ORDER

By the Commission:

On March 8, 2007, Business Communications Analysts, Inc., (“BCA”) a Michigan corporation with its principal place of business in Ohio, filed a Verified Application with the Illinois Commerce Commission seeking Certificates of Service Authority to provide facilities-based and resold interexchange and local exchange telecommunications services in Illinois pursuant to Sections 13-403, 13-404 and 13-405 of the Public Utilities Act, 220 ILCS 5/1-101, et seq. (the "Act"). BCA seeks waivers of 83 Ill. Adm. Code Sec. 100 710 and 735.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came on for a hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois, on April 17, 2007.

BCA was represented by counsel and it appeared by its President, Christopher Porter, who testified in support of the application. Mr. Robert Koch of the Commission’s Telecommunications Department, Public Utilities Division, appeared on behalf of the Commission Staff.

Mr. Porter’s testimony and the other evidence submitted in support of the Application established that BCA has the requisite technical, managerial and financial qualifications to provide telecommunications services in Illinois. That evidence also established that BCA’s management has the requisite training and experience in the telecommunications field. Also, Mr. Porter’s testimony and other evidence establishes that BCA intends to abide by all federal and state "slamming" and "cramming" laws. (Section 258 of the Telecommunications Act of 1996 and Section 13-902 of the Public Utilities Act).
Staff reviewed the application and supporting documentation. Staff had no objection to the Commission grant of the authority requested in this proceeding.

The Applicant has requested that the Commission make certain declarations and grant certain waivers of the Act, and from the rules and regulations of the Commission. The services the Applicant proposes to provide will be competitive telecommunications services, as described in Section 13-502(b) of the Act. An Applicant is required to file tariffs with the Commission under Section 13-501 of the Act, describing the nature of its services, the applicable rates and charges and the terms and conditions of the service provider. If the Applicant files the required tariffs in compliance with Section 13-502(e) and the rules adopted thereunder in 83 Ill. Admin. Code Section 745, many of the provisions of the Act, as well as regulations adopted by the Commission in Title 83 of the Illinois Administrative Code, will be inapplicable.

BCA seeks waivers of 83 Ill. Adm. Code Sections 710 and 735, with regard to its request for interexchange authority, and Section 710 and 735.180, with regard to its request for local exchange authority. Section 710 is entitled "Uniform System of Accounts for Telecommunications Carriers." Section 735 is entitled “Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunication Carriers in the State of Illinois.” Section 735.180 concerns the provisioning of telephone directories by local exchange carriers.

BCA’s request for a waiver of 83 Ill. Adm. Code 710, which governs maintaining books and records under the Uniform System of Accounts, should be granted in order to reduce the economic burden of regulation on a company that provides only competitive services.

BCA’s request for a waiver of 83 Ill Adm. Code 735, in the context of its request for interexchange authority, also should be granted, since the rules contained therein are not applicable to interexchange services.

BCA should also be granted its request for a variance of 83 Ill. Adm. Code 735.180, which governs telephone directory services. Section 735.50 states that a permanent variance from this Section may be granted when the Commission finds that the provision from which the variance is granted is not statutorily mandated, no party will be injured by the granting of the variance, and the rule from which the variance is granted would be unreasonable or unnecessarily burdensome, if applied.
BCA also seeks permission to keep its books and records at its principal place of business on Ohio, rather than Illinois, pursuant to 83 Ill. Adm. Code 250, which governs maintaining books and records in Illinois. This request should be granted, in accordance with Section 5-106 of the Public Utilities Act.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that:

1) the Applicant, Business Communications Analysts, Inc., a Michigan corporation with its principal place of business in Ohio, seeks to obtain Certificates of Service Authority pursuant to Sections 13-403, 13-404 and 13-405 of the Act in order to provide facilities-based interexchange and local exchange services, as well as resold interexchange and local services, throughout the State of Illinois, and thereby seeks to become a "telecommunications carrier" within the meaning of Section 13-202 of the Act;

2) the Commission has subject-matter jurisdiction and jurisdiction over the Applicant;

3) the recitals of fact and conclusions stated in the above portions of this Order are supported by the record and are hereby adopted as findings of fact;

4) as is required by Sections 13-403, 13-404 and 13-405 of the Act, the Applicant possesses sufficient technical, financial and managerial resources and abilities to provide resold and facilities-based local exchange and interexchange telecommunications services within the State of Illinois;

5) the Applicant is granted a waiver of 83 Ill. Adm. Code 710, governing the Uniform System of Accounts for telecommunications carriers, provided that the Applicant continues to maintain its accounting records in accordance with Generally Accepted Accounting Principles in a level of detail similar to the accounting system it currently uses and in sufficient detail to comply with all applicable tax laws;

6) with regard to the Applicant’s request for interexchange authority, it is granted a waiver of 83 Ill. Adm. Code 735, as it relates to credit, billing, deposits and termination of services;
with regard to the Applicant’s request for local exchange authority, it is granted a variance of 83 Ill. Adm. Code 735.180, the requirement to publish a directory, with the understanding that it will meet its obligation to list its customers in a directory by making arrangements with the incumbent local exchange carrier to list its customers in the directories published by that local exchange carrier;

pursuant to 83 Ill. Admin. Code Section 250, the Applicant should be allowed to maintain its books and records at its principal place of business in Ohio;

the Applicant shall comply with the requirements of 83 Ill. Adm. Code 705, 755, 757, 772 and Sections 13-301, 13-301.1 and 13-502 of the Act;

the Applicant should file with the Commission a tariff consisting of its rates, rules and regulations, in accordance with Sections 13-501 and 13-502 of the Act to be effective upon proper filing, before commencing service.

IT IS THEREFORE ORDERED that Business Communications Analysts, Inc. is hereby granted Certificates of Service Authority pursuant to Sections 13-403, 13-404 and 13-405 of the Act.

IT IS FURTHER ORDERED that the Certificates of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF INTEREXCHANGE AUTHORITY

IT IS HEREBY CERTIFIED that Business Communications Analysts, Inc. is authorized pursuant to Section 13-403 of the Public Utilities Act to provide interexchange telecommunications services within the State of Illinois.

CERTIFICATE OF RESELLER AUTHORITY

IT IS HEREBY CERTIFIED that Business Communications Analysts, Inc. is authorized pursuant to Section 13-404 of the Public Utilities Act to provide resold interexchange and resold local exchange telecommunications services within the State of Illinois.
CERTIFICATE OF EXCHANGE SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that Business Communications Analysts, Inc. is authorized pursuant to Section 13-405 of the Public Utilities Act to provide local exchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that Business Communications Analysts, Inc. is required to file with this Commission a tariff consisting of its rates, rules and regulations, to be effective upon proper filing, before commencing service.

IT IS FURTHER ORDERED that the Business Communications Analysts, Inc. is granted its request for a waiver of 83 Ill. Adm. Code 710, regarding the Uniform System of Accounts, as long as it maintains its accounting records in accordance with Generally Accepted Accounting Principles.

IT IS FURTHER ORDERED that the Business Communications Analysts, Inc. is granted its request for a waiver of 83 Ill. Adm. Code 735, as is set forth in Finding (6) above.

IT IS FURTHER ORDERED that Business Communications Analysts, Inc. is granted a variance of 83 Ill. Adm. Code 735.180, as is set forth in Finding (7) above.

IT IS FURTHER ORDERED that Business Communications Analysts, Inc. is granted its request for a waiver of 83 Ill. Adm. Code 250, in order that it may keep its books and records at its principal place of business in Ohio.

IT IS FURTHER ORDERED that Business Communications Analysts, Inc. is required to comply with the provisions of 83 Ill. Adm. Code 705, 720, 725, 755, 756, 757 and 772, to abide by the requirements of 83 Ill. Adm. Code Section 725, as well as the Emergency Telephone System Act, and to comply with Sections 13-301, 13-301.1 and 13-703 of the Public Utilities Act;

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code Section 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 16th day of May, 2007.
(SIGNED) CHARLES E. BOX

Chairman