

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6337

Petition of IXC Communications Services, Inc. to)
amend its Certificate of Public Good to reflect a name)
change to Broadwing Communications Services, Inc.)

Order entered: 1/28/2000

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

I. INTRODUCTION

On December 21, 1998, IXC Communications Services, Inc. ("IXC" or the "Company") received a Certificate of Public Good ("CPG") issued in Docket No. 6170, to provide resold intrastate telecommunications services throughout Vermont. On January 3, 2000, IXC filed a petition with the Board requesting that its CPG be amended to reflect a change in corporate name from IXC to Broadwing Communications Services, Inc. ("BCS"). As part of its petition, the Company also filed an amended certificate of authority to conduct business in Vermont as a foreign corporation as BCS.

On January 21, 2000, 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. IXC, a Delaware corporation, was issued a CPG to provide telecommunications services in Vermont on December 21, 1998. Petition at 1-2.

2. As of January 3, 2000, 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. There is no controversy surrounding the Company's name change, and it appears 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 IXC Communications Services, Inc. should be amended to reflect the new name of the certificate-holder: Broadwing Communications Services, 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 IXC Communications Services, Inc. on December 21, 1998, shall be amended to reflect the new name of the holder of the

certificate: Broadwing Communications Services, 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 28th day of January, 2000.

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

OFFICE OF THE CLERK

FILED: January 28, 2000

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.