

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

FINAL
9/4/2014

Issued: August 15, 2014

CASE NO. 14-1244-T-CN

CROWN CASTLE NG CENTRAL LLC

Application for a certificate of convenience and necessity to provide interexchange and local telecommunications services within the State of West Virginia.

RECOMMENDED DECISION

The application is granted.

CASE RECORD

On July 10, 2014, Crown Castle NG Central LLC (Applicant), filed with the Public Service Commission (Commission) an application for a certificate of convenience and necessity to provide interexchange and local telecommunications services within the State of West Virginia. Supporting documentation was attached, including a proposed tariff.

On July 11, 2014, the Commission ordered the Applicant to publish a Notice of Filing once in a qualified newspaper, published and of general circulation in each of the Cities of Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, Parkersburg, Point Pleasant, Weirton, Welch, Wheeling, and Williamson, West Virginia, and to file the affidavits of publication. The notice required that protests be filed no later than thirty days after the date of publication.

On July 23, 2014, an Initial and Final Joint Staff Memorandum was filed, stating that Staff had requested modification to the Applicant's proposed tariff, and that the Applicant had agreed to make the changes.

On July 25, 2014, the Applicant filed affidavits of publication of the Notice of Filing in all nineteen cities except for Huntington and Martinsburg.

On August 5, 2014, the Commission issued a Commission Referral Order, referring this matter to the Division of Administrative Law Judges for decision no later than February 5, 2015.

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On August 7, 2014, the Applicant filed revised tariff sheets, stating that all modifications required by Staff had been incorporated therein. Also filed was an affidavit of publication of the Notice of Filing in Martinsburg.

On August 14, 2014, the Applicant filed an affidavit of publication of the Notice of Filing in Huntington.

DISCUSSION

The application will be granted and the requested authority and the revised tariff approved.

FINDINGS OF FACT

1. On July 10, 2014, Crown Castle NG Central LLC filed with the Public Service Commission an application for a certificate of convenience and necessity to provide interexchange and local telecommunications services within the State of West Virginia. (See application)

2. The Applicant gave notice of the filing of its application in accordance with the Commission's requirements, making statewide publication in nineteen cities in West Virginia. The notice required that any protest be filed within thirty days of the date of publication. (See affidavits filed on July 25, August 7, and August 14, 2014).

3. The last publication of the notice was on July 21, 2014, and no protest was filed within the thirty days or as of the date of this order. (See affidavits; Commission case file).

4. Staff recommended that the application be granted, contingent upon revisions to the Applicant's tariff, and the Applicant made those revisions. (See memorandum filed July 23, 2014; filing of August 7, 2014).

CONCLUSION OF LAW

It is appropriate to grant the application and to approve the modified tariff.

ORDER

IT IS THEREFORE ORDERED that the application filed on July 10, 2014, by Crown Castle NG Central LLC for a certificate of convenience and necessity to provide to provide interexchange and local telecommunications services within the State of West Virginia IS GRANTED and that the revised tariff filed August 7, 2014, IS APPROVED.

IT IS FURTHER ORDERED that Crown Castle NG Central LLC, commence operations in West Virginia within one (1) year of the date on which this decision becomes final; otherwise, the authority hereby granted shall be deemed null and void.

IT IS FURTHER ORDERED that Crown Castle NG Central LLC file with the Commission's Tariff Office and original and at least five (5) copies of a proper tariff reflecting the rates approved herein within thirty (30) days of the date on which this decision becomes final.

IT IS FURTHER ORDERED that this matter be removed from the Commission's docket of open cases.

The Executive Secretary of the Commission is ordered to serve a copy of this order upon the Commission by hand delivery; by electronic service upon all parties of record who have filed an e-service agreement with the Commission; and by United States Certified Mail, return receipt requested, upon all parties of record who have not filed an e-service agreement.

Leave is hereby granted to the parties to file written exceptions supported by a brief with the Executive Secretary within fifteen (15) days of the date of this order. If exceptions are filed, the parties filing exceptions shall certify to the Executive Secretary that all parties of record have been served the exceptions.

If no exceptions are so filed, this order shall become the order of the Commission, without further action or order, five (5) days following the expiration of the fifteen-day time period, unless it is ordered stayed by the Commission.

Any party may request waiver of the right to file exceptions to an Administrative Law Judge's order by filing an appropriate petition in writing with the Executive Secretary. No such waiver will be effective until approved by order of the Commission.



Sunya Anderson
Administrative Law Judge

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