

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

New Windsor Cable TV, Inc. :
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 :
Application for a certificate of local :
and interexchange authority to operate : **09-0334**
as a reseller and a facilities based carrier :
of telecommunications services within :
the State of Illinois. :

ORDER

By the Commission:

On July 22, 2009, New Windsor Cable TV, Inc. (“New Windsor” or “Applicant”), filed a verified application with the Illinois Commerce Commission (“Commission”) pursuant to Sections 13-403 of the Public Utilities Act (“Act”) for a Certificate of Interexchange Service Authority to provide interexchange facilities-based telecommunications services in Illinois; pursuant to Section 13-404 for a Certificate of Service Authority to provide resold local and interexchange telecommunications services in Illinois; and pursuant to 13-405 for a Certificate of Exchange Service Authority to provide local facilities-based telecommunications services in Illinois.

Pursuant to notice given in accordance with the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois on September 15, 2009. New Windsor presented the testimony of Troy Nimrick. Karen Chang of the Telecommunications Division appeared for Commission Staff. At the conclusion of the hearing, the record was marked “Heard and Taken”.

Applicant’s Position

New Windsor, an Illinois company, seeks to provide resold and facilities-based local and interexchange telecommunications services. New Windsor submitted evidence that it has the requisite technical, financial, and managerial qualifications to provide the services set forth in its application. New Windsor provided a Balance Sheet and a Profit and Loss Statement as evidence of the sufficiency of its financial resources to sustain its operations in Illinois. It also submitted evidence that its key management personnel have the requisite business and telecommunications experience to support the services New Windsor will offer. Mr. Nimrick testified that New Windsor would provide its own technical support. New Windsor will also adhere to all federal and state laws and regulations pertaining to slamming and cramming.

Staff's Position

Staff stated that it had reviewed New Windsor's application and supporting documentation and based on that review, recommended that the application be approved.

New Windsor has requested that the Commission make certain declarations and grant certain waivers of the requirements of the Public Utilities Act and from the rules and regulations of the Commission. The services New Windsor proposes to provide will be competitive telecommunications services as described in Section 13-502(b) of the Act. New Windsor is required to file a tariff with the Commission under Section 13-501 of the Act describing the nature of its service, the applicable rates and charges, and the terms and conditions of the service provided. If New Windsor files the required tariff in compliance with Section 13-502(e) of the Act and the rules adopted thereunder in 83 Ill. Adm. Code 745, many provisions of the Act as well as the regulations adopted by the Commission in Title 83 of the Illinois Administrative Code will be inapplicable to the Applicant.

For local and interexchange service, New Windsor should be granted pursuant to Section 13-402 of the Act, a waiver of 83 Ill. Adm. Code, Part 710, the requirement to keep books and records in accordance with the Uniform System of Accounts, in order to reduce the economic burdens of regulation on a telecommunications carrier which provides only competitive services. For both long distance and local exchange authority service, New Windsor should also be granted a variance from Part 735.180. Applicant will contract with underlying carriers to include New Windsor's customer listings in their directories. For interexchange service, New Windsor should further be granted a waiver of Part 735, governing credit, billing deposits, and termination of service, for the reasons stated hereinabove.

The Commission observes that Section 13-901 of the Act requires the Commission to promulgate rules for companies providing alternative operator services. New Windsor, as a condition to the grant of this application, will comply with the requirements of Section 13-901 and any rules the Commission promulgates for companies providing alternative operator services.

Findings and Ordering Paragraphs

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

- (1) New Windsor Cable TV, Inc., an Illinois corporation, seeks a Certificate of Interexchange Service Authority to provide facilities-based interexchange telecommunications services in Illinois; a Certificate of Service Authority to provide resold local and interexchange telecommunications services in Illinois; and a Certificate of Exchange Service Authority to provide facilities-based local telecommunications services in Illinois;

- (2) the Commission has jurisdiction over New Windsor Cable TV, Inc. and the subject matter herein;
- (3) as required by Sections 13-403, 13-404 and 13-405 of the Act, New Windsor Cable TV, Inc. possesses sufficient technical, financial and managerial resources to provide facilities-based interexchange, resold local and interexchange, and facilities-based local exchange telecommunications services in Illinois;
- (4) New Windsor Cable TV, Inc. 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;
- (5) with regard to New Windsor Cable TV, Inc.'s provision of long distance and local exchange service, New Windsor Cable TV, Inc. should be granted a variance from the requirements of 83 Ill. Adm. Code 735, Section 735.180, regarding publication of directories, as it will contract with the incumbent carrier to include Applicant's customer listings within those directories;
- (6) with regard to New Windsor Cable TV, Inc.'s provision of long distance and local exchange service, New Windsor Cable TV, Inc. should be granted a waiver from 83 Ill. Adm. Code 710, the Uniform System of Accounts for Telecommunications Carriers, as long as New Windsor Cable TV, Inc. maintains its accounting records in accordance with Generally Accepted Accounting Principles and at a level of detail substantially similar to the accounting system which it currently uses pursuant to its Chart of Accounts, and in sufficient detail to comply with all applicable tax laws;
- (7) New Windsor Cable TV, Inc. should establish books of account such that revenues from its telecommunications services, subject to the public utility revenue tax, are segregated from the revenues derived from other business activities not regulated by the Commission;
- (8) as a condition to granting this application, New Windsor Cable TV, Inc. shall comply with the requirements of Section 13-901 of the Act and any rules the Commission promulgates for companies providing alternative operator services;

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that New Windsor Cable TV, Inc. be, and is hereby, granted a Certificate of Interexchange Service Authority pursuant to Section 13-403 to provide facilities-based interexchange telecommunications services in Illinois.

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

CERTIFICATE OF INTEREXCHANGE SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that New Windsor Cable TV, Inc. is authorized, pursuant to Section 13-403 of the Public Utilities Act, to provide facilities-based interexchange telecommunications services within the State of Illinois.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that New Windsor Cable TV, Inc. be, and is hereby, granted a Certificate of Service Authority pursuant to Section 13-404 of the Act for the resale of local and interexchange telecommunications services in Illinois.

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 New Windsor Cable TV, Inc. is authorized, pursuant to Section 13-404 of the Public Utilities Act, to provide resold local and interexchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED by the Illinois Commerce Commission that New Windsor Cable TV, Inc. be, and is hereby, granted a Certificate of Exchange Service Authority pursuant to Section 13-405 of the Act for the provision of facilities-based local exchange telecommunications services in Illinois.

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

CERTIFICATE OF EXCHANGE SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that New Windsor Cable TV, Inc. is authorized, pursuant to Section 13-405 of the Public Utilities Act, to provide facilities-based local exchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that New Windsor Cable TV, Inc. 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 83 Ill. Adm. Code Parts 710, 735, and 735.180 be, and are hereby, waived as set forth in Findings (5) and (6) above.

IT IS FURTHER ORDERED that as a condition of these Certificates, New Windsor Cable TV, Inc. be and is hereby, directed to establish books of account such that revenues from its telecommunications services, subject to the public utility revenue tax, are segregated from the revenues derived from other business activities not regulated by the Commission.

IT IS FURTHER ORDERED that New Windsor Cable TV, Inc. shall comply with the requirements of Section 13-901 of the Act regarding the provision of operator services and any rules promulgated by the Commission thereto.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities 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 24th day of February, 2010.

(SIGNED) MANUEL FLORES

CHAIRMAN