

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6218

Petition of National Telephone & Communications, Inc.     )  
to amend its Certificate of Public Good to reflect             )  
a name change to Incomnet Communications Corporation     )

Order entered: 8/30/99

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

I. INTRODUCTION

On April 1, 1996, National Telephone & Communications, Inc. ("NTC" or "the Company") received a Certificate of Public Good ("CPG") (CPG No. 166), pursuant to 30 V.S.A. § 231, to provide resold intrastate telecommunications services throughout Vermont. On February 22, 1999, NTC filed a petition with the Board requesting that its CPG be amended to reflect a change in corporate name from NTC to Incomnet Communications Corporation. As part of its petition, the Company also filed an amended certificate of authority to conduct business in Vermont as a foreign corporation as Incomnet Communications Corporation.

On July 22, 1999, 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. NTC, a Delaware corporation, was issued a CPG to provide telecommunications

services in Vermont on April 1, 1996. Petition at 2.

2. As of February 22, 1999, the Company had received and filed with the Board all documents necessary to effect a corporate name change. Petition at 2 and Exhibit 1.

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 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 National Telephone & Communications, Inc. should be amended to reflect the new name of the certificate-holder: Incomnet Communications Corporation. 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 National Telephone &

Communications, Inc. on April 1, 1996, shall be amended to reflect the new name of the holder of the certificate: Incomnet Communications Corporation.

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 30<sup>th</sup> day of August, 1999.

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

OFFICE OF THE CLERK

FILED: AUGUST 30, 1999

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 of any technical errors, in order that any necessary corrections may be made.*

*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.*