

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION

December 26, 1995

ORIGINAL FILE

CKET NO. 02-0822  
Applicants  
Exhibit No. 1.1  
Witness MC Corp  
Date 2/5/03 CS

Re: 95-0447

Dear Sir/Madam:

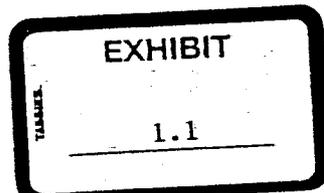
Enclosed is a certified copy of the Order entered by this Commission.

Sincerely,

*Donna M. Caton*

Donna M. Caton  
Chief Clerk

Enc.



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Tel-Save Inc. d/b/a Network :  
Services of New Hope :  
 :  
Application for authorization to : 95-0447  
provide competative telecom- :  
munications resale service on an :  
interexchange basis. :

ORDER

By the Commission:

On September 5, 1995, Tel-Save Inc. d/b/a Network Services of New Hope ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of public convenience and necessity to operate as a reseller of telecommunications services within the State of Illinois.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Hearing Examiner of the Commission at its offices in Chicago, Illinois on November 28, 1995. At the hearing, Dennis Borislow, Applicant's President and Mary Kennon it's Regulatory Affairs Manager, appeared and presented testimony in support of the application. On November 28, 1995, the record was marked "Heard and Taken."

Applicant is a Pennsylvania corporation, licensed to business in Illinois. Ms. Kennon testified that Applicant intends to provide telecommunications services as a non-facilities based reseller of interexchange services. Ms. Mitchell stated that the Applicant's management team has extensive technical and managerial experience in the provision of the reseller telecommunications services. Mr. Borislow testified regarding the financial condition of the Applicant. He stated that Applicant's financial condition is excellent as reflected in the financial statements attached to the application. He stated that Applicant's business for the past year has enjoyed steady growth. Applicant has presented evidence which demonstrates that it has the necessary managerial, technical and financial ability to operate as a reseller of telecommunications services.

The Commission, as well as Applicant, is aware of the many changes occurring in the telecommunications environment. While the Commission does not anticipate any problems from Applicant's operation, we note a general increase in consumer complaints

related to alternative operator services. The Commission further observes that Section 13-901 of The Public Utilities Act requires the Commission to promulgate rules for companies providing alternative operator services. Specifically, the Commission is required to adopt and enforce the following requirements: (1) rates for operator-assisted calls be available upon request and without charge; (2) operator service providers identify themselves prior to the call being completed; and (3) customers can access (a) the operator service provider of their choice, where technically feasible, (b) the local exchange company operator, and (c) the emergency telephone number that services the jurisdiction where the telephone is located. Applicant, as a condition to the grant of this application, will comply with the requirements of Section 13-901 and any rules that the Commission promulgates for companies providing alternative operator services.

Applicant has requested that the Commission make certain declarations and grant certain waivers of the requirements of The Public Utilities Act ("Act") and from the rules and regulations of the Commission. Applicant 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.

The service Applicant proposes to provide will be a competitive telecommunications service as described in Section 13-502(b) of the Act. If Applicant files the required tariff in compliance with Section 13-502(e) and the rules adopted thereunder in 83 Ill. Adm. Code 745, many of the provisions of the Act as well as regulations adopted by the Commission in Title 83 of the Illinois Administrative Code will be inapplicable to Applicant.

Absent waiver, a telecommunications carrier providing only competitive service would have to comply with 83 Ill. Adm. Code 710, Uniform System of Accounts, and 83 Ill. Adm. Code 735, which governs credit, billing, deposits and termination of service. Pursuant to Section 13-402 of the Act, waivers of Part 710 and Part 735 should be granted because such action would reduce the economic burdens of regulation and would not be inconsistent with the law or the purposes and policies of Article XIII of the Act.

Applicant also requests Commission approval to maintain its books and records at its principal place of business in the State of Pennsylvania pursuant to 83 Ill. Adm. Code 250.

The Commission, after reviewing the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Tel-Save Inc. d/b/a Netwrok Services of New Hope is a Pennsylvania corporation, authorized to do business in

Illinois and seeks a Certificate of Interexchange Service Authority to operate as a reseller of telecommunication services within the State of Illinois; as such, it seeks to become a telecommunications carrier within the meaning of Section 13-202 of The Public Utilities Act;

- (2) the Commission has jurisdiction over the Applicant and the subject matter herein;
- (3) as required by Section 13-404 of the Act, Applicant possesses sufficient technical, financial and managerial resources and abilities to provide resold interexchange intraMSA and interMSA telecommunications services, and the application should be granted as hereinafter set forth;
- (4) 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;
- (5) pursuant to Section 13-402 of the Act, a waiver should be granted to Applicant of Parts 710 and 735 of 83 Illinois Administrative Code because such action will reduce the economic burden of regulation and is not inconsistent with the Act or the purposes and policies of Article XIII;
- (6) Applicant 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 this Commission;
- (7) subject to Section 5-106 of the Act and in accordance with the provisions of 83 Ill. Adm. Code 250, Applicant should be allowed to maintain its books and records at its principal place of business in the State of Pennsylvania;
- (8) as a condition to the grant of this application, Applicant will 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 Tel-Save Inc. d/b/a Network Services of New Hope, be, and is hereby, granted a Certificate of Interexchange Service Authority.

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 Tel-Save, Inc. d/b/a Network Services of New Hope is authorized to provide resold interexchange intraMSA and interMSA telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that Applicant 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 710 and 735, be, and are hereby, waived, in accordance with Finding (5) hereinabove.

IT IS FURTHER ORDERED that as a condition of the Certificate, Applicant 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 Applicant be, and is hereby granted, leave to maintain its books and records outside Illinois, at its principal place of business in the State of Pennsylvania and shall fully comply with the provisions of 83 Ill. Adm. Code 250 and Section 5-106 of The Public Utilities Act.

IT IS FURTHER ORDERED that Applicant shall comply with the requirements of Section 13-901 of The Public Utilities Act and any rules promulgated by the Commission pursuant 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.

95-0447

By Order of the Commission this 20th day of December, 1995

(SIGNED) DAN MILLER

Chairman

(S E A L)

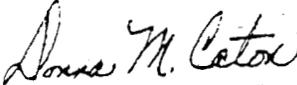
STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
CERTIFICATE

Re: 95-0447

I, DONNA M. CATON, do hereby certify that I am Chief Clerk of the Illinois Commerce Commission of the State of Illinois and keeper of the records and seal of said Commission with respect to all matters except those governed by Chapters 18a and 18c of The Illinois Vehicle Code.

I further certify that the above and foregoing is a true, correct and complete copy of order made and entered of record by said Commission on December 20, 1995.

Given under my hand and seal of said Illinois Commerce Commission at Springfield, Illinois, on December 26, 1995.

  
Chief Clerk