

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2ND FLOOR, WEST TOWER
WASHINGTON, D.C. 20005

ORDER

July 25, 2012

**FORMAL CASE NO. TA 12-3, IN THE MATTER OF THE APPLICATION OF
24/7 MID-ATLANTIC NETWORK, LLC TO PROVIDE LOCAL
TELECOMMUNICATIONS SERVICES IN THE DISTRICT OF COLUMBIA,
Order No. 16846**

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) approves the application of 24/7 Mid-Atlantic Network, LLC (“24/7 Mid-Atlantic Network, LLC” or “Applicant”) to provide facilities-based and resold local exchange telecommunications services in the District of Columbia. On May 22, 2012, 24/7 Mid-Atlantic Network, LLC filed an application¹ with the Commission seeking authorization to provide facilities-based and resold local exchange telecommunications services² pursuant to the District of Columbia Telecommunications Competition Act of 1996 (“D.C. Telecommunications Act”). The Application included a Statement of Business Operations (“Statement”) and the requisite filing fee of \$1,000.³

2. According to Section 34-2002(d)(1) of the District of Columbia Code,⁴ an applicant

shall be exempt from any other certification requirements if the applicant demonstrates in its Statement of Business Operations that it or its affiliates have at least 3 years of experience providing telecommunications services pursuant to authorization by the FCC or a state regulatory body and that it or its affiliates derives over \$50 million in gross annual revenues from telecommunications services.

3. The Commission has reviewed the information submitted in this case and finds that the Applicant has not satisfied the statutory criteria for automatic certification

¹ *Formal Case No. TA 12-3, In the Matter of the Application of 24/7 Mid-Atlantic Network, LLC to Provide Local Telecommunications Services in the District of Columbia, Application of 24/7 Mid-Atlantic Network, LLC filed May 22, 2012.*

² 24/7 Mid-Atlantic Network, LLC intends to provide facilities-based and resold local exchange telecommunications services to business and commercial customers.

³ D.C. Official Code § 34-2002 (d)(1).

⁴ *Id.*

under Section 34-2002(d)(1) of the District of Columbia Code. Specifically, Liberty-Bell Telecom has not derived \$50 million in gross annual revenues from providing telecommunications services in any of the preceding three years. An applicant that is unable to satisfy these criteria may, however, be certified to provide service in the District under Section 34-2002(d)(3), which states, in pertinent part, that

[T]he Commission may waive the minimum experience and gross annual revenue requirements if it can determine that certification is in the public interest and that the applicant has sufficient experience and financial stability to ensure the continued provision of local exchange services within the District.

4. The Applicant has submitted biographies that detail the telecommunications experience of its key personnel as well as financial information⁵ which sets forth the Applicant's ability to finance its operations in the District of Columbia.⁶ 24/7 Mid-Atlantic Network, LLC has provided substantial information attesting to the various types of telecommunications experience that its chief managers possess.⁷ In addition, the Applicant's financial statements demonstrate its access to financial resources. Thus, the Commission grants the application of 24/7 Mid-Atlantic Network, LLC. Based upon the analysis of the information submitted, the Commission finds that the Applicant has the experience and financial stability to provide facilities-based and resold local exchange telecommunications services in the District of Columbia.

⁵ The Applicant maintains that its financial statements are confidential and requests that the Commission retain them "under a seal of confidentiality." Statement at 1. Confidential filings of proprietary information are governed by the Commission's Rules of Practice and Procedure. Specifically, Commission Rule 150.1, 39 D.C. Reg. 5126 (July 10, 1992), states in pertinent part:

Any material submitted by a party, which claims are confidential and/or proprietary, shall be filed under seal and shall not be used except in connection with the proceeding which the material is filed.

However, Commission Rule 150.4 (b), 39 D.C. reg. 5127 (July 10, 1992), provides that, in order to obtain proprietary information, the requesting party shall "file with the Commission for Proprietary Information Determination pursuant to Section 150.5." In light of the foregoing, we will maintain the Applicant's financial statement under seal, subject to challenge, pursuant to Commission Rules 150.4 (b) and 150.5.

⁶ 24/7 Mid-Atlantic Network, LLC provided financial information to demonstrate that it has sufficient financial resources to operate as a telecommunications service provider in the District of Columbia. Filings submitted May 22, and July 13, 2012.

⁷ 24/7 Mid-Atlantic Network, LLC possesses the requisite operational, managerial, and technical ability to provide the proposed telecommunications services in the District through its Chief Operations Officer Christopher J. Morris, who has expertise in various roles, including finance and business development. 24/7 Mid-Atlantic Network, LLC's Director of Business Development, Greg Rudomanski has expertise in sales and business management. Additionally, 24/7 Mid-Atlantic Network, LLC's senior management possess the ability to provide expertise in business operations and product development.

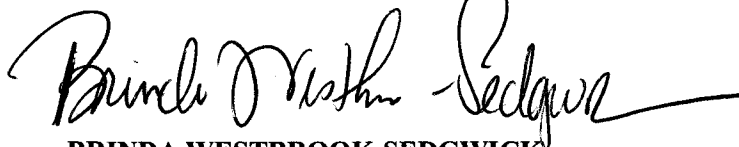
5. The Commission has concluded in previous Orders that the public interest is served by increasing competition in the local telecommunications market through new entrants such as 24/7 Mid-Atlantic Network, LLC.⁸ These potential benefits include a reduction in prices, a greater array of services, and the likelihood of increased economic development for the District, with the potential for new jobs and financial investment.⁹ The Applicant has demonstrated that it has the experience and financial resources to provide telecommunications services in the District; therefore, the Commission concludes that its certification will serve the public interest.

THEREFORE, IT IS ORDERED THAT:

6. The Application of 24/7 Mid-Atlantic Network, LLC to provide facilities-based and resold local exchange telecommunications services in the District of Columbia is hereby **GRANTED**.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "Brinda Westbrook-Sedgwick", with a long horizontal flourish extending to the right.

CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

⁸ *Formal Case No. 892, In the Matter of the Application to Provide Local Telecommunications Services in the District of Columbia of Winstar Wireless*, Order No. 10835 at 4, rel. January 23, 1997; *Formal Case No. 892, In the Matter of the Application to Provide Local Telecommunications Services in the District of Columbia of Dynamic Telco Services, Inc.*, Order No. 11082 at 6, rel. October 28, 1997.

⁹ *Formal Case No. 892, In the Matter of the Application for a Certificate of Public Convenience and Necessity of Teleport Communications of Washington, D.C. Inc.*, Order No. 10847 at 2, rel. September 26, 1996.