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Georgia Public Service Commission

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DOCKET # 18274
DOCUMENT # 73281

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**INTERIM CERTIFICATE OF AUTHORITY TO
PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES**

IN RE: DOCKET NO 18274 -U: Application of NextG Networks of NY, Inc. dba NextG Networks East for a Certificate of Authority to Resell and Provide Facilities-Based Competitive Local Exchange Services.

Certificate No. L-0360

Approved: May 18, 2004
Issued: 6/7/04

BY THE COMMISSION:

**I.
BACKGROUND**

NextG Networks of NY, Inc. dba NextG Networks East (hereinafter referred to as "the Applicant" or "the Company") on January 15, 2004 pursuant to O.C.G.A. § 46-5-163(b), filed with the Georgia Public Service Commission (hereinafter referred to as "the Commission") an application for a Certificate of Authority to Provide Competitive Local Exchange Services. In Administrative Session on May 18, 2004, the Commission voted to waive the public hearing on this matter.

The statutory authority governing certificates of authority of the type the Applicant is seeking is found at O.C.G.A. § 46-5-163. This code section provides that a telecommunications company including a telecommunications services reseller shall not provide telecommunications services without a certificate of authority issued by the Commission. A certificate may not be issued without adequate proof that the applicant possesses satisfactory financial and technical capability. A showing of public convenience and necessity is not a condition for issuing a competing certificate of authority.

In support of its application, the Applicant presented evidence through exhibits and additional materials routinely requested by the Commission Staff. After carefully analyzing all evidence of the record in this case, the Commission makes the following findings of fact and conclusions of law:

**II.
FINDINGS OF FACT**

1. TECHNICAL CAPABILITY.

The Applicant intends to offer local exchange telecommunications services to business and residential customers in Georgia. Applicant has demonstrated adequate technical capabilities to implement its business plan through evidence regarding its management team, technical understanding and customer service plans.

2. FINANCIAL CAPABILITY.

The Applicant has demonstrated that it possesses sufficient and adequate financial capability to provide the local exchange telecommunications services for which it is seeking a Certificate of Authority.

**III.
CONCLUSIONS OF LAW**

The Commission Staff certifies the record in this docket to the Commission and issues this recommendation pursuant to O.C.G.A. §§ 46-2-58(d) and 50-13-17(a). Based upon the evidence, the Commission Staff finds that the Applicant has shown that it possesses satisfactory financial and technical capability pursuant to O.C.G.A. § 46-5-163(h) in order to be granted an interim certificate, consistent with the Commission's guidelines in Docket No. 5778-U for the issuance of interim certificates of authority for the provision of local exchange telecommunications service.

Having reviewed the record and considered this case, the Commission finds and concludes that it should adopt the Commission Staff's recommendation as its decision in this docket.

WHEREFORE, it is

ORDERED, that the above numbered certificate is granted to NextG Networks of NY, Inc. dba NextG Networks East, whose principal business address is 1759 South Main Street, Suite 128, Milpitas, CA 95035, to resell and provide facilities-based competitive local exchange telecommunications services.

ORDERED FURTHER, that the Applicant is hereby granted authority to provide local exchange telecommunications services in the BellSouth exchanges set forth below:

Acworth	Americus	Atlanta	Bainbridge
Adairsville	Appling	Augusta	Barnesville
Albany	Arlington	Austell	Baxley
Alpharetta	Athens	Baconton	Blackshear

Bogart-Statham	Flowery Branch	Lumpkin	Smyrna
Bowdon	Forsyth	Luthersville	Social Circle
Bremen	Fort Valley	Lyons	Sparks
Brunswick	Franklin	Macon	Sparta
Buchanan	Gainesville	Madison	Stockbridge
Buford	Gay	Marietta	Stone Mountain
Calhoun	Gibson	McCaysville	Swainsboro
Camilla	Grantville	McDonough	Sylvester
Carrollton	Greensboro	Millen	Tallapoosa
Cartersville	Greenville	Monticello	Temple
Cave Spring	Griffin	Newman	Tennga
Cedartown	Hamilton	Newton	Thomasville
Chamblee	Hampton	Norcross	Thomson
Claxton	Harlem	Palmetto	Tifton
Clermont	Hazelhurst	Panola	Tucker
Cochran	Hephzibah	Pelham	Tybee Island
Colquitt	Hogansville	Pine Mountain	Valdosta
Columbus	Jackson	Pooler	Vidalia
Concord	Jekyll Island	Powder Springs	Villa Rica
Conyers	Jesup	Richland	Wadley
Cordele	Johnson Corner	Rockmart	Warner Robins
Covington	Jonesboro	Rome	Warrenton
Cumming	Kingston	Roopville	Watkinsville
Cusseta	LaGrange	Rossville	Waycross
Dallas	Lake Park	Roswell	Waynesboro
Douglasville	Lawrenceville	Royston	Woodbury
Dublin	Leary	Rutledge	Woodstock
Duluth	Leesburg	St. Simons Island	Wrens
Eastman	Lithonia	Sandersville-Tennille	Wrightsville
Eatonton	Loganville	Sardis	Zebulon
Elberton	Louisville	Savannah	
Fairburn	Lula	Senoia	
Fayetteville	Lumber City	Smithville	

ORDERED FURTHER, that pursuant to O.C.G.A. § 46-5-168(b)(2) the certificate granted herein shall be subject to revocation if the Applicant fails to notify the Commission of any change in its contact address on file with the Commission, fails to comply with Commission requirements or Orders, or violates any applicable law or Commission Rule.

ORDERED FURTHER, that NextG Networks of NY, Inc. dba NextG Networks East's tariff is hereby approved.

ORDERED FURTHER, that the interim certificate is issued subject to the conditions

adopted by the Commission in Docket No. 5778-U and subject to all other applicable requirements and rules of the Commission, including, but not limited to:

Quarterly Filing Requirements:

- 1) the number of new and total customers, categorized by customer class and types of service;
- 2) the number, nature and resolution of any complaints, categorized by customer class (and, if applicable, by types of service);
- 3) the number of employees dedicated in Georgia to the local service, categorized by type (e.g., customer service, sales, maintenance, etc.); and
- 4) An explanation of whether the services are being made available through resale or through use of the company's own facilities.

ORDERED FURTHER, that the Applicant shall contribute to the Universal Access Fund as prescribed in Docket No. 5825-U.

ORDERED FURTHER, Applicant must comply with O.C.G.A. § 25-9-1 et seq. regarding the practices and procedures that shall be employed when a telecommunications provider or its designee is excavating in the state of Georgia

ORDERED FURTHER, that if the Applicant desires to do business in Georgia under any name which does not appear on this certificate, Applicant shall submit an application for amendment to its certification stating the name under which it plans to conduct business.

ORDERED FURTHER, that as a condition precedent to the Applicant offering local service in any of the requested exchanges, the Applicant must enter into an interconnection agreement with each affected incumbent local exchange company and obtain the formal approval of the Georgia Public Service Commission after said agreement is filed with the agency.

ORDERED FURTHER, that all statements of fact, law and regulatory policy contained within the preceding sections of this Order be adopted as findings and conclusions of law and conclusions of regulatory policy of the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

ORDERED FURTHER, that any motion for reconsideration or rehearing in this case shall not have the effect of staying this Order of the Commission, except insofar as the Commission may otherwise provide.

BY ORDER OF THE GEORGIA PUBLIC SERVICE COMMISSION, this 18th day of
May, 2004.



Reece McAlister
Executive Secretary

Date: 6-2-04



H. Doug Everett
Chairman

Date: 6-2-04

RM/HDE/TS/dt



Georgia Public Service Commission

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Docket No. 5778-U

LOCAL SERVICE INDICATORS DATA REQUESTS

TO ALL LOCAL EXCHANGE PROVIDERS CERTIFICATED IN GEORGIA:

Provide responses to the following data requests using information that is current as of the end of each calendar month. These data requests are pursuant to the Commission's jurisdiction under the Georgia Telecommunications and Competition Development Act of 1995, O.C.G.A. § 46-5-161 *et seq.*, and the Telecommunications Act of 1996, including 47 U.S.C. §§ 251, 252, 253, and 271, to collect information on the provision of competitive local exchange services in Georgia. Your responses must be submitted over affidavit, and marked and filed with the Commission in Docket No. 5778-U on the tenth day of the month following the month covered by the report.

1. State the number of customers to whom you provide local exchange service in Georgia.
2. State the number of access lines included in your provision of local exchange service in Georgia.
3. Are you providing local exchange service to residential customers in Georgia? If so, state the number of customers you are serving through:
 1. Exclusively your own facilities?
 2. Any combination of your own facilities and the leasing of BellSouth Telecommunications, Inc.'s ("BellSouth's") facilities (unbundled network elements)?
 3. Exclusively the resale of BellSouth's retail services?
 4. Any combination of resale with facilities-based services?
 5. Total number of residential customers served:
 6. Total number of residential lines provided:
 7. Number of residential customers provided with pre-paid service (if applicable):

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4. Are you providing local exchange service to business customers in Georgia? If so, state the number of customers you are serving through:
 1. Exclusively your own facilities?
 2. Any combination of your own facilities and the leasing of BellSouth Telecommunications, Inc.'s ("BellSouth's") facilities (unbundled network elements)?
 3. Exclusively the resale of BellSouth's retail services?
 4. Any combination of resale with facilities-based services?
 5. Total number of business customers served:
 6. Total number of business lines provided:
 7. Number of business customers provided with pre-paid service (if applicable):
5. List the unbundled network elements you are purchasing from BellSouth and for each one, state the number of units (for example, 1000 units of 2-wire digital loops, 2000 units of RCF interim number portability, etc.)
6. List the unbundled network elements you are purchasing from BellSouth and for each one, state the number of units:
 1. Unbundled Network Elements-Platform:
 2. xDSL:
 3. Enhanced Extended Loop (EEL):
7. List the BellSouth retail services you are reselling and for each one, state the number of units (for example, 1500 units of R1, 3000 units of specific vertical features, etc.).

