent to cover deposits that may be required by other telecommunications carriers in order to provide the proposed service.
5. IPC's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.
6. No one associated with or employed by IPC as an affiliate, officer, director, partner, or owner of more than 10% of IPC was: previously associated with a telecommunications carrier that filed for bankruptcy; was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order; or was previously associated with any telecommunication carrier that has been found either civilly or criminally 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, nor is currently under investigation for similar violations.

7. Except for the deficiencies identified in Attachment A to this decision, IPC's draft tariffs comply with the Commission's requirements.

8. IPC provided a map of the location of its proposed service territory.

9. IPC provided an estimate of its customer base for the first and fifth year of operation.

10. Pursuant to Rule 11.4, IPC filed motion for leave to file Exhibit E of its application under seal.

Conclusions of Law

1. IPC should be granted a CPCN to provide resold and limited-facilities-based local exchange telecommunications service in the service territories of AT&T, Verizon, Citizens, and SureWest and interexchange service in California, subject to the terms and conditions set forth in the ordering paragraphs below.

2. IPC once granted a CPCN, should be subject to the applicable Commission rules, decisions, GOs, and statutes that pertain to California Public Utilities.

3. IPC's initial tariff filing should correct the tariff deficiencies shown in Attachment A to this decision.

4. IPC's motion to file under seal its Exhibit "E" to the application should be granted for three years.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Integrated Path Communications, LLC to provide resold and limited-facilities-based local exchange telecommunications services in the territories of Pacific Bell Telephone Company d/b/a AT&T California, Verizon California Inc., Citizens

Telecommunications Company of California, Inc. d/b/a/ Frontier Communications of California, and SureWest Telephone, and interexchange service in California, subject to the terms and conditions set forth below.

2. Integrated Path Communications, LLC may not offer competitive local exchange services until tariffs are filed with and authorized by the California Public Utilities Commission, in accordance with General Order 96-B and as corrected for deficiencies set forth in Exhibit A.

3. The corporate identification number assigned to Integrated Path Communications, LLC, U-7282-C, must be included in the caption of all original filings with the California Public Utilities Commission, and in the titles of other pleadings filed in existing cases.

4. Integrated Path Communications, LLC must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the California Public Utilities Commission must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity authority, Integrated Path Communications, LLC must submit a Tier-1 Advice Letter (AL) to the Director of Communications, containing a copy of the license holder's executed bond, and submit a Tier-1 AL annually, but not later than March 31, with a copy of the executed bond.

5. Integrated Path Communications, LLC must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the California Public Utilities Commission may revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Director of the Communications Division a copy of its executed performance

bond and the carrier has not been granted an extension of time by the Communications Division.

6. In addition to all the requirements applicable to competitive local exchange carriers and interexchange carriers included in Attachments B, C, and D to this decision, Integrated Path Communications, LLC is subject to the Consumer Protection Rules contained in General Order 168, and all applicable California Public Utilities Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

7. Integrated Path Communications, LLC must file, in this docket, a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

8. Integrated Path Communications, LLC must annually pay the user fee and public purpose surcharges specified in Attachment B. Per the instructions in Exhibit E to Decision 00-10-028, the Combined California Public Utilities Commission Telephone Surcharge Transmittal Form must be submitted even if the amount due is \$0. Applicant must pay a minimum user fee of \$100 or 0.18% of gross intrastate revenue, whichever is greater. Under Public Utilities Code Section 405, carriers that are in default of reporting and submitting 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.

9. Prior to initiating service, Integrated Path Communications, LLC must provide the California Public Utilities Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. This information must be updated if the name or telephone number changes, or at least annually.

10. Prior to initiating service, Integrated Path Communications, LLC must provide the California Public Utilities Commission's Communications Division with the name and address of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at <http://www.cpuc.ca.gov/PUC/telco/Information+for+providing+service/>. This information must be updated if the name or telephone number changes, or at least annually.

11. Integrated Path Communications, LLC must notify the Director of the Communications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

12. Integrated Path Communications, LLC must file an affiliate transaction report with the Director of the Communications Division, in compliance with Decision 93-02-019, on a calendar year basis using the form contained in Attachment D.

13. Integrated Path Communications, LLC must file an annual report with the Director of the Communications Division, in compliance with General Order 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

14. Integrated Path Communications, LLC must file a tariff within 12 months of the effective date of this order, or its certificate will be cancelled.

15. Integrated Path Communications, LLC's motion to file under seal its Exhibit "E" is granted for a period of three years after the date of this order. During this three year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If Integrated Path Communications, LLC believes that it is necessary for this

information to remain under seal for longer than three years, Integrated Path Communications, LLC may file a new motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

16. Application 14-12-018 is closed.

This order is effective today.

Dated June 25, 2015, at San Francisco, California.

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

LIANE M. RANDOLPH

Commissioners

ATTACHMENT A

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List of deficiencies in draft tariff submitted by Integrated Path Communications, LLC (U-7282-C) in A.14-12-018 to be corrected in its initial tariff compliance filing.

The following were missing from the proposed tariff submitted by the applicant and must be included in its compliance filing:

1. General Order 96-B, General Rules 8.1.3 requires that tariff must be available for inspection by the public at a site within its California service area and/or be posted on the carrier's website.
2. General Order 96-B, General Rules 8.5.7 (2) requires that the tariff must include a description of types of service rendered and standards of service maintained.
3. General Order 96-B, General Rules 8.5.7 (12) requires that tariff must include Rule on how to get information on services (including types of services, rate plans, and conditions of eligibility, other terms and conditions) and promotional offerings available from the carrier. Rule should include office hours, telephone number, and (if applicable) e-mail address for contacting carrier with request for such information.
4. General Order 96-B, General Rules Section 8.5.8 requires that sample copies of printed forms such as applications for service, regular bills for service, ... and all other forms of concern to customer's in connection with the utility's services be included in the tariff.
5. D.95-07-54, Appendix B, Rule 6B (1) requires that tariff must include information regarding discontinuance of service by customer.
6. D.95-07-54, Appendix B. Rule 6B requires that information required on notices to customers for discontinuance of service by CLC must be provided.
7. D.95-07-54, Appendix B, Rule 6 (C) requires that the carrier inform customers of changes in ownership or identity.
8. D.95-07-054, Appendix B Rule 11 requires that information must conform with the rules on change of service provider.

9. D.95-07-054, Appendix B, Rule 12 requires that information regarding the refusal to provide service to the customer because of failure to establish credit or pay deposit must be included in the tariff.
10. D.95-07-054, App. B, Rule 13 requires that the tariff must include the CLC's liability for failure of performance due to causes beyond its control and have a maximum allowed liability of \$10K. The limit mentioned in the liability of the CLC is only \$2K which is incorrect.
11. D.95-07-054, App. B, Rule 14 requires that the tariff must explain the release of private or non-public customer information and disclosure on how customer's private information might be used.
12. D.95-07-054, App. B, Rule 15 requires that the tariff must explain information regarding blocking of 900/976 pay per call telephone information services.
13. D.96-02-072, App E 8.J. (2) requires that the tariff must mention non published services that are offered by the carrier.
14. D.96-10-066, Appendix B, § 4.B.12 and G.O. 153 Appendix A requires that the tariff must include provision of free white pages telephone directory.
15. D.95-07-054, Appendix B, Rule 2 requires that the tariff includes Lifeline (ULTS) Offering for residential service
16. D02-08-067 requires that information regarding demarcation points be provided.

The following items in the proposed tariff submitted by the applicant must be corrected:

D.07-12-020 requires that originating intrastate access charges imposed by a competitive local exchange carrier can be no greater than the higher of Pacific Bell Telephone Company doing business as AT&T California's (AT&T) and Verizon California Inc.'s (Verizon) intrastate access charges per minute of use, plus 10%, and each access charge rate element that is provided shall be no greater than the higher of AT&T's or Verizon's comparable charge, plus 10%, for that rate element.

Correction is needed to the following charges in Tariff Sheet No. 67 to comply with CPUC Decision 07-12-020.

- 1) Originating Rate per MOU Charge for Tandem Switching for Pac Bel Zone 3; and
- 2) Originating Rate per MOU Charge for Tandem Switching for Verizon area.

(END OF ATTACHMENT A)

ATTACHMENT B

REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS

1. Applicant must file, in this docket with reference to this decision number,¹ a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

2. Applicant is subject to the following fees and surcharges that must be regularly remitted. Per the instructions in Exhibit E to 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 Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 879);
- b. The California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073);
- c. The California High Cost Fund-A (Pub. Util. Code § 739.3; D.96-10-066, at 3-4, App. B, Rule 1.C);
- d. The California High Cost Fund-B (D.96-10-066, at 191, App. B, Rule 6.F.; D.07-12-054);
- e. The California Advanced Services Fund (D.07-12-054);
- f. The California Teleconnect Fund (D.96-10-066, at 88, App. B, Rule 8.G).
- g. The User Fee provided in Pub. Util. Code §§ 431-435. The minimum annual User Fee is \$100, as set forth in D.13-05-035.

Note: These fees change periodically. In compliance with Resolution T-16901, December 2, 2004, Applicant must check

¹ Written acceptance filed in this docket does not reopen the proceeding.

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 end-user bills until further revised. Current and historical surcharge rates can be found at

<http://www.cpuc.ca.gov/PUC/Telco/Consumer+Information/surcharges.htm>.

- Carriers must report and remit CPUC telephone program surcharges online using the CPUC Telecommunications and User Fees Filing System (TUFFS). 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 TUFFS online filing and for questions, please e-mail Telco_surcharges@cpuc.ca.gov.
- Carriers must file and pay the PUC User Fee (see above item 2g) upon receiving the User Fee statement sent by the Commission. User Fees cannot be reported or paid online. Instructions for reporting filing are available at <http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/userfee.htm>. Please call (415) 703-2470 for questions regarding User Fee reporting and payment.

3. Applicant is a competitive local exchange carrier (CLC). The effectiveness of its future tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

4. Applicant is a non-dominant interexchange carrier (NDIEC). The effectiveness of its future NDIEC tariffs is subject to the requirement of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

5. Tariff filings must reflect all fees and surcharges to which Applicant is subject, as reflected in #2 above.

6. Applicant must file a service area map as part of its initial tariff.

7. Applicant must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity authority, Applicant must submit a Tier-1 advice letter to the Director of Communications, containing a copy of the license holder's executed bond, and submit a Tier-1 advice letter annually, but not later than March 31, with a copy of the executed bond.

8. Applicant must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the Commission may revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Director of the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

9. Prior to initiating service, Applicant must provide the Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. In addition, Applicant must provide the Commission's Communications Division with the name and address of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at <http://www.cpuc.ca.gov/PUC/telco/Information+for+providing+service/>. This information must be updated if the name or telephone number changes, or at least annually.

10. Applicant must notify the Director of the Communications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

11. Applicant must keep its books and records in accordance with the Generally Accepted Accounting Principles.

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

13. Applicant must file an annual report with the Director of the Communications Division, in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

14. Applicant must file an 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 contained in Attachment D.

15. Applicant must ensure that its employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

16. Within 60 days of the effective date of this order, Applicant must comply with Pub. Util. Code § 708, Employee Identification Cards, and notify the Director of the Communications Division in writing of its compliance.

17. If Applicant is 90 days or more late in filing an annual report, or in remitting the surcharges and fee listed in #2 above, and has not received written permission from the Communications Division to file or remit late, the Communications Division must prepare for Commission consideration a resolution that revokes Applicant's CPCN.

18. Applicant is exempt from Rule 3.1(b) of the Commission Rules of Practice and Procedure.

19. Applicant is exempt from Pub. Util. Code §§ 816-830.

20. Applicant is exempt from the requirements of Pub. Util. Code § 851 for the transfer or encumbrance of property whenever such transfer or encumbrance serves to secure debt.

21. If Applicant decides to discontinue service or file for bankruptcy, it must immediately notify the Communications Division's Bankruptcy Coordinator.

22. Applicant must send a copy of this decision to concerned local permitting agencies no later than 30 days from the date of this order.

(END OF ATTACHMENT B)

ATTACHMENT C

ANNUAL REPORT

An original and a machine readable, copy using Microsoft Word or compatible format must be filed with the California Public Utilities Commission, State Office Building, 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.

Failure to file this information on time may result in a penalty as provided for in Pub. Util. Code §§ 2107 and 2108.

Required information:

1. Exact legal name and U # of the 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. Number and date of the Commission decision granting the Certificate of Public Convenience and Necessity.
 7. Date operations were begun.
 8. Description of other business activities in which the utility is engaged.
 9. List of all affiliated companies and their relationship to the utility. State if affiliate is a:
 - a. Regulated public utility.
 - b. Publicly held corporation.
 10. Balance sheet as of December 31st of the year for which information is submitted.

11. Income statement for California operations for the calendar year for which information is submitted.
12. Cash Flow statement as of December 31st of the calendar year for which information is submitted, for California operations only.

For answers to any questions concerning this report, call (415) 703-2883.

(END OF ATTACHMENT C)

ATTACHMENT D

CALENDAR YEAR AFFILIATE TRANSACTION REPORT

An original and a machine readable, copy using Microsoft Word and Excel, or compatible format must be filed with the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than May 1st of the year following the calendar year for which the annual report is submitted.

1. Each utility must 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);
- Voting rights held by the utility and percent; and
- Corporate officers.

2. The utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in #1 above. The chart must 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 must be clearly noted.

3. For a utility that has individuals who 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 tariff 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 Transaction Report and verified in accordance with Section I-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 that 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 ATTACHMENT D)