

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6969

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

Order entered: 7/1/2004

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

I. INTRODUCTION

On March 16, 1994, Hyperion Telecommunications of Vermont, Inc., ("Hyperion"), received a Certificate of Public Good ("CPG") in Docket No. 5608, pursuant to 30 V.S.A. § 231, to provide intrastate telecommunications services throughout Vermont. On January 14, 1997, in Docket No. 5909, Hyperion's CPG was amended to reflect the provision of local exchange service. On March 16, 1999, in Docket No. 6193, the Vermont Public Service Board ("Board") issued an order amending Hyperion's CPG to reflect a name change to Hyperion Communications of Vermont, Inc. On March 30, 2000, in Docket No. 6354, the Board issued an Order amending the CPG to reflect a name change from Hyperion Communications of Vermont, Inc. to Adelpia Business Solutions of Vermont, Inc. (the "Company").

On May 25, 2004, the Company filed a petition ("Petition") with the Board requesting that its CPG be amended to reflect a change in corporate name to TelCove of Vermont, Inc. As part of its petition, the Company also filed an amended certificate of authority from the Vermont Secretary of State changing the Company's corporate name to TelCove of Vermont, Inc.

On June 23, 2004, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board approve the Company's request. Further, the Department recommends 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. Hyperion Telecommunications of Vermont, Inc. was issued a CPG on March 16, 1994, in Docket No. 5608, to provide telecommunications services in Vermont. Petition at 1.
2. On January 14, 1997, in Docket No. 5909, Hyperion's CPG was amended to reflect the provision of local exchange service. *Id.* at 1.
3. On March 16, 1999, in Docket No. 6193, the Board issued an Order amending the Company's CPG to reflect a name change to Hyperion Communications of Vermont, Inc. *Id.* at 1.
4. On March 30, 2000, in Docket No. 6354, the Board issued an Order amending the CPG to reflect a name change to Adelpia Business Solutions of Vermont, Inc. *Id.* at 1.
5. As of May 25, 2004, the Company had received and filed with the Board all documents necessary to effect a corporate name change to TelCove of Vermont, Inc. *Id.* at 2 and Exhibits.
6. 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. *Id.* at 1.

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 Adelphia Business Solutions of Vermont, Inc., should be amended to reflect the new name of the certificate-holder: TelCove of Vermont, 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 Hyperion Telecommunications of Vermont, Inc., in Docket No. 5608, on March 16, 1994, as subsequently amended in Docket No. 5909, issued January 14, 1997, Docket No. 6193, issued March 16, 1999, and Docket No. 6354, issued March 30, 2000, shall be amended further to reflect the new name of the holder of the certificate: TelCove of Vermont, 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 1st day of July, 2004.

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

OFFICE OF THE CLERK

FILED: July 1, 2004

ATTEST: s/Judith C. Whitney
Deputy 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 in writing) of any apparent 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.