



**Connecticut Department of
Energy & Environmental Protection
Bureau of Energy and Technology**

Confirmation Receipt

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December 29, 2014

VIA E-FILING AND OVERNIGHT DELIVERY

Nicholas E. Neeley, Acting Executive Secretary
Connecticut Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 05-02-06
Crown Castle NG East LLC
Notice of Conversion and Resulting Name Change

RECEIVED
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D.E.P.-P.U.R.A.
EXECUTIVE SECRETARY

Dear Mr. Neeley:

Crown Castle NG East LLC (formerly known as Crown Castle NG East Inc. and NextG Networks of NY Inc. d/b/a NextG Networks East) (the “Company”) hereby notifies the Commission that the Company’s current name is “Crown Castle NG East LLC” as a result of (1) a name change from “NextG Networks of NY Inc. d/b/a NextG Networks East” to “Crown Castle NG East Inc.” and (2) its conversion from a Delaware corporation to a Delaware limited liability company. The conversion of the Company to a limited liability company was merely a change in its corporate form accomplished through the filing of a Certificate of Conversion in Delaware and did not entail any merger or other transactions that extinguish the existence of the Company. The Company requests that the Commission update its records, including the Company’s Certificate,¹ to reflect its current name, “Crown Castle NG East LLC”.

The Company’s conversion documents and authority to transact business in Connecticut are provided as Attachment 1 hereto. The Company will separately file a replacement tariff(s) reflecting these changes upon request.

An original and one (1) copy of this letter are enclosed. A copy of this filing has also been submitted in electronic format via the Commission’s E-file system. Please date-stamp the copy

¹ The Company is authorized to provide facilities-based RF transport and data services pursuant to a Decision issued in Docket No. 05-02-06 on August 17, 2005.

Nicholas E. Neeley, Acting Executive Secretary
December 29, 2014
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of this filing and return it in the envelope provided. Please do not hesitate to contact Brett Ferenchak at 202-373-6697 if you have any questions.

Respectfully submitted,



Catherine Wang
Brett P. Ferenchak

Counsel for the Company



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL
TEN FRANKLIN SQUARE
NEW BRITAIN, CT 06051

DOCKET NO. 05-02-06 APPLICATION OF NEXTG NETWORKS OF NY, INC.
D/B/A NEXTG NETWORKS EAST FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY

August 17, 2005

By the following Commissioners:

Jack R. Goldberg
Donald W. Downes
John W. Betkoski, III

DECISION

DECISION

I. INTRODUCTION

A. SUMMARY

This docket addresses NextG Networks of NY, Inc.'s d/b/a NextG Networks East (NextG or Company) request for a Certificate of Public Convenience and Necessity (CPCN) to operate as a facilities-based provider of radio frequency (RF) transport and backhaul services to commercial mobile radio service (CMRS) providers. NextG may also transport and distribute its wireless customers' data services.

The Department of Public Utility Control (Department) finds that NextG meets the managerial, financial and technical criteria to operate as a facilities-based provider of telecommunications services. The Department also finds the Application is a request for approval to provide transport and data services to retailers or competitive local exchange carriers (CLEC) and is not a request to provide local exchange service. Therefore, the requirement pursuant to Docket No. 94-07-03, DPUC Review of Procedures Regarding the Certification of Telecommunications Companies to Expand Authority Granted in Certificates of Public Convenience and Necessity-Reopening (Decision) to serve customers in the state's modified labor market area(s) and the obligation to provide service to any and all consumers seeking voice service from the provider in its authorized area(s) of operation within five years of certification is not applicable at this time.

Accordingly, the Department finds the Company's proposal to be in the public interest and grants the certificate.

B. BACKGROUND OF THE PROCEEDING

By application received on February 10, 2005 (Application), pursuant to § 16-247g of the General Statutes of Connecticut (Conn. Gen. Stat.) and § 16-247c-3 of the Regulations of Connecticut State Agencies (Conn. Agencies Regs.), NextG requested the Department's approval for a GPCN to provide service as a facilities-based competitive telecommunications provider. Specifically, NextG proposes to provide RF services to CMRS providers. NextG may also transport and distribute its wireless customers' data services. According to NextG, at this time it does not intend to furnish traditional residential or business local telephone services or switched, interexchange telephone service. Application, pp. 1 and 6-9.

C. CONDUCT OF THE PROCEEDING

By Notice dated March 4, 2005, the Department acknowledged receipt of the Application. Pursuant to Conn. Gen. Stat. § 16-247g, the Department determined that a hearing in this matter was not necessary.

D. PARTIES AND INTERVENORS

The Department recognized NextG Networks of NY, Inc., 2216 O'Toole Avenue, San Jose, California 95131; the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051; the Southern New England Telephone Company and The Woodbury Telephone Company, 310 Orange Street, New Haven, Connecticut 06510; and Verizon New York, Inc., 1095 Avenue of the Americas, Room 3729, New York, New York, 10036, as Parties to this proceeding.

II. DEPARTMENT ANALYSIS**A. FINANCIAL RESOURCES, MANAGERIAL ABILITY AND TECHNICAL COMPETENCY**

Pursuant to Conn. Gen. Stat. §§ 16-247c and 16-247g, NextG must obtain a CPCN to offer and provide telecommunications services. The Company has requested a CPCN to provide radio frequency transport and backhaul services to CMRS providers and to transport and distribute its wireless customers' data services. Application, Exhibit B-1. To grant a CPCN, the Department must find that the Company "possesses and demonstrates adequate financial resources, managerial ability and technical competency to provide the proposed service." Conn. Gen. Stat. § 16-247g(c).

NextG is a Delaware corporation incorporated on November 1, 2002, with principal offices in San Jose, California. NextG provided a certificate of existence issued by the Connecticut Secretary of the State on May 4, 2005. Application, Exhibit A-1 and Response to Interrogatory TE-1. The Company states that NextG will only provide RF transport services where technology permits. Application, Exhibit B-1. The Department has reviewed NextG's financial statements and qualifications and concludes that the Company possesses adequate financial resources to provide the proposed services. Application, Exhibits C-1, C-2, and C-3; Responses to Interrogatories TE-3 and TE-4. For these reasons, the Department finds that NextG possesses and demonstrates adequate financial resources, managerial ability and technical competency to provide the proposed services in Connecticut.

B. PUBLIC INTEREST CONSIDERATIONS

Conn. Gen. Stat. § 16-247a (a) sets forth the goals of the State in the provision of telecommunications services:

- (1) ensure the universal availability and accessibility of high quality, affordable telecommunications services to all residents and businesses in the state,
- (2) promote the development of effective competition as a means of providing customers with the widest possible choice of services,
- (3) utilize forms of regulation commensurate with the level of competition in the relevant telecommunications service market,
- (4) facilitate the efficient development and deployment of an advanced telecommunications infrastructure, including open networks with maximum interoperability and interconnectivity,
- (5) encourage shared use of existing

facilities and cooperative development of new facilities where legally possible, and technically and economically feasible, and (6) ensure that providers of telecommunications services in the state provide high quality customer service and high quality technical service.

According to NextG, approval of its Application will serve the public interest and offer several benefits to customers in Connecticut. Specifically, NextG states that by expanding the availability of competitive telecommunications services in the state, the public will benefit by an increase of more innovative services, by the incentives for other providers to operate more efficiently, reduce prices and the improvement in the quality of service provided to them. Application, Exhibit G-1.

The Department finds that authorization of the Application will enhance competition in the Connecticut marketplace by making available additional service options to which CMRS providers may bring some or all of their business. The Department also finds that NextG's provision of RF transport services and data services and deployment of its own facilities will contribute to the efficient and cooperative use of the communications infrastructure. Lastly, the Department believes that NextG's technical policies and procedures will ensure that high quality customer and technical services are provided to its Connecticut customers. Application, Exhibit F-1. Therefore, the Department finds that NextG's request to provide the proposed services furthers the goals of Conn. Gen. Stat. § 16-247a(a) and is in the public interest.

NextG proposes to construct and maintain wireless telecommunications networks on behalf of major wireless carriers. While NextG is requesting a CPCN to offer RF transport and backhaul services and wireless data services using a system of fiber optic cables, small antennas and conversion equipment attached to poles and other structures, the Company does not intend to provide voice services at this time. Specifically, NextG proposes to use optical technology, including multi-wavelength optical technology over dedicated transport facilities to provide telecommunications companies with more efficient transport and greater overall network service options. RF transport services connect customer-provided wireless capacity equipment to customer-provided or NextG provided bi-directional RF-to-optical conversion equipment at a hub facility. The conversion equipment will allow NextG to accept RF traffic from the customer and then send bi-directional traffic transmission across the appropriate optical networks. Application, Exhibit B-1; Response to Interrogatory TE-6. As a facilities-based provider, the Company plans to expend approximately \$2.7 million in the first year of its operation. Response to Interrogatory TE-6.

The Department has reviewed the Company's proposal and finds it satisfactory. The Department notes that if NextG plans to construct any facilities in the public right of way, it must obtain the Department's approval prior to such construction as outlined in Conn. Agencies Regs. §16-247c-5.

NextG states that it will only provide RF transport services where technology permits. NextG explains that the furnishing of RF transport services requires certain physical arrangements of equipment and facilities and the service is subject to that availability. Therefore, NextG will reserve the right not to provide service to or from a

location where the necessary facilities or equipment are not available. Application, Exhibit B-1.

In the March 15, 1995 Decision in Docket No. 94-07-04, DPUC Investigation Into the Competitive Provision of Local Exchange Service in Connecticut, the Department prescribed specific obligations for CLECs in exchange for authority to provide local exchange service in Connecticut to end user customers. Because NextG is not seeking approval at this time to offer local exchange service to end users, and is seeking a CPCN to provide services to CMRS providers, the obligation to serve pursuant to the Department's Decision in Docket No. 94-07-04 is not applicable nor required at this time. However, NextG shall make its services available to all interested CMRS providers.

For these reasons, the Department finds that NextG's proposal is in the public interest.

C. POST-CERTIFICATION REPORTING REQUIREMENTS

In its March 15, 1995 Decision in Docket No. 94-07-03, DPUC Review of Procedures Regarding the Certification of Telecommunications Companies and of Procedures Regarding Requests by Certified Telecommunications Companies to Expand Authority Granted in Certificates of Public Convenience and Necessity, at pages 29-30, the Department set forth the post-certification filing requirements for certified telecommunications companies. Those requirements are as follows:

- Pursuant to statute the Department is required to report to the General Assembly on an annual basis regarding the telecommunications market in Connecticut. Conn. Gen. Stat. § 16-247i. To meet its statutory obligations, the Department requires each authorized telecommunications provider to submit responses to the Department's annual data requests on the basis of an October 1 - September 30 fiscal year; the Department compiles the information at the conclusion of the third calendar quarter of each year.
- To evaluate the financial, managerial and technical adequacy of a certified provider periodically, as contemplated by Conn. Gen. Stat. § 16-247g (d), the Department requires each certified provider to submit on an annual basis a copy of the company's annual report, annual return or a summary financial statement.
- The following information filings are also required to be submitted to the Department:
 - current listings of rates and charges for all certified services;
 - annual reports on the provider's Connecticut operations within 60 days of the close of its fiscal year, including at a minimum: the number of customers for each certified service, a description of physical changes in or additions to existing facilities expected for the next fiscal year and any changed uses of those facilities, and any changes in the information which was filed with the Department in the certification proceeding; and

-- copies of the Form 10-K (if required to file a Form 10-K) with the Securities and Exchange Commission (SEC) and any other informational filings at the time filed with the SEC.

NextG will be subject to the above-detailed post-certification filing requirements, as are all certified providers in this state.

D. TARIFFS

The Company filed proposed Connecticut-specific tariffs, relative to transport and data transmission. Application, Exhibit B-1. In the Decision in Docket No. 87-08-24, DPUC Investigation into Authorization of Competition for Intrastate Interexchange Telecommunications Services Pursuant to Public Act 87-415, issued March 15, 1989, the Department required that Connecticut LECs and competitive service providers be subject to virtually the same tariff application and review procedures. The Department finds that sufficient data have been presented during this proceeding to indicate that NextG's rates and charges will exceed the respective costs of its services. *Id.* Therefore, the Department finds that NextG has provided adequate cost justification for its proposed rates and charges and finds them to be acceptable as filed. However, the Department notes that NextG's tariffs state that they are a resold provider of telecommunications services. The proposed tariffs also indicate that NextG's services include the direct transmission and reception of voice. *Id.*, p. 16. The Company's Application requests a CPCN to provide facilities-based authority for RF transport and data services only. Therefore, the Department will require the Company to remove the reference to the resold authority and the transmission of voice from its tariff.

E. LIFELINE CREDIT AND TELECOMMUNICATIONS RELAY SERVICE FUNDING REQUIREMENTS

The Department issued a Decision in Docket No. 94-07-09, DPUC Exploration of the Lifeline Program Policy Issues, on May 3, 1995. In that Decision, the Department concluded that funding mechanisms based on market share as measured by total intrastate and interstate revenues are the most equitable method of recovering telecommunications relay service (TRS) and Lifeline costs. As a telecommunications service provider operating in Connecticut, NextG will participate in TRS and Lifeline funding as discussed in the aforementioned Decisions, and will be so ordered below.

III. FINDINGS OF FACT

1. NextG possesses and demonstrates adequate financial resources, managerial ability and technical competency to provide the proposed services.
2. NextG's participation in the funding program to recover Connecticut's Lifeline and TRS costs is in keeping with the Department's commitment to further Universal Service.
3. NextG shall participate in the Lifeline Credit and TRS funding program as described in Section III, E, above.

IV. CONCLUSION AND ORDERS

A. CONCLUSION

NextG's request to operate as a facilities-based provider of RF transport and data services for CMRS providers furthers the goals of Conn. Gen. Stat. § 16-247a(a) and is in the public interest.

B. ORDERS

For the following Orders, please submit an original and 5 copies of the requested material, identified by Docket Number, Title and Order Number to the Executive Secretary.

1. NextG shall file revised tariffs consistent with this Decision no later than August 10, 2005. The effective date of the Company's tariffs shall be August 15, 2005.
2. NextG shall comply with the post-certification filing requirements set forth in the Department's March 15, 1995 Decision in Docket No. 94-07-03. Regarding the requirement that GNI file with the Department annual reports on its Connecticut operations, GNI shall do so no later than April 30th of each year shall, beginning in 2000. Such annual reports shall describe the status of its Connecticut operations and shall include at a minimum the following information:
 - (a) The number of customers;
 - (b) total intrastate revenues;
 - (c) intrastate minutes of use;
 - (d) a description of physical changes in or additions to existing facilities expected for the next fiscal year and any changed uses of those facilities;
 - (e) any changes in the information which was filed with the Department in this certification proceeding;
3. NextG shall make its RF transport and data service available to all CMRS providers in the state.
4. NextG shall remove from its tariffs the reference to the resold authority and the transmission of voice from its tariff as described in the Decision above.
5. NextG shall participate in the Lifeline Credit and TRS funding program as described in Section III, E, above.

**DOCKET NO. 05-02-06 APPLICATION OF NEXTG NETWORKS OF NY, INC.
D/B/A NEXTG NETWORKS EAST FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY**

This Decision is adopted by the following Commissioners:

Jack R. Goldberg

Donald W. Downes

John W. Betkoski, III

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

Louise E. Rickard

Louise E. Rickard
Acting Executive Secretary
Department of Public Utility Control

August 22, 2005

Date