

**Lance J.M. Steinhart, P.C.**  
Attorneys At Law  
1725 Windward Concourse  
Suite 150  
Alpharetta, Georgia 30005

Also Admitted in New York  
Email: [info@telecomcounsel.com](mailto:info@telecomcounsel.com)

Telephone: (770) 232-9200  
Facsimile: (770) 232-9208

February 1, 2019

**VIA EMAIL TO [psc@utah.gov](mailto:psc@utah.gov)**

Commission Administrator  
Utah Public Service Commission  
160 East 300 South  
Salt Lake City, UT 84111

Re: NGA 911, L.L.C.  
Application for Certificate of Public Convenience and Necessity

Dear Sir/Madam:

Attached please find for filing NGA 911, L.L.C.'s Application for Certificate of Public Convenience and Necessity. A check in the amount of \$100.00 payable to the Utah PSC to cover the filing fee, Motion to Deviate, and CONFIDENTIAL financial Exhibits C and D were sent via overnight delivery on February 1, 2019.

If you have any questions, or if we may provide you with any additional information, please do not hesitate to contact our office at (770) 232-9200 or [info@telecomcounsel.com](mailto:info@telecomcounsel.com).

Respectfully submitted,

*/s/Lance Steinhart*

Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
*Attorneys for NGA 911, L.L.C.*

Enclosures

cc: Michelle Bland (w/enc)

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**In the Matter of the Application of** )  
**NGA 911, L.L.C. for a** )  
**Certificate of Public** )  
**Convenience and Necessity to Provide** ) **DOCKET NO. \_\_\_\_\_**  
**Telecommunications Services** )  
**In the State of Utah** )

**APPLICATION OF NGA 911, L.L.C. FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

NGA 911, L.L.C., ("NGA 911" or "Applicant") by its undersigned counsel and pursuant to Chapter 8b of Title 54 of the Utah Code, Utah Admin. Code §§ 746-100 *et. seq.*, and the rules and regulations of the Utah Public Service Commission (the "Commission"), hereby respectfully applies for a Certificate of Public Convenience and Necessity to Provide Telecommunications Services in the State of Utah. In support of this Application, NGA 911 alleges as follows:

**I. GENERAL INFORMATION**

NGA 911 is a California Limited Liability Company formed on May 17, 2016 with its principal office located at 8383 Wilshire Blvd., Suite 800, Beverly Hills, California 90211.

A. Questions, correspondence or other communications concerning this Application should be directed to:

Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
info@telecomcounsel.com (E-Mail)

B. The name, address, telephone number, and e-mail address of the person responsible for Applicant's ongoing operations and compliance is:

Don Ferguson, Chief Executive Officer  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, California 90211  
(877) 899-8337 (Phone)  
don@nga911.com (E-mail)

C. The name, address, telephone number, and e-mail address of the person responsible for addressing the Applicant's customer complaints is:

Michelle Bland, Senior Vice President, Operations  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, California 90211  
(877) 899-8337 x1016 (Phone)  
services@nga911.com (E-mail)

## **II. R746-349-3 FILING REQUIREMENTS**

A. R746-349-3(A)(1), Technical, Financial, and Managerial Abilities: The technical, financial, and managerial abilities of the Applicant are stated in detail below, and supported by the accompanying exhibits.

B. R746-349-3(A)(2), Proof of Bond in the Amount of \$100,000: Applicant will not collect customer deposits or offer local access line (dial tone) services in Utah. Therefore, Applicant respectfully requests waiver of the bond requirement.

C. R746-349-3(A)(3), Construction or Acquisition of Facilities: Applicant does not currently own facilities or property in the State of Utah, but will acquire or construct facilities in the state as necessary in order to provide its services. To facilitate deployment of services, Applicant intends to obtain interconnection agreements and/or other agreements with competitive carriers or incumbent local exchange carriers, as permitted under the Telecommunications Act of 1996, 47 U.S.C. § 251(c).

D. R746-349-3(A)(4), Services to be Offered:

(a) R746-349-3(A)(4)(a), Classes of Customers: Applicant plans to serve and work collaboratively with potential Public Safety Answering Points (“PSAP”), voice-over internet protocol (“VoIP”) providers, Incumbent Local Exchange Carriers (“ILEC”), wireless providers, Competitive Local Exchange (“CLEC”) carriers, and/or other local 9-1-1 authorities. NGA 911 plans to serve PSAPs who seek to transition from their existing legacy network to an NG9-1-1 network or who seek network components in connection with their 9-1-1 call handling systems.

(b) R746-349-3(A)(4)(b), Location of Service: NGA 911 proposes to offer 9-1-1 emergency services throughout the State of Utah. Applicant seeks statewide authority.

(c) R746-349-3(A)(4)(c), Services Offered: Applicant proposes to offer 9-1-1 emergency services to government and quasi-government PSAPs. NGA 911’s offerings include Internet Protocol (IP) based 9-1-1 call routing, database services, database management, and network services to promote advancement and migration of PSAP networks in Utah to the NG9-1-1 architecture.

E. R746-349-3(A)(5), Access to Standard Services: Applicant does not intend to provide local access line (dial tone) services. Therefore, Applicant will not be providing access to local exchange, toll, operator services, directory assistance, and directory listings. Applicant intends to provide 9-1-1 emergency services, including NG9-1-1 services, to government and quasi-government PSAPs as stated above.

F. R746-349-3(A)(6), Implementation Schedule: Upon receipt of authority from the Commission, NGA 911 intends to initiate its operations in the State of Utah. However, initiation of its operations will first require successful negotiation of interconnection agreements with



ILECs, including successful completion of the installation and/or procurement of any facilities needed to offer services in Utah. The timing needed to complete such actions may vary, thus no firm timeline has yet been established. Applicant seeks certification for delivery of 9-1-1 services to government or quasi-government entities. Applicant does not intend to provide dial tone services to any customers in Utah.

G. R746-349-3(A)(8), Employee Organization Chart: The individual members of NGA 911's support staff may vary. NGA 911 will provide a current organizational chart listing all employees involved with Utah operations, including their job titles, upon Commission request, at any time after certification. Attached as **Exhibit A**, please find current managerial biographies for staff responsible for operations in Utah.

H. R746-349-3(A)(9), Chart of Accounts: Attached as **Exhibit B**, please find Applicant's Chart of Accounts.

I. R746-349-3(A)(10) and (11), Financial Statements: NGA 911 has access to the financial and capital necessary to conduct its telecommunications operations as specified herein. Attached as **Exhibit C**, please find Applicant's Balance Sheet as of December, 2018 along with a certification from management attesting to their accuracy, integrity and objectivity, that the Balance Sheet was prepared in accordance with GAAP.

J. R746-349-3(A)(12), Five-year projection of expected operations: Attached as **Exhibit D**, please find five (5) year projections of expected operations.

Applicant's NG9-1-1 service is designed to make it easier to move from the current legacy 9-1-1 system to an NG9-1-1 system. PSAPs routinely require public safety communications technologies that are dynamic and can adapt to technological advancements for many years to come. NGA 911's services include:

(a) Routing - 9-1-1 geospatial and tabular routing including PIDF-LO and Automatic Number Identification (“ANI”), a public safety grade, specialized managed network for processing 9-1-1 calls that allows the PSAP to accommodate new technologies while simultaneously enabling more control over 9-1-1 call routing operations. NGA 911’s 9-1-1 routing service delivers emergency calls from both traditional and non-traditional voice networks. In addition to accepting traditional TDM voice traffic from OSPs, NGA 911’s 9-1-1 Routing Service also accepts IP-based call delivery from OSPs. Features available for the 9-1-1 tabular routing service include ANI, selective routing, and various PSAP-to-PSAP transfer options, regardless of the PSAP’s underlying network.

(b) Automatic Location Identification (“ALI”) - NGA 911’s ALI-related service offering includes Master Street Address Guide (“MSAG”) Management, database standards compliance, subscriber record management, ALI database updates, ANI/ALI discrepancy resolution, misroute resolution, No Record Found (“NRF”) resolution, ALI delivery, data support of wireless and VoIP 9-1-1, and ALI metrics reporting.

(c) Network Elements - NGA 911’s network includes redundant IP transport from NGA 911 routers, which are housed in third-party data centers, to the PSAPs. Each PSAPs will receive redundant IP connectivity when possible. The call is delivered to the PSAP’s call handling system. The NGA 911 offering includes acquisition of the ingress network - including aggregation and grooming - to the NGA 911 data centers from a point of interconnection within the NGA 911’s LATA boundaries. The NGA 911 solution also includes support for PSAP-to-PSAP call transfers. The NGA 911 solution utilizes a redundant, secure IP infrastructure. Facilities are geographically diverse and are equipped with physically redundant data communications and power equipment that allow for continuous operation and reliability.

Applicant has not identified proposed locations of facilities; however, as addressed above, Applicant is requesting statewide authority to allow flexibility based on customer demand.

K. R746-349-3(A)(13), Implementation Schedule: Upon certification Applicant intends to initiate operations in the State of Utah. However, initiation of its operations will first require successful negotiation of interconnection agreements with ILECs, including successful completion of the installation and/or procurement of any facilities needed to offer services in Utah. The timing needed to complete such actions may vary, thus no firm timeline has yet been established. Applicant seeks certification for delivery of 9-1-1 services to government or quasi-government entities. Applicant does not intend to provide dial tone services to any customers in Utah.

L. R746-349-3(A)(14), Technical and Managerial Ability: Applicant's officers have the necessary managerial and technical capabilities necessary to provide the proposed in the State of Utah. Applicant is currently providing service in California, Texas, and West Virginia. Please see **Exhibit E** for proof of certification in these states. Applicant's management team has extensive experience in the telecommunications industry. Exhibit A provides the biographical information and technical qualifications of management.

M. R746-349-3(A)(15), Public Interest Statement: Applicant maintains that the issuance of a Certificate of Public Convenience and Necessity ("CPCN") is in the public interest. Applicant seeks to secure a CPCN primarily to offer 9-1-1 emergency services to government and quasi-government Public Safety Answering Points throughout Utah. Issuance of a CPCN will accelerate the development and deployment of Next Generation 911 services and promote more robust public safety offerings that will benefit and protect Utah residents.

O. R746-349-3(A)(16), Authority to Do Business: The Applicant was authorized to do business by the Division of Corporations and Commercial Code of the State of Utah on October 10, 2018, the Certificate of Existence is attached as **Exhibit F**.

P. R746-349-3(A)(17), Unauthorized Switching or other illegal activities: Applicant does not provide dial tone services, thus applicant has not received complaints or investigations of unauthorized switching, otherwise known as slamming, or other illegal activities in any jurisdiction.

Q. R746-349-3(A)(18), Statement about Applicant's Written Policies Regarding the Solicitation of New Customers and Description of Efforts made By Applicant to Prevent Unauthorized Switching of Utah Local Service By the Applicant, Its Employees or Its Agents: Applicant does not provide dial tone services nor does Applicant have any direct contact with end-user/dial tone customers. Applicant intends to serve governmental and quasi-governmental PSAP entities. Thus, unauthorized switching of end-user customers is not applicable to Applicant.

Respectfully submitted this 1<sup>st</sup> day of February, 2019.

By:

  
Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
(770) 232-9208 (Fax)  
info@telecomcounsel.com (E-mail)

*Counsel for NGA 911, L.L.C.*

## LIST OF EXHIBITS

- A Management Biographies
- B Chart of Accounts
- C Financial Information
- D Financial Projections
- E Proof of Certification
- F Certificate of Authority

Exhibit A

Management Biographies

**CHARMAINE FRANCESCA "ISHKA" VILLACISNEROS**  
2209 Maynard Drive • Duarte CA • 91010 • United States  
Mobile 310 721 3723 • ishka@nga911.com

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***Action-oriented executive with a strong track record of performance in various industries.***

Utilize keen analysis, insights and team approach to drive organizational improvements and implementation of best practices. Superior interpersonal skills, capable of resolving multiple and complex (sales, human resources, legal, financial, operational) issues and motivating staff to peak performance.

#### **PROVEN AREAS OF EXPERTISE**

- Organizational Leadership
- Budgeting & Cost Management
- Sales, Marketing & New Business Development
- Process Design & Productivity Improvement
- Contract Negotiations & Strategic Alliances
- Corporate & Investment Finance
- Growth & Expansion Strategies
- Profitability & Cost Analysis
- Systems & Technology Utilization
- Team Building & Performance Improvement
- Apple Certified Associate
- Microsoft Office Certified Professional

#### **PROFESSIONAL EXPERIENCE**

##### **NGA 911 LLC**

**Chief Financial Officer / Controller**

**Beverly Hills, CA**

**June 2016 – Present**

- Responsible for finance, accounting, investor relations, investments, asset / liability management, human resources, strategic planning and subsidiary finance and operations.
- Within three months had in place a skilled finance organization, consolidated departmental responsibilities and streamlined accounting system.
- Designed and implemented a new billing review process to ensure efficiency and accuracy.
- Advised the Board of Directors on Financial Aspects of the organization.
- Handles the financial projections of the company from date of inception.
- Provide financial reports to the CEO and Board of Directors.

##### **VG GROUP OF COMPANIES**

**Chief Financial Officer / Treasurer**

**Tarzana, CA**

**September 2010 – Present**

- Selected and implemented new accounting network for a successful entrepreneur with over 30 diversified companies involved with the restaurant business, entertainment, talent agency, night club, security storage, property management and the mining operations.
- Directed finance, accounting, human resources and facilitates management.
- Positioned the company for growth by developing viable financial models and planning capital needs.
- Key Personnel in the acquisition of various companies. Managed mergers, acquisitions and divestitures.

##### **ISHKASTER MEDIA**

**Chief Technology Officer / Founder**

**Monrovia, CA**

**October 2007 – Present**

- Founder of a Los Angeles based digital marketing agency, leading a team of 25 full-time and 30+ part time employees
- Led digital marketing strategy and process development for 60+ clients, including SEO, email, web, social and paid media

- Spearheaded multiple large-scale projects, including website re-launch, product launches, marketing automation implementations and industry conferences
- Communicated between sales, operations and management to create unified corporate marketing strategy
- Managed all ongoing digital marketing efforts, including social, email, lead generation, content and more
- Averaged 50+ sales leads per month through inbound and organic marketing

**PERISCOPE MEDIA LLC**  
**Chief Technology Office / Partner**

**Arcadia, CA**  
**October 2007 – April 2012**

- Drove operating costs down 50% over 5 years while maintaining service levels through strict budgetary control and effective vendor management to ensure competitive pricing.
- Played key role in conservative corporate involvement in dot-com market and focus on building strong anchor client base that limited impact of financial crash on company.
- Facilitated business development through preparation of comprehensive and articulate technical portions of proposals that have been highly successful in gaining confidence of prospective clients' IT leadership.

**CALIFORNILA.COM**  
**Director of Operations**

**Los Angeles, CA**  
**July 2007 – August 2013**

- Responsible for managing overall client relationships, including accounting, audit, consulting, tax, as well as billing and collections.
- Developed a practice-providing interim CFO-type and other consulting services to companies in various industries.
- Specialized in financial services, business services, real estate, transportation, IT and distribution companies.
- Provided services to real estate developers, builders, owner/investors, helping to structure financing and investment syndications Helped start and take public three financial institutions.

**TELEFONICA, INC.**  
**Vice President of Human Resources**

**Manila, Philippines**  
**June 2005 - March 2007**

- Successfully implemented a new business process that streamlined the reporting procedures, reducing the human error by 90%
- Responsible for the development and implementation of payroll operations policies to ensure that the company is in compliance with all state and federal regulation.
- Successfully created, reviewed and distributed various payroll reports to support financial projections, audits, HR reviews and compliance issues
- Conducted training for all employees, supervisors and managers on processes related to the time-entry system.
- Successfully developed and executed change management plan to change pay frequency from semi-monthly paying current to a bi-weekly paying in the rears.
- Successfully developed and implemented internal controls that greatly reduced the risk of the misappropriation of company assets.

**BUILD-A-LIST**  
**Database Engineer and Information Technology Manager**

**Manila, Philippines**  
**January 2005 - December 2006**

- Deliver cost effective, high performance technology solutions
- Work with fortune 500 clients on multiple projects with varying management and operational settings
- Negotiate and liaise between business teams, technology teams, and support teams
- Identify root causes and corrective actions to meet short and long-term business goals
- Manage project through status meetings, weekly reports, identifying risks, and tracking issues
- Worked with business intelligence and data warehousing tools
- Responsible for specifications, implementations, and analytics



**TELECARTE, INC.****Manila, Philippines****Information Technology Business Analyst****March 2003 - January 2005**

- Negotiate and liaise between business teams, technology teams, and support teams
  - Deliver cost effective, high performance technology solutions
  - Worked with users and stakeholders to analyze and validate requirements
  - Manage project through status meetings, weekly reports, identifying risks, and tracking issues
  - Designed, developed, and deployed business intelligence applications
- 

**CERTIFICATIONS:**

- Apple Certified Associate - Mac Integration (Cert ID: APPL92997)
    - File Sharing
    - Emails and Calendars with Microsoft Exchange
    - Network Settings and connections to Active Directory
    - Security Settings, Firewall, VPN
  - E-Commerce Business Specialist (Cert ID: 0343X-35314)
    - E-commerce Site development
    - E-commerce technology and security
    - Customer Relationship Management
    - Web Marketing strategies
    - Online Product Promotion
    - Taxation and International Shipping
  - Microsoft Structured Query Language (SQL) (Cert ID: 3819285)
  - Microsoft Certified Office Professional (Cert ID: 3819627)
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**AWARDS AND CITATIONS**

<b>July 2018</b>	<b>Duarte Unified School District</b>   Resource Speaker for Career Day
<b>November 2017</b>	<b>FPACC National Conference</b>   Speaker for Millennial, Innovation & Technology
<b>May 2017</b>	<b>FACC Greater Los Angeles</b>   Speaker – Young Entrepreneurship Movement
<b>April 2017</b>	<b>FACC South Bay Los Angeles</b>   Challenges of Women Entrepreneurs
<b>November 2016</b>	<b>Entrepreneur Magazine</b>   Featured Business Owner
<b>May 2015</b>	<b>Fil-Am Masterminds</b>   Millennial Entrepreneurship
<b>September 2014</b>	<b>ABS CBN News</b>   Featured Business Owner
<b>February 2013</b>	<b>University of California (UCLA)</b>   Speaker for Luskin School of Public Affairs
<b>March 2012</b>	<b>De La Salle University (DLSU)</b>   Freshman Orientation   College of Computer

**EDUCATION**

<b>2018</b>	<b>Harvard Business School</b> <i>Sustainable Business Strategy and Financial Accounting</i>
<b>2009</b>	<b>De La Salle University</b> <i>Bachelors of Science in Information and Technology Communications Technology</i> <ul style="list-style-type: none"> <li>• Top 5% of the Graduating Batch / Graduated with Honors</li> <li>• 1st Honor Dean's Lister Award</li> <li>• SPRINT Honor's Society Recognition Award</li> </ul>
<b>2005</b>	<b>St. Theresa's College</b> <ul style="list-style-type: none"> <li>• First Place in Website Development and Software Programming</li> </ul>

## DAROLD E. WHITMER

Denver, CO  
303.898.1794

[www.linkedin.com/in/daroldwhit](http://www.linkedin.com/in/daroldwhit)

[daroldwhit@gmail.com](mailto:daroldwhit@gmail.com)

### SUMMARY

Strategic Relationships Executive with demonstrated success building long term public/private sector relationships to enable organizations to achieve social responsibility commitments and increase sales. Extensive experience in telecommunications service providers and federal, state and local public safety agencies. Frequent speaker at national, regional and state public safety conferences. Expertise includes:

- Wireline 9-1-1
- Wireless 9-1-1
- Next Generation 9-1-1
- Voice over IP 9-1-1
- 9-1-1 legacy and IP networks

Experience working with AT&T public safety sales and product marketing.  
Experience working with Verizon public safety sales and product marketing.  
Experience working with CenturyLink public safety sales and product marketing.  
Experience working with Frontier public safety sales and operations.

### PROFESSIONAL EXPERIENCE

#### **NGA 911, LLC**

**2018-Present**

##### **Senior Vice President Strategic Relationships**

Responsible for Sales Organization and strategic partner relationships.

#### **Frontier Communications, Inc.**

**2015- 2018**

##### **Public Safety Communications Specialist**

9-1-1 Customer Premise Equipment sales in 9 states – 150% of quota in 2016, \$2mm in sales

#### **INTRADO, Longmont, Colorado**

**1993 – 2014**

##### **Vice President, Strategic Relationships (2000 – 2014)**

Led specialized sales opportunities and supported local account executives in complex 9-1-1 and related products and services.

- Executive sponsor of successful sales strategy to displace an incumbent for a statewide Next Generation 9-1-1 (NG9-1-1) system in Vermont. \$12M, 5 year contract.
- Secured key partnership with a target channel partner and sold first NG9-1-1 system. Executive sponsor for account and managed ongoing long term relationship.
- Aided State of California 9-1-1 Division in securing an NG9-1-1 grant from the USDoT by providing innovative technical proposal. Sold \$2.8M, 1 year contract and executive sponsor for the deployment of the first wireless application in the U.S. One of, if not only, successful U.S.DoT Grant Projects.
- Led FCC National Reliability and Interoperability Council VII working group 1a consisting of industry subject matter experts and public safety experts to develop federal guideline for location accuracy testing for wireless 9-1-1 calls.
- Built strong relationships with key stakeholders including Ford Motor Co, Greater Harris County Texas, and the NHTSA and sold \$2M, 2 year first automatic crash notification trial contract in the U.S.
- Liaison to CIO of New York City for the successful deployment of the first VoIP 9-1-1 call.

- Sold and executive sponsor of a public notification system integrating NOAA weather data with a reverse 9-1-1 system. Partners included NOAA, FEMA, and DHS. \$300K, 1 year contract.
- Sold 2<sup>nd</sup> largest wireless 9-1-1 contract in a highly competitive environment.

**Vice President, Sales (1995 – 2000)**

Managed team of sales account executives to drive revenue through direct sales organization and personally handled assigned major account sales.

- Met or exceeded sales quota every year.
- Sold 2<sup>nd</sup> outsourced 9-1-1 data management services to a major telephone company. \$77M, 10 year contract.
- Sold 3<sup>rd</sup> outsourced 9-1-1 data management contract to a major telephone company. \$60M, 10 year contract.
- Increased 9-1-1 database management share from >3% to ~50%.
- Sold first nationwide wireless 9-1-1 contract.
- Sold first Non-telephone Company 9-1-1 data management services contract to a statewide agency. \$30M, 5 year contract.
- Executive sponsor for first successful proof of concept trial for wireless Phase II in Greater Harris County Texas.

**Senior Account Executive (1993 – 1995)**

Account management of major telephone company.

- Sold first outsourced 9-1-1 database management services to a major telephone company. \$75M, 10 year contract.

**EDUCATION & PROFESSIONAL DEVELOPMENT**

- University of Cincinnati, Coursework Completed in Political Science
- Salesforce.com
- Miller Heiman
- Spin Selling
- Multiple negotiations training courses

**AFFILIATIONS / ASSOCIATIONS / MEMBERSHIPS**

- National Emergency Number Association
- Association of Public Safety Communications Officials
- 9-1-1 Institute

**MILITARY EXPERIENCE**

United States Air Force - Honorable Discharge

# DON FERGUSON

15137 Gilmore Street  
Los Angeles, California 91411  
(213) 284-1480  
talfergie@gmail.com



## TECHNOLOGY MANAGEMENT SKILLS

- Strategic Planning & Project Management
- Excellent Communication at all Levels of Stakeholders
- Technology Implementations, Business Process and Requirements Analysis
- Operations, Finance, and Budgeting of Technology Development & Deployment
- Deep Technology Knowledge
  - Architecture, Databases, and Operating Systems
  - Mobile & Cloud Infrastructure
  - SaaS and On premise solutions in enterprise environments
  - Security, Compliance, and Quality
  - Large Scale, Enterprise Systems

## TECHNOLOGY SKILLS

- Integration: RESTful, AWS, Nginx, Node.js, Apache, SOAP, SMS, VoIP client & server, Flowroute, Asterisk, Google Apps, Call Center Inbound/Outbound PBX, CRM, MailChimp, USAePay, eCommerce, Affiliate Pro, Quickbooks & Accounting, Security & PCI Compliance, Nest, NOAA, E911 Network Overlay, Facebook, Twitter, Peoplesoft, Oracle Financials, SAP.
- Mobile: iOS, Android, Blackberry, JavaScript, Xcode, HTML5, CSS, Responsive HTML, Bootstrap.
- Databases: PostgreSQL, Oracle, MS SQL, DB2, Sybase, MySQL, MongoDB, IBM AS/400, RDB, RMS
- Operating Systems: Unix variants, OpenVMS, Windows, OS400
- Other: IIS, PHP, ASP, XML, PERL, HTML5, CSS, Photoshop, Google Analytics, Power Director,
- Tools Methodology: General Software Development Life Cycle (SDLC), Waterfall, Spiral/Iterative, Confluence, Jira, Scrum, Agile development, Several Project Management Tools, Stress Testing.

## QUALIFICATIONS

Designed, Developed, and Deployed 100's of technology solutions for fortune 500 companies as well as innovative and disruptive start up ventures. Implemented core business solutions across diverse business processes.

<b>Experience</b>	25 years technology leadership position.
<b>Management</b>	Managed P&L, specification, development, and deployment with consulting teams ranging from 5 to 100 contractors and employees.
<b>Finance</b>	Managed budget, as well as P&L, to meet and exceed overall financial cost and revenue targets.
<b>Technology</b>	Hands-on, practical understanding of aligning technology with core business mission.
<b>Communication</b>	Excellent written and verbal communication to effectively harmonize all stakeholders including Board of Directors, Investors, Shareholders, Senior Management, Employees, Vendors, Customers, and Partners.
<b>Education</b>	Bachelor's degree from University of Maryland.

## PROFESSIONAL EXPERIENCE

### NGA 911 LLC, President & CEO, 2015 - Present

- Lead, in conjunction with the Board, the development of the Company's strategy;
- Oversee the implementation of the Company's long and short term plans in accordance with its strategy;
- Ensure the Company is appropriately organized and staffed and to have the authority to hire and terminate staff as necessary to enable it
- Achieve the approved strategy; to ensure that expenditures of the Company are within the authorized annual budget of the Company;
- Assess the principal risks of the Company and to ensure that these risks are being monitored and managed;
- Ensure effective internal controls and management information systems are in place; o enable it to conduct its activities both lawfully and ethically;



## MOBILETREC, CEO, 2008 - 2015

- Negotiated vendor, supplies, and consulting contracts for outsourced, offshore development.
- Develop, recommend and administer budget for technology.
- Supervised Research & Development and Technology Services.
- Recruited and hired consultants and employees.
- Worked with management team to form strategic direction.
- Communicated technology strategy to Board of Directors, Management Team, and Departments.
- Managed development of cloud-based, mobile consumer technology.
- Assessed competitive landscape for new products.
- Created, managed and executed the product roadmap to meet business objectives & goals.
- Worked with key cross-functional teams to manage and deliver all product projects on time and within budget; balanced product requirements and market impact against time to market and project risks.
- Monitored, evaluated, prioritized, and incorporated customer and prospect feedback into project plans and regularly scheduled enhancement releases..
- Monitored key conversion metrics to support continual optimization of the product and business plan.
- Granted system and process patent by USPTO in July 2013.

**Environment:** Primarily mobile & web technologies, PostgreSQL, Nginx, Apache, Asterisk, PHP, Unix, Android OS, iOS, MySQL, MailChimp, MS Project, Flowroute, E911, HTML5, CSS, Google Apps, Javascript, RESTful, Load Testing, PCI Compliance.

## STRATEGIC BUSINESS GROUP, Consultant, 2004 - 2015

Several consulting engagements where Don developed and executed mobile, internet, and social technology plans that remained aligned with sales, marketing, and general business operations in the following business of technology areas:

### Project Request Pipeline

- Created and managed business project pipelines with business roadmaps
- Developed first guess cost estimates & Project ROI calculations
- Defined and reviewed business case and scope documents
- Project Governance processes and meetings
- Agile, Waterfall enterprise technology consulting engagements
- Assessed, prioritized, and implemented best-cost, best-value business requests

### Technology Solutions

- Reviewed and Assessed technology solutions
- Researched, Identified, and Negotiated with technology vendors
- Translated business needs into technology solutions
- Developed Technology Estimation Models
- Determined technical feasibility and risks for solutions

#### Business Relationships

- Developed working relationships with Business Leads and Executive Leadership
- Oversaw and manage external Technology Vendors
- Managed hand off and coordination between IT and Business departments

#### Communications

- Build presentations and presented in meetings that included Executive stakeholders
- Developed dashboards, reports and collaboration models
- Coordinated between Business, IT and Vendors

#### Process Improvements

- Identified and proactively implemented process improvement efforts across:
  - IT Governance
  - Vendor Management
  - Communications Strategy
  - Business Solutions Portfolio
  - Innovation

**Environment:** MySQL, Unix, MSSQL, IIS, VoIP, Call Center Inbound/Outbound PBX, Adsense, .NET

#### METROPOLIS TECHNOLOGIES CORPORATION (OTC:MTPT), Director IT, 2000 - 2004

- Built enterprise internet software product.
- Launched several different brands of that product.
- Worked closely with SEC compliance.

**Environment:** MSSQL, HTML, CSS, MySQL, Apache, IIS, eCommerce, Javascript, Load Balancing, Load Testing.

#### OPEN SESAME SYSTEMS, Director of Information Technology, 1996 - 1999

- Managed 100 consultants.
- Generated more than \$10M in sales.
- Enterprise Consulting Services with rapid application development.
- Provided programming, system analysis, and project management, clients included fortune 100 companies in Canada and United States like Citibank, Boston Globe, Gannett, Allstate, American Express, Bank of Montreal, TD Bank, and Steelcase.
- Wide range of business processes, including apparel manufacturing and distribution, money markets, derivatives, insurance, marketing and promotion, sales force automation, national insurance, and back office automation.

**Environment:** Unix, Oracle, Peoplesoft, Web, MSSQL, SAP, Open VMS, AS/400, DB2/400, Oracle Financials.

#### MAGIC SOFTWARE ENTERPRISES 1991 - 1996



National Account Manager 1994 - 1996

Generated more than \$5M in licensing and consulting sales.

Used my strong technical background to sell consulting services, tools, and applications to large organizations like United Nations, Emory University, Edison Electric, Steelcase, Chase Manhattan Bank, Allstate, and American Express

Sales Engineer 1990 – 1994

Traveled all over North America providing pre-sales support to the sales of Magic's application development environment, CRM, eService, and eCommerce lines of products.

Senior Consultant 1991 – 1994

Traveled 80% of the time across North America integrating Magic's product into large corporations with complex business processes.

**Environment:** Client Server, Novell, Windows, Unix, Open VMS, AS/400, DB2/400, Oracle, Sybase, Informix, SAP, Peoplesoft, Oracle Financials.

Address: 1101 Whitney Ranch Parkway, #911, Rocklin, CA 95765  
Phone: 916-862-3373  
E-mail: [kacjuan1@live.com](mailto:kacjuan1@live.com)

## Michelle Bland, ENP

### Objective

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To obtain a challenging and rewarding career supporting the needs of the public.

### Experience

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8/2017 – 4/2018                      California Department of Technology                      Sacramento, CA

**Procurement Manager (Information Technology Supervisor II)**

- Review plans, proposals, and other IT/Telecommunications project documents to ensure effectiveness and efficiency, feasible alternatives, project merits, and proper planning
- Manager responsible for spending plan, budgets, and procurement
- Develop customer relationships
- Develop formal and informal procurements including IFB, RFP, RFQ, and NCBS
- Develop business specifications
- Identify security requirements
- Perform legislative bill analysis
- Facilitate Negotiations
- Develop project plans and timelines
- Analyze department requests for special requirements for technical specifications for completeness and accuracy

6/2007- 8/2017                      California Highway Patrol                      Sacramento, CA

**9-1-1 Program Manager (Telecommunications Systems Manager I Supervisor)**

- Administrator of the Wireless 9-1-1 Program for the State of California through standards, contracts, and guidelines
- Manager responsible for spending plan, budgets, and procurement
- Analyze department requests for special requirements for technical specifications for completeness and accuracy
- Develop solicitation for bids based on feedback gathered through meetings with State agency representatives and specifications established by Department programs and subject matter experts
- Facilitate the reconciliation and resolution of supplier/state concerns relative to technical and administrative requirements while maintaining competition in accordance with State and Federal laws relating to procurement and contracts and utilizing a personal computer, relate software applications, and various office and communication equipment
- Lead and participate in projects evaluating the most complex bids, peer review and evaluation sessions, testing or demonstration of bidder's equipment, notification of award, and protest hearings by meeting with top management of various large State agencies including Directors, Deputy Directors, Chiefs, Commissioners, etc., on-site or off-site at the requesting State Department's location
- Oversee, train, and supervise assigned staff, including directing daily work activities, develop work schedules, and ensure project coordination and completion
- Hiring, including all required paperwork, development of interviewing criteria, and hiring selection
- Complete all work performance evaluations and any disciplinary actions as required
- Collaborate with staff, management at every level, other State departments, vendors, and local Public Safety Answering Points
- Serve as project leader and skilled consultant to Executive Management. Represented the California Highway Patrol as a subject matter expert, technical advisor, facilitator, and/or member of any task force, committee, advisory group, or project team relevant to 9-1-1 communications

- Identify and perform technical analysis, and evaluate equipment, systems, and services for 25 9-1-1 dispatch centers
- Test and evaluate features, performance, and technical attributes of products, equipment, and services for implementation
- Evaluate all relevant applications for emerging technologies and products
- Facilitate and coordinate between the California Highway Patrol, vendors, utilities, consulting firms, contract and procurement staff and other entities involved in projects
- Perform cost comparisons and cost/benefit analysis. Compiled and submitted information for budget change proposals, write justifications, initiate or amend grant proposals
- Prepare and present recommendations to management for resource allocation to develop and implement new telecommunications systems
- Assist departments and agencies with issues concerning 9-1-1 operations, telecom equipment, personnel, and training programs relative to the Wireless 9-1-1 Program, and Texting to 9-1-1
- Reviewed and validated all operational requirements for system compliance
- Conduct special studies relative to specific kinds of assistance or special applications of departmental policies governing the use of communications relative to the Wireless 9-1-1 Program
- Project Managed multiple large projects concurrently as they impacted the 9-1-1 dispatch center
- Section Commander in the Commander's absence

6/2006 – 8/2007

Department of Managed Health Care

Sacramento, CA

**Financial Examiner**

- Performed financial audits of health plans throughout the State of California
- Performed compliance audits on health plans licensed in the State of California
- Prepared preliminary and final reports summarizing audit findings
- Conducted exit and entrance conferences of routing examinations
- Analyzed the monthly, quarterly, and annual financial statements of health plans per regulatory guidelines
- Reviewed amendment(s) and material modification(s) filed in connection with a licensed health plan

8/1999 – 6/2006

AT&T

Sacramento, CA

**Manager/Engineer**

- Implementation Engineer:
  - Prepared financial reports in Oracle.
  - Project managed more than 70 concurrent projects
  - Engineered, ordered, installed, and removed inventory control of interoffice equipment
  - Engineered and installed sonet rings, routers, and gigimons
  - Conducted cost analysis including explanations for over/under runs
  - Directed multiple central office locations while maintaining quality control
- Network Design Engineer:
  - Engineered capacity management for DMS/Lucent switches
  - Determined quantity and timing needs of telecommunication equipment
  - Engineered PRI trunking
- Customer Service Associate:
  - Prepared financial reports in Oracle.
  - Project managed more than 70 concurrent projects
  - Engineered, ordered, installed and removed inventory control of interoffice equipment
  - Conducted cost analysis including explanations for over/under runs
  - Directed multiple central office locations while maintaining quality control

3/1998 – 7/1999

ICF Telecommunications

Santa Rosa, CA

**Computer Technician/Office Supervisor**

- Facilitated customer requests, customer complaints, and provided conflict resolution for customer satisfaction
- Managed and supervised billing office and staff
- Created an accounting and inventory control system program in Microsoft Access.
- Worked with various internal databases and created various reports utilizing Excel spreadsheets and Microsoft Word

2/1997 – 3/1999

Western Lightsource

Santa Rosa, CA

**Administrative Assistant**

- Assisted in creating advertising layouts using Adobe Pagemaker
- Computer support technician
- Inventory control
- Maintained computer databases providing daily updates and running system backups.
- Completed customer billing including Accounts Receivable, Accounts Payable, banking, credit checks, and collections

**Education/Certification**

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- ITIL Foundation Certified 6/2016
- Leadership for the Government Manager Certificate Program 7/2015
- **Masters Business Administration** 11/2006  
University of Phoenix, GPA 3.84
- **Bachelors of Science in Accounting** 3/2004  
University of Phoenix  
Graduated with Honors, GPA 3.96
- **Certified Emergency Number Professional (ENP)** 8/2010  
National Emergency Number Association (NENA)
- **Center Manager Certification, CMCP** 10/2010  
National Emergency Number Association (NENA)

**Accomplishments**

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- Lobbied and Passed National Legislation – PSAP Do Not Call Registry
- Past NENA Educational Advisory Board Member
- CALNENA President and CALNENA Legislative Committee Chair
- Represented/Testified on behalf of CALNENA as the California Highway Patrol 9-1-1 Program Manager at the State Senate and Assembly Hearings

**Awards**

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- Division Chief Commendation, California Highway Patrol 2/2016
- Commander's Certificate of Commendation, California Highway Patrol 2/2013
- Division Chief Commendation, California Highway Patrol 2/2012
- Recognition of Cross Boundary Collaboration and Partnership, NASCIO 8/2011
- Best of California Award for Outstanding IT Service and Support Award, GTC 5/2011
- Recognition and Incentive Certificate of Excellence, AT&T 9/2003
- President's Star Performance Award, AT&T 6/2003
- Hidden Hero Award for Customer Service, AT&T 3/2001
- ERIC Star Performer Award, AT&T 8/2000
- Above and Beyond the Call of Duty Award, AT&T 3/2000

**Memberships**

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- NENA Member 8/2007 - Present

**Interests**

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- 9-1-1 For Kids Volunteer 2012 - Present
- Past President, California National Emergency Number Association 1/2014
- Junior Achievement Coordinator, ATT 2001 - 2006

Edmond S. Vea  
[edmondvea@gmail.com](mailto:edmondvea@gmail.com)  
215 715-1915

**Engineering Executive / Project Manager / Technical Expert**

**Professional Summary**

Over the last 20 years owning, operating, managing, and consulting to businesses and government in Germany, Italy, Japan, and the United States. Managing Sales and Engineering Teams; and serving clients including Deutsche Telekom, Ericsson, AirTouch, Vodafone, T-Mobile, Verizon Comcast, Accenture, McKinsey, the Departments of Justice and Homeland Security, and Bloomberg LP

**Executive Roles:** Served as CEO of Detecon Inc and ClosedNetworks -Managed Commercial Cellular and Public Safety Communications Projects including Milestones, Critical Path, Engineering, Finance, Contracts and Vendor Coordination for DETECON and Municipal Clients in Tennessee, North Carolina, Virginia, and New Jersey and New York. Was the key individual dealing with Land Owners, Public Officials, Elected Representatives (local, State and Federal), Citizens, Vendors, Civil Servants, and Suppliers' Employees to deliver projects on spec, within budget and on time.

**Program Manager:** Program Manager for one of the World's First GPRS Roaming Gateway Projects sponsored by the NA GSM Alliance. Recipient of the GSM System Design Contract for the White House's National Communications System's Wireless Priority Services (WPS). Designed, Built and Delivered one of the first Wireless Perimeter Surveillance Systems in the Country after 9/11. Designed and managed the delivery of a DHS Grant Financed wide area LTR Trunk Systems to Homeland Security Region 7 of TN. Awarded EADS' first P25 Digital Public Safety Radio Network in North America for Cumberland County, TN.

**Engineer:** Responsible for the specifications, design, acceptance and optimization of well over 750 sites including GigE, Fiber (SONET), Cellular, Microwave, Satellite, Mesh Networks, and Land Mobile Radio. Expert Witness Testimony at the local, State and Federal level on telecommunications and engineering matters. Member of Mobile Radio Technology and Urgent Communications Magazines' Editorial Advisory Panel, and Subject Matter Expert and Advisor to the National Institute of Justice (US Department of Justice) Center of Excellence for Communications Technologies.

**Experience**

**Rivada Networks**

From February 2016 to Present

A member of the FirstNet response team covering engineering, quality, process, and solution modeling tasks on an as needed basis. Focus areas include Transport Network Design including PSAP and ESInet specifications, Quality Assurance Metrics, Technical Response review team for a next generation nationwide LTE network leveraging advances in NFV, SDN, and dynamic spectrum allocation techniques, amongst others.

**Business Development North America  
blackned North America**

From January 2014 to Present

Working on the planning, development, design, and implementation of an LTE Based Tactical Mission Critical System and Solution. Functional and Services analysis for Alerting, Voice, Data, and Video. LTE Coverage Planning including Link Budget/Antenna and Mast Selection, Traffic Analysis/Loading, and Self Optimizing Network (SON) Parameters. LTE System Pre-Positioning and Rapid Implementation Planning including storage and maintenance of equipment from forward pre deployment depots and energy planning and equipment consistent with potential operating scenarios. LTE System Implementation based on Priority, Preemption, and Degradation over the LTE bearer by service, feature, terminal, and hierarchy and autonomous operation by implementation of redundant/mirrored Evolve Packet Core (EPC).

**Business Development and Strategy Consultant  
EdgeConneX**

From April 2014 to January 2016

Providing Business Development, RFP Response, and Contract Negotiation Services to EdgeConneX Small Cell Team for both indoor and outdoor solutions including Cell Design, Backhaul Dimensioning and Design.

Developed Analytical Tools and Models for Cell Coverage, Fiber Routing, Backhaul Aggregation Sites, Network Function Virtualization for LTE and EPC, and Demand Analysis (ie POI concentrations).

**Bloomberg Government – Leader: Consulting, System Integrator, and Small Federal Contractor Sales Team**

Washington, DC.

August 2010 to November 2013

Leader of Team responsible for sales, support, and solutions to the Consulting and Major Federal Consulting and Systems Integrators of Bloomberg's new product for the Federal Market. Booz Allen Hamilton - Produce Market Analysis on Finance Reform (Dodd-Frank Act) for commercial institutions; Deloitte Consulting - Homeland Security Critical Infrastructure Protection; Deloitte Consulting -Small Businesses with Agile Development Capabilities - VA and NIH; McKinsey & Co. - Evaluate Bloomberg Tools to enhance existing Global Capital Market Flows Database; Autonomic Resources - Initial market analysis for one of the first FedRAMP certified Cloud Providers - July 2012; and Accenture - Data Center Consolidation and Cybersecurity Implications of the Federal Cloud Services

**National Law Enforcement and Corrections Technology Center – Communications Technologies Center of Excellence**

Camden, NJ.

July 2008 to August 2010

**Program Manager** responsible for Focus Area 3 – Convergent Data Services and a contributor to Focus Area 1 Interoperable Voice Communications.:

- Contributing Member of the Public Safety Communications Research Program (PSCR) Network Architecture Working Group (NAWG) for 700 MHz LTE Interoperability profiles including 4G IMS, Control, roaming, Network Security Architecture, Police Control PCRF, and Traffic Flow Templates – QoS, ARP, QCI
- Urgent Communications Magazine – Editorial Advisory Committee
- Brookline MA. Test and Evaluation of Mission Critical Broadband Communications Network based on 4.9 GHz Technologies
- FCC and NIST 700 MHz Public Safety Broadband LTE Demo Network Technical and Business Plan Contributor
- Alternative Power for Remote Communications Sites
- Broadband Microwave Network RFI, Evaluation, and Presentation
- Broadband Satellite Communications
- Cape May P25 Digital Network Planning, Implementation, Installation, Test and Evaluation Support
- Technical Assistance Support to State and Local Government
- Contributor to International Wireless Expo and Conference - 2008, 2009, and 2010

**ClosedNetworks, Inc.**

Philadelphia, PA.

November 2002 to May 2008

November 2002-2008: **Founder, President and CEO** of ClosedNetworks, Inc.

August 2003 –2008: **President and General Manager**, Frederick G Griffin Engineering (a wholly owned subsidiary of ClosedNetworks):

Projects as Managing and Engineering Lead:

- Mobile Radio Technology – Editorial Advisory Committee
- Department of Justice – Advisor on P25, SDR, and Digital Radio - Commtech Center of Excellence
- Rutherford County, TN PS Communications Committee Contributor
- Western Regional Homeland Security Committee – NC – PSIC Grant Assistance and Leadership
- Haywood County, North Carolina - Phase I Analysis of Public Safety Communications
- City of LaVergne, Tennessee – Phase I Analysis of Public Safety Communications
- Cumberland County, Tennessee – State of the Art Open Source P25 Trunked System
- Robertson County, Tennessee – 911 Communications Center and Consolidation
- Northern Middle Tennessee Regional Homeland Security Coordinating Committee – PS Comm. System
- Jackson Township, New Jersey – Public Safety Communications System and /CAD/RMS /MDT
- Salem, Virginia – Dispatch Center
- Robertson County, Tennessee - Public Safety Communications System
- Morris County, New Jersey - Public Safety Communications System
- Cherry Hill, New Jersey - Public Safety Communications System
- Smyth County, Virginia - Public Safety Communications System
- Spotsylvania, Virginia - Public Safety Communications System
- Cumberland County, Tennessee - Public Safety Communications System
- Brookline, Massachusetts – Audit of Cellular and PCS Systems and Distributed Antenna System (DAS)
- Indian Hill, Ohio - Audit of Cellular and PCS Systems and Distributed Antenna System (DAS)
- Blacksburg, Virginia – Audit of iDEN Coverage and Interference Potential in Town



**Detecon, Inc.**  
Reston, VA.

From June 1999 to October 2002

**President and CEO**

Served as President, CEO and Board Member of Detecon Inc. the US subsidiary of the Detecon GmbH the managerial and technical consulting division of Deutsche Telekom.

**Senior RF Engineering Consultant to Omnipoint PCS**  
Philadelphia, PA.

August 1996 to June 1999

**Management and Technical Consultant to Ericsson Toshiba KK**  
Yokohama, Japan

February 1996 to April 1996

**Senior RF Engineering Manager to Omnitel Pronto Italia**  
Rome, Italy

June 1994 to January 1996

**RF Engineering Manager to E Plus**  
Stuttgart, Germany.

November 1993 to June 1994

**Engineering Consultant to Mannesmann Mobilfunk**  
Stuttgart, Germany

May 1991 to November 1993

**United States Marine Corps.**

January 1984 to January 1988

**Education**

BA, University of Virginia

MSEE Telecommunications, Southern Methodist University

**Relevant Presentations and Papers**

- Moderated [Wearable Technology Panel](#) – IWCE - 2017
- Moderated 3 Panels: [Situational Awareness](#), [LTE Deployable Networks](#), and [Wearable Technology](#) – IWCE - 2016
- [LTE Deployable Networks](#) Panel and [Wearable Technology](#) Panel – IWCE - 2015
- Presentation on [Wearable Technology for Public Safety](#) – APCO Broadband Forum 2014 – May 2014
- [Head's Up FirstNet Here Comes Wearable Tech](#) – Urgent Communications Magazine March 2014
- Proposal Accepted: Presentation IWCE March 2014 - [The Necessity of Stand Alone \(Autonomous\) Operation in FirstNet - Public Safety LTE Broadband](#)
- Presentation: IWCE [Priority, Pre-emption and Graceful Degradation in Mission Critical LTE Broadband Networks](#) – March 2010
- NLECTC Webinar: [800 MHz Rebanding](#) – February 2010
- NLECTC Webinar: [Alternative Power for Remote Communications Sites](#) – Sept 2009
- Presentation and Paper: IWCE [Alternative Power for Remote Communications Sites](#) – March 2009
- Member of the Panel IWCE – [Current Developments in Broadband Wireless Data for Public Safety](#) – February 2008
- Moderator: IWCE – [Case Study on Multi-Vendor P25 System Solutions](#) – February 2008
- Presentation: TN Emergency Number Association – [Next Gen. 911 Centers](#); January 2007
- Presentation: TN Emergency Number Association – [P25 System for Cumberland Co.](#) January 2007
- White Paper for the Honorable Lincoln Davis of TN: [Homeland Security Funding and P25 Systems](#); March 2007
- Presentation and Paper: IWCE [Distributed Antenna/Node Systems \(DAS\)](#) – March 2007
- Presentation and Paper: IWCE [4.9 GHz Benefits and Pitfalls](#) – May 2006
- Presentation: TN Emergency Number Association – [Advances in P25 Communications Systems](#) January 2006
- Presentation and Paper: National APCO [4.9 GHz Wireless Data Applications](#) – August 2005
- Presentation: Kentucky APCO [On Interoperability](#) – September 2005
- Presentation and White Paper - IWCE [Federal Funding, Cooperation, and Interoperability in Public Safety](#) – April 2005
- Presentation: TN Emergency Number Association: [All About VoIP](#); February 2005



Exhibit B

Chart of Accounts

## NGA 911, L.L.C.'s Chart of Accounts

1000 • Assets

1010 • WF Operating Account 8846

1010 • WF R&D Account 0501

1020 • Patent

1030 • Petty Cash

1200 • Accounts Receivable (A/R)

1210 • A/R Trade

1220 • A/R Trade Notes Receivable

1230 • A/R Installment Receivables

1240 • A/R Retainage Withheld

1290 • A/R Allowance for Uncollectible Accounts

1300 • Inventories

1400 • Prepaid Expenses & Other Current Assets

1410 • Prepaid – Insurance

1420 • Prepaid – Real Estate Taxes

1430 • Prepaid – Repairs & Maintenance

1440 • Prepaid – Rent

1450 • Prepaid – Deposits

1490 • Fixed Asset Office Equipment

1495 • Original Cost

1600 • Accumulated Depreciation & Ammortization

1610 • Accumulated Depreciation - Buildings

1620 • Accumulated Depreciation - Machinery & Equipment

1630 • Accumulated Depreciation - Vehicles

1640 • Accumulated Depreciation - Computer Equipment

1650 • Accumulated Depreciation - Furniture & Fixtures  
1660 • Accumulated Depreciation - Leasehold Improvements

1700 • Loans Receivable  
1700 • Non - Current Receivables  
1710 • NCA – Notes Receivables  
1720 • NCA – Notes Receivables

2100 • Accounts Payable

3000 • Owners Equities  
3100 • Common Stock  
3200 • Preferred Stock  
3300 • Paid in Capital  
3400 • Partners Capital  
3500 • Member Contributions  
3900 • Retained Earnings  
4000 • Revenue  
4600 • Interest Income  
4700 • Other Income  
4800 • Finance Charge Income  
4900 • Sales Returns and Allowances  
4950 • Sales Discounts

5000 • Cost of Goods Sold

6000 • Advertising, Sales & Marketing  
6010 • Advertising  
6012 • Industry Memberships  
6012 • Marketing  
6013 • Public Relations  
6013 • Travel  
6014 • Flight

6015 • Car Rental & Transportation  
6016 • Meals and Entertainment  
6017 • Hotel & Lodging  
6018 • Other Miscellaneous Travel  
6030 • Dues and Software Subscriptions  
6040 • Infrastructure  
6100 • Automobile Expense  
6200 • Bank Charges and Fees  
6600 • Gifts and Charitable Donations  
6650 • Business Insurance  
6700 • Interest Expense  
6750 • Professional Fees  
6751 • Consulting Services  
6752 • Research and Development  
6790 • Legal Fees  
6800 • Software & Web Services  
6950 • Administration Expenses  
6952 • Office Supplies  
6953 • Office Equipment  
6954 • Office Expenses

7150 • Postage and Delivery  
7200 • Office Rent & Lease  
7500 • Telephone Expense  
7250 • Repairs & Maintenance  
7400 • Taxes and Licenses  
7650 • Other Miscellaneous Expense  
7670 • Unapplied Cash Bill Payment Expense

8000 • Suspense Account

Exhibit C

Financial Information

Financial information submitted confidentially pursuant to Utah Public Service Commission Rule R746-100-16.

Exhibit D  
Financial Projections

Financial information submitted confidentially pursuant to Utah Public Service Commission Rule R746-100-16.

Exhibit E

Proof of Certification

Decision 18-07-032 July 26, 2018

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of NGA 911, LLC for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and full facilities-based and resold interexchange services on a statewide basis.

Application 18-05-009

**DECISION GRANTING NGA 911, LLC A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IN ORDER TO PROVIDE COMPETITIVE FULL FACILITIES-BASED AND RESOLD LOCAL EXCHANGE AND INTEREXCHANGE SERVICES**

**Summary**

Pursuant to Utilities Code Section 1001, we grant NGA 911, LLC, a Certificate of Public Convenience and Necessity to provide competitive full facilities-based and resold competitive local exchange and interexchange telecommunications services in California subject to the terms and conditions set forth in the Ordering Paragraphs.

This proceeding is closed.



**1. Background**

On May 4, 2018, NGA 911, LLC, (NGA) a limited liability corporation in California, filed an application for a Certificate of Public Convenience and Necessity (CPCN) to provide competitive full facilities-based and resold competitive local exchange services throughout the service territories of Pacific Bell Telephone Company, Frontier California Inc., Consolidated Communications of California, Inc. and Citizens Telecommunications Company of California, Inc., and full facilities-based interexchange services throughout California.

NGA proposes to provide emergency call routing, transport and related functionalities to state and municipal governmental agencies to support public service answering point (PSAP) operations. NGA will rely primarily on existing facilities obtained from other carriers and utilities but may consider constructing its own facilities as necessary. NGA expects that any outside plant construction would be small in scale, consisting of construction of relatively short conduit stubs or other below or above-ground facilities, where existing facilities are inadequate.

Notice of the application appeared on the Commission's daily calendar on May 10, 2018. No protests or responses to the application were filed. A prehearing conference (PHC) was held on June 15, 2018. The only attendees at the PHC were representatives from NGA. The Scoping Memo and Ruling (Scoping Memo) was issued on June 26, 2018.

NGA's principal place of business is located at 8383 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211. There were no protests or responses filed in response to NGA's application.

## **2. Jurisdiction**

Public Utilities Code (Pub. Util. Code) § 216(a) defines the term “Public utility” to include a “telephone corporation,” which in turn is defined in Pub. Util. Code § 234(a) as “every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.”

NGA proposes to provide infrastructure facilities (such as conduit, and dark or lit fiber) for use in connection with the transport and transmission of communications. NGA will rely on existing facilities obtained from other carriers and utilities or construct its own facilities, as necessary. NGA is a telephone corporation and a public utility subject to our jurisdiction.

NGA does not expect to operate as an interstate common carrier as defined by § 153 of the Federal Telecommunications Act of 1996 (Act), as amended. However, to the extent it engages in operations as a telecommunications service provider, it will be eligible to interconnect with the public switched telephone network pursuant to § 251 and § 252 of the Act, and that if granted a CPCN, it will operate as a telephone corporation under Pub. Util. Code § 234(a) and obey the Pub. Util. Code and all Commission rules, decisions, and orders applicable to telephone corporations.

## **3. California Environmental Quality Act (CEQA)**

Pursuant to CEQA and Rule 2.4<sup>1</sup> of the Commission’s Rules of Practice and Procedure, the Commission examines projects to determine any potential environmental impacts in order that adverse effects are avoided and

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<sup>1</sup> Unless otherwise noted, items labeled “Rule” are from the Commission’s Rules of Practice and Procedure.

environmental quality is restored or enhanced to the fullest extent possible under CEQA.

NGA seeks authority to provide competitive full facilities-based and resold competitive local exchange and interexchange telecommunications services in California, but intends to construct its own facilities, as necessary. NGA notes that any outside construction would be small in scale, consisting of construction of relatively short conduit routes, installations of poles where existing facilities are inadequate, and installation and construction of other small above-ground facilities. NGA believes that such construction would generally occur in existing roadways or other previously-developed and disturbed rights-of-way.

These activities fall within classes of projects that are exempt from CEQA. NGA did not identify any specific locations or projects in its application. Accordingly, NGA proposes that it be granted full facilities-based authority subject to compliance with the same expedited 21-day environmental review process that has been adopted for similarly situated carriers.

NGA requests approval to utilize a procedure for expedited review of its projects once it is aware of specific site(s) in which it plans construction. The proposed procedure tracks the expedited review procedure that we have approved for other carriers. Such a process will expedite CEQA review and is appropriate for the type of construction outlined here, which appears to be categorically exempt. By establishing this expedited review process, we are able to review the information on a specific project to confirm that it is categorically exempt from CEQA or to explain which further environmental review is required. At the same time, the proposed CEQA review will enable NGA to undertake construction of its projects in an efficient manner without experiencing delays caused by an unnecessarily protracted CEQA review.

Similar to the procedure approved for other carriers,<sup>2</sup> the following procedure will be used to obtain Commission approval of NGA claimed CEQA exemptions for proposed construction projects:

- NGA will provide the Commission's Energy Division with:
  - A detailed description of the proposed project, including:
    - Customer(s) to be served;
    - The precise location of the proposed construction project; and
    - Regional and local site maps.
  - A description of the environmental setting, to include at a minimum:
    - Cultural, historical, and paleontological resources;
    - Biological resources; and
    - Current land use and zoning.
  - A construction workplan, to include:
    - Commission Preconstruction Survey Checklist – Archaeological Resources;
    - Commission Preconstruction Survey Checklist – Biological Resources;
    - A detailed schedule of construction activities, including site restoration activities;
    - A description of construction/installation techniques;

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<sup>2</sup> See, e.g., Decision (D.) 06-04-063 (ClearLinx Network Corporation); D.06-04-067 (CA CLEC LLC).

- A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
  - A list of permits required for the proposed project.
  - A statement of the CEQA exemption(s) applicable to the proposed project; and
  - Documentation and factual evidence sufficient to support a finding that the claimed exemption(s) is (are) applicable.
- The Energy Division will review NGA's submission for the proposed project to confirm that the claimed exemption(s) from CEQA are applicable.
  - Within 21 days from the date of NGA's submittal, the Energy Division will issue either:
    - A Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research, or
    - A letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project.

We have reviewed the application and find that:

- NGA's proposed facilities-based project activities are very limited;
- These activities would in almost all circumstances be very likely to qualify for an exemption from CEQA; and
- The proposed process for reviewing the applicability of CEQA exemptions to NGA's facilities-based projects is not only adequate for the Commission's purposes as CEQA Lead Agency, but is also in the public interest because it enables NGA to respond in a timely manner to requests for service without the delay or burden of a full CEQA review when such review is unnecessary.

We therefore approve NGA's proposed process for Commission review of claimed CEQA exemptions for construction projects undertaken pursuant to NGA's full facilities-based authority, based on the specific facts of this case with

the following modifications related to the Commission's Energy Division review and approval or disapproval of the proposed exemptions.

If the Energy Division disapproves NGA's claimed CEQA exemption(s) and issues a letter of denial to NGA, NGA must either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any construction activities.

NGA shall not perform any full facilities-based construction activities without first obtaining an NTP from the Energy Division or authorization by the Commission after the requisite environmental review.

We have previously determined that public convenience and necessity require that competition be allowed in the provision of competitive local exchange service (Rulemaking 95-04-043/Investigation 95-04-044). Granting this application will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

#### **4. Financial Qualifications**

To be granted a CPCN, an applicant seeking authority to provide full-facilities based and resold local exchange and interexchange services must demonstrate that it has a minimum of \$100,000 (cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses.<sup>3</sup> An applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by local exchange carriers and/or interexchange

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<sup>3</sup> The financial requirement for Competitive Local Exchange Carriers (CLEC) is contained in Decision 95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.91-10-041.

carriers in order to provide the proposed service.<sup>4</sup> In its application, NGA provided the requisite documentation that \$100,000 would be available to NGA for one year following certification. Since NGA has provided documentation that it possesses a minimum of \$100,000 that is reasonably liquid and available, it has demonstrated that it has sufficient funds to meet its start-up expenses and has fulfilled this requirement. NGA's financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are available.

NGA states that it does not anticipate that it will be required to pay any deposits in order to provide its proposed services; however, its financial showing includes \$20,000 in excess of the Commission's basic cash resource requirements to cover any deposits that may be required. Therefore, no additional resources are required at this time to cover deposits.

#### **5. Technical Qualifications**

To be granted a CPCN for authority to provide competitive local exchange and interexchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.<sup>5</sup> NGA supplied biographical information on its management in Exhibit A to its application that demonstrates it has sufficient expertise and training to operate as a telecommunications provider.

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<sup>4</sup> The requirement for Competitive Local Carrier applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying Local Exchange Carriers and/or Interexchange Carriers is set forth in D.95-12-056, Appendix C. For NDIECs, the requirement is found in D.93-05-010.

<sup>5</sup> D.95-12-056 at Appendix C, Rule 4.A.



In its application, NGA verified that no one associated with or employed by NGA as an affiliate, officer, director, partner, or owner of more than ten percent of NGA has: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of §§ 17000, *et seq.*, §§ 17200, *et seq.*, or §§ 17500, *et seq.*, of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or (i) been, or is being, investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.<sup>6</sup>

For the above reasons, we find that NGA is in compliance with the requirements of D.95-12-056.

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<sup>6</sup> These certifications are required by D.13-05-035, Ordering Paragraph 14.



**6. Tariffs**

Commission staff reviewed NGA's draft tariffs for compliance with Commission rules and regulations. The deficiencies are noted in Attachment A to this decision. In its compliance tariff submission, NGA shall correct these deficiencies as a condition of our approval of the application.

**7. Map of Service Territory**

To be granted a CPCN for authority to provide competitive local exchange service, an applicant must provide a map of the service territories it proposes to serve.<sup>7</sup> In its application, NGA provided a map of the location of its proposed service territory, in compliance with this requirement.

**8. Rule 3.1(i) Statement**

Rule 3.1(i) sets forth the requirement that a utility filing an application under Pub. Util. Code § 1001, provide a statement regarding General Order (GO) 104-A, Section 2. NGA states that it is not aware of any reportable matters pursuant to GO 104-A, Section 2. NGA, therefore, has nothing to report under this rule.

On a going-forward basis, though, NGA must file all reports required of a public utility under Commission jurisdiction.

**9. Expected Customer Base**

NGA provided its estimated customer base for the first and fifth years of operation in Part XVI of its application. Therefore, NGA has complied with this requirement.

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<sup>7</sup> Decision 95-12-056 at Appendix C, Rule 4.E.

**10. Request for Treatment as a Non-dominant Carrier**

NGA requests treatment as a NDIEC, which would include exemption from the requirements of Pub. Util. Code §§ 816-830 concerning stocks and security and § 851 concerning the encumbrance and transfer of utility property. The Commission detailed its rules regarding exemption of non-dominant carriers in D.85-01-008, and subsequently modified in D.85-07-081 and D.85-11-044. We grant Applicant's request for NDIEC status, provided that it follows all rules detailed in the above referenced decisions.<sup>8</sup>

**11. Safety Considerations**

With the adoption of the *Safety Policy Statement of the California Public Utilities Commission* on July 10, 2014, the Commission has, among other things, heightened its focus on the potential safety implications of every proceeding. We have considered the potential safety implications here. We feel satisfied that NGA will meet the Commission's minimum safety goals and expectations of competitive local exchange carriers (CLECs) because: (1) NGA has taken steps to meet the financial requirements as set forth in this decision for a facilities-based CLEC, and (2) NGA is a public utility that is required pursuant to Pub. Util. Code § 451 to "... furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

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<sup>8</sup> While the Commission has granted exemption from §§ 816 - 830 to others, exemption from §§ 851 - 854 has not been granted previously and is not granted here.

## 12. Conclusion

We conclude that the application conforms to our rules for certification as a competitive local exchange and interexchange carrier. Accordingly, we grant NGA a CPCN to provide full facilities-based and resold competitive local exchange services throughout the service territories of Pacific Bell Telephone Company, Frontier California Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc., and full facilities-based interexchange services throughout California, subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to NGA and corresponding obligations. NGA receives authority to operate in the prescribed service territory, it can request interconnection with other telecommunications carriers in accordance with § 251 of the Federal Communications Act (47 U.S.C. 251), and it receives access to public rights of way in California as set forth in D.98-10-058 subject to the CEQA requirements set forth in this decision. In return, NGA is obligated to comply with all applicable Public Utilities Codes and Commission Rules, GOs, and decisions applicable to telecommunications carriers providing approved services. The applicable Codes, Rules, etc. include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, NGA is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code § 451 which states that every public utility "...shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in § 54.1 of the Civil Code,

as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.”

NGA must obtain a performance bond of at least \$25,000 in accordance with D.13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its CPCN, NGA must submit a Tier 1 advice letter to the Communications Division, containing a copy of the license holder’s executed performance bond, and subsequently submit a Tier 1 advice letter annually, but not later than March 31 of each subsequent year, with a copy of the executed bond.

NGA must not allow its performance bond to lapse during any period of its operation. Pursuant to D.13-05-035, the Commission may revoke a CPCN if NGA is more than 120 days late in providing the Communications Division a copy of its executed performance bond and has not been granted an extension of time by the Director of the Communications Division.

The corporate identification number assigned to NGA, U-7347-C, must be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

### **13. Request to File Under Seal**

Pursuant to Rule 11.4 of the Commission’s Rules, NGA moved for leave to file Exhibit F to the application as confidential materials under seal. NGA represents that the information is sensitive, and disclosure could place NGA at an unfair business disadvantage. We have granted similar requests in the past and do so here.

NGA's motion to file under seal its Exhibit F is granted for a period of three years from the effective date of this decision. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If NGA believes that it is necessary for this information to remain under seal for longer than three years, NGA may file a new motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

**14. Categorization and Need for Hearings**

In Resolution ALJ 176-3417, dated May 31, 2018, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were necessary. No protests have been received. Since no protests were filed, it is determined that hearings were not necessary. This change to the preliminary determination was made in the Scoping Memo, issued on June 26, 2018, and is affirmed herein.

**15. Comments on Proposed Decision**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to § 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

**16. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner, Gerald F. Kelly is the assigned Administrative Law Judge.

### **Findings of Fact**

1. Notice of the application appeared on the Daily Calendar on May 10, 2018. No protests have been filed. A hearing is not required.
2. NGA is a telephone corporation and a public utility as defined in Pub. Util. Code § 234(a) and § 216(a).
3. NGA's proposed construction activities appear to fall within one or more CEQA categorical exemptions.
4. NGA's authority to provide telecommunications services will not have a significant adverse effect upon the environment.
5. NGA has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
6. NGA has sufficient additional cash or cash equivalent to cover deposits that may be required by other telecommunications carriers in order to provide the proposed service.
7. NGA's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.
8. No one associated with or employed by NGA as an affiliate, officer, director, partner, agent, or owner of more than 10 percent of NGA has: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil

claims involving violations of §§ 17000, *et seq.*, §§ 17200, *et seq.*, or §§ 17500, *et seq.*, of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or (i) been, or is being, investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

9. Except for the deficiencies identified in Attachment A to this decision, NGA's draft tariffs comply with the Commission's requirements.

10. NGA provided a map of the location of its proposed service territory.

11. NGA has no information to report under Rule 3.1(i).

12. NGA provided an estimate of its customer base for the first and fifth year of operation.

13. Pursuant to Rule 11.4, Exhibit F will remain filed under seal.

### **Conclusions of Law**

1. NGA should be granted a CPCN to provide competitive full facilities-based and resold competitive local exchange services throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and interexchange services throughout California, subject to the terms and conditions set forth in the Ordering Paragraphs.



2. NGA should be allowed to use the Energy Division 21-day CEQA exemption process.

3. NGA once granted a CPCN, should be subject to the applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities.

4. NGA's initial tariff filing should correct the tariff deficiencies shown in Attachment A to this decision.

5. NGA should be granted non-dominant carrier status, subject to Commission rules and regulations as detailed in D.85-01-008 and modified in D.85-07-081 and D.85-11-044.

6. The corporate identification number assigned to NGA, U-7347-C, should be included in the caption of all original filings with the Commission, and in the title of other pleadings filed in existing cases.

## **O R D E R**

### **IT IS ORDERED that:**

1. A certificate of public convenience and necessity is granted to NGA 911, LLC to provide competitive full facilities-based and resold competitive local exchange services throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Consolidated Communications of California, and Citizens Telecommunications Company of California, Inc. and interexchange services throughout California subject to the terms and conditions set forth below.

2. The corporate identification number assigned to NGA 911, LLC, U7347C, must be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.



3. NGA 911, LLC's initial tariff filing shall correct the tariff deficiencies shown in Attachment A to this decision.

4. NGA 911, LLC must file, in this docket, a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order. Written acceptance filed in this docket shall not reopen the proceeding.

5. The certificate granted by this decision will expire if not exercised within 12 months of the effective date of this decision. Written acceptance filed in this docket does not reopen the proceeding.

6. NGA 911, LLC, may not offer competitive local exchange services until tariffs are filed and authorized by this Commission, in accordance with General Order 96-B and as corrected for deficiencies set forth in Attachment A.

7. NGA 911, LLC must notify the Director of the Communications Division in writing at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

8. NGA 911, LLC must submit to the Communications Division through and Advice Letter a tariff within 12 months of the effective date of this decision, failing which its certificate will be cancelled.

9. NGA 911, LLC must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (*i.e.*, there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its Certificate of Public Convenience and Necessity authority, NGA 911, LLC must submit a Tier-1 advice letter to the Communications Division, containing a copy of the license holder's executed bond, and submit a

Tier-1 advice letter annually, but not later than March 31, with a copy of the executed bond.

10. NGA 911, LLC must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the Commission may revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Director of the Communications Division.

11. In addition to all the requirements applicable to competitive local exchange carriers and interexchange carriers included in Attachments B, C, and D to this decision, NGA 911, LLC is subject to the consumer protection rules contained in General Order 168, and all applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

12. NGA 911, LLC must pay the public purpose surcharges specified in Attachment B, and the Combined California Public Utilities Commission Telephone Surcharge Transmittal Form must be submitted even if the amount due is \$0.

13. NGA 911, LLC must pay a minimum user fee of \$100 or 0.33 percent of gross intrastate revenue, whichever is greater. Under Public Utilities Code Section 405, carriers that are in default of reporting and submitting user fees for a period of 30 days or more will be subject to penalties including suspension or revocation of their authority to operate in California.

14. Prior to initiating service, NGA 911, LLC must provide the Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. This information must be updated if the name or telephone number changes, or at least annually.

15. Prior to initiating service, NGA 911, LLC must provide the Commission's Communications Division with the name and address of its designated regulatory/official contact person(s). This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at <http://www.cpuc.ca.gov/communications>. This information must be updated if the name or telephone number changes, or at least annually.

16. NGA 911, LLC must file an affiliate transaction report with the Director of the Communications Division at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov), in compliance with Decision 93-02-019, on a calendar year basis using the form contained in Attachment D.

17. NGA 911, LLC must file an annual report with the Director of the Communications Division at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov), in compliance with General Order 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

18. The staff of the Commission's Energy Division is authorized to review, process, and act upon NGA 911, LLC requests for a determination that its full facilities-based construction activities are exempt from the requirements of the California Environmental Quality Act.

19. If NGA 911, LLC wishes to engage in full facilities-based construction activities and believes that these activities are exempt from California Environmental Quality Act, NGA shall first apply to the Commission's Energy Division staff for a determination of exemption from California Environmental Quality Act by providing the Commission's Energy Division with:

- a. A detailed description of the proposed project, including:
  - i. Customer(s) to be served;
  - ii. The precise location of the proposed construction project; and

- iii. Regional and local site maps.
- b. A description of the environmental setting, including at a minimum:
  - i. Cultural, historical, and paleontological resources;
  - ii. Biological resources; and
  - iii. Current land use and zoning.
- c. A construction workplan, including:
  - i. Commission Preconstruction Survey Checklist – Archaeological Resources;
  - ii. Commission Preconstruction Survey Checklist – Biological Resources;
  - iii. A detailed schedule of construction activities, including site restoration activities;
  - iv. A description of construction/installation techniques;
  - v. A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
  - vi. A list of permits required for the proposed project.
- d. A statement of the California Environmental Quality Act exemption(s) claimed to apply to the proposed project; and
- e. Documentation supporting the finding of exemption from California Environmental Quality Act.
- f. The Energy Division will then review the submittal and notify NGA of either its approval or its denial of NGA's claim for exemption from California Environmental Quality Act review within 21 days from the time that NGA's submittal is complete.

20. If the Energy Division approves NGA 911, LLC claimed California Environmental Quality Act exemption(s), the staff shall prepare a Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research. If the Energy Division denies NGA's claimed California

Environmental Quality Act exemptions, the staff shall issue to NGA a letter which states the specific reasons that the claimed California Environmental Quality Act exemptions do not apply to the proposed project.

21. If the Energy Division disapproves NGA 911, LLC claimed California Environmental Quality Act exemption(s), NGA shall either re-design the specific project and facilities and then reapply for a finding of exemption from California Environmental Quality Act, or file a formal application with the Commission seeking the requisite approval and full California Environmental Quality Act review, before commencing any full facilities-based construction activities.

22. NGA 911, LLC's motion to file under seal its Exhibit F is granted for a period of three years from the effective date of this decision. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If NGA believes that it is necessary for this information to remain under seal for longer than three years, NGA may file a new motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

23. This order is effective today.

Dated July 26, 2018, at Sacramento, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners

## ATTACHMENT A

List of deficiencies in tariff filed by **NGA 911**. (U-7347-C) in A.18-05-009 to be corrected in its tariff compliance filing.

1. General Order 96-B Section 9.1 requires that each utility shall “compile, publish, and make them accessible for public copying and inspection in accordance with General Rules 9.1.1 to 9.1.3”. Section 9.1.2 “strongly encourages all utilities, and requires certain utilities as described below, to publish and keep up-to-date their respective tariffs, as currently in effect, at sites on the Internet freely accessible to the public. A utility that serves California customers under tariffs, and whose gross intrastate revenues, as defined in Public Utilities Code Section 435(c) and reported to the Commission for purposes of the Utilities Reimbursement Account, exceed \$10 million, shall publish, and shall thereafter keep up-to-date, its currently effective California tariffs at a site on the Internet. The Internet site shall be accessible, and the tariffs shall be downloadable, at no charge to the public.” If gross intrastate revenues exceed \$10 million, then CLC must revise the tariff to include website location for tariff download. Otherwise, CLC should be encouraged to post on website.
2. General Order 96-B Section 9.5.1 requires identifying "U" number of the utility. Revise tariff to include U-number.
3. General Order 96-B Section 9.5.5 requires “all of its rate schedules....the rates and charges...” Pricing information is blank; revise the tariff to include pricing.
4. General Order 96-B Section 9.5.6 states that “if a utility has no such contract or other deviation then in effect, a statement of this fact shall be provided instead of this list”. Revise tariff to include statement of no deviations (or list deviations if applicable).
5. General Order 96-B Section 9.5.7 (11) requires specific information on Discontinuance of Service. Information is incomplete in tariff, revise the tariff to include requirements of General Order. 96-B Sec D.95-07-054 App B, Rule 6.B.2.
6. General Order 96-B Section 9.5.7 (12) requires “Information on Services and Promotional Offerings - How to get information on services (including types of services, rate plans, conditions on eligibility, other terms and conditions) and promotional offerings available from the utility. Rule shall include office hours, telephone number, and (if applicable) e-mail address for contacting utility with requests for such information”. Information is incomplete in tariff, revise the tariff to include requirements of General Order 96-B Sec 9.5.7 Rule 12.

A.18-05-009 ALJ/GK1/mph

7. D.95-07-054, App B, Rule 1 states “CLC information required to be provided to applicant upon request”. Information is described but not provided, revise tariff to include information compliant with D.95-07-054, App B, Rule 1.
8. D.95-07-054, App B, Rule 2 requires “all applicants for residential service must be given information regarding the Universal Lifeline program and its availability”. Revise tariff to include information compliant with D.95-07-054, App B, Rule 2.
9. D.95-07-054, App B, Rule 10B requires that the tariff include language regarding fraud (intention to defraud the CLC). Revise the tariff to include language compliant with D.95-07-054 App B, Rule 10B.
10. D.95-07-054, App B, Rule 10C requires that “for residence service disconnected for nonpayment, the CLC must continue to provide access to 911 services to the customer”. Revise the tariff to include language compliant with D.95-07-054 App B, Rule 10C.
11. D.95-07-054, App B, Rule 12 requires the CLC to include language regarding “failure to establish credit or pay deposit. Revise the tariff to include language compliant with D.95-08-054 Appendix B, Rule 12.
12. D.95-07-054, App B, Rule 13 refers to “Liability of CLC” (not liable for any failure of performance due to causes beyond its control). Revise the tariff to include language compliant with D.95-08-054 Appendix B, Rule 13.
13. D.95-07-054, App B, Rule 15 requires the CLC to block customer’s access to 900 and 976 services and inform customers of the availability of blocking. Revise the tariff to include language compliant with D.95-08-054 Appendix B, Rule 15.
14. Decision 96-10-066 Appendix B.4.B. Items 10 and 11 require that the tariff contain language regarding directories. Revise the tariff to include language compliant with Decision 96-10-066 Appendix B.4.B. Items 10 and 11.
15. General Order 153 Appendix A Item 12i requires that the tariff contain language regarding directories. Revise the tariff to include language compliant with G.O. 153 Appendix A Item 12i.
16. General Order 153 Section 3.3 requires that the tariff contain language regarding tariff filings of Universal Lifeline Telephone Service (ULTS) Offerings. Revise tariff to include language compliant with G.O. 153 Section. 3.3.



17. D.95-07-054 App A, Section E.7 requires that CLCs file tariffs in accordance with PU Code 876 (file a schedule of rates and charges providing a class of lifeline telephone service). Revise tariff to include language compliant with D. 95-07-054 App. A Section E.7.
  
18. Resolution T-16901 requires that the tariff contain language regarding surcharges and taxes. Revise the tariff to reflect current surcharge and user fee information listed on the CPUC's website (<http://www.cpuc.ca.gov/General.aspx?id=1124> ).

**(END OF ATTACHMENT A)**



**ATTACHMENT B**

**REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE  
CARRIERS AND INTEREXCHANGE CARRIERS**

1. Applicant must file, in this docket with reference to this decision number,<sup>9</sup> a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

2. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months of the date of this decision.

3. Applicant is subject to the following fees and surcharges that must be regularly remitted. Per the instructions in Exhibit E to Decision (D.) 00-10-028, the Combined California PUC Telephone Surcharge Transmittal Form must be submitted even if the amount due is \$0.

- a. The Universal Lifeline Telephone Service Trust  
Administrative Committee Fund (Pub. Util. Code § 879);
- b. The California Relay Service and Communications Devices  
Fund (Pub. Util. Code § 2881; D.98-12-073);
- c. The California High Cost Fund-A (Pub. Util. Code § 739.3;  
D.96-10-066, at 3-4, App. B, Rule 1.C);
- d. The California High Cost Fund-B (D.96-10-066, at 191,  
App. B, Rule 6.F.; D.07-12-054);
- e. The California Advanced Services Fund (D.07-12-054);
- f. The California Teleconnect Fund (D.96-10-066, at 88,  
App. B, Rule 8.G).

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<sup>9</sup> Written acceptance filed in this docket does not reopen the proceeding.

- g. The User Fee provided in Pub. Util. Code §§ 431-435. The minimum annual User Fee is \$100, as set forth in D.13-05-035.

Note: These fees change periodically. In compliance with Resolution T-16901, December 2, 2004, Applicant must check the joint tariff for surcharges and fees filed by Pacific Bell Telephone Company (dba AT&T California) and apply the current surcharge and fee amounts in that joint tariff on end-user bills until further revised. Current and historical surcharge rates can be found at <http://www.cpuc.ca.gov/General.aspx?id=1124>.

- Carriers must report and remit CPUC telephone program surcharges online using the CPUC Telecommunications and User Fees Filing System (TUFFS). Information and instructions for online reporting and payment of surcharges are available at <http://www.cpuc.ca.gov/General.aspx?id=1010> . To request a user ID and password for TUFFS online filing and for questions, please e-mail [Telco\\_surcharges@cpuc.ca.gov](mailto:Telco_surcharges@cpuc.ca.gov).
- Carriers must submit and pay the PUC User Fee (see above item 2g) upon receiving the User Fee statement sent by the Commission. Instructions for reporting filing are available at <http://www.cpuc.ca.gov/General.aspx?id=1009>. Please call (415) 703-2470 for questions regarding User Fee reporting and payment.

4. If Applicant is a competitive local exchange carrier (CLC), the effectiveness of its future tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

5. If Applicant is a non-dominant interexchange carrier (NDIEC), the effectiveness of its future NDIEC tariffs is subject to the requirement of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

6. Tariff submissions must reflect all fees and surcharges to which Applicant is subject, as reflected in #3 above.

7. Applicant must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity authority, Applicant must submit a Tier-1 advice letter to the Communications Division, containing a copy of the license holder's executed bond, and submit a Tier-1 advice letter annually, but not later than March 31, with a copy of the executed bond.

8. Applicant must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the Commission may revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Director of the Communications Division.

9. Applicants providing local exchange service must submit to the Communications Division a service area map as part of their initial tariff.

10. Prior to initiating service, Applicant must provide the Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. This information must be updated if the name or telephone number changes, or at least annually.

11. Applicant must provide the Commission's Communications Division with the name and address of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at <http://www.cpuc.ca.gov/communications>. This information must be updated if the name or telephone number changes, or at least annually.

12. Applicant must notify the Director of the Communications Division in writing at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

13. Applicant must keep its books and records in accordance with the Generally Accepted Accounting Principles.

14. In the event Applicant's books and records are required for inspection by the Commission or its staff, it must either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to its office.

15. Applicant must submit an annual report to the Director of the Communications Division at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov), in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

16. Applicant must submit an affiliate transaction report to the Director of the Communications Division at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov), in compliance with D.93-02-019, on a calendar-year basis using the form contained in Attachment D.

17. Applicant must ensure that its employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

18. Within 60 days of the effective date of this order, Applicant must comply with Pub. Util. Code § 708, Employee Identification Cards, and notify the

Director of the Communications Division in writing at [cdcompliance@cpuc.ca.gov](mailto:cdcompliance@cpuc.ca.gov) of its compliance.

19. If Applicant is 90 days or more late in filing an annual report, or in remitting the surcharges and fee listed in #3 above, and has not received written permission from the Communications Division to file or remit late, the Communications Division must prepare for Commission consideration a resolution that revokes Applicant's CPCN.

20. Applicant is exempt from Rule 3.1(b) of the Commission Rules of Practice and Procedure

21. Applicant is exempt from Pub. Util. Code §§ 816-830.

22. Applicant is exempt from the requirements of Pub. Util. Code § 851 for the transfer or encumbrance of property whenever such transfer or encumbrance serves to secure debt.

23. If Applicant decides to discontinue service or file for bankruptcy, it must immediately notify the Communications Division's Bankruptcy Coordinator.

24. Applicant must send a copy of this decision to concerned local permitting agencies no later than 30 days from the date of this order.

**(END OF ATTACHMENT B)**

## ATTACHMENT C

### ANNUAL REPORT

An original and a machine readable, copy using Microsoft Word or compatible format must be submitted to the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102 3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

Failure to submit this information on time may result in a penalty as provided for in Pub. Util. Code §§ 2107 and 2108.

Required information:

1. Exact legal name and U # of the reporting utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).

If incorporated, specify:

- a. Date of filing articles of incorporation with the Secretary of State.
- b. State in which incorporated.
6. Number and date of the Commission decision granting the Certificate of Public Convenience and Necessity.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.

9. List of all affiliated companies and their relationship to the utility.

State if affiliate is a:

- a. Regulated public utility.
- b. Publicly held corporation.

10. Balance sheet as of December 31st of the year for which information is submitted.

11. Income statement for California operations for the calendar year for which information is submitted.

12. Cash Flow statement as of December 31st of the calendar year for which information is submitted, for California operations only.

For answers to any questions concerning this report, call (415) 703 2883.

(END OF ATTACHMENT C)

## ATTACHMENT D

### CALENDAR YEAR AFFILIATE TRANSACTION REPORT

An original and a machine readable, copy using Microsoft Word and Excel, or compatible format must be submitted to the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102 3298, no later than May 1st of the year following the calendar year for which the annual report is submitted.

1. Each utility must list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the Annual Affiliate Transaction Report.

- Form of organization (e.g., corporation, partnership, joint venture, strategic alliance, etc.);
- Brief description of business activities engaged in;
- Relationship to the utility (e.g., controlling corporation, subsidiary, regulated subsidiary, affiliate);
- Ownership of the utility (including type and percent ownership)
- Voting rights held by the utility and percent; and
- Corporate officers.

2. The utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in #1 above. The chart must have the controlling corporation (if any) at the top of the chart, the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart, and all secondary subsidiaries and affiliates (e.g., a subsidiary that in turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary must be clearly noted.



3. For a utility that has individuals who are classified as “controlling corporations” of the competitive utility, the utility must only report under the requirements of #1 and #2 above any affiliated entity that either (a) is a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariff services.

4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility’s Annual Affiliate Transaction Report and verified in accordance with Section I F of Decision 93 02 019.

6. Utilities that do not have affiliated entities must submit, in lieu of the annual transaction report, an annual statement to the Commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility, stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

**(END OF ATTACHMENT D)**

# FAX

**To: Bradford W Bayliff**

Company: BayliffLawFirm

Fax: 15124809200

Phone:

**From: Ruby Hicks**

Fax:

Phone: (512) 936-7249

E-mail: Ruby.Hicks@puc.texas.gov

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**NOTES:**

Docket #48566 - Corrected Notice of Approval - filed 10/9/18 @ 9:32 a.m.

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**Date and time of transmission:** Tuesday, October 09, 2018 2:56:24 PM  
**Number of pages including this cover sheet:** 06

DeAnn T. Walker  
Chairman

Arthur C. D'Andrea  
Commissioner

Shelly Botkin  
Commissioner

John Paul Urban  
Executive Director



Greg Abbott  
Governor

## Public Utility Commission of Texas

**TO: Brad Bayliff**  
420 Crosswind Drive  
Blanco, Texas 78606

**Competitive Markets Division**  
**Legal Division**

**RE: Docket No. 48566 – Application of NGA 911, L.L.C. for a Service Provider Certificate of Operating Authority**

### CORRECTED NOTICE OF APPROVAL

This Notice addresses the application of NGA 911, L.L.C. for a service provider certificate of operating authority (SPCOA). The Commission approves the application and issues SPCOA No. 60996 in the name NGA 911, L.L.C.

The Commission adopts the following findings of fact and conclusions of law:

#### I. Findings of Fact

##### Applicant

1. NGA 911, L.L.C. (NGA) is a California corporation formed on May 17, 2016. NGA is registered as a foreign limited liability company with the Texas Secretary of State on April 17, 2018 under file number 0802992086.
2. NGA does not have a parent company.
3. NGA does not have any affiliated companies and is a privately-held company.
4. NGA provides facilities-based and resold competitive local exchange and interexchange telecommunication services in California.

##### Application

5. On August 2, 2018, NGA applied for a SPCOA to provide facilities-based, data, and resale telecommunication services in the state of Texas.

Docket No. 48566

Corrected Notice of Approval

Page 2 of 5

6. NGA submitted an application in a Commission-approved format, verified by oath or affirmation and signed by Donald Ferguson, CEO of NGA.
7. NGA will offer 9-1-1 selective routing, switching, aggregation and call transport to support public service answering point (PSAP) operations. NGA will provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support PSAP operations.
8. In Order No. 3 issued August 23, 2018, the administrative law judge (ALJ) found the application sufficient and complete.

#### Notice

9. Notice of the application appeared in the August 17, 2018 issue of the *Texas Register*.

#### Eligibility

10. NGA does not hold a certificate of operating authority, or certificate of convenience and necessity for the territory covered by this application.
11. NGA had zero intrastate switched access minutes for the most recent 12-month period preceding the filing of the application.

#### Financial Qualifications

12. NGA provided an unaudited balance sheet for the most recent quarter and the sworn statement of Donald Ferguson, CEO of NGA, attesting to its accuracy, demonstrating that the company's shareholder equity is greater than \$100,000.
13. NGA's executive officers and principals do not have a history of violations of rules or misconduct such that granting this application would be inconsistent with the public interest.

#### Compliance History

14. Neither NGA nor any of its officers have any previous or ongoing investigations and have not been assessed any penalties in the past 60 months.
15. NGA does not have a history of insolvency, bankruptcy, dissolution, merger or acquisition in the 60 months preceding this application.

Docket No. 48566

Corrected Notice of Approval

Page 3 of 5

16. Neither NGA nor its principals are currently under investigation or facing a penalty by the attorney general or any state or federal regulatory authority for violation of any securities, deceptive trade, or consumer protection laws or regulations.

#### Technical Qualifications

17. NGA has principals or permanent employees in managerial positions whose combined experience in the telecommunications industry equals or exceeds 5 years.

#### Service Quality

18. NGA affirmed that it will meet all applicable service quality standards.
19. NGA affirmed that it will meet all customer protection requirements.

#### Complaint History

20. The Commission database did not reveal any ongoing investigations against NGA.
21. The Commission database did not reveal any penalties assessed to NGA.

#### Requested Name

22. The name, NGA 911, L.L.C. is distinctive and acceptable.

#### Informal Disposition

23. More than 15 days have passed since the completion of notice.
24. The only parties to this proceeding are NGA and Commission Staff.
25. No issues of fact or law remain disputed by any party.
26. No party requested a hearing.
27. On August 30, 2018, Commission Staff recommended approval of the application.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over the application under PURA<sup>1</sup> §§ 54.152 through 54.155.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-58.302 (West 2016 & Supp. 2017), §§ 59.001-66.016 (West 2007 & Supp. 2017).

2. The application complies with PURA § 54.154(b) and 16 Texas Administrative Code (TAC) § 26.111(d)
3. NGA is eligible to obtain a certificate under PURA § 54.153 and 16 TAC § 26.111(c).
4. NGA has met the requirements of PURA §§ 54.154(b) and 54.155(b) and 16 TAC § 26.111 for issuance of a SPCOA.
5. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission issues SPCOA No. 60996 in the name NGA 911, L.L.C. to provide facilities-based, data, and resale telecommunications services in the state of Texas.
2. NGA may cease operation under this SPCOA only if the Commission authorizes it to cease providing service.
3. NGA may only provide service under the name NGA 911, L.L.C.
4. NGA is required to file an annual report between January 1st and April 30th of each year as required by 16 TAC § 26.111(l) identifying any future changes in address, contact representative, and or telephone numbers. If NGA has any change during the year in the information requested in section one of the annual report form, NGA must file an updated form correcting the information in section one within 30 days of the change.
5. NGA must comply with the quality of service requirements set forth in the Commission's Quality of Service Questionnaire.
6. NGA must notify all affected 9-1-1 administrative entities at least 30 days before activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center in compliance with 16 TAC § 26.433(d)(3).
7. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Docket No. 48566

Corrected Notice of Approval

Page 5 of 5

Signed at Austin, Texas the \_\_\_\_\_ day of October 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**MAYSON PEARSON  
ADMINISTRATIVE LAW JUDGE**

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# Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323



Phone: (304) 340-0300  
Fax: (304) 340-0325

September 21, 2018

## Electronic Service Only

David B. Hanna, Esq.  
Thomas N. Hanna, Esq.  
Counsel, NGA 911, LLC  
Hanna & Hanna PLLC  
PO Box 3967  
Charleston, WV 25339

RE: Case No. 18-1127-T-CN  
NGA 911, LLC

Gentlemen:

The Staff Memorandum issued today was served via email on the above-listed parties. Any responses must be submitted to the Executive Secretary's Office in writing within 10 days of this date, unless directed otherwise. You will not receive a copy of the Staff Memorandum by regular mail.


Your failure to respond in writing to the utility's answer, Staff's recommendations, or other documents may result in a decision in your case based on your original filing and the other documents in the case file, without further hearing or notice.

When you provide an email address, you will automatically receive electronic docket notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed.

If you have not done so, you are encouraged to file the Electronic Mail Agreement, previously mailed to you, which allows the Commission to serve all orders issued in this matter via electronic docket notification.

Please note - the Public Service Commission does not accept electronic filings.

Sincerely,

  
Ingrid Ferrell, Director  
Executive Secretary Division

IF/tg  
Enc. - Memo



**FINAL JOINT STAFF MEMORANDUM**

**TO: INGRID FERRELL**  
**Executive Secretary**

**DATE: SEPTEMBER 20, 2018**

**FROM: CHRIS HOWARD** *chw*  
**Staff Attorney**

11:45 AM SEP 21 2018 EXEC SEC DIV

**RE: CASE NO. 18-1127-T-CN**  
**NGA 911, LLC**

Staff recommends the Company's request for a certificate of convenience and necessity to provide full facilities based and resold competitive local exchange service and full facilities based and resold interexchange telecommunications services in West Virginia be approved pursuant to W.Va. Code §24-2-11. Staff reiterates its recommendation that the Commission deny the Company's Motion for Protective Treatment dated August 2, 2018.

On August 2, 2018, NGA 911, LLC, (Company) filed an application for a certificate of convenience and necessity to provide full facilities based and resold competitive local exchange service and full facilities based and resold interexchange telecommunications services in West Virginia before the West Virginia Public Service Commission (Commission). The Company included with its filing a motion seeking confidential treatment of certain financial information.

On August 2, 2018, the Company also filed a Motion for Protective Treatment.

On September 4, 2018, Staff issued an Initial Joint Staff Memorandum. Staff issued its first set of interrogatories in conjunction with the memorandum. Staff was continuing its investigation and would make a final recommendation within the Commission's time frame.

Staff filed its response to the Company's Motion for Protective Treatment on September 4, 2018. Staff stated the Company's Motion for Protective Treatment should be denied. Staff determined the Company had failed to test for protective treatment as set forth in AT&T v. Public Service Commission, 188 W. Va. 250, 423 S.E.2d 859 (1992): the person/entity seeking protective treatment must meet the standards set forth in Rule 26 of the West Virginia Rules of Civil Procedure. Staff contends NGA has failed to demonstrate good cause exists for protective treatment under the six-prong analysis used in State ex. rel. Johnson v. Tsapis, 187 W. Va. 337, 419 S.E.2d 1 (1992) to determine good cause pursuant to Rule 26(c)(7).

11:45 AM SEP 21 2018 EXEC SEC DIV

On September 19, 2018, the Company filed Affidavits of Publication as evidence it provided notice of the filing in compliance with the Commission Order dated August 2, 2018.

*Final Recommendation of the Commission's Utilities Division Staff*

On September 18, 2018, Steve Wilson, Utilities Analyst for the Commission's Utilities Division (Financial Staff) issued a Final Recommendation. Financial Staff recommends the Company's request for a certificate of convenience and necessity to provide facilities based and resold competitive local exchange, and resold interexchange telecommunications services in West Virginia be approved. The Company will provide a highly efficient path to achieve end to end IP call handling for 911, which is not currently available in West Virginia. The Company will provide a process whereby 911 services in West Virginia can be improved through this technological advance.

*Final Recommendation of the Commission's Legal Division Staff*

Legal Staff has reviewed the filings, including the Company's application and the Final Recommendation of Financial Staff. Legal Staff agrees with the findings and recommendations of Financial Staff. The Company will provide a highly efficient path to achieve end to end IP call handling for 911, which is not currently available in West Virginia. The Company will provide a process whereby 911 services in West Virginia can be improved through this technological advance. Legal Staff recommends the Company's request for a certificate of convenience and necessity to provide full facilities based and resold competitive local exchange service and full facilities based and resold interexchange telecommunications services in West Virginia be approved. Additionally, Legal Staff reiterates its recommendation that the Commission deny the Company's Motion for Protective Treatment dated August 2, 2018.

CLH/cs  
Attachment

CWS   
H:\choward\word\18-1127-T-CN (NGA 911, LLC)FINAL JOINT STAFF MEMORANDUM.doc

11:39 AM SEP 18 2018 PSC LEGAL DIVISION

**PUBLIC SERVICE COMMISSION OF WEST VIRGINIA**  
**UTILITIES DIVISION FINAL RECOMMENDATION**

FROM: Steve Wilson, Utilities Analyst  
Utilities Division SW

DATE: September 18, 2018

11:46 AM SEP 21 2018 EXEC SEC DIV

SUBJECT: **CASE NO. 18-1127-T-CN**  
**NGA 911, LLC**

Application and fee for a Certificate of Convenience and Necessity to provide interexchange and local exchange services throughout West Virginia.

On August 2, 2018, NGA 911, LLC ("NGA 911" or "Applicant") filed an application with the Public Service Commission of West Virginia ("Commission") for a Certificate of Convenience and Necessity to provide full facilities-based and resold competitive local exchange (CLEC) services and full facilities-based and resold interexchange (IXC) telecommunications services throughout the State of West Virginia.

Staff filed a first set of interrogatories on August 27, 2018. These involved questions about the operations and financial information of Applicant.

The Initial Staff Memorandum was filed on September 4, 2018, and noted the issuance of the first set of interrogatories and a further request for corrections to the illustrative tariff that was filed with the application. The requested tariff corrections were offered to Staff via electronic mail and will be applied when the final tariff is submitted to the Commission.

On September 5, 2018, the formal responses to the first set of interrogatories were received at the Commission.

Applicant states the following:

(1) NGA intends to provide emergency call routing, transport, and related functionalities to state and municipal governmental agencies to support public service answering point ("PSAP") operations. NGA 991 will rely primarily on existing facilities obtained from other carriers and utilities, but will construct its own facilities, as necessary;

(2) NGA 911 expects that any outside plant construction ordinarily would be small in scale, consisting of construction of relatively short conduit stubs or other below- or above-ground facilities, where existing facilities are inadequate. Such construction would occur in existing roadways or other previously-developed and disturbed right-of-ways;

(3) NGA 911 is a recently established technology company offering advanced emergency call routing and handling solutions and has the managerial and technical qualifications necessary to provide the proposed services. NGA 911 has recently been granted authority to provide telecommunications services in California;

(4) The services that NGA 911 intends to provide are expected to be done so pursuant to special contracts developed on an individual case-by-case basis in accordance with the OES and individual PSAP requirements. In the event that Applicant provides services not covered by a special contract, a tariff may be required to the extent such services are not permitted to be provided without a tariff and a draft tariff is provided for Staff review;

(5) Granting this application is in the public interest because it will enhance competition and expand customer choice. In addition, permitting NGA 911 to enter the market will result in technologically diverse telecommunications infrastructure, increased service quality, and competitively priced services.

Staff finds that:

(1) A copy of registration with the West Virginia Secretary of State has been provided as Exhibit B. It shows NGA 911, LLC as registered on July 23, 2018;

(2) A Balance Sheet was provided for Staff review and is dated as of June 30, 2018. The right-hand side of this exhibit consists entirely of Owners' Equity. There has been no income and there is no income statement to submit;

(3) NGA 911, LLC was granted a Certificate of Public Convenience and Necessity by the Public Utilities Commission of California on July 26, 2018, in Application 18-05-009;

(4) The California Commission requires demonstration from any applicant that it has a minimum of \$100,000 (cash or cash equivalent, reasonably liquid and readily available) to meet the firm's start-up expenses. The applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by local exchange carriers and/or interexchange carriers in order to provide the proposed service. In its application, NGA 911 provided the requisite documentation that \$100,000 would be available for one year following certification. Applicant's financial documentation will be subject to verification and review by the California Commission for one year to ensure that such funds are available;

(5) In the California application, NGA 911 verified that no one associated with or employed by Applicant as an affiliate, officer, director, partner, or owner of more than ten percent of NGA 911 has been personally found liable, or held one of these positions with a company that has been found liable for fraud, dishonesty, failure to disclose, or made misrepresentations to consumers or been convicted of a felony;

(6) Exhibit C of the application contains the biographies of key management personnel. These personnel have a large amount of experience and technical knowledge in the communications industry;

(7) In its California application, NGA 911 was required to obtain a performance bond of at least \$25,000 which is to be a continuous bond and must not be allowed to lapse during any period of operation. The performance bond would apply to California operations;

(8) In its formal response to the Staff interrogatories, NGA 911 indicates it began its operations in June of 2016. No operating income has been produced. It is stated that NGA 911 has authority to operate in California and has an application pending in Texas, with the expectation that approval will be granted in Texas by mid-September<sup>1</sup>;

(9) There is a web site for NGA 911 at <http://nga911.com> but it contains little useful information at this time;

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<sup>1</sup> Responses Number 1 and 3 to Staff interrogatories.

(10) In its formal response to the Staff interrogatories, NGA 911's product provides a highly efficient path to achieve end-to-end IP call handling for 911 - which is not currently available in West Virginia. With their cloud services, Applicant has created an infrastructure that stays ahead of cyber threats, scales on demand, and employs numerous failover strategies. It allows for the seamless integration of PSAP processes that translate into faster call processing times, increased resource efficiency, quicker response times, and better decision making<sup>2</sup>.

This would appear to be a process whereby 911 services in West Virginia could be improved by way of a technological advance. As the company has not existed for any length of time, it remains to be seen if the service could function well in West Virginia. The burden of proof, finance, and marketing rests on the company.

Based upon this information, Staff recommends approval of  
Case No. 18-1127-T-CN.

SW:sw

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<sup>2</sup> Response No. 5 from the Staff interrogatories.

RS

Exhibit F

Proof of Authority to Conduct Business in Utah



Date: 10/10/2018  
 Receipt Number: 7623974  
 Amount Paid: \$341.90



State of Utah  
 Department of Commerce  
 Division of Corporations & Commercial Code  
 Foreign Registration Statement (Foreign Limited Liability Company)

*This form must be type written or computer generated.*

RECEIVED  
 OCT 10 2018

Utah Div. of Corp. & Comm. Code

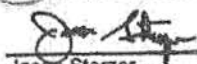
EXPEDITE

Important! Read instructions before completing form Non-Refundable Processing Fee: \$70.00

1. Exact Name of Foreign Limited Liability Company:		NGA 911, L.L.C.			
2. Jurisdiction of Formation:		CALIFORNIA			
3. Principal office address: Street Address Required		8383 Wilshire Blvd, Suite 800		Beverly Hills	CA 90211
		Address		City	State Zip
4. The name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent): REGISTERED AGENT SOLUTIONS, INC.					
<i>The address must be listed if you have a non-commercial registered agent. See instructions for further details.</i>					
Address of the Registered Agent: 2005 East 2700 South, Suite 200					
Utah Street Address Required, PO Boxes can be listed after the Street Address					
City: Salt Lake City		State UT		Zip: 84109	
5. If the name is not available in Utah the LLC shall use as it's name:  Must be the same as number (1) unless the name is not available or permitted in Utah.					
6. Purpose of the Limited Liability Company: (optional)					
7. Managers/Members of the Limited Liability Company: (optional)					
Position	Name	Address		City	State Zip
MANAGER:					
MANAGER:					
MEMBER:					
MEMBER:					
Under penalties of perjury, I declare that this application for authority to transact business has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.					
Authorized Signature:		Name & Title: DON FERGUSON, Manager			
Under GRAMA (63-2-201), all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.					
Optional Inclusion of Ownership Information: This information is not required.					
Is this a female owned business?		<input type="radio"/> Yes	<input type="radio"/> No		
Is this a minority owned business?		<input type="radio"/> Yes	<input type="radio"/> No	If yes, please specify: <span style="border: 1px solid black; padding: 2px;">Select/Type the race of the owner here</span>	

OCT 10 '18 PM 3:10

State of Utah  
 Department of Commerce  
 Division of Corporations and Commercial Code  
 I hereby certified that the foregoing has been filed  
 and approved on this 10 day of OCT 20 18  
 in this office of this Division and hereby issued  
 This Certificate thereof.

Examiner: JMH Date: 10/11/18  
  
 Jason Sterzer  
 Division Director

01/14

11019134-0141

