

Docket	:	<u>K.25-06-013</u>
Exhibit Number:	:	<u>CD-1</u>
Commissioner	:	<u>N/A</u>
Admin Law Judge	:	<u>Theresa Moore</u>
Witness	:	<u>Sandy Lam</u>



COMMUNICATION DIVISION
California Public Utilities Commission

**Application of Barr Tell USA, LLC for a
Certificate of Public Convenience and Necessity
with Exhibit H, June 21, 2021**

San Francisco, California
August 1, 2025



FILED

06/21/21
08:00 AM

A2106015

**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 No. _____

[PUBLIC VERSION - REDACTED]

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
TELECOMMUNICATIONS SERVICES WITHIN CALIFORNIA

Pursuant to the California Public Utilities Code and the Rules of Practice and Procedure (the “Rules”) of the California Public Utilities Commission (the “Commission”), Barr Tell USA LLC (the “Applicant” or “Barr Tell”) hereby requests that the Commission issue a certificate of public convenience and necessity authorizing Barr Tell to operate as a competitive local exchange and interexchange carrier to provide for the resale and limited facilities - based competitive local exchange and interexchange telecommunications services throughout the State of California.

Pursuant to Articles 2 and 3 of the Rules, in support of this request, Barr Tell provides the following information:

1. Name of Applicant [Rule 2.1(a)].

Applicant's legal name is Barr Tell USA, LLC. Applicant is a California Limited Liability Company with its California office at: 5716 Corsa Ave., Suite 110 Westlake Village, CA 91362-7354 and its principal business address at 218 East Park Ave., Suite 522, Long Beach, NY 11561.

2. Correspondence or Communications [Rule 2.1(b)].

Correspondence or other communications regarding the application should be addressed to:

Harold Barr
Barr Tell USA LLC
218 East Park Ave., Suite 522
Long Beach, NY 11561
Phone: (212) 226-4420 x 1018
Fax: (212) 812-6405
Email: hb@bartell.com

Notices, orders and other papers may be served upon this person, and such service shall be deemed to be service upon the Applicant.

3. Description of Service to be Provided [Rules 2.1 / 3.1(e)].

BARR TELL seeks authority to provide for the resale of competitive local carrier ("CLC") services to business customers throughout the State of California. **BARR TELL** will facilitate the availability of broadband and related services, providing fully integrated "last mile" broadband solutions on an individual case by case basis. **BARR TELL** proposes to provide data private line and data network services, managed virtual private network (VPN) configurations. and backhaul/transport connectivity. **BARR TELL** proposes to provide these services using the facilities and services of other

Carrier providers and/or its own facilities. This includes supplying the essential necessary equipment, such as routers, hubs and/or associated electronics, which **BARR TELL** shall install only within already existing structures.

4. California Environmental Quality Act (CEQA) Compliance [Rule 2.4].

BARR TELL intends to provide service as a reseller of CLEC services using the existing facilities and services furnished by other authorized California Carriers. Therefore, it can be seen with certainty that the granting of this Application will not have an adverse impact on the environment.

Pursuant to the CPUC CEQA Rules: Rule 2.4 (CEQA Compliance), specifically Rule 2.4(b) and Rule 2.4(c) **BARR TELL** does not require a Proponent's Environments Assessment ("PEA")

5. Description of Proposal Construction [Rule 3.1(a)].

BARR TELL will not construct any facilities and will not extend any existing facilities within California to provide in the resale of CLEC services proposed herein. Instead, BARR TELL intends to provide its services using services and facilities of other carriers or its own facilities, which BARR TELL will install within already existing structures and/or infrastructures.

6. Names of Competitors and Names of Cities or Counties [Rule 3.1(b)].

BARR TELL will provide competitive local service in competition with those other carriers authorized by the Commission to provide similar services. BARR TELL notes that pursuant to Commission Decision No. 97-06-107, CLCs are not required to comply with Rule 3.1(b). Applications such as the instant application are exempt from the

requirements of this Rule. Thus, BARR TELL has not mailed its application to **all** potential competitors and counties. BARR TELL will, however, provide **a** copy of its application upon request to potential competitors **and anyone who might request one**.

7. Areas of Service [Rule 3.1(c)].

BARR TELL seeks authority to provide its services in those exchanges where the Commission has authorized local competition. A map illustrating the BARR TELL's proposed service area is attached hereto as Exhibit "C."

8. Identification of Required Franchise and Health and Safety Permits [Rule 3.1(d)].

Any necessary health and safety permits required for BARR TELL to operate as a limited facilities-based reseller of CLC services will be obtained from the appropriate city or county agencies. BARR TELL will abide by all applicable local permitting requirements in carrying out any activities authorized by the Commission. As a Commission certified public utility, no municipal franchises are required or necessary {See Public Utilities Code §7901}.

9. Facts Showing Public Convenience and Necessity [Rule 3.1(e)].

BARR TELL submits the following in support of its belief **and** position that the public convenience **and** necessity require Commission approval **of** its application:

- A. The Commission has previously determined **that** the public convenience **and** necessity require **that** competition be allowed in the provision of local exchange service. {See R.95-04-043/I.95-04-33}.
- B. BARR TELL's proposed services will be designed to meet the telecommunications needs of subscribers and permit subscribers to

realize cost savings in communication services.

- C. Commission approval of the instant application will reaffirm the principle of competition in the telecommunication market within California and benefit California telecommunication service users by providing (i) lower-priced and better quality service; (ii) innovative telecommunications services; (iii) efficient use of existing communications resources and increased diversification and reliability in the supply of communications services; and (iv) development and expansion of the telecommunications industry in California with attendant employment opportunities for California customers.
- D. Title 47 U.S.C. §253(a) establishes a nations policy favoring competition in the provision of telecommunication services and prohibiting any regulation or other legal requirement that prohibits or has the effect of prohibiting any entity from provide a telecommunications service.
- E. Grant of this application will benefit the public interest by expanding the availability of technologically advanced telecommunications within the state of California.

10. Estimated Cost of Construction, Annual Fixed and Operating Costs and Economic Feasibility [Rules 3.1(f) anal 2.3].

BARR TELL initially intends to operate using a combination of unbundled network elements (if available) and wholesale services acquired from other authorized carriers.

BARR TELL has no plans to construct any facilities of its own. **BARR TELL** expects to fund its acquisition of facilities and services through financing procured from private sources and through revenue generated by current and ongoing operations.

11. Financial Statements and the Ability to Finance [Rules 3.1(g) and 2.3].

BARR TELL is financially qualified to offer the telecommunications services for which authority is sought in this application. Attached as Confidential (MFUS) Exhibit “D” are copies of the **Parent Company of BARR TELL, i.e. Telebroad’s** bank statements for the last four months; Jan 1 – April 30, 2021. As the Applicant’s parent company, Telebroad will also serve as Barr Tell USA’s Guarantor and thereby guarantees the availability of \$250,000.00 in cash or cash equivalent. Please see Letter of Guarantee as Confidential (MFUS) Exhibit E. This is consistent with the requirements of CPUC Decisions No. 95-12-056-

In addition, pursuant to General Order 66-C and Rule 11.4, **BARR TELL** requests confidential treatment of Confidential Exhibit “D and E” in its Motion for Leave to File Confidential Materials Under Seal (“Motion”) filed concurrently with this application, as **BARR TELL** believes that the information filed under seal is highly proprietary and commercially sensitive.

Please note that in other States (FL, NY, NJ, PA, MA, MD, DC and IL) where Barr Tell is already licensed and operates as a CLEC, Barr Tell has existing Interconnection agreements with all of the major ILECs {AT&T; Frontier (et al); Consolidated Communications; CenturyLink, Verizon and Windstream}, i.e. collectively, the “Uniform Regulatory Framework Incumbent Local Exchange Carriers,” or “URF ILECs” to purchase services for resale and exchange local voice traffic it does not yet have these agreements in the State of California. Notwithstanding the foregoing, the documents submitted as Confidential Exhibits “D” & “E” establish BARR TELL’s access to unencumbered cash and

other readily available liquid resources in the amount of sufficient to cover any deposits that may be required by any underlying carriers and/or for other expenses. With respect to deposits, Applicant is unable to ascertain at this time the amounts, if any, of any deposits that will be required since it already has these similar agreements. Of course, deposit requirements may vary from vendor to vendor and may depend on the type and volume of services or facilities, but regardless Barr Tell stand ready to cover these if necessary. If any deposits are required, the Applicant does not expect the total amount will exceed \$25,000.00 for any one relationship and therefore, consistent with Commission practice, the total amount of guarantees submitted herewith demonstrate access to such additional amounts.

Thus, BARR TELL fully meets the financial qualifications set forth in the Initial Rules for Competitive Local Exchange Carriers issued in D.95-07-054 and D.96-02-072 and Rule 3.1(g) of the Rules.

12. Proposal Rates [Rule 3.1(h)].

BARR TELL's proposed competitive local carrier **Tariff** setting forth its rules is attached hereto as Exhibit "F." Pursuant to CPUC General Orders, General Order 96-B, Rules for filing and publishing tariffs for telephone utilities and Appendix B to D of D.95-07-054: Adopting initial rules for CLCs in Appendices A and B. The decision and appendices contain Consumer Protection Rules

13. General Order 104-A Statement [Rule 3.1(i)].

BARR TELL is not a publicly traded company, and has no proxy statements, 10-Ks or annual reports to provide. Further, **BARR TELL** states that none of its officers, directors or stockholders, whether recorded beneficial owners of stock, have a material

financial interest (as that term is defined in Section 2 of General Order 104-A) in any transaction involving the purchase of materials or equipment, or the contracting, arranging or paying for construction, maintenance or service for or on behalf of **BARR TELL**.

14 Expected Customer Base [Rule 3.1(j)].

BARR TELL estimates that the total number of end user customers served at the end of its first year of service will be sixty (60) to eighty (80) customers. BARR TELL also estimates that service will be provided to approximately three hundred (300) to five hundred (500) end user customers at the end of its fifth year'.

15 Managerial and Technical Competence.

BARR TELL has the managerial and technical qualifications necessary to provide the proposed services to customers in its service territory. **BARR TELL** is a twenty-two (22) year old company with its principal business of providing services as a telecommunications carrier in multiple states. Attached collectively as CONFIDENTIAL Exhibit "G" are the biographies of its key management team and technical director, who will lead the personnel and provide oversight to BARR TELL's operations. These biographies reflect that BARR TELL possesses significant managerial and technical expertise for operating a telecommunications company, consistent with the Commission's requirements.

16. Demonstration of Compliance with Commission Rules.

Attached as Exhibit "A" to this Application is a schedule listing of BARR TELL's Demonstration of Compliance with the requirements of the Commission's Rules governing the issuance of CPCNs.

17. SB 960 Compliance — Scoping Memorandum Information [Rule 2.1(c)].

In accordance with the Commission's Rules, **BARR TELL** provides the following information:

a. Proposed Categorization: Applicant proposes that the Commission classify this proceeding as 'ratesetting'. Although this application does not affect rates, the definitions of "adjudicatory" or "quasi-legislative" as set forth in Rule 1.3(a) and (d) clearly do not apply to this application. Rule 7.1(e) 2 specifies that when a proceeding does not clearly fit any of the categories, it should be conducted under the ratesetting procedures. In addition, Rule 1.3(e) defines ratesetting proceedings to include "other proceedings" that do not fit clearly into any other category proposes the following schedule and review of this Application:

b. Need for hearing: No hearings are necessary for the Commission to address BARR TELL's matters in this Application as it is non-controversial and does not raise any material issues of fact.

c. Issues to be considered: Whether BARR TELL is qualified to provide resold and full facilities-based competitive local exchange and interexchange services in California.

d. Proposed Schedule: Barr Tell proposes the following schedule:

Application filed: June 1, 2021

Protests due: 30 days after appearance of Application on Commission

Daily Calendar

Final Decision Adopted: 90 days after submission

CONCLUSION

Applicant respectfully requests that the California Public Utilities Commission grant it a
Certificate of Public Convenience and Necessity to provide:

- (i) resold and competitive local exchange service in the territories currently served by AT&T, Frontier Communications, and Consolidated Communications; and any other ILEC where applicable
- (ii) Interexchange services as an Interexchange carrier on a statewide basis.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Harold Barr", with a horizontal line extending to the right.

Harold Barr, President
Barr Tell USA, LLC

EXHIBIT H

SWORN VERIFICATION AFFIDAVIT

(Pursuant to D.13-05-035, Attachment B)

Barr Tell USA, LLC

My name is Harold Barr. I am the President of Barr Tell USA, LLC (Applicant). My personal knowledge of the facts stated herein has been derived from my employment and being the founder of Barr Tell USA, LLC (Applicant)

I affirm that Barr Tell USA, LLC [Applicant]:

- agrees to comply with all federal and state statutes, rules, and regulations, (state whether application is for a Certificate of Public Convenience and Necessity (CPCN), Transfer, Merger, etc.) and state contractual rules and regulations, if granted the request as stated in this application; and
- Certifies that all answers to the attached Application for CPCN are true and correct;
- In the event Applicant's request for a CPCN or Wireless Identification Registration is granted, Applicant agrees to post a continuous bond (i.e., there is no termination date on the bond) performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, I will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.

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.



Harold Barr, President, Barr Tell USA, LLC

Dated: May 25, 2021