Illinois Commerce Commission
On Its Own Motion

-vs-

NexGen Networks Corp.

Citation for failure to maintain corporate status.

ORDER

By the Commission:

On May 30, 2019, the Illinois Commerce Commission (“Commission”) entered an Order initiating the instant proceeding against NexGen Networks Corp. (“Respondent”) because the Illinois Secretary of State revoked the authority of Respondent to transact business in the State of Illinois on March 13, 2015 for failure to file an annual report and pay an annual franchise tax. Respondent received certificates of service authority to provide resold local and interexchange telecommunications services and to provide facilities-based local and interexchange telecommunications services, within the State of Illinois pursuant to Sections 13-403, 13-404 and 13-405 of the Public Utilities Act (“Act”) in Docket No. 09-0596 on February 24, 2010.

The Commission instituted this proceeding pursuant to Section 4-204 of the Act, as in effect at the time of revocation, which stated:

Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Act has not paid a franchise tax, license fee or penalty required under The Business Corporation Act of 1983, approved January 5, 1984, as amended, then the Commission shall institute proceedings for the revocation of the franchise, license, permit or right to engage in any business required under this Act or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid.

Source: P.A. 84-617; as in effect from January 1, 1986 through August 12, 2018.

The Citation Order directed Respondent to appear at the offices of the Commission in Chicago, Illinois at a specified time and date, to show cause why the Commission should not revoke or suspend its license or take other action. Pursuant to notice as required by law
and the rules and regulations of the Commission, a duly authorized Administrative Law Judge ("ALJ") held a hearing in this matter at the Commission’s offices in Chicago, Illinois on July 2, 2019. Respondent failed to appear. Counsel for Commission Staff appeared and recommended that Respondent’s Certificates of Service Authority be revoked. At the conclusion of the hearing, the record was marked “Heard and Taken.”

The ALJ served a Proposed Order on September 20, 2019. No briefs on exceptions were filed.

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

(1) Respondent was granted certificates to operate as a telecommunications carrier pursuant to Sections 13-403, 13-404 and 13-405 of the Act;

(2) the Commission has jurisdiction over Respondent and the subject matter herein;

(3) the Secretary of State has revoked the authority of Respondent to transact business in the State of Illinois; and

(4) Respondent’s Certificates of Service Authority to provide resold local and interexchange telecommunications services and to provide facilities-based local and interexchange telecommunications services in Illinois should be revoked.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Certificates of Service Authority granted to NexGen Networks Corp. in Docket No. 09-0596 is hereby revoked.

IT IS FURTHER ORDERED that resolution of this citation proceeding does not relieve NexGen Networks Corp. from the requirements of the Public Utilities Act to file reports or to pay any penalty for failure to do so.

IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.
By Order of the Commission this 14th day of November, 2019.

(SIGNED) CARRIE ZALEWSKI
Chairman