Decision 22-04-013 April 7, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Barr Tell USA, LLC for a Certificate of Public Convenience and Necessity to Provide Resale and Limited Facilities-Based Competitive Local Exchange and Interexchange Telecommunication Services within the State of California.	Application 21-06-015

DECISION GRANTING BARR TELL USA, LLC. A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE RESALE AND LIMITED FACILITIES-BASED AND RESOLD COMPETITIVE LOCAL EXCHANGE SERVICES AND RESOLD INTEREXCHANGE SERVICES IN CALIFORNIA

Summary

Pursuant to Public Utilities Code § 1001, we grant Barr Tell USA, Limited Liability Company, a certificate of public convenience and necessity to provide limited facilities-based and resold competitive local exchange and interexchange services in California subject to the terms and conditions set forth in the Ordering Paragraphs.

This proceeding is closed.

1. Background

On June 21, 2021, Barr Tell USA, LLC, (Barr Tell) filed this Application with the California Public Utilities Commission (Commission) for a Certificate of Public Convenience and Necessity (CPCN) to provide resale and limited facilities-based competitive local exchange service in the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T California), Frontier California Inc. (Frontier California), Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California (Frontier Communications), and Consolidated Communications of California Company (Consolidated Communications, formerly SureWest Telephone), and resold interexchange services throughout California (Application).[1]

In its Application, Barr Tell seeks authority to provide for the resale of competitive local carrier services to business customers throughout the State of California. Specifically, Barr Tell will "offer fully integrated "last mile" broadband solutions on an individual case by case basis," and "proposes to provide data private line and data network services, managed virtual private network (VPN) configurations and backhaul/transport connectivity".[2] Barr Tell's

[1] Application, at 4, Section 7.

[2] Application, at 2.

principal place of business is located at 218 East Park Ave., Suite 522, Long Beach, NY 11561.

The Application appeared on the Commission's public Calendar on June 22, 2021. The Commission received no protests or response to the Application.

On July 29, 2021, the Administrative Law Judge (ALJ) issued a ruling (ALJ's Ruling) directing Barr Tell to provide supplemental information relating to its relationship with its parent company, and required Barr Tell to submit a Sworn Verification (and/or disclosures) required by the Commission pursuant to Decision (D.) 95-12-056, Appendix C, D.13-05-035, Rule. 4.A.

On August 11, 2021, Barr Tell filed *Barr Tell USA LLC's Response to Email Ruling Directing Barr Tell USA, LLC. To Provide Additional Information (On or Before August 16, 2021*) (August 11, 2021 Response), providing the requested information and verification.

A prehearing conference (PHC) was held on August 20, 2021, and the Assigned Commissioner's Scoping Memo and Ruling was issued on September 27, 2021, addressing such matters as issues of law and fact in the proceeding, the need for hearing, scheduling for resolving the matter, and other matters deemed necessary. At the August 20, 2021 PHC, the ALJ further directed Barr Tell to provide supplemental information regarding one of Barr Tell's principals and his relationship with a separate entity holding a CPCN issued by the Commission. On August 26, 2021, Barr Tell timely filed *Barr Tell USA LLC's Response to the Aug 20 Relevant Questions raised at the Pre Trial Conference to provide additional information (on or before September 6, 2021)* (August 26, 2021 Response), providing the requested information.

2. Jurisdiction

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

Barr Tell requests authority to operate as a competitive local exchange and interexchange carrier in order to provide resale and limited facilities-based competitive local exchange and interexchange telecommunications services throughout the State of California.[3] Additionally, based on Applicant's tariff submitted with the Application for approval, Barr Tell will provide customers with "telephonic connection to, and a unique telephone number on," the company switching network that enables customers to "receive calls from other stations on the public switched telephone network".[4] Accordingly, Barr Tell is a telephone corporation and a public utility subject to our jurisdiction.

3. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA)[5] and Rule 2.4 of the Commission's Rules of Practice and Procedure (Rules), the Commission acts as the designated lead agency to consider the environmental consequences of projects that are subject to our approval in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced to the fullest extent possible. Since Barr Tell states in its Application that intends to provide service as a reseller of competitive local exchange carriers services using existing facilities and services furnished by other

[3] Application, at 1.

[4] *See* Exhibit F (Barr Tell's Tariff Schedule), Sheets 8 and 14, among others.

[5] Public Resources Code § 21000 *et seq*.

authorized California Carriers, and that it "will not construct any facilities and will not extend any existing facilities within California" to provide the resale of CLEC services proposed herein,[6] 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, Barr Tell 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 competitive local exchange services and resold interexchange services must demonstrate that it has a minimum of $100,000 cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses.[7] In the Application, Barr Tell provided bank statements, and Letter of Guarantee by Applicant's parent Company,[8] as confidential Exhibits D and E to the Application. The information provided demonstrates that Barr Tell has the required cash or cash equivalent, in reasonably liquid and readily available form, to meet its start-up expenses. Accordingly, since Barr Tell 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

[6] Application, at 3, sections 4 and 5.

[7] The financial requirement for competitive local exchange carriers (CLECs) is contained in D.95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.91-10-041.

[8] Barr Tell USA is a California's LLC, while Telebroad, LLC, operating only in the State of New York, is the parent company of Barr Tell. "The daily operation of Barr Tell consists of Harold Barr as the President along with his independent team". The two businesses operate separately and independently of each other, and "Telebroad will not exercise any operational and/or management control over the Applicant." (*See*, the *August 11, 2021 Response*, at 2.)

to meet its start-up expenses and has fulfilled this requirement. Barr Tell's financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are available.

In addition to demonstrating financial fitness, Barr Tell must also demonstrate it has an additional $25,000 or an amount equal to the deposits that may be required by incumbent carriers which Barr Tell would interconnect with, and which fund must be available to Barr Tell for one year following certification.[9] Barr Tell proposed to initially interconnect with AT&T California, Frontier California, Frontier Communications, and Consolidated Communications. In addition to the $100,000 discussed above, the financial information provided by Applicant demonstrates that Barr Tell has the funds available for the deposits that may be required by AT&T California, Frontier California, Frontier Communications, and Consolidated Communications.[10]

5. Technical Qualifications

To be granted a CPCN for authority to provide competitive local exchange and interexchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.[11] Barr Tell supplied biographical information for its management in confidential Exhibit G to its application that demonstrates Barr Tell has sufficient expertise and training to operate as a telecommunications provider.

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[9] The requirement for competitive local carrier (CLC) applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying local exchange carriers (LEC) and/or incumbent exchange carriers (IECs) is set forth in D.95-12-056, Appendix C. For NDIECs, the requirement is found in D.93-05-010.

[10] *See* Application, at 7.

[11] D.95-12-056 at Appendix C, Rule 4.A.

Also, Barr Tell verified that no one associated with or employed by Barr Tell as an affiliate, officer, director, partner, or owner of more than 10 percent of Barr Tell, or anyone acting in a management capacity for Barr Tell:

> (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of §§ 17000 *et seq.*, §§ 17200 *et seq.*, or §§ 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries, **except that "Integrated Path Communications, LLC (U7282C) had been found to violate a statute, law and/or rule(s) pertaining to public utilities or other regulated industries of California;**[12] (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.[13]

Also, to the best of Barr Tell's knowledge, neither Barr Tell, or any affiliate, officer, director, partner, nor owner of more than 10% of Barr Tell, or any person

[12] *See* discussion below.

[13] These certifications are required by D.13-05-035, Ordering Paragraph 14.

acting in such capacity whether or not formally appointed, is being, or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.[14]

Applicant disclosed that Mr. Barr held a position at Integrated Path Communications, LLC (U-7282-C) (IPC) which raised some potential concerns.[15] Additionally, two citations were issued against IPC for prior violations during the years 2017 and 2018.[16] During the time covered by the two citations, Brian Shepard (Mr. Shepard) was IPC's Regulatory Contact. The Applicant, Harold Barr was later hired on a part-time basis as an officer of IPC "to correct any violations pertaining to IPC's regulated compliance with the California Public Utility Commission and restore the IPC company into full conformity". **(***See* August 26, 2021 Response, at 5). Currently Mr. Shepard is listed as the

[14] *See* August 26, 2021 Response, at 2-5.

[15] These concerns were relevant to this application because Mr. Barr is the President of Barr Tell and previously held the position of the Vice President and "primary contact" for IPC. On September 1, 2021, the Communications Division informed Mr. Barr, in his capacity as the Vice President and IPC's primary contact, that IPC needed to resolve a regulatory compliance issue. Subsequently IPC, filed the required tariff and resolved the matter. IPC also updated its regulatory contact information to remove Mr. Barr as the regulatory contact and add Mr. Brian Shephard as primary regulatory contact for IPC.

[16] Citation No. CD-2019-01-066; and Citation No CD-2019-10-30-028, issued on January 11, 2019 and November 1, 2019, respectively. Each citation was, respectively, issued to IPC for separate violations of Pub. Util. Code §§ 702, 2101, and 2108, relating to IPC's failures to timely file its: 1) operational and financial statement; and 2) its affiliate transaction reports on their California operations, pursuant to General Order 104-A and Decision 93-02-01, for 2017 and 2018, respectively. Subsequently, IPC resolved both citations by paying the penalty and filed the required documents with the Commission.

regulatory contact for IPC[17] and, as relevant here, is the Director of Engineering and Operations for Barr Tell.[18]

The regulatory issues at IPC were addressed and resolved appropriately. Accordingly, based on the whole record in this Application, we find that Barr Tell meets the technical and managerial requirements of D.13-05-035 and is suitable for a CPCN based on our rules.

6. Tariffs

Commission staff reviewed Barr Tell'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, Barr Tell 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 competitive local exchange service, an applicant must provide a map of the service territories it proposes to serve.[19] In Exhibit C to its Application, Barr Tell provided a map of the location of its proposed service territory, in compliance with this requirement.

8. Expected Customer Base

In its Application, Barr Tell provided its estimated customer base for the first and fifth years of operation in confidential Exhibit G to its Application. Therefore, Barr Tell has complied with this requirement.

9. Safety Considerations

With the adoption of the *Safety Policy Statement of the California Public Utilities Commission* on July 10, 2014, the Commission has, among other things,

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[17] Mr. Barr has resigned from his position at IPC.

[18] *See,* the *Prehearing Conference Transcript*, at 5, lines 16-19 and at 10, line 4 through at 16, line 17.

[19] D.95-12-056 at Appendix C, Rule 4.F.

heightened its focus on the potential safety implications of every proceeding. We have considered the potential safety implications here. The Commission is satisfied that Barr Tell will meet the Commission's minimum safety goals and expectations of competitive local exchange carriers (CLECs) because: (1) Barr Tell has taken steps to meet the financial requirements as set forth in this decision for a facilities-based CLEC, and (2) Barr Tell is a public utility that is required pursuant to Pub. Util. Code § 451 to "… furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities … as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

10. Conclusion

We conclude that the application conforms to our rules for certification as a competitive local exchange and interexchange carrier. Accordingly, we grant Barr Tell a CPCN to provide limited facilities-based and resold competitive local exchange services in the service territory of AT&T California, Frontier California, Frontier Communications, and Consolidated Communications and resold interexchange services in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to Barr Tell and corresponding obligations. Barr Tell receives authority to operate in the prescribed service territory, and this authority enables Barr Tell, pursuant to Section 251 of the 1934 Communications Act, as amended by the 1996 Telecommunications Act (47 U.S.C. § 251), to interconnect with telecommunications carriers.[20] This authority also enables Barr Tell to obtain

[20] The California Public Utilities Code uses the term "telephone corporation." Its counterpart in federal law is a "telecommunications carrier."

access to public rights-of-way in California as set forth in D.98-10-058, and approved in *T-Mobile West LLC v. City and County of San Francisco*, 6 Cal. 5th 1107 (2019)"- subject to the CEQA requirements set forth in this decision.

In return, Barr Tell is obligated to comply with all Public Utilities Code provisions, Commission rules, General Orders, and decisions applicable to telephone corporations providing approved services. The applicable statutes, rules, General Orders, and decisions include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, Barr Tell 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 § 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

11. Request to File Under Seal

Pursuant to Rule 11.4 of the Commission's Rules of Practice and Procedure, Barr Tell has filed motions for leave to file Exhibit D (Financial Information); Exhibit E (Financial Letter of Guarantee); and Exhibit G (Managerial and Technical Competence) to the Application as confidential materials under seal. Barr Tell represents that the information is sensitive, and disclosure could place Barr Tell at an unfair business disadvantage. We have granted similar requests in the past and do so here.

12. Comments on Draft Decision

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

13. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Adeniyi A. Ayoade is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Barr Tell is a telephone corporation and a public utility as defined in Pub. Util. Code § 234(a) and § 216(a).
2. Barr Tell will not construct any facilities other than equipment to be installed in existing buildings or structures.
3. Barr Tell 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. Barr Tell has sufficient additional cash or cash equivalent to cover deposits that may be required by other telephone corporations in order to provide the proposed service.
5. Barr Tell'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 Barr Tell as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than 10 percent of Barr Tell, or anyone acting in a management capacity for Barr Tell: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to

consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of §§ 17000 *et seq.*, §§ 17200 *et seq.,* or §§ 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

7. To the best of Barr Tell's knowledge, neither Barr Tell, or any affiliate, officer, director, partner, nor owner of more than 10 percent of Barr Tell, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

8. Except for the deficiencies identified in Attachment A to this decision, Barr Tell's draft tariff complies with the Commission's requirements.

9. Barr Tell provided a map of the location of its proposed service territory.

10. Barr Tell provided an estimate of its customer base for the first and fifth year of operation.

11. Pursuant to Rule 11.4, Barr Tell filed motions for leave to file confidential materials under seal, including Exhibit D (Financial Information); Exhibit E

(Financial Letter of Guarantee); and Exhibit G (Managerial and Technical Competence) to its application.

Conclusions of Law

1. Barr Tell should be granted a CPCN to provide limited facilities-based and resold competitive local exchange services in the service territories of AT&T California, Frontier California, Frontier Communications, Consolidated Communications, and resold interexchange services in California, subject to the terms and conditions set forth in the Ordering Paragraphs.

2. Barr Tell should be granted limited facilities-based authority and may not construct any facilities other than equipment to be installed in existing buildings or structures.

3. Barr Tell, once granted a CPCN, should be subject to the applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

4. Barr Tell's initial tariff filing should correct the tariff deficiencies shown in Attachment A to this decision.

5. Barr Tell's motion to file under seal its Exhibits D, E and G to the application, should be granted for three years.

6. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

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

Consolidated Communications of California Company, and resold interexchange services in California, subject to the terms and conditions in this decision.

2. Barr Tell USA, LLC, may not offer competitive local exchange services until tariffs are filed with and authorized by this Commission, in accordance with General Order 96-B and as corrected for deficiencies set forth in Attachment A to this decision.

3. The corporate identification number assigned to Barr Tell USA, LLC, U-7393-C, must be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

4. Barr Tell USA, 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 decision. Written acceptance filed in this docket does not reopen the proceeding.

5. The certificate granted by this decision will expire if not exercised within 12 months of the effective date of this decision.

6. Barr Tell USA, LLC, must notify the Director of the Communications Division of the date that competitive local exchange service is first rendered to the public, no later than five days after service first begins, by e-mail to cdcompliance@cpuc.ca.gov.

7. Barr Tell USA, LLC, must submit a tariff to the Communications Division by filing a Tier-1 advice letter within 12 months of the effective date of this decision, or its certificate will be cancelled.

8. Barr Tell USA, 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 Commission must be listed as the obligee on the bond. Within five days

of acceptance of its certificate of public convenience and necessity authority, Barr Tell USA, LLC, must submit a Tier-1 Advice Letter to the Communications Division, containing a copy of the license holder's executed bond, and submit a Tier-1 Advice Letter annually, but not later than March 31 of each year, with a copy of the executed bond.

9. Barr Tell USA, LLC, 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 Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

10. 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, Barr Tell USA, LLC, is subject to the Consumer Protection Rules contained in General Order 168, and all applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

11. Barr Tell USA, LLC, must report intrastate revenue and pay the resulting public purpose program surcharges specified in Attachment B monthly, through the Commission's proprietary Telecommunications and User Fee Filing System (TUFFS) even if there are no revenues ($0) and resulting surcharges to report and remit. Communications Division must issue a compliance directive to the Barr Tell USA, LLC,'s primary contact, providing directions for reporting and remitting surcharges and the User Fee through the TUFFS system.

12. Barr Tell USA, LLC, must pay an annual minimum user fee of $100 or at the standard user fee remittance rate applied to the gross intrastate revenue, whichever is greater. The standard user fee remittance rate is posted on the

Commission's webpage. Under Public Utilities Code § 405, carriers that are in default of reporting and submitting user fees more than 30 days after the quarterly user fee payment due dates of January 15th, April 15th, July 15th, and October 15th, or more than 30 days after the January 15th due date for those utilities paying the annual minimum user fee of $100, will be subject to penalties including suspension or revocation of their authority to operate in California.

13. Prior to initiating service, Barr Tell USA, LLC, must provide the Commission's Consumer Affairs Branch with the name(s), address(es), e-mail address, and telephone number(s) of its designated contact person(s) for purposes of resolving consumer complaints. This information must be updated if the name(s), address(es), or telephone number(s) change, or at least annually.

14. Prior to initiating service, Barr Tell USA, LLC, must provide the Commission's Communications Division with the name(s), address(es), e-mail address, and telephone number(s) of its designated regulatory/official contact person(s). This information must be provided electronically, using the "Contact Information Request Update" form at https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone under Service Provider Requirements and Programs. This information must be updated if the name or telephone number changes, or at least annually by June 1 of each calendar year.

15. Barr Tell USA, LLC, must submit an affiliate transaction report to the Director of the Communications Division, by email to cdcompliance@cpuc.ca.gov, in compliance with Decision 93-02-019, on a calendar year basis using the form contained in Attachment D to this decision.

16. Barr Tell USA, LLC, must submit an annual report to the Director of the Communications Division, by e-mail to cdcompliance@cpuc.ca.gov, in

compliance with General Order 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

17. Barr Tell USA, LLC, must not construct any facilities other than equipment installed in existing buildings or structures.

18. Barr Tell USA, LLC,'s motion to file under seal its Exhibit D (Financial Information), Exhibit E (Financial Letter of Guarantee), and Exhibit G (Managerial and Technical Competence) is granted for a period of three years after the date of this decision. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If Barr Tell USA, LLC, believes that it is necessary for this information to remain under seal for longer than three years, Barr Tell USA, 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.

19. Application A.21-06-015 is closed.

This order is effective today.

Dated April 7, 2022, at San Francisco, California.

ALICE REYNOLDS
President
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
DARCIE L. HOUCK
JOHN R.D. REYNOLDS
Commissioners

ATTACHMENT A

ATTACHMENT A

TARIFF DEFICIENCIES

Below is a list of deficiencies in the draft tariff submitted by Barr Tell USA LLC in A.2106015. Each of the deficiencies is to be corrected in the carrier's initial tariff compliance filing.

1. Tariff Sheet Format: The California Public Utilities Commission will assign utility ID number U-7393-C to this carrier. That utility ID number should be included on each tariff sheet in the upper left header along with the carrier's name and address. In the upper right header, it should identify Cal. P.U.C. Schedule and Sheet No., with a designation as an original or revised sheet. The left footer should only have the Advice Letter number (the number of the Advice Letter that is requesting approval of the tariff sheet) and the Decision Number if the sheet is submitted in accordance with a decision; otherwise, this space is left blank. The right-side footer should include the Date Submitted, the Resolution Number, and the Effective Date. (General Order 96B, Section 9.4.1)

2. Availability of Tariff: Carrier must comply with G.O. 96-B. Section 8, on the availability and publication of the tariff. Specifically, the carrier must provide a telephone number at which a caller may (1) ask questions regarding the utility's tariffs, (2) order copies of the tariffs, and (3) find out times and places at which the caller may inspect or copy the tariffs. In addition, if Barr Tell USA LLC does not publish its tariffs on the Internet, it shall provide free copies to a current customer, and may charge not more than 20 cents per page to any other requester. The telephone number shall be toll-free to customers within the utility's service area. (General Order. 96-B, Section 9.1.3.)

3. Service Area Map: Each carrier must include in its tariffs a map or maps showing the boundaries of its service area. Revise to include a service area map (same map used in Application Exhibit C). Revise language to "The Company has been authorized by the CPUC to provide *limited* facilities competitive local exchange service to customers within the State of California identified on the following map". (General Order 96B, Section 9.5.4)

4. Carrier Rule 11, Temporary Service. Each carrier rule must be on a single tariff sheet. There are multiple rules on the same tariff sheet. Revise so that each rule is on a single tariff sheet. (General Order 96-B Section 9.5.7)

5. Carrier Rule 13, Extensions. Each carrier rule must be on a single tariff sheet. There are multiple rules on the same tariff sheet. Revise so that each rule is on a single tariff sheet. (General Order 96-B Section 9.5.7)

6. Carrier Rule 14, Service Connections and Facilities on Customer Premises: Each carrier rule must be on a single tariff sheet. There are multiple rules on the same tariff sheet. Revise so that each rule is on a single tariff sheet. (General Order 96-B Section 9.5.7)

7. Update Table of Contents with new Sheet Numbers. (General Order 96-B Section 9.4.2)

(END OF ATTACHMENT A)

ATTACHMENT B

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,[21] a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

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

3. 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, carriers authorized to operate in California shall report intrastate revenue and remit the resulting public purpose program surcharges specified as follows monthly, through the Commission's proprietary Telecommunications and User Fee Filing System (TUFFS) even if there is no intrastate revenue ($0) and resulting surcharges to report and remit. Communications Division shall issue a compliance directive to the carrier's primary contact, providing directions for reporting and remitting surcharges and the User Fee through TUFFS.

a. The Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 277);

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 § 275.6); D.96-10-066, at 3-4, App. B, Rule 1.C);

[21]Written acceptance filed in this docket does not reopen the proceeding.

d. The California High Cost Fund-B (Pub. Util. Code § 276.5), D.96-10-066, at 191, App. B, Rule 6.F.; D.07-12-054);

e. The California Advanced Services Fund (Pub. Util. Code § 281; D.07-12-054);

f. The California Teleconnect Fund (Pub. Util. Code § 280; 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 the joint tariff for surcharges and fees filed by Pacific Bell Telephone Company (d/b/a 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 https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees/surcharge-rates.

i. Carriers must report and remit CPUC telephone program surcharges online using the CPUC TUFFS. Information and instructions for online reporting and payment of surcharges are available at https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees. To request a user ID and password for TUFFS online filing and for questions, please e-mail Telcosurcharge@cpuc.ca.gov.

ii. Carriers must submit and pay the PUC User Fee (*see* Item 3.g above) quarterly, through the Commission's TUFFS system within 15 days after the end of each calendar quarter (December 31, March 31, June 30 and September 30) and by the 30th day after the 15-day reporting and payment requirement to avoid a one-time 25% penalty. For questions regarding the User Fee, please email userfees@cpuc.ca.gov.

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

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

6. Tariff filings must reflect all fees and surcharges to which Applicant is subject, as reflected in Item 3 above.

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 Communications Division, 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 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. Applicants providing local exchange service must submit a service area map as part of their initial tariff to the Communications Division.

10. Prior to initiating service, Applicant must provide the Commission's Consumer Affairs Branch with the name(s), address(es), e-mail address(es) and telephone number(s) of its designated contact person(s) for purposes of resolving consumer complaints. This information must be provided electronically, using the "Contact Information Request Update" form found at https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone under Service Provider Requirements and Programs. This information must be updated if the name(s), address(es), and telephone number(s) change, or at least annually by June 1 of each calendar year.

11. In addition, Applicant must provide the Commission's Communications Division with the name(s), address(es), and telephone number(s) of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Contact Information Request Update" form found at https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone under Service Provider Requirements and Programs. This information must be updated if the name(s), address(es), and telephone number(s) change, or at least annually by June 1 of each calendar year.

12. Applicant must notify the Director of the Communications Division, in writing submitted by email to cdcompliance@cpuc.ca.gov, no later than five days after service first begins, of the date that local exchange service is first rendered to the public.

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

14. 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.

15. Applicant must submit an annual report to the Director of the Communications Division at cdcompliance@cpuc.ca.gov, in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

16. Applicant must submit an affiliate transaction report to the Director of the Communications Division at cdcompliance@cpuc.ca.gov, in compliance with D.93-02-019, on a calendar-year basis using the form contained in Attachment D.

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

18. 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 of its compliance in writing, by email to cdcompliance@cpuc.ca.gov.

19. If Applicant is 90 days or more late in submitting an annual report, or in remitting the surcharges and fee listed in #3 above, and has not received written permission from the Communications Division to file or remit late: the Communications Division must issue a citation pursuant to Resolution T-17601. Failure to comply with the issued citation or timely appeal the citation may result in a revocation of the company's operating authority and/or a referral to the CPUC Consumer Protection and Enforcement Division (CPED) for enforcement action, which could result in additional fines, penalties, or other sanctions.

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

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

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

23. 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

ATTACHMENT C

ANNUAL REPORT

In addition to the annual reports requirement pursuant to General Order 104-A, submit the following information electronically via email to cdcompliance@cpuc.ca.gov no later than March 31st of the year following the calendar year for which the annual report is submitted.

Failure to submit 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 any questions concerning this report, please send an email to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT C)

ATTACHMENT D

ATTACHMENT D

CALENDAR YEAR AFFILIATE TRANSACTION REPORT

Submit the following information electronically via e-mail to cdcompliance@cpuc.ca.gov no later than May 1st of the year following the calendar year for which the annual affiliate transaction 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 submit, 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.

For any questions concerning this report, please send an e-mail to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT D)