

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

ATTORNEYS AT LAW
1919 PENNSYLVANIA AVENUE, N.W., SUITE 200
WASHINGTON, D.C. 20006-3458
TELEPHONE (202) 659-9750
FAX (202) 452-0067
WWW.CRBLAW.COM

LOS ANGELES OFFICE
2381 ROSECRANS AVENUE, SUITE 110
EL SEGUNDO, CALIFORNIA 90245-4290
TELEPHONE (310) 643-7999
FAX (310) 643-7997

T. SCOTT THOMPSON

WRITER'S E-MAIL
STHOMPSON@CRBLAW.COM

March 17, 2005

BY FEDERAL EXPRESS

Lois Meerdink
Competitive Provider Analyst
Public Utility Commission
550 Capitol Street, NW, Suite 215
Salem, Oregon 97308

**Re: NextG Networks of California, Inc.
Competitive Provider Application**

Dear Ms. Meerdink:

Enclosed please find one signed original of NextG Networks of California, Inc.'s Competitive Provider Application. This application already has been filed electronically.

Also enclosed is an additional "Stamp and Return" copy of this Application. Please date-stamp this copy and return it in the enclosed self-addressed stamped envelope.

If you have any questions regarding this filing, please contact the undersigned.

Sincerely,



T. Scott Thompson

Counsel for NextG Networks of California, Inc.

Enclosures

APPLICATION FOR CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICE IN OREGON

Classification for which application is made. Check one.

- Competitive Telecommunications Provider (local, long-distance, shared telecommunications service)
 Telecommunications Utility
-

1. Exact Legal Name of Applicant: NextG Networks of California, Inc.

Applicant's Assumed Business Name: NextG Networks West

Applicant's Type of Legal Entity: Corporation

Business Address: 1759 South Main Street, Suite 128, Milpitas, California 95035

Phone: (408) 719-8510 Fax: (408) 719-8560 Email: arodriguez@nextgnetworks.net

2. Name and Address of Person to be Contacted for Further Information Regarding this Application:
Scott Thompson, Cole, Raywid & Braverman, LLP, 1919 Pennsylvania Avenue, NW, Suite 200,
Washington, DC 20006

Phone: (202) 659-9750 Fax: (202) 452-0067 Email: sthompson@crblaw.com

3. Name and Address of Person to be Contacted for Regulatory Information:
Anthony Rodriguez, Contracts Manager & Regulatory Specialist, NextG Networks, Inc.,
1759 South Main Street, Suite 128, Milpitas, California 95035

Phone: (408) 719-8510 Fax: (408) 719-8560 Email: arodriguez@nextgnetworks.net

4. **Affiliated Interests:**

Are you now or have you ever been affiliated with any provider of telecommunications service that serves Oregon? If so, who? When? Describe affiliation.

The Applicant is not affiliated with any provider of telecommunications service that serves Oregon.

5. **Previous Certificates of Authority:**

List each certificate of authority previously granted by the Oregon PUC to Applicant and to each affiliated entity, under a legal name, an assumed business name, or any other name. Include all certificates whether or not canceled. For each certificate include: name of entity, docket number, and order number.

Not applicable.

6. **Does applicant request authority to provide the following services?**

- a. Shared telecommunications service (STS) Yes No
b. Local exchange (intraexchange) switched service (i.e., local dial tone). Yes No

- c. Local exchange (intraexchange) nonswitched, private line service (i.e., dedicated transmission service) Yes No
- d. Interexchange, switched service (i.e., long distance toll). Yes No
- e. Interexchange, nonswitched, private line service Yes No

7. **How Services Will Initially Be Provided**

The following is required for public notice and information purposes and does not request authority.

- a. Will Applicant resell finished services of other certified carriers? Yes No
- b. Will Applicant construct lines, loops, wires, fiber, or other transport facilities? Yes No
- c. Will Applicant have its own switching facilities? Yes No
- d. Will Applicant purchase (lease) unbundled network elements from other Oregon certified carriers? Yes No
- e. Will Applicant purchase or lease network components which are not unbundled network elements? Yes No

8. **Areas for which Applicant seeks authority:**

- a. **Intraexchange Authority:** Applicant plans to provide service Statewide.
- b. **Interexchange Authority:** Applicant plans to provide service Statewide.

9. **Describe special characteristics, limitations, or restrictions that will be part of Applicant's services:**

NextG will offer transport and backhaul services of voice and data signals primarily for wireless providers. NextG's "RF Transport Services" uses optical technology, including multi-wavelength optical technology over dedicated transport facilities to provide telecommunications companies with more efficient transport and greater overall network service options. RF Transport Services connect customer-provided wireless capacity equipment to customer-provided or NextG provided bi-directional RF-to-optical conversion equipment at a hub facility. The hub facility can be customer or NextG provided. The conversion equipment will allow NextG to accept RF traffic from the customer and then send bi-directional traffic transmission across the appropriate optical networks. At the remote end, NextG or the telecommunications company will provide RF-to-optical conversion equipment to allow bidirectional conversion between optical signals and RF signals. RF signals can be received and radiated at this remote node. NextG will offer service subject to the availability of the necessary facilities and/or equipment.

NextG will only provide RF Transport Services where technology permits. The furnishing of RF Transport Services requires certain physical arrangements of equipment and facilities of NextG and other entities and is subject to the availability of such equipment and facilities and the economic feasibility of providing such necessary equipment and facilities and the RF Transport Services. NextG will offer service subject to the availability of the necessary facilities and/or equipment. NextG will reserve the right not to provide service to or from a location where the necessary facilities or equipment are not available.

The Company's services will be generally provided on a monthly basis and will be available twenty-four (24) hours per day, seven (7) days per week, subject to the availability of necessary service, equipment and facilities.

There will be some specific limitations applicable to RF Transport Services, including the following:

- All optical services are provided on single mode optical fiber
- Some optical services may be of a multi-wavelength nature
- Current wireless standards limit the distance between a hub site and a remote node to 20 kilometers
- The optical loss between a hub site and a remote node must not exceed 18dB

NextG intends to reserve the right to discontinue furnishing the service upon its written notice, when necessitated by conditions beyond its control or when the customer is using the service in violation of the law.

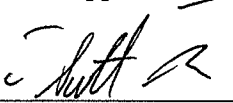
10. Operator Services

- a. Will Applicant directly offer operator services? Yes No
- b. Will Applicant be an "operator service provider" as defined in ORS 759.690(1)(d)? Yes No

11. Shard Telecommunications Service: Not applicable.

Applicant understands that all services provided by Applicant must comply with all applicable Commission rules and state law, and with conditions of the certificate (check box at left).

Signature of Person Authorized to Represent Applicant



T. Scott Thompson, Esq.

Title: Counsel for NextG Networks of California, Inc.

Date: March 17, 2005

**APPLICATION FOR CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICE IN OREGON**

INSTRUCTIONS: Complete every applicable section of this application. Attach additional documents and/or sheets to complete responses (if needed). You will be notified when the Commission receives your application, and again when it has been processed. Upon acceptance of this application, the Commission will publish notice pursuant to ORS 759.020(2). After submitting this application electronically, mail one copy with original signature and all attachments.

Classification for which application is made. Check one.

- Competitive Telecommunications Provider (local, long-distance, shared telecommunications service).
 Telecommunications Utility

1. Exact Legal Name of Applicant:

NextG Networks of California, Inc.

Applicant's Assumed Business Name(s) (if any) (e.g., dba, aka)
Must be registered with the Corporation Division.

NextG Networks West

Applicant's Type of Legal Entity (e.g., corporation, limited partnership)

Corporation

Business Address

**1759 South Main Street
Suite 128
Milpitas CA 95035**

Phone **(408) 719-8510**

Fax **(408) 719-8560**

Email **arodriguez@nextgnetworks.net**

2. Name and Address of Person to be Contacted for Further Information Regarding This Application:

**Scott Thompson
Cole, Raywid & Braverman, LLP
1919 Pennsylvania Avenue, NW, Suite 200
Washington DC 20006**

Phone **(202) 659-9750**

Fax **(202) 452-0067**

Email **sthompson@crblaw.com**

3. Name and Address of Person to be Contacted for Regulatory Information. (Commission will send requests for information to this person):

**Anthony Rodriguez, Contracts Manager & Regulatory Specialist
NextG Networks, Inc.
1759 South Main Street, Suite 128
Milpitas CA 95035**

Phone **(408) 719-8510**

Fax **(408) 719-8560**

Email **arodriguez@nextgnetworks.net**

4. Affiliated Interests:

Are you now or have you ever been affiliated with any provider of telecommunications service that serves Oregon? If so, who? When? Describe affiliation. Affiliated interest is defined in OAR 860-032-0001.

The Applicant is not affiliated with any provider of telecommunications service that serves Oregon.

5. Previous Certificates of Authority:

List each certificate of authority previously granted by the Oregon PUC to Applicant and to each affiliated entity, under a legal name, an assumed business name, or any other name. Include all certificates whether or not canceled. For each certificate include: name of entity, docket number, and order number.

	Name of Entity	Docket Number	Order Number
a.	Not applicable.		
b.			
c.			
d.			

AUTHORITY REQUESTED

6. Does applicant request authority to provide the following services?

- a. Shared telecommunications service (STS). STS includes resale of long-distance service to the STS provider's user group, but not to customers outside the user group. If yes, applicant must complete items 10 and 11. Yes No
- b. Local exchange (intraexchange) switched service (i.e., local dial tone). If yes, applicant must complete item 10. Yes No
- c. Local exchange (intraexchange) nonswitched, private line service (i.e., dedicated transmission service). Yes No
- d. Interexchange, switched service (i.e., long-distance toll). If yes, applicant must complete item 10. Yes No
- e. Interexchange, nonswitched, private line service (i.e., dedicated transmission service). Yes No

7. How Services Will Initially Be Provided

The following is required for public notice and information purposes and does not request authority.

- a. Will Applicant resell finished services of other Oregon certified carriers? (Resell means resale of finished services, not unbundled network elements.) Yes No
- b. Will applicant construct lines, loops, wires, fiber, or other transport facilities? Yes No
- c. Will Applicant have its own switching equipment? Yes No
- d. Will Applicant purchase (lease) unbundled network elements from other Oregon certified carriers? Yes No
- e. Will Applicant purchase or lease network components which are not unbundled network elements? Yes No

8. Areas for which Applicant seeks authority:

a. Intraexchange Authority:

Alternative I: List every local exchange in which Applicant seeks to provide local exchange (intraexchange) service.

Alternative II: List every incumbent local exchange carrier in whose exchanges Applicant seeks authority to provide local exchange (intraexchange) service.

Alternative III: If Applicant seeks authority to provide local exchange (intraexchange) service within every telephone exchange in Oregon, then specify "Statewide."

Statewide

b. Interexchange Authority:

Alternative I: List every local exchange in which Applicant seeks to provide interexchange service.

Alternative II: List every incumbent local exchange carrier in whose exchanges Applicant seeks authority to provide interexchange service.

Alternative III: If Applicant seeks authority to provide interexchange service in every telephone exchange in Oregon, then specify "Statewide."

Statewide

9. Describe special characteristics, limitations, or restrictions that will be part of Applicant's services:

NextG will offer transport and backhaul services of voice and data signals primarily for wireless providers. NextG's "RF Transport Services" uses optical technology, including multi-wavelength optical technology over dedicated transport facilities to provide telecommunications companies with more efficient transport and greater overall network service options. NextG will offer service subject to the availability of the necessary facilities and/or equipment.

The furnishing of RF Transport Services requires certain physical arrangements of equipment and facilities of NextG and other entities and is subject to the availability of such equipment and facilities and the economic feasibility of providing such necessary equipment and facilities and the RF Transport Services. NextG will reserve the right not to provide service to or from a location where the necessary facilities or equipment are not available.

Additional information is included on hard copy of application.

10. Operator Services:

- a. Operator service includes, but is not limited to, billing or completion of third-party billing calls, person-to-person calls, collect calls, and credit card calls. See OAR 860-032-0001.

Will Applicant directly offer operator services? Yes No

- b. ORS 759.690(1)(d) defines "operator service provider" as a person who furnishes operator service under contract with a call aggregator. ORS 759.690(1)(a) defines a call aggregator as a person who furnishes a telephone for use by the public, i.e., transient use.

Will Applicant be an "operator service provider" as defined in ORS 759.690(1)(d)? Yes No

11. Shared Telecommunications Service:

Shared Telecommunications Service (STS) service is defined in OAR 860-032-0001. STS includes resale of long-distance service to the STS provider's user group, but not to customers outside the user group.

- a. Provide the address of the building where shared service will be provided through privately owned customer premises equipment. If Applicant intends to serve a user group located in two or more buildings, include an electronic copy of a map clearly showing the locations to be served by the Applicant. The information on the map must be precise and legible and include street names and the city where the building(s) is(are) located.

Not applicable.

- b. An STS site or location consists of one building, or it consists of a complex of buildings or a campus on contiguous property. An STS provider may interconnect separate sites in order to aggregate toll traffic. An STS provider may not interconnect separate sites in order to provide local exchange service between those sites.

If serving buildings at separate sites, will applicant interconnect the buildings in order to aggregate toll traffic? Yes No

- c. Describe the user group or association at the STS location.

NOTE: Applicant must apply to PUC for another certificate of authority in order to add subsequent STS sites.

Conditions of a certificate of authority:

As a condition of a certificate of authority, applicant must comply with all applicable Commission rules and state law, as well as conditions listed in the certificate.

For your convenience, following is a summary of some conditions from OAR 860-032-0001 et seq. (Division 32). Additional conditions may be specified in the certificate.

- a. Certificate holder shall provide only telecommunications services authorized by the certificate.
- b. Certificate holder shall, at a minimum, meet the standard level of service specified in OAR 860-032-0012. The standard level of service is 99 percent probability that a call will not be blocked during the certificate holder's busy hour of the day.
- c. Certificate holder's books and records shall be open to inspection by the Commission to the extent necessary to verify information required by the Commission's rules.
- d. Certificate holder shall maintain its books and records according to generally accepted accounting principles and the applicable rules of the Commission.

- e. Certificate holder shall pay all access charges and subsidies imposed pursuant to the Commission's rules.
- f. Certificate holder shall pay an annual fee to the Commission pursuant to the Commission's rules. This fee will be based on the certificate holder's annual gross retail intrastate revenues and will be no less than \$100 per calendar year. The certificate holder shall collect the fee by charging an equitable amount to each retail customer and describe the amount of the apportioned charge on each retail customer's bill, pursuant to the Commission's rules.
- g. The certificate holder shall pay a quarterly amount to the Oregon Universal Service Fund based on a Commission-approved surcharge percentage assessed on all retail telecommunications services sold in Oregon pursuant to ORS 759.425(4).
- h. Certificate holder shall respond in a timely manner to Commission inquiries.

Pursuant to Residential Service Protection statutes, Chapter 290, Oregon Laws 1987, and Division 22, certificate holder shall be responsible to ensure that the Residential Service Protection Fund surcharge is remitted to the Commission. This surcharge is assessed against each paying retail subscriber at a rate that is set annually by the Commission.

Applicant understands that all services provided by Applicant must comply with all applicable Commission rules and state law, and with conditions of the certificate (check box at left).

<i>Signature of Person Authorized to Represent Applicant</i>	Title
<hr/>	Counsel for NextG Networks of California, Inc.
Typewritten Name	Date
T. Scott Thompson, Esq.	March 18, 2005