

Decision \_\_\_\_\_

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

Application of Advanced Technology Distributors, Inc. d/b/a Adtech, for a Certificate of Public Convenience and Necessity to Provide Resold and Limited Facilities-Based Competitive Local Exchange, Interexchange Access and Non-Dominant Interexchange Services.

Application 11-05-024  
(Filed May 23, 2011)

**DECISION GRANTING ADVANCED TECHNOLOGY DISTRIBUTORS, INC.  
D/B/A ADTECH A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY IN ORDER TO PROVIDE RESOLD AND LIMITED-FACILITIES  
BASED LOCAL EXCHANGE SERVICE AND NON-DOMINANT  
INTEREXCHANGE SERVICES**

**Summary**

Advanced Technology Distributors, Inc., d/b/a Adtech, filed an application for a certificate of public convenience and necessity for authority to provide resold and limited facilities-based local, interexchange access, and non-dominant interexchange telecommunications services in the state of California, subject to the terms and conditions set forth below. This application is unopposed. This proceeding is closed.

**Background**

In prior decisions, we have authorized the provision of competitive local exchange service,<sup>1</sup> by carriers meeting specified criteria, within 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 (Frontier), and SureWest Telephone (SureWest).

Advanced Technology Distributors, Inc., d/b/a Adtech (Applicant), a California corporation, filed an application for a CPCN to provide resold and limited facilities-based telecommunications services in the service territories of Pacific Bell, Verizon, SureWest, and Frontier's service territories. Furthermore, applicant requests authority as a non-dominant interexchange carrier for the entire State of California. Applicant's principal place of business is located at 1571 East Whitmore Avenue, Ceres, California, 95307. Applicant's telephone number is 209-541-1111.

**California Environmental Quality Act (CEQA)**

The CEQA requires the 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. Applicant will provide its service through the use of existing facilities and network elements of other carriers and/or through its own facilities, installed within existing buildings and

---

<sup>1</sup> A competitive local exchange carrier (CLEC) is a common carrier that is issued a certificate of public convenience and necessity (CPCN) to provide local exchange telecommunications service for a geographic area specified by such carrier.

structures, and has no other plans for constructing other facilities at this time. Therefore, it can be seen with certainty that there is no possibility that granting this application will have an adverse impact upon the environment. Applicant must file for additional authority, and submit to any necessary CEQA review, before it can construct facilities.

We have previously determined that the public convenience and necessity require that competition be allowed in the provision of competitive local exchange service, R.95-04-043/I.95-04-044. Granting this application will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

### **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.<sup>2</sup> An applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by local exchange carriers and/or interexchange carriers (IECs) in order to provide the proposed service.<sup>3</sup>

Applicant provided six months of bank statements demonstrating that it has \$100,000 plus sufficient resources to satisfy deposits that may be necessary for one year following certification. Since Applicant has provided

---

<sup>2</sup> The financial requirement for CLECs is contained in Decision (D.) 95-12-056, Appendix C.

<sup>3</sup> The requirement for CLEC applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying LECs and/or IECs is set forth in D.95-12-056, Appendix C.

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.

### **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.<sup>4</sup> Applicant supplied biographical information on its management that demonstrated that it has sufficient expertise and training to operate as a telecommunications provider.

Applicant represents that no one associated with or employed by Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant 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 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 Applicant is in compliance with the requirements of D.95-12-056.

---

<sup>4</sup> D.95-12-056 at Appendix C, Rule 4.A.

**Tariffs**

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

**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.<sup>5</sup> Applicant provided a map of the location of its proposed service territory, in compliance with this requirement.

**Expected Customer Base**

Applicant provided its estimated customer base for the first and fifth years of operation in Exhibit 3 of its application. Therefore, Applicant has complied with this requirement.

**Request for Treatment as Non-dominant Carrier**

Applicant requests treatment as a non-dominant interexchange carrier, which would include exemption from the requirements of Pub. Util. Code §§ 816-830 concerning stocks and security and § 851 concerning the encumbrance and transfer of utility property. The Commission detailed its rules regarding exemption of non-dominant carriers in D.85-01-008, and subsequently modified in D.85-07-081 and D.85-11-044. We grant Applicant's request for non-dominant interexchange carrier status, provided that they follow all rules detailed in the above referenced decisions.

---

<sup>5</sup> D.95-12-056 at Appendix C, Rule 4.E.

**Conclusion**

We conclude that the application conforms to our rules for certification as a competitive local exchange and interexchange carrier. Accordingly, we approve the application subject to the terms and conditions set forth herein.

**Motion for Protective Order**

Pursuant to Pub. Util. Code § 583 and General Order (GO) 66-C, Applicant requests that the financial information and expected number of customers in the first and fifth years be kept under seal. Applicant represents that the information is proprietary and sensitive, and the information, if revealed, would place Applicant at an unfair business disadvantage. We have granted similar requests in the past and will do so here.

All sealed information should remain sealed for a period of two years after the effective date of this order. If applicant believes that further protection of the sealed information is needed beyond the two years, applicant shall comply with the procedure set forth in Ordering Paragraph 15.

**Categorization and Need for Hearings**

In Resolution ALJ 176-3275, dated June 9, 2011 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.

**Comments on Proposed Decision**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 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.

### **Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Melissa K. Semcer is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. Notice of the application appeared on the Daily Calendar on May 26, 2011. No protests have been filed. A hearing is not required.

2. In prior decisions, the Commission authorized competition by carriers meeting specified criteria in providing local exchange telecommunications services within the service territories of Pacific Bell, Verizon, SureWest and Frontier.

3. Applicant 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. Applicant 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. Applicant'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 Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant 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, Applicant's draft tariffs comply with the Commission's requirements.

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

9. Applicant will not be constructing facilities except within existing buildings or structures.

10. Advanced Technology Distributors d/b/a Adtech provided an estimate of its customer base for the first and fifth year of operation.

11. Public disclosure of the financial information and expected number of customers filed under seal would place Applicant at an unfair business disadvantage.

### **Conclusions of Law**

1. Applicant has the financial ability to provide the proposed service.

2. Applicant has sufficient technical expertise to operate as a telecommunications carrier.

3. Public convenience and necessity require that Applicant's resold and limited facilities-based competitive local exchange, interexchange access, and non-dominant interexchange services be subject to the terms and conditions set forth herein.

4. Since Applicant will not be constructing any facilities, except within existing buildings or structures, it can be seen with certainty that there will be no significant effect on the environment.

5. The application should be granted to the extent set forth below.



6. Applicant, once granted a CPCN, should be subject to the applicable Commission rules, decisions, General Orders, and statutes that pertain to California's public utilities.

7. Applicant's initial tariff filing must correct the deficiencies noted in its draft tariffs as indicated in Attachment A to this decision.

8. Because of the public interest in competitive local and interexchange services, the following order should be effective immediately.

9. Applicant's request to file its financial information under seal should be granted for two years.

10. Applicant should be granted non-dominant interexchange carrier status, subject to Commission rules and regulations as detailed in D.85-01-008 and modified in D.85-07-081 and D.85-11-044.

## **O R D E R**

### **IT IS ORDERED** that:

1. A certificate of public convenience and necessity is granted to Advanced Technology Distributors d/b/a Adtech to provide resold and limited facilities based competitive local exchange, and non-dominant interexchange telecommunication services subject to the terms and conditions set forth below.

2. Advanced Technology Distributors d/b/a Adtech is authorized to provide local exchange service in the service territories of Pacific Bell Telephone Company, Verizon California Inc., SureWest Telephone, and Citizens Telecommunications Company of California, Inc., d/b/a Frontier Communications of California, and is authorized to provide interexchange services in the entire State of California.

3. Advanced Technology Distributors d/b/a Adtech (Applicant) is authorized to provide service on a detariffed basis to the extent permitted by

General Order 96-B, Telecommunications Industry Rules. Accordingly, Applicant must post all detariffed rates, terms and conditions of service on an Internet Site pursuant to General Order 96-B, Telecommunications Industry Rule 5.2. Applicant must notify affected customers, for any service not provided under tariff, of higher rates or charges, or more restrictive terms or conditions or withdrawal of service or transfer of ownership or customer base pursuant to General Order 96-B, Telecommunications Industry Rules.

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

5. Advanced Technology Distributors d/b/a Adtech is authorized to file tariff schedules for the provision of competitive local exchange services with the deficiencies noted in Attachment A corrected. Advanced Technology Distributors d/b/a Adtech may not offer tariffed services until tariffs are on file. Advanced Technology Distributors' d/b/a Adtech initial filing must be made in accordance with General Order 96-B, the Telecommunication's Industry Rules. Advanced Technology Distributors d/b/a Adtech must comply with its tariffs.

6. The corporate identification number assigned to Advanced Technology Distributors d/b/a Adtech, U-7219-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.

7. 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, Advanced Technology Distributors d/b/a Adtech 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.

8. Advanced Technology Distributors d/b/a Adtech 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.

9. Advanced Technology Distributors d/b/a Adtech 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. Under Public Utilities Code § 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. Therefore, carriers should report user fees even if the amount due is \$0.

10. Prior to initiating service, Advanced Technology Distributors d/b/a Adtech 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. This information must be updated if the name or telephone number changes, or at least annually.

11. Advanced Technology Distributors d/b/a Adtech 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. Advanced Technology Distributors d/b/a Adtech 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. Advanced Technology Distributors d/b/a Adtech 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. Advanced Technology Distributors d/b/a Adtech must file a tariff within 12 months of the effective date of this order, or its certificate will be cancelled.

15. All sealed information shall remain sealed for a period of two years after the effective date of this order. After two years, all such information shall be made public. If Advanced Technology Distributors d/b/a Adtech (Applicant) believes that further protection of sealed information is needed beyond two years, Applicant may file a motion stating the justification for further withholding of the sealed information from public inspection. This motion shall be filed no later than 30 days before the expiration of the two-year period granted by this order.

16. Advanced Technology Distributors d/b/a Adtech is not authorized to construct facilities other than those to be installed in existing buildings and structures.

17. Application 11-05-024 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**Attachment A**  
**Page 1**

List of deficiencies in draft tariff submitted by Advanced Technology Distributors d/b/a Adtech, in A.11-05-024 which must be corrected in its tariff compliance filing:

1. Discontinuance of service: Rule 6 - 6.B.2(5) Appendix B D.95-07-054  
Notices – Discontinuance of service notice by CLC. The company shall include the procedure the customer may use to request amortization of the unpaid charges.
2. Prorating of Bills: Rule 7 Appendix B D.95-07-054  
Prorating of bills shall use a 30day month to calculate the pro-rata amount. Prorating shall apply only to recurring charges incurred during the billing periods. All nonrecurring and usage charges incurred during the billing period shall be billed in addition to prorated amounts.
3. The company must offer ULTS service if offering residential service.
4. CPUC assigned utility number 7219 should be included on each sheet in the upper left header along with company name and address.
5. Blocking Access to 900 and 976 Information Services: Rule 15 Appendix B, D.95-07-054. The company shall inform customers of the availability of this service at the time that service is ordered. This service is offered free of charge to residential customers, although a fee may be charged if the customer asks to deactivate the blocking.

**(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,<sup>1</sup> 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 current 1.15% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 879; Resolution T-17071, dated March 1, 2007, effective April 1, 2007);
- b. The current 0.20% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073 and Resolution T-17127, dated December 20, 2007, effective January 1, 2008);
- c. The user fee provided in Pub. Util. Code §§ 431-435, which is 0.18% of gross intrastate revenue (Resolution M-4819), dated June 7, 2007, effective July 1, 2007;
- d. The current 0.00% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost

---

<sup>1</sup> Written acceptance filed in this docket does not reopen the proceeding.

- Fund-A (Pub. Util. Code § 739.3; D.96-10-066, pp. 3-4, App. B, Rule 1.C; Resolution T-17299, dated November 19, 2010, effective December 1, 2010);
- e. The current 0.30% surcharge (effective December 1, 2009) applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-B (D.96-10-066, p. 191, App. B, Rule 6.F.; D.07-12-054, Resolution T-17311, dated March 24, 2011, effective May 1, 2011.);
  - f. The current 0.14% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Advanced Services Fund (D.07-12-054); Resolution T-17248, dated December 17, 2009, effective January 1, 2010; and
  - g. The current 0.079% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Teleconnect Fund (D.96-10-066, p. 88, App. B, Rule 8.G; Resolution T-17142, dated April 29, 2008, effective June 1, 2008).

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 (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.

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. 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. This information must be updated if the name or telephone number changes, or at least annually.
8. 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.
9. Applicant must notify the Director of the Communications Division in writing of the date local service is first rendered to the public within five days after service begins.
10. Applicant must keep its books and records in accordance with the Generally Accepted Accounting Principles.
11. 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.
12. 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.
13. 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.



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

15. 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.

16. 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.

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

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

19. 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.

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

21. 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 31<sup>st</sup> 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 March 31st 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)**