

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

SAMPLE COVER PAGE TO SECTION 1001 CPCN APPLICATION FORM

Application of [Applicant Name] for a
certificate of public convenience and
necessity to provide [full/limited
facilities-based and resold competitive
local exchange service and interexchange
services; and/or Fixed Interconnected
VoIP services]

Application

**APPLICATION OF [APPLICANT NAME] FOR
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO PUBLIC UTILITIES CODE SECTION 1001**

([PUBLIC/CONFIDENTIAL])

Dated: Month Day Year

Filer Name
Title
Mailing Address
Telephone No.
Fax No.
Email Address

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

SAMPLE CPCN Application Form Pursuant to Public Utilities Code Section 1001

1. APPLICANT INFORMATION					
Applicant Name:					
Business Address:					
Telephone No.:					
E-mail Address:					
1.a. Principal Place of Business: (if different from address above)					
1.b. List all fictitious business names under which Applicant has done business in the last five years:					
1.c. Applicant is (check one only)					
☐	Incorporation	☐	General Partnership		
☐	Limited Partnership	☐	Sole Proprietor		
☐	Limited Liability Company	☐	Trust		
☐	Other, specify: _____				
Attach Appendix A with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California.					
1.d. Applicant has a foreign ownership interest		☐	NO	☐	YES, list foreign entity interest below.
		Foreign entity interest:			
2. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS		Agent Name:			
		Address:			
		Telephone No.:			
3. APPLICANT LEGAL DOMICILE (check one only)					
☐	California	☐	Other, specify:		

4. APPLICANT PROPOSED SCHEDULE OF PROCEEDING (check all that apply)					
	Ratesetting	DATE(s)		Other Proposed Schedule	DATE(s)
	Prehearing Conference				
	Scoping Memo				
	Testimony (Optional)				
	Briefing (Optional)				
	Evidentiary Hearing (Optional) (Appendix B)				
	Proposed Decision				
If Evidentiary Hearing is selected, attach Appendix B describing the issues which require hearing and length of hearing needed.					
5. WHAT ISSUES ARE THERE TO BE RESOLVED IN THIS APPLICATION? (check all that apply)					
	Whether this application meets all state and California Public Utilities Commission (Commission) requirements for a certificate of public convenience and necessity (CPCN), including but not limited to financial, technical, and California Environmental Quality Act (CEQA) requirements.				
	Whether the proposed construction is eligible for the Commission's 21-day expedited process for CEQA review.				
	Consideration of a safety issue. (Provide a description of the issue below.)				
	Consideration of an Environmental and Social Justice (ESJ) issue. (Provide a description explaining the ESJ issue for resolution. Otherwise, Applicant attests that there is no ESJ issue for consideration in this Application.)				
	Other (Provide a description of the issue(s) below.)				

6. APPLICANT WILL OPERATE AS (check all that apply)							
Competitive Local Exchange Service Provider			Interexchange Service Provider (Intra/Inter-LATA)			Fixed Interconnected Voice over Internet Protocol (VoIP) Service Provider	
6.a. Proposed Facilities			6.b. Proposed Facilities			6.c. Proposed Facilities	
	Full	Facilities-Based		Full	Facilities-Based		Full
	Limited			Limited			Limited
Switchless-Reseller/Non-facilities-based			Switchless-Reseller/Non-facilities-based			Non-facilities-based	
6.d. Service Territories			6.e. Service Territories			6.f. Service Territories	
Within <u>ALL</u> the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers			Throughout the State of California.			Within the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers	
Within <u>ALL</u> the Service Territories of the Small Incumbent Local Exchange Carriers			In specific portions of the State only (Appendix C)			Within the Service Territories of Small Incumbent Local Exchange Carriers	
In specific portions of the State only (Appendix C)						In specific portions of the State only (Appendix C)	
Applicant that <u>only</u> selected non-Facilities-based for Proposed Facilities (Section 6.a, 6.b. and 6.c.) is not required to respond to Section 11 and 12 of the CPCN Application form. If no facilities are proposed, Applicant may be eligible to use the 1013 registration process pursuant to Pub. Util. Code Section 1013. Appendix C must include a list of the specific portion(s) or geographical location(s) of the State, and/or ILEC territory(ies); and a copy of the map(s). Applicant seeking to operate in any Small Incumbent Local Exchange Carriers territories must meet the requirements contained in Appendix A of D.20-08-011.							

7. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (Appendix D)		[Month Day Year]	
8. APPLICANT WILL PROVIDE THE FOLLOWING SERVICES IN CALIFORNIA			
	Provide voice service (traditional wireline and/or Fixed Interconnected VoIP) directly to customers		
	Build facilities which will transmit or facilitate voice services (traditional wireline and/or Interconnected VoIP) through third parties.		
	Other (Describe below other services it offers whether or not they are within Commission's jurisdiction.)		
9. SWORN AFFIDAVIT		TRUE	NOT TRUE (Appendix E)
Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (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 Sections 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; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/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. Attach Appendix E if Applicant answer to this question is anything other than an unqualified "True". Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.			
9.a. List of all affiliated entities (Appendix F)			

10. APPLICANT HAS THE REQUIRED EXPERTISE TO OPERATE AS A SERVICE PROVIDER OF THE TYPE INDICATED IN SECTION 6 OF THE APPLICATION FORM.			TRUE		NOT TRUE
10.a. Attach Appendix G for List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.					
10.b. Attach Appendix H for all Resumes for each personnel identified in Section 10.a. List of all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.					
10.c. Applicant Managerial and Technical Expertise			TRUE		NOT TRUE (Appendix I)
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, 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. Attach Appendix I if Applicant's answer to this question is anything other than an unqualified "True," Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.					
11. CONSTRUCTION OR EXTENSION OF FACILITIES FOR LIMITED AND FULL FACILITIES-BASED APPLICANTS ONLY.					
YES, Attached Appendix J with 11.a. thru 11.j.					
11.a. Description of proposed construction activities, documentation attached. 11.b. List of competing entities 11.c. Map showing proposed construction 11.d. Statement of franchises and health and safety permits 11.e. Facts showing public convenience and necessity requiring the proposed construction. 11.e. Facts showing public convenience and necessity requiring the proposed construction. 11.f. Statement showing cost of construction. 11.g. Statement showing financial ability to render service. 11.h. Statement showing proposed rates. 11.i. Annual Report Statement. 11.j. Estimated number of customers in the first and fifth years in the future					

12. APPLICANT PROPOSED FULL FACILITIES ARE LIKELY ELIGIBLE FOR A CATEGORICAL EXEMPTION FROM CEQA. APPLICANT REQUESTS TO UTILIZE THE ENERGY DIVISION'S 21-DAY EXPEDITED CEQA REVIEW PROCESS.				
YES. Attach Appendix K for list categorical exemptions and briefly explain the applicability of each exemption to the proposed construction.				
NO. Attach Appendix K for Preliminary Environmental Assessment.				
13. FINANCIAL REQUIREMENT			TRUE	NOT TRUE
Applicant has a minimum of (a) \$25,000 in the case of a switchless reseller/non-facilities-based OR (b) \$100,000 in the case of a Facilities-Based (Full and/or Limited), in each case reasonably liquid and available to meet the firm's first-year expenses, including an additional \$25,000 for deposits which may be required by local exchange carriers or interexchange carriers; OR (c) has profitable interstate operations to generate the required cash flow. Attach Appendix L for copy of Applicant's financial instrument used to demonstrate meeting the financial requirement.				
14. APPLICANT IS ELIGIBLE AND SEEKS AN EXEMPTION FROM TARIFFING REQUIREMENTS			TRUE	NOT TRUE (Appendix M)
15. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR				NONE
CURRENT AND/OR PRIOR, specify:				

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

ATTACHMENT A

SAMPLE ATTACHMENT TO CPCN APPLICATION FORM

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____[Title] of _____ (Applicant). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Applicant)

I affirm that _____ [Name of Applicant]:

- Agrees to comply with all federal and state statutes, rules, and regulations, Commission requirements as a Telephone Corporation, and state contractual rules and regulations, if granted the request as stated in this application;
- Certifies that all answers to the attached Application for CPCN are true and correct; and

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Signature

Name and Title

SAMPLE APPLICANT INSTRUCTION FOR CPCN APPLICATION FORM

1. Complete the Cover page. The docket office will provide an application number.
2. Complete the CPCN Application Form. Do not leave the fields blank. If no response, mark “Not Applicable” or “N/A”

- a. In Section 1 of the form, the Applicant must enter its complete legal name exactly as it appears on its articles or certificate of incorporation or similar charter document. The Applicant must also include its business address, telephone number and email address. Complete Section 1.b. by listing all fictitious business names under which Applicant has done business in the last five years. If the company does not have any fictitious business names or “doing business as” (DBA) names, please enter “Not Applicable.” Do not leave it blank.

In Section 1.c. of the form, select only one type of organization and attach as Appendix A to the completed application form: (1) a copy of the entity’s organizing documents; (2) evidence of the Applicant’s qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California. If current documentation has previously been filed with the Commission, the application need only make specific reference to such filing. A Good Standing certificate is available from the office of the Secretary of State of the State of California and should be dated not more than 60 days prior to the date of filing the application.

In Section 1.d. of the form, if answer is “Yes”, list foreign entity interest.

- b. In Section 2 of the form, provide the name, mailing address, and telephone number of Applicant’s registered agent for service of process.
- c. In Section 3 of the form, the Applicant must check one of the options provided to identify Applicant’s Legal Domicile. For individuals, domicile is the place of legal residence; for entities, it is the state of incorporation or organization.
- d. In Section 4 of the form, the Applicant must provide a proposed schedule. Include all items listed in Section 4. If Evidentiary Hearing is selected, attach Appendix B to provide a description of the issues which require hearing and length of hearing needed
- e. In Section 5 of the form, select the issues to be considered, and if applicable, provide a description in the space provided.

- f. In Section 6 of the form, the Applicant must select the appropriate boxes to clearly describe the operating authority it is seeking approval for. The Applicant should select all the type of service(s) it proposes to provide, the type of proposed facilities, and the service territories it proposes to offer its services.
- Facilities-based service providers are defined as service providers that own or control facilities used to provide communications for compensation, including the line to the end-user's location. Full facilities-based service providers install telecommunications facilities other than equipment in or on existing buildings or structures; whereas limited facilities-based service providers install telecommunications facilities in or on existing structures.¹ Full facilities-based service is subject to California Environmental Quality Act (CEQA) review while limited facilities-based service is not subject to CEQA.
 - Non-facilities-based is now equivalent to the legacy term "switchless reseller" and the general term "reseller" and is defined as a service provider which does not directly own, control, operate, or manage conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances in connection with or to facilitate communications within the local exchange portion of the public switched network.²

For additional information regarding service provider type definitions refer to:

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-carrier-types-with-definition>.

- g. In Section 7 of the form, enter the date that Applicant expects to begin offering service in California. If Applicant has already begun offering service in California, indicate the date the Applicant commenced providing service and provide as

¹ Decision (D.) 08-04-018 (adopted April 10, 2008) available at:

https://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/81277.PDF.

² The term switchless reseller originated in D.91-10-041, FoF 23, defined as "A switchless reseller only markets the services of underlying service providers who are certificated to construct and maintain the physical plant for intrastate communications services in California." The following year, in D.92-06-069 the Commission defined reseller generally as "service providers who do not own transmission facilities but provide service under their own name using the facilities of another provider. They do not directly own, control, operate, or manage any conduits, ducts, poles, wires, cables, instruments, and appliances in connection with or to facilitate communication by telephone." Finally, in opening the local exchange market to competition, the Commission again defined non-facilities-based CLECs in D.95-07-054, Appendix A at 3.

Appendix D an explanation of the reason for operating prior to obtaining authority in California.

- h. In Section 8 of the form, the Applicant must select the type of services that will be provided in California.
- i. In Section 9 of the form, the Applicant must provide a sworn affidavit to the statement identified by marking "True." If the Applicant's answer is anything other than an unqualified "True," attach as Appendix E all documentation and describe any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

In Section 9.a. of the form, the Applicant must attach as Appendix F the list of all affiliates. If an affiliate is a regulated entity in California, indicate the Utility ID Number assigned by the Commission to the entity. If no affiliates exist, it must clearly be identified in the Appendix F. An affiliated entity is any entity under common control with the Applicant. Common control exists if the same individuals or entities have the direct or indirect power to determine the action of Applicant and such entity through the right to vote shares, by contract or agreement, or otherwise. Note whether any such entity is a reporting company for purposes of the Securities Exchange Act of 1934, as amended.

- j. In Section 10 of the form, the Applicant must demonstrate that it has the technical and managerial qualifications necessary to provide the proposed services in its service territory. The Applicant must select a response from the options provided. In Section 10.a. and 10.b. of the form, the Applicant must provide the following information as a separate Appendices: Appendix G lists all the Applicant's key management and technical personnel(s), and Appendix H include professional resumes and biographies of the key management and technical personnel(s) that reflects that the Applicant possesses significant technical and managerial expertise for operating a telecommunications corporation, consistent with the Commission's requirements. Website links to online profiles (e.g., LinkedIn and Facebook) are not acceptable. In Section 10.c. of the form, the Applicant must attest to the statement. If the response is anything other than an unqualified "true", attach as Appendix I the documentation by listing all applicable information including description of all such investigations, whether pending, settled voluntarily, or resolved in another manner.
- k. Section 11 of the form, Applicants that identified Full and/or limited facilities based service providers in Section 6.a., 6.b., and 6.c. must indicate whether they

propose to construct facilities. The Applicant must check one of the options provided. See instruction 7 for a definition of limited and full facilities. Applicants must include responses for all listed items in an attachment.³ Non-rate regulated Applicants can indicate that the proposed rates are inapplicable to their application.

- l. In Section 12 of the form, Applicant proposing to provide limited or full facilities-based service must indicate whether eligible for a categorical exemption from CEQA and whether the Applicant requests to utilize the 21-day expedited CEQA review process. If Applicant marked “YES”, attach Appendix K for list categorical exemptions and briefly explain the applicability of each exemption to the proposed construction.) If Applicant marked “NO” attach as Appendix K the Preliminary Environmental Assessment (Rule 2.4(b)) and all documents required pursuant to Rule 3.1.
- m. In Section 13 of the form, the Applicant must attach Appendix L providing a copy of a financial instrument used to comply with the financial requirements as set forth in **Appendix X** of **[VoIP OIR decision]**.
- n. In Section 14 of the form, the Applicant must check one of the options provided. If Applicant is seeking a tariffing requirement exemption, it must comply with the Consumer Protection Rules adopted in Decision 98-08-031. If Applicant is not seeking Tariff requirement exemption, it must attach as Appendix M a draft Tariff. Refer to General Order 96-B for Tariff Format and/or refer to the Commission website at:

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/tariff-filing-requirements>.
- o. In Section 15 of the form, Applicant must list other licenses, whether current and/or prior, which the Applicant obtained from the Commission.
- p. Appendices that do not apply to Applicant must be included and identified as “Not Applicable”. Applicant may include additional Appendix to provide additional and supporting information.

³ Refer to Rule 3.1 items a-j of the Commission’s Rules of Practice and Procedure (Rules) and General Order 104A Section 2.

3. Complete Attachment A of the form: Sworn Affidavit. The document must be signed by an officer of the Applicant.
4. Pay the Application Filing Fee
 - Refer to the filing fee schedule posted at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/2024-filing-fees.pdf>
 - Application Fees do not include fees related to CEQA Review.
 - Payee: California Public Utilities Commission
 - Memo line: CPCN Application Fee of [Name of Applicant]
 - Send to Payment to: ATTN: CPUC ALJ Docket Office
505 Ness Avenue
San Francisco, CA 94102
 - Failure to include the filing fee may result in a delay or rejection of the filing.
5. Refer to the [Practitioner's Page](#) for additional filing instructions and guidelines.
6. Submit completed Cover Page, CPCN Application Form, Attachment A, and all applicable Appendices via [CPUC Electronic Filing System](#).