

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

<b>1. REPORT DATE:</b> September 21, 1999	<b>2. BUREAU AGENDA NO.:</b> SEP-99-FUS-0522*
<b>3. BUREAU:</b> Fixed Utility Services	
<b>4. SECTION(S):</b> Telecommunications	<b>5. PUBLIC MEETING DATE:</b>
<b>6. APPROVED BY:</b> Director: Rosenthal 3-5242 Supervisor: Wagner 3-6175 Legal Review by: Arnold 7-8032	September 30, 1999
<b>7. PERSONS IN CHARGE:</b> Barrett/Spandra/House 7-5155	
<b>8. DOCKET NO.:</b> A-310832; A-310832F0002	

*Handwritten initials and signatures*

KJR

OCT 11 1999

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

**DOCUMENT FOLDER**

- (a) Application of Computer Business Sciences, Inc for approval to offer, render, furnish or supply telecommunication services as a Facilities-Based Interexchange Carrier and a Facilities-Based Competitive Local Exchange Carrier.
- (b) On April 15, 1999, the subject Applications were filed. No protests were filed, and no hearings were held.
- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed draft Order approving the Applications, consistent with the Order.

Order Doc. # 149802

Calendar Doc. # 149802

**10. MOTION BY:** Commissioner Chm. Quain  
**SECONDED:** Commissioner Bloom

Commissioner Rolka - Yes  
 Commissioner Brownell - Yes  
 Commissioner Wilson - Yes

**CONTENTS 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

A-310832  
A-310832F0002

OCTOBER 4, 1999

ERIC FISHMAN ESQUIRE  
HOLLAND & KNIGHT LLP  
2100 PENNSYLVANIA AVENUE NW STE 400  
WASHINGTON DC 20037-3202

Application of Computer Business Sciences, Inc. for approval to offer, render, furnish or supply Telecommunication Services as a Facilities-Based Interexchange Carrier to the public in the Commonwealth of Pennsylvania.

Application of Computer Business Sciences, Inc. for approval to offer, render, furnish or supply Telecommunication Services as a Facilities-Based Competitive Local Exchange Carrier to the public in the Commonwealth of Pennsylvania.

To Whom It May Concern:

DOCKETED

This is to advise you that an Order has been adopted by the Commission in Public Meeting on September 30, 1999, in the above entitled proceeding. OCT 06 1999

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty,  
Secretary

DOCUMENT  
FOLDER

smk  
Enclosure  
cert. mail

EEF

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA. 17105-3265**

Public Meeting held September 30, 1999

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice Chairman  
David W. Rolka  
Nora Mead Brownell  
Aaron Wilson, Jr.

Application of Computer Business Sciences, Inc.  
for Approval to Offer, Render, Furnish, or Supply  
Telecommunication Services as a Facilities-  
Based Interexchange Carrier to the Public in the  
Commonwealth of Pennsylvania

Docket Number:  
A-310832

Application of Computer Business Sciences, Inc.  
for Approval to Offer, Render, Furnish, or Supply  
Telecommunication Services as a Facilities-  
Based Competitive Local Exchange Carrier to the  
Public in the Commonwealth of Pennsylvania.

A-310832F0002

**DOCKETED**

**ORDER**

OCT 06 1999

**BY THE COMMISSION:**

On April 15, 1999, Computer Business Sciences, Inc., ("Applicant")  
filed two (2) Applications seeking a Certificate of Public Convenience pursuant to  
the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*, (TA-96)<sup>1</sup> and to  
Chapter 11 and 30 of the Public Utility Code (Code) (66 Pa. C.S. §1101, *et seq.*,

**DOCUMENT  
FOLDER**

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<sup>1</sup> 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).

and §§3001, *et seq.*) evidencing authority to provide the following telecommunications services to residential and business customers:

- (1) As a Facilities-Based Interexchange Carrier (IXC) throughout the Commonwealth, and
- (2) As a Facilities- Based Competitive Local Exchange Carrier (CLEC) in non-rural areas of the Commonwealth.

The Applicant 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 territories of Bell Atlantic-Pa. The Applicant asserts that it will not be a rural telephone company. The Applicant served a copy of the Application upon Bell Atlantic-Pa.

The Applicant is a Delaware corporation with its principal place of business at 80-02 Kew Gardens Road, Kew Gardens, NY 11415, phone (718) 520-6500, fax (718) 520-0783. Correspondence to resolve complaints may be directed to Deborah S. Arnott, Regulatory Administrator, or Michael Lukin, Customer Service, at the principal place of business. The Applicant complied with 15 Pa. C.S. §4124, relating to foreign corporations. The Applicant's registered office provider is PennCorp Servicegroup, Inc., 600 North 2nd St., Suite 500, Harrisburg, PA 17101.

Computer Business Sciences, Inc. currently renders telecommunications services in New York State. The Applicant is not currently doing business in Pennsylvania and has no affiliates or predecessors doing business in Pennsylvania.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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 telecommunication services as a facilities-based IXC carrier and as a CLEC.

We conclude that the Applicant has met the requirements for certification as a facilities-based IXC carrier and as a CLEC, consistent with this Order. Premised upon our review of the Application and the proposed tariffs, and

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<sup>2</sup> 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-0093666, as well as other CLEC proceedings.

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

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

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 as contemplated by Section 3009(b)(4) of the Code. We note, however deficiencies in the proposed tariff. 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.<sup>5</sup> 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 Application, including the ILEC. 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 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 and

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<sup>5</sup> Grace House, 717-783-6174, is the FUS contact. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, the TA-96, or our Regulations or Orders will be deemed inoperative and supersede. (52 Pa. Code §64.213).

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 facilities-based IXC carrier and as a CLEC in the Commonwealth, consistent with this Order and our decisions in the *MFS* and such other proceedings:

**THEREFORE,**

**IT IS ORDERED:**

1. That the Application of Computer Business Sciences, Inc., at Docket No. A-310832, for authority to operate as a facilities-based Interexchange Carrier throughout the Commonwealth, is granted, consistent with this Order.
2. That the Application of Computer Business Sciences, Inc., at Docket No. A-310832F0002, for authority to operate as a facilities-based Competitive Local Exchange Carrier within the service territories of Bell-Atlantic-Pennsylvania, Inc., is granted, consistent with this Order.
3. That the Applicant is directed to revise its proposed tariffs to reflect the changes noted in Appendix A of this Order.
4. That the Applicant shall file its Initial Tariffs 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 Tariffs on each entity receiving copies of the original Applications. To the extent

the Initial Tariffs contain rates the Initial Tariffs may become effective on or after one (1) day's notice from the date upon which they are 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." The Initial Facilities-Based Interexchange Tariff shall reflect on its face that it is a "Facilities-Based Interexchange Carrier Tariff."

5. 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: the *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; and the *Universal Service Investigation*, Docket No. I-00940035.

6. 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.

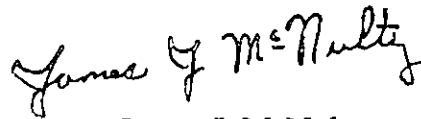
7. That the Applicant maintain separate accounting systems for its competitive local exchange carrier operations.

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

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 Applications at Docket Nos. A-310832 and A-310832F0002 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 the Initial Tariffs, 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 Bell Atlantic-PA, and to furnish services as a facilities-based interexchange toll service carrier throughout the Commonwealth, consistent with this Order.

BY THE COMMISSION,



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: September 30, 1999

ORDER ENTERED: **OCT - 4 1999**

**COMPUTER BUSINESS SCIENCES, INC.**  
**Docket No. A-310832 & A-310832F0002**  
**Proposed tariffs for Facilities-based Competitive Local Exchange Carrier Services**  
**and**  
**Facilities-based Interexchange Carrier Services**

Computer Business Services, Inc. ("CBS") is seeking a Certificate of Public Convenience to provide telecommunication services as a Facilities-based Competitive Local Exchange Carrier ("CLEC"), and as an Interexchange Carrier ("IXC") in the state of Pennsylvania. CBS has filed proposed initial tariffs with its applications for CLEC services and IXC services. The proposed tariffs contain certain deficiencies that are discussed here. These deficiencies should be addressed by CBS before the tariffs can be approved.

Tariff deficiencies noted (CLEC):

1.           a. The CLEC Tariff should be your Tariff No. 1.
- b. Every page in the tariff should be formatted to show :
  1. "Tariff Telephone -Pa. P.U.C. No. 1" in the upper right corner, with the page number directly under that heading,
  2. Leave Issued and Effective dates blank until the dates are determined.
2. Title Page   a. should be formatted:

**RATES AND RULES**

To offer services as a Competitive Local Exchange Carrier  
within the Commonwealth of Pennsylvania

- b. Show name(s) of the Carriers in whose territory you'll be providing service
3. Sheet No. 4 Use only the following symbols:

I - Increase in rates  
D - Decrease in rates  
C - Change

## APPENDIX-A

4. Sheet No. 5 - a. Replace "Price List Format Sheets" with "Tariff Format"
  - b. replace the words "price list" with "tariff" in sections A., B., and D.
  - c. replace PPUC with Pa. P.U.C. in sections B. and D.
5. Sheet No. 6 Provide definition for LATA
6. Sheet No. 7 - Change "price list" to "tariff" in 2.1, paragraphs 1 and 2, and in 2.2.1, 2.2.2, 2.2.3, and 2.2.4.
7. Sheet No. 8 - a. Change "PPUC" to "PA. P.U.C." in 2.3.3
  - b. Change "price list" to "tariff" in 2.4.3 and 2.4.4., also, on Sheet No. 9, 2.4.5, and on Sheet No. 10, 2.5.1.
8. Sheet No. 11, 2.6.3 should read: "When service is interrupted for a period of at least 24 hours, credit to customers at the following rate shall apply: 1) One-thirtieth of monthly rate for each of the first three full 24-hour periods. 2) Two-thirtieths of monthly rate for each full 24-hour period beyond the first three 24-hour periods." (This is in accordance with 52 Pa. Code §64.52).
9. Sheet No. 12 - a. Disconnection of Service; include - Prior to termination of service, the utility should mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. Termination of service by a carrier to a residential customer should follow a two step process, whereby the carrier shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless upon which suspension is sought. (52 Pa. Code §64.71) When at least 10 days have passed since suspension of service, the company may terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension due to any of the following reasons: 1) failure to make satisfactory arrangements to pay arrearages, 2) failure to post a deposit, 3) failure to meet the requirements of a payment agreement, 4) failure to give adequate assurances that an unauthorized use or practice will cease. (52 Pa. Code §64.121)
  - b. Replace "price list" with "tariff" 2.7.2.

## APPENDIX-A

10. Sheet No. 13 - a. 2.8 - Deposits: Replace 4th sentence , referring to interest to read: "Interest on deposits will be paid in accordance with the provisions of 52 PA Code §64.41.

b. 2.11 - Billing of Calls. Add a paragraph informing the customers of procedures to follow re: disputed bills - 52 PA Code §131 - 182.

11. Sheet No. 15 - a. A customer who wishes to have service discontinued shall give at least 5 days oral or written notice to the Company for discontinuation of the service. 52 PA Code §64.53

b. The last line of this paragraph refers to a term agreement - define "term agreement."

12. Sheet No. 16 - 2.4.1 , A. add "at least 5 days oral or written notice to the Company."

13. Sheet No. 18 - 2.14.1, H. - replace "PPUC Consumer Affairs Division" with "PA. P.U.C. Bureau of Consumer Services."

14. Sheet No. 20 - a. 3.1.2, c. define "800 NPA"

b. Last paragraph - provide a description and pricing for each of the other bundled services. If these services are not currently available, please note that they will be available at a future date. Change "price list" to "tariff."

15. Sheet No. 21 - 3.2.2 Interest charges for residential customers may not exceed 1.25% per month. 52 PA Code §64.16.

16. Sheet No. 23 - 4.4 - change "Price List" to "Tariff."

17. Submit an IntraLATA Presubscription Implementation Plan in accordance with Commission Order at Docket No. I-00940034, entered October 2, 1997, as an appendix to the tariff, and tariff pages within the tariff..

18. Include a statement regarding concurrence with 52 Pa. Code §§63 & 64.

19. Service Area - If the territory covered by this tariff is not fully indicated on the title page, the Company should provide a detailed description of its serving areas, including the name of the incumbent local exchange carriers. The Company shall also provide the names of all exchanges it will be serving with their respective calling areas - include a detailed description of the service area with Exchange Maps.

20. Add a section regarding customer payment arrangements discussing:

APPENDIX-A

- a. Billing standards (Statement of Compliance with Pa. Code §64)
- b. Bureau of Consumer Services' primary jurisdiction over complaints (§64.154)

21. The Company is also required to provide a Switched Access Tariff, which will be Tariff Telephone-Pa. P.U.C. No. 3.

22. The Company also failed to provide information of the following:

Lifeline Service Plan & Link-up America - Docket Nos. I-00940035 and P-00971274.

Pennsylvania Telephone Relay Service - Docket No. M-00900239. The current surcharge is \$0.06 for residential customers and \$0.12 for business customers for all bills issued on or after July 1, 1999.

911 - Emergency Services - in accordance with Public Safety Emergency Telephone Act of 1990.

Caller ID and Caller ID Deluxe Blocking Services - in accordance with requirements of Title 66 §2906 and Docket No. R-00943025.

Call Blocking 900/976 and Toll Denial Services - 66 PA CSA§2905

Tariff deficiencies noted (IXC):

1. a. The IXC tariff will be your tariff No. 2.

b. Every page in the tariff should be formatted to show :

1. "Tariff Telephone -Pa. P.U.C. No. 2" in the upper right corner, with the page number directly under that heading,

2. Leave Issued and Effective dates blank until the dates are determined.

2. Title page should read: "Facilities-based Interexchange Carrier Tariff

Regulations and Schedule of Rates applicable to Facilities-based Interexchange Carrier Services within the Commonwealth of Pennsylvania.

APPENDIX-A

3. Sheet No. 4 Use only the following symbols:

- I - Increase in rates
- D - Decrease in rates
- C - Change

4. Sheet No. 5 and throughout the tariff, reference is made to PPUC - replace this with "Pa. P.U.C."

5. Sheet No. 8 a. 2.2.4 - last part of last sentence does not make sense.

b. 2.2.5 - first word is not complete

6. Sheet No. 11 a. Disconnection of Service; include - Prior to termination of service, the utility should mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. Termination of service by a carrier to a residential customer should follow a two step process, whereby the carrier shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless upon which suspension is sought. (52 Pa. Code §64.71) When at least 10 days have passed since suspension of service, the company may terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension due to any of the following reasons: 1) failure to make satisfactory arrangements to pay arrearages, 2) failure to post a deposit, 3) failure to meet the requirements of a payment agreement, 4) failure to give adequate assurances that an unauthorized use or practice will cease. (52 Pa. Code §64.121)

b. Add a section regarding customer payment arrangements discussing:

- 1. Billing standards (Statement of Compliance with Pa. Code §64)
- 2. Bureau of Consumer Services' primary jurisdiction over complaints (§64.154)

7. Sheet No. 13 - 3.2 Define FG D

8. Sheet No. 15 - Add the numbers to be dialed in this paragraph.

9. Sheet No. 16 - footnote 1. Define minimum usage requirements and volume discounts.

10. Sheet No. 17 - 4.1 "PPUC" should be "Pa. P.U.C."

**APPENDIX-A**

11 Sheet No 18 - 4.4 Interest charges for residential customers may not exceed 1.25% per month. 52 PA Code §64.16.