

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

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APPLICATION OF)	
)	CAUSE NO. PUD 201000067
NEXTG NETWORKS OF ILLINOIS, INC. D/B/A)	
NEXTG NETWORKS CENTRAL)	
)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE RESOLD AND)	
FACILITIES-BASED LOCAL EXCHANGE AND)	
INTEREXCHANGE TELECOMMUNICATIONS)	ORDER NO. 580810
SERVICES IN THE STATE OF OKLAHOMA)	

HEARING: September 30, 2010, in Courtroom B
 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
 Before Jacqueline T. Miller, Administrative Law Judge

APPEARANCES: J. David Jacobson, Attorney *representing* NextG Networks of Illinois, Inc.
 d/b/a NextG Networks Central
 Don A. Schooler, Assistant General Counsel *representing* Public Utility
 Division, Oklahoma Corporation Commission

**FINAL ORDER GRANTING CERTIFICATE OF CONVENIENCE
 AND NECESSITY AND APPROVING TARIFF**

This cause comes before the Oklahoma Corporation Commission (“Commission”) on the application of NextG Networks of Illinois, Inc. d/b/a NextG Networks Central (“NextG”) for a Certificate of Convenience and Necessity authorizing it to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services in the State of Oklahoma on a statewide basis and to approve its initial tariff.

PROCEDURAL HISTORY

On June 8, 2010, NextG filed an Application with the Commission to obtain a Certificate of Convenience and Necessity to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services in the State of Oklahoma on a statewide basis and to approve its initial tariff.

On July 19, 2010, the Commission, by Order No. 577062, issued the procedural schedule and set the date for the hearing on the merits of the application and also issued Order No. 577061, Order Approving Publication Notice. Pursuant to such orders, NextG published a Notice of Application and Hearing and filed direct written testimony on July 30, 2010. The Commission Public Utility Division Staff (“Staff”) filed direct written testimony on August 19, 2010. No objections to the application were filed.

In written direct testimony filed by Mr. Robert Millar on behalf of NextG, Mr. Millar explained the authority NextG was seeking, and the services for which such authority was requested. The testimony described the business history and operations of NextG, as well as the managerial qualifications and technical expertise of the personnel of NextG.

Ms. Debbie K. Prater filed direct written testimony on behalf of the Staff. Ms. Prater testified that it was the Staff recommendation that NextG be granted a Certificate of Convenience and Necessity and its proposed, initial Oklahoma Tariff No. 1, as amended, be approved, as requested in its Application.

On September 24, 2010, NextG filed an Amended Application, revising certain of its proposed tariff pages.

On September 30, 2010, the hearing on the merits was conducted in accordance with Order No. 577062, and in accordance with the Notice of Application and Hearing published pursuant to said Order. At the start of the hearing, an exhibit list was distributed to the parties, listing the exhibits which had been filed in this cause, including pleadings, testimony, notices of hearing, and proofs of publication of notice in accordance with Commission Rules. At the request of the Administrative Law Judge, counsel for NextG explained the notice NextG caused to be published in newspapers throughout the state in accordance with state statutes, Commission rules and Order No. 577061 in order to effect statewide publication for the granting of statewide authority to NextG. On October 4, 2010, the witness affidavit of Robert Millar was filed.

SUMMARY OF TESTIMONY

Mr. Robert Millar testified on behalf of NextG. Mr. Millar testified that he had knowledge of and was familiar with the application of NextG and verified and affirmed his written pre-filed testimony. Mr. Millar testified that the purpose of the above-entitled application is to request Commission approval to provide telecommunications services, as described in the application, and in written testimony, on a statewide basis. Mr. Millar further testified and confirmed that NextG would comply with federal and state statutes and all applicable rules of the Commission.

Mr. Millar testified that NextG planned to provide radio frequency transport services primarily to wireless carriers and he described how those services would be provided. Mr. Millar testified that NextG does not itself provide any wireless services nor does it provide or sell services to retail end users. Mr. Millar testified that NextG is authorized to provide service in eight states with one application pending and that it has never had its authority revoked or an application for authority denied. Mr. Millar testified that NextG was aware of and understood the Commission's contempt authority and its authority to issue fines, and testified that NextG would comply with all requirements to participate in the Oklahoma Universal Service Fund and pay public utility assessment fees. Mr. Millar testified that NextG would provide service to the public on a non-discriminatory basis.

Mr. Millar further testified that NextG had proposed a tariff for approval with its application and that after working with the Staff on the wording of the proposed tariff, filed an Amended Application revising its proposed tariff.

Upon questioning by the Administrative Law Judge, Mr. Millar testified that NextG followed generally accepted accounting principles for its operations in Oklahoma and elsewhere and explained the corporate structure of NextG and its parent company.

Ms. Debbie K. Prater testified on behalf of the Commission Staff. Ms. Prater described the relief requested by NextG and her analysis of NextG's Application. Ms. Prater testified that it was her recommendation that NextG's application for certification be approved. She further testified that she had reviewed NextG's proposed tariff and the revisions thereto and she recommended approval of the tariff as amended. She further testified that in her opinion, NextG possessed the technical, financial and managerial ability to provide the services described in the application. She also testified that in her opinion it was in the public interest to grant the requested relief.

Upon questioning by the Administrative Law Judge, Ms. Prater testified as to her understanding of the services to be provided by NextG.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above entitled cause pursuant to Article IX, Section 18 of the Oklahoma Constitution and 17 O.S §§ 131, 132 and 133. Further, the Commission finds that NextG has complied with the notice requirements prescribed by 17 O.S. § 132 and by Commission Order No. 577061. The Commission finds that based on the evidence presented, NextG's officers and management personnel have experience and managerial skills in the telecommunications business, that NextG has demonstrated its financial stability through the submission of financial records, and therefore NextG possesses the technical, managerial and financial resources to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services in the State of Oklahoma on a statewide basis as described in the application, in testimony, and at the hearing on the merits.

The Commission further finds that no objections to NextG's application have been filed with the Commission. The Commission further finds the granting of this application to be in the public interest. Therefore, the Commission finds that NextG's application to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services in the State of Oklahoma on a statewide basis as described in the application should be granted and that NextG's tariff as amended is in compliance with the regulatory requirements of OAC 165:55 and should be approved.

ORDER

THE COMMISSION THEREFORE ORDERS that the Application of NextG Networks, Inc. for a Certificate of Convenience and Necessity to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services in the State of Oklahoma on a statewide basis is hereby granted.

THE COMMISSION FURTHER ORDERS that the tariff of NextG as amended is hereby approved.

THE COMMISSION FURTHER ORDERS that all of the findings of fact and conclusions of law of the Commission are hereby adopted.

THIS ORDER SHALL BE EFFECTIVE immediately.

OKLAHOMA CORPORATION COMMISSION

Bob Anthony

BOB ANTHONY, Chairman

Jeff Cloud

JEFF CLOUD, Vice Chairman

Dana L. Murphy

DANA L. MURPHY, Commissioner

DONE AND PERFORMED by the Commissioners participating in the making of this order, as shown by their signatures above, this 3 day of December, 2010.

[seal]

Peggy Mitchell

PEGGY MITCHELL, Commission Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing findings, conclusions and order are the report and recommendation of the undersigned administrative law judge.

Jacqueline T. Miller

JACQUELINE T. MILLER
Administrative Law Judge

November 28, 2010

Date