

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the matter of the Application of NextG Networks	)	
of Illinois, Inc., d/b/a NextG Networks Central, for a	)	<b><u>Case No. XA-2005-0445</u></b>
Certificate of Service Authority to Provide Interexchange	)	Tariff No. YX-2005-1057
and Nonswitched Local Telecommunications Services.	)	

**ORDER APPROVING INTEREXCHANGE AND**  
**NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE**  
**AUTHORITY AND ORDER APPROVING TARIFF**

Issue Date: June 30, 2005

Effective Date: July 9, 2005

This order grants NextG Networks of Illinois, Inc., d/b/a NextG Networks Central, a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and approves the company's proposed tariff.

NextG Networks of Illinois, Inc., d/b/a NextG Networks Central, applied to the Missouri Public Service Commission on May 26, 2005, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2004, through 392.450, RSMo 2000.<sup>1</sup> NextG asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. NextG is a Delaware corporation with its principal office located at 1759 South Main Street, Suite 128, Milpitas, California 95035.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on May 31, 2005, directing parties wishing to intervene to file their requests by June 15, 2005. No requests for intervention were filed.

NextG filed a proposed tariff in conjunction with its application with an effective date of July 9, 2005. On June 22, 2005, the company filed a revised proposed tariff bearing the same effective date.. NextG's tariff describes the rates, rules, and regulations it intends to use, identifies NextG as a competitive company, and lists the waivers requested. NextG intends to provide transport and backhaul services of voice and data signals for wireless providers.

In its Memorandum filed on June 28, 2005, the Staff of the Commission recommended that the Commission grant NextG a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications service on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant NextG competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on July 9, 2005.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and NextG should be granted certificates of service authority. The Commission finds that the services NextG proposes to offer are competitive and NextG should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that NextG's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on May 26, 2005, should be approved to become effective on July 9, 2005.

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, if it is a corporation, its officers may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2004, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

**IT IS THEREFORE ORDERED:**

1. That NextG Networks of Illinois, Inc., d/b/a NextG Networks Central, is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That NextG Networks of Illinois, Inc., d/b/a NextG Networks Central, is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri, limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That the certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. That NextG Networks of Illinois, Inc., d/b/a NextG Networks Central, is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance

- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

### **Commission Rules**

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts

5. That the tariff filed by NextG Networks of Illinois, Inc., d/b/a NextG Networks, Central on May 26, 2005, and revised on June 22, 2005, tariff number YX-2005-1057, is approved to become effective on July 9, 2005. The tariff approved is:

**PSC Mo. Tariff No. 1**  

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- 6. That this order shall become effective on July 9, 2005.
- 7. That this case may be closed on July 10, 2005.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Nancy Dippell, Senior Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 30th day of June, 2005.