

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: February 22, 2005	2. BUREAU AGENDA NO. MAR-2005-FUS-0412* <i>R</i>
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Telecommunications	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: R. Rosenthal 3-5242 <i>RR</i> Mgr/Spvr: J. Tuzinski 3-6175 <i>JT</i> Legal Review: A. Arnold <i>AA</i> 7-8032	March 3, 2005
7. PERSONS IN CHARGE: Staver/Metcalf 7-5155	9. EFFECTIVE DATE OF FILING: N/A
8. DOCKET NO.: A-311328; A-311328F0002	

DOCKETED
MAR 29 2005

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

- (a) Application of InterGlobe Communications for approval to offer, render, furnish, or supply telecommunications services as a Reseller of Interexchange Toll Services and as a Competitive Local Exchange Carrier to the public in the Commonwealth of Pennsylvania.
- (b) The Application was filed on May 25, 2004. No protests were filed and no hearings were held.
- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

**DOCUMENT
FOLDER**

10. **MOTION BY:** Commissioner Chm. Holland

Commissioner Pizzigrilli - Yes
Commissioner
Commissioner

SECONDED: Commissioner Bloom

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

MARCH 3, 2005

A-311328
A-311328F0002

CAREY ROESEL
TECHNOLOGIES MANAGEMENT INC
PO DRAWER 200
WINTER PARK FL 32790-0200

DOCKETED
MAY 09 2005

Application of Interglobe Communications for approval of the right to begin to offer, render, furnish, or supply telecommunication services as a reseller of Interexchange Toll Services and as a Competitive Local Exchange Carrier, to the Public, in the Commonwealth of Pennsylvania.

**DOCUMENT
FOLDER**

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on March 3, 2005 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

fg
encls
cert. mail

AL MAYERHOFF PRESIDENT
INTERGLOBE COMMUNICATIONS
101 TYRELLAN AVENUE
STATEN ISLAND NY 10309

BTL

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held March 3, 2005

Commissioners Present:

Wendell F. Holland, Chairman
Robert K. Bloom, Vice Chairman
Kim Pizzingrilli

DOCKETED
MAY 09 2005

Application of InterGlobe Communications for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311328

Application of InterGlobe Communications for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311328F0002

**DOCUMENT
FOLDER**

ORDER

BY THE COMMISSION:

On May 26, 2004, InterGlobe Communications (Applicant) filed Applications seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*, (TA-96)¹ and to Chapter 11 of

¹ Market entry requirements, in light of the policy objectives of the TA-96, for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (*Implementation Order*: June 3, 1996; and *Implementation Reconsideration Order*: September 9, 1996).

the Public Utility Code (Code) (66 Pa. C.S. §1101, *et seq.*) evidencing authority to provide the following telecommunication services to primarily business customers:

- (1) As a Reseller of intraLATA and interLATA Interexchange Toll Services (IXC) throughout the Commonwealth of Pennsylvania
- (2) As a facilities-based and reseller of Competitive Local Exchange Carrier (CLEC) services in the service territories of Verizon Pennsylvania Inc. and Verizon North Inc. (The ILECs) within the Commonwealth of Pennsylvania

The Applicant complied with notice requirements set forth in our Implementation Orders² by serving a copy of its Application upon the ILECs. No protests were filed. No hearings were held.

The Applicant is a foreign corporation with its principal place of business at 101 Tyrellan Avenue, Staten Island, NY 10309, phone (718) 967-7280, fax (718) 967-7282. Correspondence to resolve complaints may be directed to Mr. Al Mayerhoff, President, at company headquarters. The Applicant's registered office provider is Corporation Guarantee and Trust Company, Two Greenwood Square, Suite 110, 3331 Street Road, Bensalem, PA 19020. The Applicant has complied with 15 Pa. C.S. §8981, relating to a foreign business limited liability corporation. The Applicant will not be using a fictitious name. The Applicant has no affiliates doing business in Pennsylvania or outside of Pennsylvania. The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing.

² Id.

The Applicant proposes to offer facilities-based local exchange telecommunications services primarily to business customers throughout the State initially using unbundled network element platforms (UNE-P). Local exchange services include basic local service, PBX trunk service, direct inward dialing, optional calling features, and listing services. The Applicant will offer these services in conjunction with its interexchange toll services, which include inbound and outbound interexchange telecommunications services to business customers, utilizing switched and dedicated access.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.³ A CLEC applicant is expected to adhere to the requirements relative to universal service, as initially set forth or as subsequently enlarged or modified.⁴ Also, per federal rules CLECs are required to ensure the efficient usage of their numbering resources and are required to semi-annually report their utilization and forecast data to the North American Numbering Plan Administrator. See 47 C.F.R. § 52.5 et seq. Any CLEC failing to comply with state and/or Commission orders related to numbering may be subject to the reclamation of their numbering resources as well as fines pursuant to the Public Utility Code, 66 Pa. C.S. §3301. See *Implementation of Numbering Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released March 31, 2000 – NXX Code Reclamation*, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa. B. 4701 (September 2, 2000) (Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers).

³ See, e.g., *MFS, Intelenet, et al.*, Docket Nos. A-310203, F0002, *et al.*, (October 4, 1995; July 31, 1996; and August 7, 1997); *Pa. PUC v. Bell*, Docket No. R-00963578; *Pa. PUC v. GTE*, Docket No. R-0093666, *Global Order*, Docket Nos. P-00991648 and P-00991649, as well as other CLEC proceedings.

⁴ *Universal Service Invest.*, Docket No. I-00940035 (January 28, 1997).

Further, Section 253(b) of the TA-96 permits a state Commission to impose, on a competitively neutral basis and consistent with the Universal Service Section, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunication services, and safeguard the rights of consumers. In response, we articulated explicit concerns relative to an applicant's financial fitness, tariff compliance, and rates.⁵

The Commission requires that Applicants seeking to provide local telecommunications services in Pennsylvania take steps to protect the public safety of consumers.⁶ One means of ensuring the public safety of consumers in the increasingly competitive telecommunications marketplace is to ensure that new entrants provide their consumers with access to a seamless communications infrastructure for emergency services, such as 911. Therefore, in accordance with the notarized Affidavit (item no. 22 in the Application), the Applicant avers that it has contacted each county or municipal authority where it intends to provide CLEC telecommunications service and made the necessary arrangements for the provisioning of emergency 911 service.

Prior to approving an application for authority to provide local telecommunications services in Pennsylvania, the Commission seeks to ensure the financial fitness of the Applicant. In this case, the Applicant has provided financial information to support its Applications. We therefore conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication services as a CLEC and as an IXC reseller.

66 Pa C.S. §3018(b)(2) gives IXCs the option to file with the Commission tariffs or price lists that incorporate the rates for their competitive telecommunications

⁵ *Blue Ribbon*, Docket No. A-310442 (April 25 and August 4, 1997).

⁶ See 47 U.S.C. §253(b)

services. Thus, IXCs are no longer required to file with the Commission informational tariffs or price lists for their competitive services.⁷ Alternatively, IXCs can file tariffs and tariff supplements with the Commission for their competitive service rates or conditions of service; any such filings will become effective on one day's notice. If the Company elects to file a tariff, it must inform the Commission within the time frame specified in our ordering paragraphs.

We conclude that the Applicant has met the requirements for certification as an IXC Reseller and as a CLEC, consistent with this Order. Premised upon our review of the Applications and the proposed tariffs, and consistent with our Orders, the Code, our Regulations and the TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy. We note, however deficiencies in the proposed tariffs. See Appendix A.

We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.⁸ The Applicant shall thereafter file its Initial Tariffs reflecting the requested changes on or before sixty (60) days from the date of entry of this Order. Copies of the Initial Tariffs shall also be served upon the same entities receiving service of the original Applications, including the ILECs. If the time required for such resolution and filing exceeds sixty (60) days, the Applicant may request an extension of an additional sixty (60) days with the Commission's Secretary. Thus, if the Initial Tariffs are not filed within 60 days (120 days including the extension) of the entry of this Order, the Applications will be dismissed and the authority granted herein will be revoked without further Commission Order. To the extent that the

⁷ See Secretarial Letter dated February 4, 2005 at Docket No. M-00051869.

⁸ Michael Metcalf, (717) 783-6161, is the FUS contact. Regardless of the review process, any tariff provision inconsistent with the provisions of the Code, the TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213).

proposed tariffs contain rates, the Initial Tariffs may become effective on one (1) day's notice from the date upon which they are filed and served.

Conclusion

Accordingly, we shall grant the Applications. The Applicant has had provisional authority under our *Implementation Order* (p. 7, para. B.1.c.4) and our *Implementation Reconsideration Order* (p. 5) to provide the proposed IXC reseller and CLEC services pursuant to its proposed tariffs during the pendency of the application process. Upon the establishment of filed rates and the approval of the Initial Tariffs, a Certificate of Public Convenience shall be issued evidencing the Applicant's authority to provide services as a CLEC in the service territories of Verizon Pennsylvania Inc. and Verizon North Inc. consistent with this Order and our decisions in the *MFS* and such other proceedings; **THEREFORE,**

IT IS ORDERED:

1. That the Application of InterGlobe Communications at Docket No. A-311328, for authority to operate as a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.
2. That a certificate of public convenience be issued authorizing InterGlobe Communications to furnish services as a Reseller of Interexchange Toll Services within the Commonwealth .
3. That InterGlobe Communications may file with the Secretary's Bureau, within 60 days after entry of this Order, an initial tariff reflecting the same rates, rules and regulations as contained in its proposed Reseller tariff, but revised as provided in

Appendix A of this Order. The Initial Interexchange Tariff shall be labeled "Interexchange Reseller Toll Tariff." Absent such filing, the Commission will presume that InterGlobe Communications has selected to use a price list for its services in accordance with Ordering Paragraph No. 17 and 66 Pa. C.S. §3018.

4. That the Application of InterGlobe Communications at Docket No. A-311328F0002, for authority to operate as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc. and Verizon North Inc. is granted, consistent with this Order.

5. That the Applicant is directed to revise its proposed tariffs to reflect the changes noted in Appendix A of this Order. **The Applicant is directed to identify any changes made to the proposed initial tariffs that are in addition to the changes noted in Appendix A.**

6. That the Applicant shall file its Initial Competitive Local Exchange Tariff and Switched Access Tariff consistent with the requisite changes noted in Appendix A of this Order, within sixty (60) days after the date of entry of this Order. The Applicant shall serve copies of its Initial Tariff on each entity receiving a copy of the original Application. The Initial Tariff may become effective on or after one (1) day's notice from the date upon which they are filed and served. The Initial Competitive Local Exchange Carrier Tariff shall be labeled "Competitive Local Exchange Carrier Tariff." The Switched Access Tariff shall be labeled "Switched Access Tariff".

7. That the Applicant shall comply with all the provisions of the Public Utility Code, as now exist or as may be hereafter amended, and with all pertinent rules, regulations, and Orders of this Commission, now in effect or as may be prescribed by this Commission, including but not limited to: the *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; the *Universal Service Investigation*, Docket No. I-00940035; the

Global Order, Docket No. P-00991648, *et al.*, and the *NXX Code Reclamation*, Docket No. M-00001373.

8. That if the Applicant expands its local service into new counties in its currently authorized area of Verizon Pennsylvania Inc. and Verizon North Inc., Applicant shall contact the appropriate 911 coordinators, complete an Application for 911 Service for each, and provide the service list to said 911 coordinators with its tariff revisions as verification that arrangements are underway for the provisioning of Emergency 911 service in the additional exchanges.

9. That if the Applicant should desire to expand its service territory to that of additional incumbent local exchange carriers, Applicant shall file an Application to amend its Certificate of Public Convenience and comply with all the requirements of the Application including the completion of the affidavit and requirements thereto concerning Emergency 911 service.

10. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right to the Applicant.

11. That the Applicant maintain separate accounting systems for its Interexchange Carrier and Competitive Local Exchange Carrier operations.

12. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within 30 days of this Order.

13. That the Applicant shall make 711 abbreviated dialing available to access Telecommunications Relay Service and to arrange its switching equipment to translate these calls to the assigned toll-free number, (888) 895-1197, in order to route calls to the Telecommunications Relay Service Provider, in accordance with Commission's Order entered on February 4, 2000 at Docket No. M-00900239.

14. That in the event that the Applicant has not, on or before sixty (60) days (120 days including an approved extension) from the date of entry of this Order, complied with the requirements set forth herein, the Applications at Docket No. A-311328F0002 may be dismissed and the authority granted herein revoked without further Commission Order.

15. That upon the establishment of filed rates and the approval of the Initial Competitive Local Exchange and Switched Access Tariffs at docket A-311328F0002, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc., and Verizon North Inc. consistent with this Order.

16. That changes and/or additions made to the approved, filed tariff shall be made in the form of supplements, consecutively numbered in the order of their filing dates, and the tariff designation shall be in the following manner: Supplement No. __ to Tariff Telephone Pa. P.U.C. No. ____.

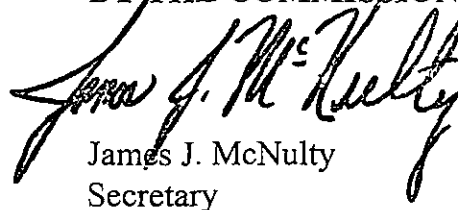
17. That the Applicant shall add its Pennsylvania tariff(s) or price list to its website, if it has one. If the Applicant does not maintain a website, the PA Public Utility Commission will host its tariff(s) on the Commission's website.

- a. Within 30 days of the filing of its initial tariff(s), the Applicant shall add the tariff(s) to its website and mark it "Pending."
- b. Within 30 days of receipt of its Certificate(s) of Public Convenience, the Applicant shall make any required modifications to the tariff(s) on its website and remove the "Pending" notation. Thereafter the Applicant will continually update the website whenever any supplemental revisions to the tariff(s) are approved by the Commission such that the website tariff(s) is a true and accurate representation of its tariff(s) on file with the Commission.

- c. The Applicant shall contact Cyndi Page (717-787-5722; cypage@state.pa.us) of the Commission's Communications Office, to create a link from the Commission's website to the Applicant's website.
- d. If the Applicant does not maintain a website, the Applicant shall contact Cyndi Page to have its tariff(s) added to the Commission's website; and to update the tariff upon subsequent approval of supplemental revisions to the tariff(s).

18. That if the Applicant plans to cease doing business within the Commonwealth of Pennsylvania, it shall request authority from the Commission for permission prior to ceasing.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: March 3, 2005
ORDER ENTERED: **MAR 03 2005**

InterGlobe Communications
 Dockets Nos. A-311328; A-311328F0002
 Proposed tariffs for Reseller of Interexchange Toll Services
 And Competitive Local Exchange Carrier Service

InterGlobe Communications (Applicant) is seeking Certificates of Public Convenience to provide telecommunications services as delineated above. The Applicant filed proposed initial tariffs for CLEC and IXC services with its Applications. The proposed tariffs contain certain deficiencies which are discussed herein. These deficiencies must be addressed by the Applicant before the tariffs can be approved and the Certificates of Public Convenience can be issued.

Please submit a copy of this Appendix with your revised compliance tariff. On that copy please note the page/sheet of the compliance tariff where the required revision is located for each item below.

Tariff deficiencies noted – IXC Reseller (A-311328)

1. Title Page – should reference the type of service to which the tariff applies – Reseller of Interexchange Toll Services. Also, put this heading on all tariff pages.
2. Original Page 4 – Change Codes as follows: (D) to signify decrease in rates and (C) to signify any other change.
3. Section 2 – Page 17 – Late Payment Charges – make reference that late payment charges for residential customers should not exceed 1.25% per month on the unpaid balance of the bill and may not include previously accrued late payment charges. Reference §64.16 In addition, provide an explanation of 220CMR26.10.

Tariff deficiencies noted – Competitive Local Exchange Carrier (A-311328F0002)

4. Title Page – should reference the type of service to which the tariff applies – Competitive Local Exchange Carrier Services in the service territories of Verizon Pennsylvania, Inc., and Verizon North, Inc.
5. Section 3 – Service Areas – provide reference to exchange maps in ILEC tariffs by tariff and section number.

6. Discontinuance of Service – Section 2.8 – Original Page 36 - tariff should make reference for customer who wishes to have service discontinued should provide at least five days written or oral notice to the company. Reference §64.53
7. Directory Assistance – Section 6, Page 2.– must offer residential customer two free directory assistance calls per month.
8. IntraLATA Presubscription Plan – tariff must contain language allowing its subscribers the ability to presubscribe to the carrier of their choice for both interLATA and intraLATA toll services in accordance with PUC Order at Docket No. I-00940034.
9. PA Telephone Relay Service – Section 6, Page 11 – language must be added to conform with attached sample and, beginning July 1, 2004, the rates of \$.07 per residential access line per month and \$.13 per business line per month will become effective.
10. 911 Emergency Service – language must be added to conform with the attached sample.
11. Disputed Bills – use language shown in Section 2.6.2.B. – Original Page 15 of the proposed IXC tariff.
12. Section 2.5.4 – Original Page 25 – Deposits – use language shown in Section 2.6.6 of the proposed IXC tariff.
13. Flat Rate Residential Service – all residential customers should be offered a flat rate with option of for per minute usage billing consistent with 66 Pa. C.S. §1324.
14. Call Blocking 900/976 and Toll Denial Services – must be offered for new customers and for the usage in the first instance should be offered free of charge. Reference 66 Pa. C.S. § 2905.
15. Section 6.2 – Directory Assistance Service – must offer residential customers two free directory assistance calls per month.
16. Restriction of Service – service should not be restricted to a certain class of customers. This means service must be offered to residential as well as business customers. If residential service is not offered, service should be made available to the residential customers at the business service rates.
17. Inconsistent Tariff – the tariff must contain the language that any portion of the tariff inconsistent with any provisions of the 52 Pa. Code will be deemed inoperative and superseded. Reference 52 Pa. §64.213.

18. No Switched Access tariff accompanied the instant application. Until a Switched Access tariff is filed the Carrier will not be allowed to impose access charges on other carriers.

Tariff deficiencies noted-Switched Access Tariff

19. Section 2-Original Page 15-Late Payment Fees-should not exceed 1.25% per month.
20. Section 5-Original Page 1-remove language regarding Bill and Keep. Company is required to negotiate interconnecting and/or traffic exchange agreements, as needed.