

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware :
: **05-0255**
:
Application for a Certificate of Interexchange Authority to Operate as a Reseller of Telecommunications Services within the State of Illinois. :

ORDER

By the Commission:

On April 12, 2005, TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, ("Applicant") filed a Verified Application with the Illinois Commerce Commission ("Commission") for a Certificate of Service Authority to provide resold Interexchange telecommunications services within the State of Illinois pursuant to Section 13-404 of the Public Utilities Act, 220 ILCS 5/101, et.seq. (the "Act"). Applicant also sought waivers of Parts 710, 735 and 250.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came on for a hearing before a duly authorized Administrative Law Judge of the commission at its offices in Springfield, Illinois on June 1, 2005. At the conclusion of the hearing, the record was marked "Heard and Taken." Staff did not participate in this docket.

The Applicant appeared by Mr. Christopher Ricca, President and Chief Operating Officer of TC Marketing Corp., who testified in support of the petition. Mr. Ricca testified that the Applicant is a Delaware Corporation, authorized to transact business in the State of Illinois. A copy of the Authority to Transact Business in Illinois provided by the Secretary of State was attached to the Application. Applicant intends to provide resold Interexchange telecommunications services within the State of Illinois. Mr. Ricca's testimony further established that the Applicant's management has sufficient training and experience in the telecommunications field to provide the contemplated telecommunications services. Mr. Ricca testified that the Applicant is currently certificated in the State of New Jersey, and along with Illinois, has applications pending in New York and Arizona. Applicant also provided evidence as to its financial resources, sufficient to show that it has the financial qualifications to provide resold interexchange services in Illinois. The Applicant has indicated that it will abide by all federal and state "slamming" and "cramming" law, (Section 258 of the Telecommunications Act of 1996 and Section 13-902 of the Public Utilities Act). Applicant also indicated that it currently has procedures in

place to prevent “slamming” and “cramming”. Applicant will also provide its customers a toll-free number to contact customer service, which department will be available 24 hours per day, seven days per week.

The Applicant has requested that the Commission make certain declarations and grant certain waivers of the Act, and from the rules and regulations of the Commission. The services the Applicant proposes to provide will be competitive telecommunications services, as described in Section 13-502(b) of the Act, describing the nature of its services, the applicable rates and charges and the terms and conditions of the service provider. If the Applicant files the required tariffs in compliance with Section 13-502(e) and the rules adopted there under in 83 Ill. Adm. Code Section 745, many of the provisions of the Act, as well as regulations adopted by the Commission in Title 83 Illinois Administrative Code, will be inapplicable to the Applicant.

Specifically, the Applicant seeks waivers from 83 Ill. Adm. Code Sections 710 and 735. Section 710 is entitled “Uniform System of Accounts for Telecommunications Carriers” and Section 735 is entitled “Procedures Governing the Establishment of Credit, Billing Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois.”

Regarding Part 710, the Applicant states that strict compliance with the Uniform System of Accounts would be a burdensome and costly hardship. Applicant commits to maintain all accounting records in accordance with Generally Accepted Accounting Principles (“GAAP”). Absent a waiver, Applicant indicates that it would have to create and maintain two sets of records, one under the Uniform System of Accounts and the other under GAAP. A waiver of Section 735 should also be granted, since the rules contained therein are not applicable to interexchange services, and Applicant only intends to provide interexchange services.

The Applicant additionally seeks permission to keep its books and records at its principal place of business in New Jersey, rather than Illinois, pursuant to 83 Ill. Adm. Code Section 250, which governs maintaining books and records in Illinois. Applicant’s request should be granted, in accordance with Section 5-106 of the Act.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over Applicant and the subject matter of this petition;
- (2) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, a Delaware corporation that is authorized to do business in Illinois, seeks a Certificate of

Service Authority to provide resold interexchange telecommunications services in Illinois, and as such, seeks to become a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act;

- (4) as required by Section 13-404 of the Act, Applicant possesses the requisite technical, financial and managerial resources to provide resold interexchange telecommunications services in Illinois;
- (5) Applicant should be granted a waiver of 83 Ill. Adm. Code 710, governing the Uniform System of Accounts for telecommunications carriers, provided that Applicant continues to maintain its accounting record in accordance with Generally Accepted Accounting Principles in a level of detail similar to the accounting system it currently uses and in sufficient detail to comply with all applicable tax laws;
- (6) Applicant should be granted a waiver of 83 Ill. Adm. Code 735, since the rules contained therein are not applicable to interexchange services;
- (7) pursuant to 83 Ill. Adm. Code 250, Applicant should be allowed to maintain its books and records at its principal place of business in New Jersey;
- (8) Applicant should file with the Commission a tariff consisting of its rates, rules and regulations, in accordance with Sections 13-501 and 13-502 of the Act to be effective upon proper filing, before commencing service.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, be, and is hereby, granted a Certificate of Service Authority pursuant to Section 13-404 of the Act.

IT IS FURTHER ORDERED that the Certificate of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, is authorized pursuant to Section 13-404 of the Public Utilities Act to provide resold interexchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, is required to file with this Commission a tariff consisting of its rates, rules and regulations, to be effective upon proper filing, before commencing service.

IT IS FURTHER ORDERED that TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, is granted a waiver of 83 Ill. Adm. Code 710, provided that it continues to

maintain its accounting records in accordance with Generally Accepted Accounting Principles in a level of detail similar to the accounting system it currently uses and in sufficient detail to comply with all applicable tax laws.

IT IS FURTHER ORDERED that TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, is granted a waiver of 83 Ill. Adm. Code 250, in order to keep its books and records in New Jersey.

IT IS FURTHER ORDERED that TC Marketing Corp. d/b/a TC Marketing Corp. of Delaware, is granted a waiver of 83 Ill. Adm. Code 735, as set out in finding (6) above.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 29th day of June, 2005.

(SIGNED) EDWARD C. HURLEY

Chairman