

Filed Session of September 17, 2008
Approved as Recommended
and so Ordered
by the Commission

JACLYN A. BRILLING
Secretary

Issued and Effective September 26, 2008

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

September 2, 2008

TO: THE COMMISSION

FROM: OFFICE OF TELECOMMUNICATIONS

SUBJECT: Case 08-C-0906 - In the Matter of Compliance with
Public Service Law Section 92.1 Requiring Telephone
Corporations to have Rate Schedules on File with the
Commission.

RECOMMENDATION: Staff recommends that the Commission cancel the
Certificates of Public Convenience and Necessity
of the companies listed on Attachment 1 for
failure to file rate schedules required by
Public Service Law Section 92.1.

SUMMARY

Pursuant to Public Service Law (PSL) Sections 99(1),
all telephone corporations wishing to offer telecommunications
services in New York must first apply and receive a Certificate
of Public Convenience and Necessity before commencing service in
New York. Likewise, PSL Section 92.1 requires that telephone
corporations have rate schedules (or tariffs) on file with the
Commission. A number of telephone corporations have been
identified as having a Certificate of Public Convenience and
Necessity but no rate schedule on file and, therefore, in
violation of PSL Section 92.1. Staff has notified each company
that it is in violation, and requested that these companies

either file tariffs or surrender their certificates. Staff now recommends that the Certificate of Public Convenience and Necessity of the non-compliant companies be cancelled.

BACKGROUND

Pursuant to PSL Section 99(1), telephone corporations planning to offer telephone services in New York are required to obtain a Certificate of Public Convenience and Necessity (CPCN or certificate) from the Commission before commencing operation. The current CPCN application process requires that a tariff be filed with the application before a certificate is granted and a company can begin providing telecommunications services.¹ The requirement to file a tariff with the applications ensures company compliance with PSL Section 92. However, prior to 2005, the certification process did not require tariffs to be filed with the application. Rather, CPCNs issued by the Commission directed companies to file tariffs within 60 days, if the company had not already done so. The certificate, in the form of a Commission Order or a Director's letter,² specifically stated that a certificate may be revoked if the company fails to file its tariff schedules with the Commission.

¹ Case 05-C-0730 - In the Matter of Staff's Proposal to Modify the Commission's Certification Requirements for Telephone Companies (issued October 10, 2005).

² Prior to 1997, certificates were issued via Commission Order. In 1997, the Commission delegated authority to the Director of the Communications Division to do so via letter. See Case 97-C-0568 - In the Matter of Certification Procedures and Requirements for Telephone Corporations issued April 17, 1997 delegating authority to the Director of Telecommunications to approve routine certificates and initial tariffs. Staff estimates that at least 50% of the applications were submitted without tariffs prior to 2005.

DISCUSSION

In 2005, staff began an effort to improve the accuracy of the list of telecommunications carriers operating in New York, which had grown to over 2,000 certified carriers. Staff instituted the Telecommunications Company Critical Information (TCCI) form that serves as the official record for the department by providing contact information for each certified carrier. Anticipating that some carriers were no longer in operation, staff designated carriers as "active" (i.e., those that submitted the form, or "inactive" (i.e., those that did not return the form). The TCCI form is updated annually or in association with other Commission transactions (e.g., a merger or acquisition approval).

As part of this effort, Staff also began a review of certified companies to ensure that they were operating with tariffs on file, and thus, in compliance with PSL Section 92.1. As noted, Staff specifically was concerned that companies certified prior to 2005 may be operating without such tariffs on file. Staff began with a list of companies that were certified between 1989 and the present but did not have a rate schedule on file with the Commission. The list consisted of approximately 382 companies. Using the Department's Case Management System, the Telecommunication Company Information Database (TCID),³ the Department's file room and the Office of Telecommunications case files, staff was able to eliminate companies from the list that have tariffs on file, had undergone asset transfers, had name changes or had previously withdrawn or surrendered their certificates.

On June 6, 2008, a letter was mailed to each of the over 300 companies remaining on the list that were operating

³ TCCI forms are collected and stored in the TCID.

without a tariff on file.⁴ The letter stated that because the company did not have a tariff on file with the Commission, it was in violation of PSL Section 92.1, and requested that it either file a tariff or surrender its Certificate.

Approximately 165 letters were returned as undeliverable.

On July 17, 2008, a second letter was sent, via registered mail, to the companies that did not respond to the June 6th letter. Letters were not sent to companies whose first letters were returned as undeliverable, or that responded to the first mailing. The second letter informed each company that unless staff received a response within 14 business days of receipt of the letter, action would be taken to cancel the company's CPCN.

To date, 272 companies listed on Attachment 1 have either not responded to the letters or had letters returned as undeliverable. Eighteen companies listed on Attachment 2 have surrendered their certificates. Nine companies listed on Attachment 3 have filed tariffs and five companies have stated their intention to file tariffs.

The companies listed in Attachment 1 represent the companies whose letters were either returned as undeliverable or that did not respond to staff's letters. As an additional check, staff reviewed the Department of State web page and identified 219 of these companies as inactive. An inactive status on the Department of State's Corporation page indicates that a business corporation voluntarily dissolved itself or was dissolved by proclamation by the Secretary of State. Based on Staff's investigation, we conclude that the companies listed in Attachment 1 are probably no longer operating in New York.

⁴ The majority of these companies previously had been classified as "inactive" for failure to submit the TCCI form.

However, even if they are in operation, these companies are in violation of PSL Section 92.1. In either case, staff believes their CPCNs are no longer needed and should be cancelled.

CONCLUSION AND RECOMMENDATION

Staff's examination into whether the telephone corporations listed in Attachment 1 are in compliance with the Public Service Law indicates that these companies are probably no longer operating in New York and do not have a need for a CPCN. However, any company listed in Attachment 1 that is operating in New York is in violation of PSL Section 92.1. Cancellation of these certificates will further improve the Commission's records by removing them from the official database of providers and provide for a more accurate representation of carriers under the Commission's jurisdiction. Staff believes adequate notice has been provided to these companies and recommends that their Certificates of Public Convenience and Necessity be cancelled effective 30 days after issuance of this Order.

Respectfully submitted,

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Reviewed by,

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Office of General Counsel

APPROVED:

GREGORY C. PATTENAUDE
Chief Carrier Performance
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Attachment 1

Companies Recommended to have CPCN Cancelled

Case	Company
93-C-0548	41-16 Telecom, Inc.
91-C-0314	800 Aggregator, Ltd.
02-C-0893	ABS Services
98-C-0403	Adroit Enterprises Inc.
00-C-1019	Aevia, Inc.
02-C-1401	Affordable Fiberoptic Infrastructure, Inc.
98-C-1202	Alberr, L.L.C. d/b/a "Fone Thyme"
92-C-0516	All City Car Rental, Inc.
00-C-1158	ALL-CITY CUSTOMERS TELEPHONE, INC.
94-C-0931	Ameracall d/b/a/Operator Service Network
96-C-0481	American Eastern Computer & Telecomm, Inc.
97-C-0721	American Private Telephone LLC
96-C-1160	American Technostructure, Inc
94-C-0606	American Teleproducts, Inc.
93-C-0045	American Tel-Tek, Inc.
94-C-0256	Ameriphone Corporation
94-C-0878	Amtel Communications, Inc.
02-C-0798	ANNTEL NETWORKS, INC.
02-C-0946	ANNTEL NETWORKS, INC.
01-C-1366	Apartment Communications, Inc. d/b/a Iciviti Communications (ACI)
94-C-0211	ASCnet, Inc.
02-C-1307	Athene Marketing Group, Inc.
98-C-0582	Atlantic & Pacific Telecommunications Inc.
96-C-0190	Atlas Communications and Telephone, Inc.
96-C-1008	Atlas Equity d/b/a Performance Telecom
96-C-0846	Authentic Telecommunications, Inc.
97-C-1340	A-web Internet Services
95-C-0598	Bel-Save, Inc.
96-C-0965	BFI Communications, Inc.
96-C-0407	BHC Telenet, Inc.
99-C-1607	Bitro Telecommunications, Inc.
03-C-0176	Boundless Equities Inc. III
98-C-0055	Business Technology Systems, Inc.
00-C-2117	C. World, Inc.
97-C-0927	Cabtel Communications, Inc.
99-C-1206	C2C Telecom, Inc. d/b/a Pincity.com
95-C-0458	Calls for Less, Inc.
00-C-1465	Cambrian Communications, LLC
02-C-1580	Capital Telecommunications, Inc.

02-C-0249	Carilink International, Inc.
96-C-0359	Celebrity Phone Card Telecommunications, Inc.
97-C-1854	ChronVest LLC
05-C-0988	Chunghwa Telecom Global, Inc.
94-C-0474	Clear Network, Inc. d/b/a ClearNet
94-C-1029	CMC Telecom, Inc.
98-C-0154	CNS Network Services
97-C-0939	Coast to Coast Plus, Inc.
94-C-0430	Cobblestone & Old Wrench, Ltd.
01-C-0209	ColTelecom, Inc.
98-C-0885	Columbia Telecommunications, Inc
00-C-0695 & 97-C-1886	Com Tech International Corporation d/b/a CTIC
00-C-0357	Communication Data & Security, Inc.
93-C-0644	Communications Buyers Group, Inc.
96-C-1094	Communications Control Corporative Of Brooklyn, NY
97-C-2140	Computer Resource Technologies, Incorporated
04-C-1585	Connect Tel Inc.
96-C-0986	Convergent Communications
03-C-0271	Crystal Clear Audio
99-C-1689	Dacom U.S.A., Inc.
96-C-1084	DigiCommunications Ltd.
95-C-0067	Digital Technologies, Inc. d/b/a DTI of Nevada
03-C-1345	Digital Telecom, Inc.
91-C-0704	Digitel Long Distance, Inc.
97-C-1972	Discount Telecom, Inc.
98-C-1026	Discount Voice and Data Services International
98-C-0407	DJB Enterprises, Inc.
95-C-0738	DNS Communications, Inc.
97-C-0452	Domtel Communications, Inc. d/b/a Tricom International
96-C-0343	Dragon Satellite, Inc.
97-C-2047	Easy Phone, Inc.
01-C-0543	Ebone North America, Inc.
03-C-1583	Econotek Communications, LLC
95-C-0265	Econo-Tel LLC
95-C-0359	ECOWAZ Business Corporation
97-C-2025	Edge Communications, Inc.
97-C-0079	Electronic Interface Associates, Inc.
98-C-0235	Elias Ventures, Inc. d/b/a American Freeway100
02-C-0066	Energis, Inc.
00-C-0696	Enkido, Inc.
95-C-0405	E-Znet, Inc.
97-C-1513	Fibercon Inc.
97-C-0624	FiberSouth of New York, Inc. d/b/a FiberSouth, Inc.
98-C-0082	Flat Rate Communications, Inc.
00-C-1254	Flatel Inc.

02-C-0065	FoneCorp International, Inc.
02-C-1187	Frontline Communications International, Inc.
03-C-1534	Fuel Consumers Group
97-C-0137	Futures Technology, Incorporated
95-C-0588	Future Telephone Communications, Inc.
00-C-0521	Fuzion Wireless Communications
96-C-1046	Galico Corp.
97-G-0220	Gier Farm Service, Inc.
98-C-0886	Global Commerce & Media Network, Inc
00-C-2018	Global Communications of New York, Inc.
97-C-0913	Global Rate Processing, Inc.
95-C-1092	Global TeleMedia International, Inc.
00-C-1914	Global Telephone Network, Inc.
94-C-0415	Global Wats One, Inc.
96-C-0173	GlobalOne, Inc.
97-C-0902	Globalplex Telecom & Technologies, Inc.
96-C-0344	Golden Palace of Fortune, Inc.
94-C-0471	Gradiente Electronics, Inc.
00-C-0857	Great Lakes Telecom, Inc.
97-C-0740	Grindstone Computer Corporation
00-C-0376	GTS Carrier Services, Inc.
91-C-1090	Halle Telecommunications, Inc.
96-C-0436	Health Liability Management Corporation
95-C-1030	Hello International, Inc.
96-C-0084	Hemisphere Communications, Inc.
98-C-1842	Highpoint International Telecommunications (NY), Inc.
01-C-0466	Horizon Information Technology, Inc.
91-C-1163	Hotel Networks Corp.
91-C-1091	HTC Communications Services, Inc.
94-C-0994	Hyperion Telecommunications of New York, Inc.
99-C-0650	IBC Communications, Inc.
99-C-0648	Impact Telecommunications Inc.
99-C-0448	Inmate Telephone, Inc.
92-C-0394	Interactive Media Services, inc.
96-C-0794	Interconnect Service Group L.L.C.
96-C-0780	Intermedia Communications of Florida, Inc.
01-C-1358	International Business Exchange, Inc.
95-C-0554	International Global Net, Inc. d/b/a IGN
92-C-1090	International Telemedia Associates. Inc.
93-C-0850	InterNet Communications Services, Inc.
94-C-1086	InterNet Communications Services, Inc.
97-C-1855	Iroquois Communications, Ltd.
98-C-0136	iTELSA (USA), Inc.
98-C-1795	ITXC Transport Services LLC
96-C-0622	J3 Communications, Inc.
96-C-1022	Jenkintown, LTD.

95-C-0375	Key Communication Management, Inc. d/b/a Discount Plus
94-C-0693	Keystone Long Distance, Inc.
05-C-1081	KickStartUSA.com, Inc. d/b/a The Office Suite Group
98-C-0682	Kytel Communications Group, Inc.
97-C-0825	KYTEL Communications, Inc.
95-C-0145	L.D.C. Consultants
00-C-1253	Ledge Telecom LLC
00-C-0767	Let's Talk Communications, L.L.C.
00-C-0139	LHU Enterprises, Inc.
93-C-1065	Liberty Bell Corp.
99-C-0824	LINYWeb Inc.
02-C-0096	Lionhart of Miami, Inc. d/b/a Astral Communications
97-C-2081	LocalNet Corporation
04-C-0678	LoConte Enterprise
96-C-0681	Long Distance Network, Inc.
94-C-0235	Long Distance Services, Inc. d/b/a USA Long Distance
92-C-0413	MaBell Associates, Inc. d/b/a Ma BELL MARKETING
94-C-0401	Mary Jerabeck & Debra Nowak
95-C-0589	Maxim Communications Corp.
99-C-0610	Mercury Telecom (USA), Inc.
96-C-1102	Metcom Access, Inc.
02-C-1211	MGMG Corporation
04-C-0818	MU21C.COM Inc.
94-C-0856	MultiMedia Telephone Service, Inc.
01-C-0364	MultiPhone Latin America, Inc.
98-C-0355	NACS Communications, Inc.
00-C-1115	Nationnet Communications Corporation
97-C-0009	Nationwide Telecom, Inc.
99-C-0208	NetLinx Telecommunications, LLC
00-C-0683	Network Information Solutions, Inc.
01-C-1061	Networkia Inc.
03-C-1091	New Visions PLC, LLC
95-C-0042	New York Local Telephone Corp.
02-C-0531	New York PCS, L.L.C.
04-C-1063	Newlight Communications Inc.
00-C-1673	Nexphase Communications, Inc.
01-C-1940	NorthCoast Voice
96-C-0052	Northwest Communications, Inc.
96-C-0078	Northwest Communications, Inc.
97-C-0742	NT&U Technologies, Inc.
05-C-0768	NYT Telecommunications Company
95-C-0445	OCOM Corporation
96-C-0073	Olympia Telcom Group

99-C-1675	Omnitron Communications, Inc.
97-C-0824	Online Telecommunications, Inc.
08-C-0844	OnTheNetAllTheTime
94-C-0089	Open Network Global Services, L.C.
99-C-1246	OpenTel Communications, Inc.
05-C-1086	Options Technology Limited
98-C-0194	Orange Internet Services
98-C-1278	Paramount International Telecommunications, Inc.
91-C-0624	Parcel Consultants, Inc. T/A Tele-Consortium
96-C-0620	Passport One Limited Company
91-C-0009	Personal Communications Services Network of New York, Inc.
97-C-0135	Phone Card Associates, Inc.
03-C-1642	Phone Co., L.P.
92-C-0504	Phone Management Enterprise, Inc.
95-C-0604	Pioneer Communications, Inc. d/b/a Nuevo Mundo Comuniciones
96-C-1017	Platinum Network Corp.
94-C-0956	Portables, Inc.
94-C-0156	Preferred Network
93-C-0303	Premier Billing Services, Inc.
92-C-0604	Profitec, Inc.
96-C-0193	Promo-Link, LTD.
00-C-0325	Pronto Com Marketing, Inc.
94-C-0849	PSP Marketing Group, Inc.
95-C-0113	Quarter Call, Inc.
01-C-0159	Quartet Services USA Corporation
97-C-0821	Quicklink Telecom, Inc.
00-C-0520	R&B Computer Systems
96-C-0612	RapidTel Incorporated
96-C-0895	Reach Communications, Inc.
04-C-0002	Resource Communication
02-C-1410	ROUTEK COMMUNICATIONS, L.L.C.
97-C-2057	Samuel H. Fleischman, Inc.
00-C-0137	SASNET, Inc.
97-C-0901	SaveMart. Com, Inc.
99-C-1605	Screen Telephony Services, Inc.
00-C-1157	Sky Sat Telecommunications Group, L.L.C.
92-C-1008	Skyphone, Inc.
95-C-0812	SmarTel, Inc.
93-C-0210	Sonicraft, Inc.
95-C-1178	Speed-Fon Communications, Inc.
99-C-1506	Star Direct Telecom, Inc.
97-C-2094	StarWays Telecommunications, Inc.
99-C-0271	State University of New York at Morrisville
01-C-0485	Staten Island Telecom, LLC
99-C-0528	Stealth Communications, Inc.
01-C-0733	Storm Telecommunications, Inc.

00-C-0094	Suntel Communications, Inc.
97-C-1724	Svgal
03-C-1756	Synergy Technology Solutions, Inc.
02-C-0533	Synopsis Communications Inc.
93-C-0637	Talk `N Toss
95-C-0565	Technology Resource Group, Inc.
96-C-1187	Telecard International, Inc.
96-C-0750	Telecard Services International, Inc.
99-C-0184	Telecom Consultants Inc.
93-C-0546	Telecommunications Enterprises, Inc.
91-C-1099	Telecomp Technologies Network, Inc.
96-C-0893	Tele-E-Star Communications Systems, Inc.
00-C-1299	Telegate, Inc.
95-C-0584	Telepool New York, L.L.C.
93-C-0013	TEL-HELP Systems, Inc.
97-C-0695	TelKey, L.L.C.
93-C-0541	Tel-Span Communications, Inc.
95-C-0771	Tel-Span Communications, Inc.
96-C-0077	Tempus Worldwide Communications, Ltd.
02-C-0697	THC Internet Solutions, Inc.
97-C-0646	The Beeper Place
04-C-0243	TheHaupt Group, Inc.
97-C-0985	Thor Technologies, Inc.
00-C-0444	TII Incorporated
95-C-0245	TNI Associates, Inc.
00-C-0092	TotalAxcess.com, Inc.
00-C-0093	TotalAxcess.com, Inc.
94-C-0498	Touchtone Networks, Inc.
96-C-0360	Trans-World Telecom America, Inc.
95-C-0879	Travel Phone Card Telecommunications, Inc.
94-C-0457	Turner Telecommunications Network, Inc.
01-C-0921	United Technological Systems, Inc.
96-C-0503	Universal Connectivity, Inc.
96-C-0498	Universal Telephone & Telegraph, Inc.
00-C-1846	Urban Media of New York, Inc.
03-C-0169	US Fibercom, Inc.
98-C-1905	US Mobile Services, Inc.
95-C-0953	USA Calling, Inc.
04-C-1308	USN Telecommunications Company
97-C-1886	USTeleCenters
98-C-1059	Utilicore Corporation
95-C-0894	Value Call International, Inc.
02-C-0252	VGM International, Inc.
00-C-0269	Voice Connections, Inc.
96-C-0003	Voice Telephone Company

96-C-1053	Voicecom Systems, Inc.
96-C-0604	Wasti Brothers, Inc.
97-C-1347	Web Express, Inc.
96-C-0545	World Access Communications Corporation
92-C-0118	World Communications, Inc.
96-C-1149	World Comnet, Inc.
95-C-0885	WorldLink Communications, Inc.
99-C-0744	Zeptel Communications, Inc.

Attachment 2

Companies that Surrendered CPCN'S

01-C-0137	Annese & Associates, Inc.
96-C-0355	Complete Communications Inc.
01-C-0375	Dynegy CLEC Communications
98-C-0691	E Tel LLC
96-C-0718	Empire Communications Services Corporation
99-C-0874	Falls Earth Station, Inc.
99-C-0964	FLAG Atlantic USA Limited
94-C-0968	ICS Telecom, Inc.
96-C-0794	Interconnect Services Group LLC
98-C-0668	International Communication Services, Inc.
01-C-1886	Masergy Communications, Inc.
93-C-0938	Military Communications Center, Inc.
99-C-1603	Quality Telecom, Inc.
02-C-1274	Rural Fiber America Corporation
93-C-1017	Shared Network Users Group
02-C-0536	Tariff Affiliates, Inc.
93-C-0394	Telexpress
97-C-1005	Toly Digital Networks, Inc.
04-C-0786	TracFone Wireless, Inc.

Attachment 3

Companies that Filed Tariffs

01-C-0792	Barr Tell USA, Inc.
00-C-2005	Catskill Communications Inc.
00-C-1769	Net Carrier Telecom, Inc.
98-C-1727	NM (changed name to North Medical Building Corp.)
02-C-1129	Primo Communications
00-C-1674	Snip Link LLC
00-C-1009	Telmex
96-C-0869	World Network International Services, Inc.

Companies that are sending Tariffs

05-C-0259	Flatphone, Inc.
98-C-0666	International Communications Services, Inc.
02-C-1409	MetComm.net, LLC
96-C-0503	Universal Connectivity, Inc.
98-C-0923	Optical Communications Group, Inc.