

KENNY C. GUINN
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION OF NEVADA

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December 20, 2004

Scott Thompson
Cole Raywid & Braverman, LLP
1919 Pennsylvania Ave. NW, Suite 200
Washington, DC 20006-3458

Re: Docket No. 04-9015

Dear Mr. Thompson:

Enclosed is a Certificate of Public Convenience and Necessity, CPC 2816, authorizing NextG Networks of California, Inc. d/b/a NextG Networks West to operate as a competitive provider of telecommunications services, providing facilities-based interexchange and intraxchange services within the state of Nevada.

Also enclosed are copies of Nevada Revised Statutes 704.033 and 704.035 which pertain to annual assessments on public utilities.

If you have any questions regarding the computation of the assessment, please feel free to contact Phyllis Carpenter at 775-687-6099.

Sincerely,

Crystal Jackson

CRYSTAL JACKSON
Commission Secretary

CJ:dh
Enclosures
cc: Anthony Rodriguez, NextG Networks, Inc.

PUBLIC UTILITIES COMMISSION OF NEVADA

ORDER

and

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NextG Networks of California, Inc., d/b/a NextG Networks West

CPC 2816
Docket No. 04-9015

The Public Utilities Commission of Nevada finds that, pursuant to the Commission's decision on December 1, 2004, NextG Networks of California, Inc., d/b/a NextG Networks West is authorized to operate as a competitive provider of telecommunications services, providing facilities-based interexchange and intraexchange services within the state of Nevada.

IT IS ORDERED that NextG Networks of California, Inc., d/b/a NextG Networks West is hereby granted this Certificate of Public Convenience and Necessity as evidence of its authority to operate as a competitive provider of telecommunications services, providing facilities-based interexchange and intraexchange services within the state of Nevada, subject to all applicable provisions of the Nevada Revised Statutes, all applicable rules, regulations and orders of the Commission, and such terms, conditions and limitations as are now or may hereafter be attached to the exercise of the privileges granted to the utility.

IT IS FURTHER ORDERED that as a condition of this Certificate, NextG Networks of California, Inc., d/b/a NextG Networks West shall render reasonably continuous and adequate service to the public within its service area and in pursuance of the authority granted, that nothing contained herein shall be construed to create a franchise or to constitute the grant of an irrevocable Certificate, and that failure to comply with all applicable provisions of the Nevada Revised Statutes, all applicable rules, regulations and orders of the Commission, and any applicable terms, conditions and limitations attached to the granted privileges shall comprise sufficient grounds for the suspension or revocation of this Certificate.

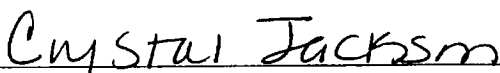
IT IS FURTHER ORDERED that this authority shall not be sold or transferred without the Commission's prior approval.

IT IS FURTHER ORDERED that the Commission retain jurisdiction for the purpose of correcting any errors which may have occurred in the drafting or issuance of this Certificate and Order.

By the Commission:


DONALD L. SODERBERG, Chairman

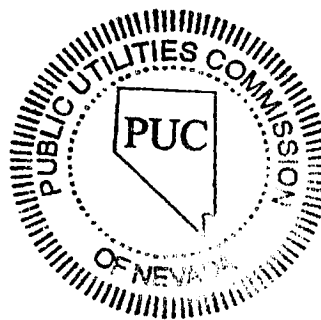
Attest:


CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL)

12-17-04



BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of NEXTG NETWORKS OF)
CALIFORNIA, INC., d/b/a NEXTG)
NETWORKS WEST, for authority to)
operate as a competitive provider of)
telecommunications services, providing)
facilities-based interexchange and)
intraexchange services within the)
state of Nevada.)

Docket No. 04-9015

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on December 1, 2004.

PRESENT: Chairman Donald L. Soderberg
Commissioner Carl B. Linvill
Commission Secretary Crystal Jackson

ABSENT: Commissioner Adriana Escobar Chanos

ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following findings of fact and conclusions of law:

1. On September 13, 2004, NextG Networks of California, Inc., d/b/a NextG Networks West ("Applicant") filed with the Commission an Application, designated as Docket No. 04-9015, requesting a Certificate of Public Convenience and Necessity ("CPC") to operate as a competitive provider of telecommunications services, providing facilities-based interexchange and intraexchange services within the state of Nevada.

2. This Application comes within the purview of the Commission's jurisdiction pursuant to the Nevada Revised Statutes ("NRS") and Nevada Administrative Code ("NAC"), Chapters 703 and 704, including, but not limited to, NRS 704.330.

3. The Commission issued a public notice of this Application in accordance with state law and the Commission's Rules of Practice and Procedure. No comments, petitions for leave to intervene or notices of intent to participate as a commenter were filed pursuant to this public notice. In accordance with the provisions of NRS 704.370, the Commission may dispense with a hearing under these circumstances.

4. The Regulatory Operations Staff ("Staff") of the Commission has completed its review of this Application. According to Staff, Applicant has met the requirements of NAC 704.7472. Staff recommends that the Commission approve the Application and issue a CPC authorizing Applicant to operate as a competitive provider of telecommunications services, providing facilities-based interexchange and intraexchange services within the state of Nevada.

5. At a duly noticed agenda meeting held on December 1, 2004, the Commission voted to accept Staff's recommendation in this matter.

6. The Commission finds that it is in the public interest to grant this Application and to issue a CPC to the Applicant.

7. The Commission concludes that the six provisions of NAC 704.7472 have been met.

THEREFORE, based upon the foregoing findings and conclusions, it is hereby ORDERED that:

1. The Application of NextG Networks of California, Inc., d/b/a NextG Networks West, designated as Docket No. 04-9015, is GRANTED.

2. The Commission Secretary is AUTHORIZED to issue to NextG Networks of California, Inc., d/b/a NextG Networks West a Certificate of Public Convenience and Necessity

authorizing it to operate as a competitive provider of telecommunications services, providing facilities-based interexchange and intraexchange services within the state of Nevada.

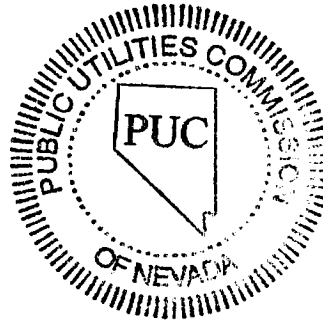
3. The Commission retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Commission,

Crystal Jackson
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL) 12-17-04



REGULATION OF PUBLIC UTILITIES
Annual Assessments

NRS 704.033 Levy and collection; limitations.

1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

on each dollar of gross operating revenue derived from the intrastate operations of such utilities, providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be \$100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telephone utilities, except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of \$200.

(Added to NRS by 1963, 1113; A 1965, 543; 1969, 1001; 1971, 726; 1973, 331, 1832; 1975, 907; 1977, 548; 1981, 1678; 1983, 531; 1989, 618; 1997, 1906; 2001, 1762, 3244, 3272; 2003, 235)

NRS 704.035 Report on revenue; computation, payment and adjustment of assessment; penalty for delinquent assessment; action for collection; transfer to Consumer's Advocate.

1. On or before June 1 of each year, the Commission shall mail revenue report forms to all public utilities, providers of discretionary natural gas service and alternative sellers under its jurisdiction, to the address of those utilities, providers of discretionary natural gas service and alternative sellers on file with the Commission. The revenue report form serves as notice of the Commission's intent to assess such entities, but failure to notify any such entity does not invalidate the assessment with respect thereto.

2. Each public utility, provider of discretionary natural gas service and alternative seller subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the Commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, provider of discretionary natural gas service and alternative seller, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the public utility, provider of discretionary natural gas service or alternative seller is subject to review and audit by the Commission, and the amount of the assessment may be adjusted by the Commission as a result of the audit and review.

5. Any public utility, provider of discretionary natural gas service or alternative seller failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent, or \$10, whichever is greater, but no penalty may exceed \$1,000 for each delinquent payment.

6. When a public utility, provider of discretionary natural gas service or alternative seller sells, transfers or conveys substantially all of its assets or, if applicable, its certificate of public convenience and necessity, the Commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection, the jurisdiction of the Commission over the selling, transferring or conveying public utility, provider of discretionary natural gas service or alternative seller continues until it has paid the assessment.

7. The Commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. The Commission shall, upon collection, transfer to the Account for the Consumer's Advocate that portion of the assessments collected which belongs to the Consumer's Advocate.

(Added to NRS by 1963, 1113; A 1967, 1383; 1969, 1156; 1973, 457, 1833; 1981, 1678; 1989, 1473; 1997, 1907; 2001, 1763, 3244, 3272; 2003, 372)