



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

IN REPLY PLEASE
REFER TO OUR FILE
A-310813

JUNE 27, 2000

LEROY PATTERSON
NUTEL PHONE SERVICE INC
213 HAWS AVENUE
NORRISTOWN PA 19401

DOCUMENT
FOLDER

DOCKETED
JUN 29 2000

Application of Nutel Phone Service, Inc. for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the public in the Commonwealth of Pennsylvania.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on June 22, 2000 in the above-entitled proceeding has adopted an Order.

An Order has been enclosed for your records.

Very truly yours

James J. McNulty
Secretary

smk
Enclosure
cert. Mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held June 22, 2000

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
Nora Mead Brownell
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

Application of Nutel Phone Service, Inc. 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-310813

ORDER

DOCKETED
JUN 29 2000

BY THE COMMISSION:

DOCUMENT FOLDER

On June 8, 1999, Nutel Phone Service, Inc. ("Nutel" or "Applicant"), filed an Application seeking a Certificate of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*, (TA-96)¹ and to Chapter 11 and 30 of the Public Utility Code (Code), 66 Pa. C.S. §1101, *et seq.*, and §§3001, *et seq.*, evidencing authority to provide telecommunication services as a Competitive Local Exchange Carrier (CLEC) on a resold basis in the Commonwealth of Pennsylvania. The Applicant proposes to market its services to low and moderate income residential and business customers with unestablished or no credit.

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*

This application complied with section 5.14 of our regulations, 52 Pa Code §5.14. relating to applications requiring notice. No protests were filed. No hearings were held..

The Applicant requests authority to provide services as a CLEC in the service territory of Bell Atlantic-Pennsylvania, Inc. The Applicant asserts that it will not be a rural telephone company. A copy of the Application was served upon Bell Atlantic-Pennsylvania, Inc.

The Applicant is a domestic corporation with its principal place of business at 213 Haws Avenue, Norristown, PA 19401. The Applicant will not be using a fictitious name. Correspondence to resolve complaints may be directed to Leroy Patterson at the principal place of business.

The Applicant is not currently doing business in Pennsylvania and has no affiliates or predecessors doing business either in Pennsylvania or outside of Pennsylvania. Furthermore, the Applicant has no affiliates providing service to or receiving service from the Applicant.

Telecommunications Act of 1996, Docket No. M-00960799 (Implementation Order: June 3, 1996; and Implementation reconsideration Order: September 9, 1996).

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.² A CLEC applicant is expected to adhere to the requirements relative to universal service and lifeline programs, as initially set forth or as subsequently enlarged or modified.³ Further, Section 253(b) of 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.⁴

The Applicant has provided financial information to support its Application. We, therefore, conclude that the Applicant has demonstrated that it is financially capable of providing CLEC services to the public.

We conclude that the Applicant has met the requirements for certification as a CLEC, consistent with this Order. Premised upon our review of the Application and the proposed tariff, and consistent with our Orders, the Code, our Regulations and TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy as contemplated by Section 3009(b)(4) of the Code. We note, however deficiencies in the proposed tariff. See Appendix A.

² See, e.g., *MFS*, 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-00936666; *Global Order*, Docket No. P-00991648, *et al.*, as well as other CLEC proceedings.

³ *Universal Service Invest.*, Docket No. I-00940035 (January 28, 1997).

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

We shall direct the Applicant to revise the proposed tariff in accordance with the changes noted in Appendix A of this Order.⁵ The Applicant shall thereafter file its Initial CLEC Tariff reflecting the requested changes on or before sixty (60) days from the date of entry of this Order. Copies of the Initial Tariff shall also be served upon the same entities receiving service of the original Application, 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 Tariff is not filed within 60 days (120 days including the extension) of the entry of this Order, the Application will be dismissed and the authority granted herein will be revoked without further Commission Order. To the extent that the proposed tariff contains rates, the Initial Tariff may become effective on one (1) day's notice from the date upon which it is filed and served.

Conclusion

Accordingly, we shall grant the Application. Upon the establishment of filed rates and the approval of an Initial Tariff, a Certificate of Public Convenience shall be issued evidencing the Applicant's authority to provide services as a CLEC in the Commonwealth, consistent with this Order and our decisions in *MFS* and such other proceedings; **THEREFORE,**

⁵ Joe Spandra, 717-787-6489, is the FUS contact. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213).

IT IS ORDERED:

1. That the Application of Nutel Phone Service, Inc., at Docket No. A-310813, for authority to operate as a Competitive Local Exchange Carrier on a resold basis within the service territory of Bell-Atlantic-Pennsylvania, Inc., is granted, consistent with this Order.

2. That the Applicant is directed to revise its proposed tariff to reflect the changes noted in Appendix A of this Order.

3. That the Applicant shall file its Initial Competitive Local Exchange Carrier 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 a copy of its Initial Tariff on each entity receiving a copy of the original Application. To the extent the Initial Tariff contains rates, the Initial Tariff may become effective on or after one (1) day's notice from the date upon which it is filed and served. A Proposed Tariff which did not contain rates may not become effective prior to sixty (60) days notice. The Initial Competitive Local Exchange Carrier Tariff shall be labeled "Competitive Local Exchange Carrier Tariff."

4. 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, regulation, and Orders of the Pennsylvania Public Utility Commission, now in effect or as may be prescribed by the Pennsylvania Public Utility Commission, including but not limited to: *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; *Universal Service Investigation*, Docket No. I-00940035; and the *Global Order*, Docket No. P-00991648, *et al.*

5. 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.

6. That the Applicant file such affiliated interest agreements as may be necessary relative to any transactions with affiliates.

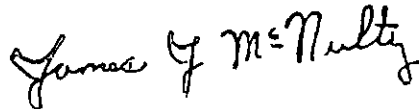
7. That the Applicant contact each county or municipal authority where it intends to provide telecommunication service and make the necessary arrangements for the provisioning of Emergency 911 service.

8. That the Applicant is directed to comply with the Telecommunications Relay Service 711 timetable and switching requirements for all carriers providing voice grade service.

9. 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 Application at Docket No. A-310813, may be dismissed and the authority granted herein revoked without further Commission Order.

10. That, upon the establishment of filed rates and the approval of an Initial Tariff, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as a Competitive Local Exchange Carrier on a resold basis within the service territory of Bell Atlantic-Pennsylvania, Inc., consistent with this Order.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: June 22, 2000

ORDER ENTERED: **JUN 27 2000**

APPENDIX A

Nutel Phone Service, Inc.
A-310813

Tariff deficiencies noted:

1. This tariff should be Telephone-Pa. P.U.C. No. 1. This heading should appear in the upper right corner of every tariff page.
2. The Company should state the type of service that it provides as "Competitive Local Exchange Carrier Services" on each page.
3. Include the title of the person who issues the tariff on each page after the person's name.
4. Include the issued date at the bottom left of each page and the effective date at the bottom right of each page.
5. Page 8-Need to include symbols to be used in tariff
 - C-Change
 - I-Increase in rates
 - D-Decrease in rates
6. Page 17-Deposits
 - Interest is payable on deposits at a rate specified by the Commission in accordance with 52 Pa. Code §64.41.
7. Page 56-Lifeline Service
 - Section 5.10.2 B)13) should read Access to Pennsylvania Telecommunications Relay Service.
8. Need to include Dial Tone Line Monthly Rate section and Link Up America section as part of Lifeline Service.
9. Need to include a section on TRS. Surcharge is \$0.06 for residence and \$0.12 for business for all bills issued on or after July 1, 2000.

10. Caller ID Act 83 of 1993 Blocking requirements pertaining to per-call and per-line blocking.
11. Compliance with IntraLATA Presubscription Order at Docket No. I-00940034 for plans and tariffs.
12. Need to include provisions for 911 Emergency Service in accordance with Act 78 of 1990.
13. Need to include reference to Bell's tariff for Local Exchange Maps.
14. Include a statement at beginning of tariff regarding concurrence with 52 Pa. Code Chapters 63 & 64.
15. Interruption and discontinuance of service should be in accordance with Subchapter D of 52 Pa. Code (§64.51 - §64.53).
16. Suspension of service should be in accordance with Subchapter E of 52 Pa. Code (§64.61 - §64.75).
17. Termination of service should be in accordance with Subchapter F of 52 Pa. Code (§64.121 - §64.123).