

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-012T

IN THE MATTER OF THE APPLICATION OF ALTICOMM, INC. FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.

ORDER DENYING APPLICATION

Mailed Date: February 13, 2003
Adopted Date: February 12, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On January 10, 2003, Alticomm, Inc. (ALTICOMM or Company), filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services. 4 *Code of Colorado Regulations* (CCR) 723-25-4

2. Notice of the application was posted on the Commission's web site on January 13, 2003. Interventions were due on or before February 3, 2003. None were filed.

B. Discussion

3. The Commission has obtained information that on its face would question the veracity and completeness of the information contained in ALTICOMM's application for authority. Specifically, the Company, in response to the specific question of disclosure of any adverse decisions or sanctions as specified in Rule 4 CCR 723-25-4.1.8, responded in the negative in its application form.

4. This Commission understands that specific corrective action was taken in Minnesota against Alticomm, Inc., formerly known as Eastern Telephone, Inc. (in Docket No. P-

6164/C-02-1383, Order Directing Compliance with Filed Agreement). This was the resolution of a complaint filed by the Minnesota Department of Commerce against several business entities, including Alticomm, Inc., formerly known as Eastern Telephone, Inc.

5. In Iowa, the Iowa Utilities Board (IUB) issued an order (Docket No. FCU-02-17) to show cause that named several companies, including Eastern Telephone, Inc. (Eastern). A Mr. James L. Cornblatt, the Director of Regulatory Affairs, was noted in FCU-02-17 as being the recipient of a letter from the IUB staff addressing specific non-compliance issues. As a part of the order to show cause, Eastern was ordered to cease charging any compensation for any communications services provided in Iowa, until further order of the IUB.

6. A Mr. James Cornblatt, Director of Regulatory Affairs for ALTICOMM signed the attestation for the Company in its application for authority in Colorado. This individual also signed the affidavit under oath, for ALTICOMM that all statements and contents of the application are true, accurate, and correct to the best of his knowledge and belief.

7. The actions taken in Minnesota and Iowa indicate that there has been corrective action; there has been an initiation of a show cause proceeding; and there has been initiation of a disciplinary action that were directed against Alticomm, Inc., formerly known as Eastern Telephone, Inc. These actions should have been disclosed by ALTICOMM in its application for telecommunications authority in Colorado. 4 CCR 723-25-4.1.8 (d), (f), and (g)

II. ORDER

A. The Commission Orders That:

1. Alticomm, Inc.'s application is rejected pursuant to 4 *Code of Colorado Regulations* CCR 723-25-3.6 and 4.1.8.

2. The issue that the Director of Regulatory Affairs may have provided an inaccurate statement under oath in his affidavit provided in Alticomm, Inc.'s application will be forwarded to the Attorney General's Office with a suggestion/request for further investigation and possible sanctions as allowed by law.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 12, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners