

05-58A

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March 16, 2005

**VIA ELECTRONIC MAIL**

Janice McCoy  
Telecom Specialist  
Department of Telecommunications and Energy  
One South Station - 2nd Floor  
Boston, Massachusetts 02110-2212

MASSACHUSETTS  
DEPARTMENT OF  
TELECOMMUNICATIONS & ENERGY  
TARIFF ALLOWED TO GO INTO  
EFFECT AS FILED

**Re: NextG Networks of New York, Inc.**

Dear Ms. McCoy:

Enclosed please find the initial Tariff M.D.T.E. No. 1. for NextG Networks of New York, Inc., which contains the same tariff as the version previously filed in this case. The tariff also contains the same issued and effective dates and consists of original pages 1 through 22. The Company proposes to offer RF Transport telecommunications services to non-residential subscribers in Massachusetts.

Questions regarding this filing may be directed to Scott Thompson or Gerie Voss at (202) 659-9750

Sincerely,



T. Scott Thompson  
Gerie A. Voss

*Counsel for NextG Networks of New York, Inc.*

Enclosure

MAR 16 2005

FINAL

COLE, RAYWID & BRAVERMAN, L.L.P.

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SCOTT THOMPSON  
WRITER'S EMAIL  
STHOMPSON@CRBLAW.COM

February 11, 2005

**BY FEDERAL EXPRESS**

Mary Cottrell, Secretary  
Administrative Division  
Department of Telecommunications and Energy  
One South Station - 2nd Floor  
Boston, Massachusetts 02110-2212

Re: NextG Networks of New York, Inc.

MASSACHUSETTS  
DEPARTMENT OF  
TELECOMMUNICATIONS & ENERGY  
TARIFF ALLOWED TO GO INTO  
EFFECT AS FILED

Dear Secretary Cottrell:

Enclosed please find an original and two (2) copies of the Statement of Business Operations/Registration, and initial Tariff M.D.T.E. No. 1, consisting of Original pages 1 through 29, for NextG Networks of New York, Inc. The Company proposes to offer RF Transport telecommunications services to non-residential subscribers in Massachusetts.

*See Amended version of Tariff 1, Orig pp 1-22*

Also enclosed is the appropriate tariff filing fee in the amount of \$100.00. As required by Massachusetts law, the proposed tariff carries an effective date of at least thirty (30) days after the filing date with the Department. Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the self-addressed stamped envelope provided for that purpose.

Questions regarding this filing may be directed to Scott Thompson at (202) 659-9750 and [sthompson@crblaw.com](mailto:sthompson@crblaw.com).

Sincerely,

T. Scott Thompson

*Counsel for NextG Networks of New York, Inc.*

Enclosures

NextG Networks of New York, Inc.  
1759 South Main Street, Suite 128  
Milpitas, CA 95035

M.D.T.E. No. 1 – Telephone

Original Title Page

Tariff Schedule  
Applicable to

INTRASTATE TELECOMMUNICATIONS SERVICES

of

**NEXTG NETWORKS OF NEW YORK, INC.**

A copy of this tariff schedule will be available for public inspection in the Company's business office during regular business hours.

MASSACHUSETTS  
DEPARTMENT OF  
TELECOMMUNICATIONS & ENERGY  
TARIFF ALLOWED TO GO INTO  
EFFECT AS FILED

MAR 16 2005

Issued: February 14, 2005

*Issued By:*  
**Robert L. Delsman**  
*Tariff Manager*

Effective: March 14, 2005

Competitive Local Carrier

**CHECK SHEET**

The Title Sheet and Sheets 1 through 22 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s).

<u>SHEET</u>	<u>REVISION</u>
Title	Original
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original

MAR 16 2005

Issued: February 14, 2005

Issued By:  
**Robert L. Delsman**  
Tariff Manager

Effective: March 14, 2005



10. All businesses incorporated in states other than the Commonwealth which are doing business in Massachusetts must register with the Secretary of the Commonwealth (SOC) within ten days after they commence doing business in the state by filing a foreign registration certificate. Failure to register may result in the imposition of fines and/or an injunction restraining the further prosecution of business in the Commonwealth by the foreign corporation.

A copy of the SOC Foreign Registration Certificate:

is attached.                       will be filed with the DTE within the following 30 days.

11. Please provide the following information for the **regulatory contact person** to work with the Department on the following:

A. Issues related to processing this Registration and tariff filing:

Name/Title: **Anthony Rodriguez, Contracts Manager & Regulatory Specialist**

Mailing Address: **1759 S. Main Street, Suite 128, Milpitas, CA 95035**

Direct Phone Number: **(408) 719-8510, x. 186**

Direct Facsimile Number: **(408) 719-8560**

Email Address: [arodriguez@nextgnetworks.net](mailto:arodriguez@nextgnetworks.net)

B. Issues related to consumer complaints [**not** the general customer service department]

**Same as above.**

C. All other regulatory-related issues [**in house**]

**Same as above.**

12. Registrant will be providing telecommunications services as indicated:

non-residential                       residential                       wholesale/carrier-to-carrier

facilities-based                       UNE                       UNE-P                       own facilities

13. Registrants initial tariff offers the following services: [check all that apply]

Voice grade                                       Data (specify types)                                       Interexchange

Local exchange

Prepaid local exchange

Operator services at traffic aggregator locations

Operator services to inmates/correctional facilities

Other (explain): **Transport and backhaul services of voice and data signals for wireless providers ("RF Transport Services"), using optical technology, including multi-wavelength optical technology over dedicated transport facilities.**

14. Provide a clear and concise summary of the **specific** services the Registrant will be offering (e.g., bundled local and interexchange services; conference calling; unregulated enhanced services as part of a package, such as voice mail, internet access)





*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

William Francis Galvin  
Secretary of the  
Commonwealth

August 12, 2004

To Whom It May Concern:

I hereby certify that the records of this office show that

**NEXTG NETWORKS OF NY, INC.**

a corporation organized under the laws of Delaware on November 4, 2002 was qualified to do business in this Commonwealth on December 4, 2003 under the provisions of the General Laws, and I further certify that said corporation is still qualified to do business in this Commonwealth.

I also certify that said corporation is not delinquent in the filing of any annual reports required to date.



In testimony of which,  
I have hereunto affixed the  
Great Seal of the Commonwealth  
on the date first above written.

*William Francis Galvin*  
Secretary of the Commonwealth



# Delaware

PAGE 1

## The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "NEXTG NETWORKS OF NY, INC" IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRTEENTH DAY OF AUGUST, A.D. 2004.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3587157 8300

AUTHENTICATION: 3294890

040594960

DATE: 08-13-04

**AFFIDAVIT**

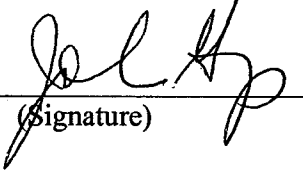
The undersigned declares under penalty of perjury that they are authorized to make this verification for, and on behalf of, the Registrant; that they have read the information provided by the Registrant in the foregoing document, and is informed and believes the same are true and on that ground affirms that the manners therein stated are true.

In addition, the undersigned, on behalf of the Registrant, attests that the Registrant will comply with all applicable Massachusetts laws and rules, Department Orders, regulations, letter rulings, directives and other requirements, whether formal or informal.

**Registrant understands that failure to comply will be grounds for the Department to cancel the Registrant's registration/SBO and tariff(s), thus preventing the Registrant from operating and/or providing telecommunications services within Massachusetts.**

Dated this 20th day of December, 2004

Legal Name of Registrant: NextG Networks of NY, Inc.

By:   
(Signature)

John Georges, President and CEO  
(Printed Name and Title)

NOTARIZE BY:

SUBSCRIBED AND SWORN to before me

this 20th day of December, 2004



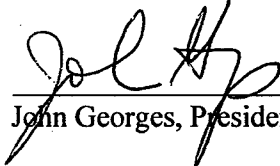
## MASSACHUSETTS STATE TAX ATTESTATION

In accordance with Massachusetts General Laws, Chapter 62C, Section 49A, I hereby certify under the pains and penalties of perjury that the Registrant, to the best of my knowledge and belief, has filed all Massachusetts state tax returns and paid all Massachusetts state taxes required by law. I also certify, under the pains and penalties of perjury that the Registrant, to the best of my knowledge and belief, has filed and paid all federal taxes required by law.

NextG Networks of NY, Inc.

51-0437800

Federal Taxpayer Identification No.



John Georges, President and CEO

December 20, 2004

Date

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS & ENERGY  
TELECOMMUNICATIONS DIVISION  
7.03

This check list is to be submitted with the Business Statement and proposed tariff

Check List For Registration/SBO and Tariff Filings

Use the checklist to indicate that the following information/documents have been provided in conjunction with filing an **initial** Registration/SBO and intrastate tariff.

All items must be responded to in order to expedite the handling of a filing. If a response is 'no' or 'not applicable, please explain.

A. Registration/Statement of Business Operations

Yes No

1. ✓ • The Registration/*Statement of Business Operations* is complete, signed and notarized, with all necessary attachments.
2. ✓ • The description of the services in item 14 of the *Registration/Statement of Business Operations* is a clear, complete, but brief explanation of all services to be offered. **The response does not refer the reader to the proposed tariff for a description of the proposed services.**

B. Tariff

1. ✓ • The proposed tariff is accompanied by a transmittal letter specifying the tariff number and specific pages being filed for consideration by the Department, including an explanation of the filing.
2. ✓ • The original copy of the proposed tariff is on 82" x 11" **three hole-punched paper**. This requirement does not include the two copies.
3. ✓ • The appropriate filing fee of \$100.00 is included.
4. ✓ • The *issue* date of the proposed tariff is the date on which it is expected that the Department will receive the filing.
5. ✓ • The *effective* date of the proposed tariff is at least thirty (30) days after the date on which it is expected that the Department will receive the filing.
6. ✓ • The proposed tariff contains the appropriate restrictive language if telecommunications services are being offered to only non-residential customers.

7. If residential service is to be offered: *Applicant is not providing residential service.*
- ✓ (a) the tariff contains generic language stating that the company will comply with the Billing and Termination Rules in DPU 18448;
  - ✓ (b) the proposed tariff contains explicit billing and termination rules *similar* to those contained in DPU 18448, and the differences are clearly articulated in the tariff transmittal letter.
8. ✓ Q If non-residential service is to be offered, the tariff includes language stating that if a non-residential customer is unable to resolve any dispute with the Company, the customer may file a complaint with the DTE. The tariff provision also states that pursuant to its authority under G.L.c. 159, the DTE has discretion whether to adjudicate complaints between non-residential customers and the Company. D.T.E. 02-86 (June 2, 2003)
9. ✓ • The proposed tariff contains, at a minimum: a table of contents; sections containing definitions, technical terms and abbreviations; general rules and regulations; a description of all services to be provided **INCLUDING the marketing/advertising names of all tariffed services and products**; and applicable provisions for special pricing arrangements, promotional offerings and surcharges.
10. ✓ • The proposed tariff contains all applicable rate schedules for services to be offered. There are no minimum/maximum rates or range of rates in the proposed tariff. If a third party rate is being "passed through" to the customer, explanatory language is contained in the tariff.
11. ✓ • There are no attorneys fees, court costs or collection fees in the proposed tariff.
12. ✓ • Security deposit requirements for residential customers do not exceed \$50.00.
13. ✓ • Interest on deposits, which must be paid by all telecommunications services providers on non-residential accounts, are calculated in conformance with 220 CMR 26.09.
14. ✓ • Late payment charges imposed by incumbent local exchange companies on unpaid non-residential account balances of bills in arrears are calculated in conformance with 220 CMR 26.10.
15. ✓ • The proposed tariff includes provisions indicating that a written notice of discontinuance of service, with reasons specified, will be sent fifteen (15) days prior to discontinuance, followed by a second written notice five (5) days prior to discontinuance of service. Notices will be sent via First Class U.S. Mail.

16. • ✓ If operator services are to be offered from traffic aggregator locations, the consumer information label/tent card/placard is in conformance with the Department's Consumer Protection Policies outlined in the *Statement of Business Operations*, especially with respect to oral rate disclosure requirements issued by the Department effective July 1, 1998, and similar to rules adopted by the Federal Communications Commission. (See DPU/DTE 97-88/97-18 Phase II (April 17, 1998)). *Applicant is not providing operator services.*
17. • ✓ If providing inmate calling services (e.g., automated, collect-only, 0+, debit-card, outbound-only calling services to inmates of confinement facilities in Massachusetts) the proposed tariffed rates and oral rate disclosure requirements are consistent with the Department's April 17, 1998, decision in Docket No. DPU/DTE 97-88/97-18 (Phase II). *Applicant is not providing inmate calling services.*
18. ✓ • The proposed tariff contains language stating that all promotional service offerings will be filed with the Department for tariff approval. Promotions are not open ended and have an ending date of within one year.
19. ✓ Pursuant to Massachusetts General Law c. 159, Sections 19 and 19A, the revenue generated from the rates and charges associated with intrastate Directory Assistance (DA) service, in conjunction with local exchange service for residence, centrex and/or private branch exchange (PBX) services are used as a funding mechanism for the provisioning of E911, Dual Party Relay Service and Specialized Customer Premises Equipment Programs. Contained within the statutes are certain other conditions and exemptions. *Applicant is not providing DA services.*
- ✓ If offering DA services to local exchange customers, the tariff provisions conform to the applicable statutes and any previous DTE rulings. If no, please explain.
20. • ✓ If offering local exchange services, the Statement of Business Operations and tariff describes the service areas including the exchanges and local calling areas. *Applicant is not offering local exchange voice services.*
- Note: Generally, tariffs may not reference other carriers' tariffs, rules, regulations or rates. However, if Registrant is proposing to resell the local exchange services of a facilities-based carrier, Registrant's tariff may, if applicable, include a provision that the company is adopting the service area(s), exchange boundaries and local calling areas of the facilities-based carrier. See item 16 in Registration/SBO.