

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6475

Petition of Teleglobe Business Solutions, )  
Inc. to amend its Certificate of Public Good )  
to reflect a name change )

Order entered: 3/21/2001

**ORDER AMENDING CERTIFICATE OF PUBLIC GOOD  
TO REFLECT NAME CHANGE**

**I. INTRODUCTION**

On May 21, 1996, in Docket No. 5984, Telco Holdings, Inc. d/b/a Dial & Save ("Telco") received a Certificate of Public Good ("CPG"), pursuant to 30 V.S.A. § 231, to provide telecommunications services throughout Vermont. On April 18, 2000, the Board authorized an amendment to Telco's CPG to reflect a change in name from Telco to Teleglobe Business Solutions, Inc. ("Teleglobe" or "Company").

On January 19, 2001, Teleglobe filed a petition with the Board requesting that its CPG be amended to reflect a change in corporate name from Teleglobe to eMeritus Communications, Inc. As part of its petition, the Company also filed an amended certificate of authority to conduct business in Vermont as a foreign corporation as eMeritus Communications, Inc.

On March 8, 2001, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board approve the Company's request. The Department noted that the name change does not appear to change the management structure, nor does it result in rate changes. Further, the Department recommended that the Board approve the petition without the need for hearings or investigation.

The Board, having reviewed the Company's petition and the other materials it filed, agrees that an amended CPG should be issued. As a result, newspaper publication is not required prior to issuance of the amended CPG. 30 V.S.A. §§ 102(a), 231(a).

Based upon the Company's petition and accompanying documents, the Board makes the following findings.

## II. FINDINGS

1. Teleglobe was issued a CPG on April 18, 2000, in PSB Docket No. 6361, to provide telecommunications services in Vermont. Petition at 1.
2. As of January 19, 2001, the Company had received and filed with the Board all documents necessary to effect a corporate name change. Petition at 1-2 and Exhibit A.
3. The proposed name change does not involve any change in ownership or the business practices of the Company, nor will it have any impact upon the services provided to the Company's customers. Petition at 2.

## III. DISCUSSION

30 V.S.A. § 231(a) provides that the Board may amend or revoke any CPG for good cause, after an opportunity for hearing. Since there is no controversy surrounding the Company's name change, it follows that good cause exists to amend the Company's CPG to reflect the new name of the holder of the certificate. As for whether a hearing is necessary, we conclude that it is not. First, there is no genuine issue of material fact as to whether the Company's CPG should be amended and, consequently, under V.R.C.P. 56, a hearing is unnecessary. Second, the petitioner has asked that the CPG be amended, and the DPS has recommended that the petition be approved without hearing. Finally, 30 V.S.A. § 231(a) requires only the opportunity for a hearing, thus acknowledging that a hearing is not always necessary prior to amendment.

## IV. CONCLUSIONS

1. The CPG held by Teleglobe Business Solutions, Inc. should be amended to reflect the new name of the certificate-holder: eMeritus Communications, Inc. 30 V.S.A. § 231.
2. The Company should file an amended tariff with the Board that reflects the Company's new name, within 30 days of issuance of its amended CPG.

**V. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Certificate of Public Good that was issued to Teleglobe Business Solutions, Inc. on April 18, 2000, shall be amended to reflect the new name of the holder of the certificate: eMeritus Communications, Inc.

2. The Company shall file an amended tariff with the Board that reflects the Company's new name, within 30 days of issuance of its amended CPG.

DATED at Montpelier, Vermont, this 21<sup>st</sup> day of March, 2001.

<u>s/Michael H. Dworkin</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: March 21, 2001

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*