

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
NEXTG NETWORKS OF CALIFORNIA, INC.) Undocketed Case
FOR A CERTIFICATE OF REGISTRATION)
TO PROVIDE COMPETITIVE LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF NEW MEXICO)**

ORDER ISSUING CERTIFICATE OF REGISTRATION

THIS MATTER comes before the New Mexico Public Regulation Commission (“NMPRC” or “Commission”) upon the Application for Certificate of Registration (Application) that was filed by **NextG Networks of California, Inc.** on November 13, 2008. **NextG Networks of California, Inc.** seeks to provide local exchange telecommunications services within the State of New Mexico. The Commission, having reviewed the record pursuant to NMSA 1978, § 63-7-1.1, § 63-9A-1, *et seq.*, and 17.11.19 NMAC, *et seq.*, and being otherwise fully advised in the premises,

FINDS AND CONCLUDES:

1. Effective January 1, 2001, the Commission, pursuant to NMSA 1978, §§ 8-8-4, 8-8-15 and 63-9A-8.2, promulgated its new rule expediting procedures for competitive local exchange carriers to obtain authority to provide local exchange telecommunications services in New Mexico. Pursuant to this rule, the Commission, upon receipt of a completed application approved by Staff, “shall issue a certificate of registration if it finds that the applicant possesses adequate financial resources and technical competency to provide competitive local exchange service and that issuance of the certificate of registration is in the public interest. 17.11.19.11 NMAC.

2. On January 22, 2009, the Commission's Utility Division Staff (Mark A. Cessarich, Economist), presented the Application to the Commission in accordance with 17.11.19.11 NMAC, stating that **NextG Networks of California, Inc.** had completed its Application in compliance with 17.11.19.11 NMAC and recommending that the Commission grant to **NextG Networks of California, Inc.** a *Certificate of Registration*.

3. Based on the information contained in the Application, as well as the Affidavit filed by Staff on January 22, 2009, the Commission finds and concludes that it is in the public interest to grant a *Certificate of Registration* to **NextG Networks of California, Inc.** for the provision of competitive local exchange telecommunications services in New Mexico.

4. The Commission has jurisdiction over the subject matter of this case.

IT IS THEREFORE ORDERED:

A. The Application of **NextG Networks of California, Inc.** to provide competitive local exchange telecommunications services within the State of New Mexico (as described in the Application) is in the public interest and is granted as provided by this *Order*.

B. A *Certificate of Registration* shall issue to **NextG Networks of California, Inc.** pursuant to 17.11.19 NMAC, *et seq.*, authorizing **NextG Networks of California, Inc.** to provide local exchange telecommunications services within the State of New Mexico as provided by this *Order*; and this *Order* shall constitute said *Certificate of Registration*.

C. The Commission approves the proposed local exchange tariff of **NextG Networks of California, Inc.**; *provided*, that, prior to supplying service to the public as a competitive telecommunications provider, **NextG Networks of California, Inc.** shall file an initial tariff with the Commission consistent with the approvals granted by this *Order*. Further, and consistent with other applicable Commission requirements, the tariff shall bear an effective date of not less than ten (10) days subsequent to the date of filing the tariff with the Commission.¹ The tariff must also be in a form consistent with the Commission's final order regarding the inclusion of limitations of liability in tariffs of telecommunications carriers.²

¹ *Expedited Procedures for Competitive Local Exchange Carriers*, set forth at 7.11.19.16.A NMAC.

² Case No. 04-00223-UT, *In the Matter of the Staff Petition for a Declaratory Order Regarding the Inclusion of Limitations of Liability in Tariffs of Telecommunications Carriers*, Final Order, issued December 5, 2006.

D. **NextG Networks of California, Inc.** shall otherwise comply with all other provisions of 17.11.19 NMAC, *et seq.*, all rules and orders of this Commission, and all universal service requirements as determined by the Commission.

E. This *Order* is effective immediately.

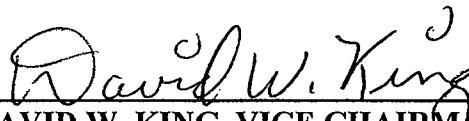
F. A copy of this *Order* shall be served on the persons listed on the attached *Certificate of Service*.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 29th
day of January, 2009.

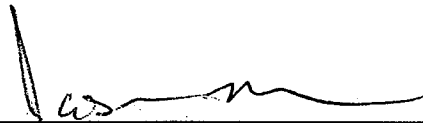
NEW MEXICO PUBLIC REGULATION COMMISSION



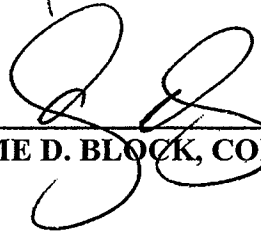
SANDY JONES, CHAIRMAN



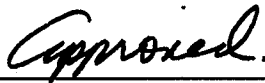
DAVID W. KING, VICE CHAIRMAN



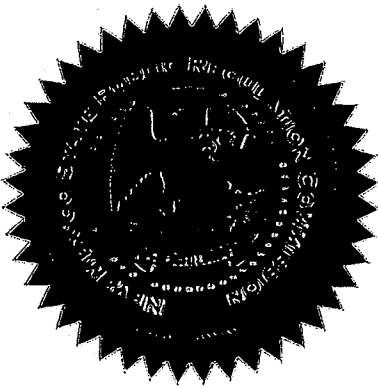
JASON MARKS, COMMISSIONER



JEROME D. BLOCK, COMMISSIONER



CAROL K. SLOAN, COMMISSIONER



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IN THE MATTER OF THE APPLICATION OF NEXTG)
NETWORKS OF CALIFORNIA, INC. FOR A CERTIFICATE)
OF REGISTRATION TO PROVIDE COMPETITIVE LOCAL) UNDOCKET
EXCHANGE TELECOMMUNICATIONS SERVICES WITHIN)
THE STATE OF NEW MEXICO)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Order Issuing Certificate of Registration** issued January 29, 2009, was mailed January 30, 2009, by first class, postage pre-paid to the following:

T. Scott Thompson
Davis Wright Tremaine LLP
1919 Pennsylvania Ave. NW Suite 200
Washington, DC 20006-3402

Hand delivered to:
Mark Cessarich
NMPRC-Telecommunications Division
224 East Palace Ave.
Santa Fe, NM 87501

Hand delivered to:
Ruby Rohrs
NMPRC-Utilities Division
224 E Palace Avenue
Santa Fe, NM 87504

DATED this 30th day of January, 2009

NEW MEXICO PUBLIC REGULATION COMMISSION



Ana C. Kippenbrock, Paralegal