

DT 01-134

**ONESTAR LONG DISTANCE, INC., ONESTAR COMMUNICATIONS, LLC  
AND CRG INTERNATIONAL, INC.**

**Order Approving the Transfer of Certain Assets, Customer Bases,  
Control and CLEC Certification to  
OneStar Communications, LLC**

**O R D E R    N O.    23,843**

**November 16, 2001**

**I. INTRODUCTION AND BACKGROUND OF NOTIFICATION**

On June 27, 2001, OneStar Communications, LLC; OneStar Long Distance, Inc.; and CRG International, Inc. (OneStar, OneStar Long Distance, and CRG International, respectively and the Petitioners, collectively) filed with the Commission notification of the intent to transfer certain assets, long distance customers, operational control, to obtain CLEC certification for OneStar and to cease doing business in New Hampshire under the other two names. OneStar Long Distance, a privately-owned company incorporated in Indiana, is currently certified as a toll provider in New Hampshire under IXC No. 23997 and as a Competitive Local Exchange Carrier (CLEC) under Order No. 23,397. CRG International is also a certified toll provider in the state of New Hampshire operating under IXC No. 26397. OneStar has recently been certified as an intrastate toll provider under IXC No.08-003-01.

The notification indicates that the Petitioners intend

the transfer to have minimal effect on customers. Both CRG International and OneStar Long Distance report that customers will see a change in their telecommunications service provider's name but they will experience no changes in conditions of service and rates as a result of this transaction.

According to the Petitioners, the public interest will be served by this transaction. They argue that competition will be promoted in the telecommunications marketplace in the state of New Hampshire. They expect OneStar to effectively penetrate the local, long distance and operator services market and become a capable competitor in local exchange and data services. The complementary strengths of the combined companies will increase competition in the long distance markets. Furthermore, the new company will be capable of providing new and advanced services to small and medium-sized businesses that have previously been available only to larger ones.

The Petition further states that prior to the transfer, OneStar Long Distance and CRG International will provide notice to customers via letter informing them of the changes taking place. The letters will announce the change and inform the customers that they need take no action to continue their telecommunications services and that should any Primary Interexchange Carrier (PIC) charges be assessed against the customer, they will be reimbursed. The companies also inform

customers of their right to select any other PIC within fourteen days also without incurring PIC charges. CRG International and OneStar Long Distance explain to customers that they will continue to receive the same rates, terms and conditions upon completion of the transaction.

The notification further posits that OneStar Long Distance's and CRG International's managerial, technical, and financial ability, which will be integrated under the OneStar name, assures that services will be provided at the same or better standards of quality under the new management regime.

The Petition also includes a request for CLEC certification of OneStar in New Hampshire and includes a complete application.

## **II. STAFF'S RECOMMENDATION**

Commission Staff (Staff) notes that the cessation of service by a Toll Provider is contingent upon the conditions established in New Hampshire Administrative Rule Puc 411.04, *Transfer or Lease of a CTP or Right to Service a Customer*. Adopted pursuant to RSA 374:28-a, the rule protects customers against slamming, i.e., the unauthorized change of carriers. Staff notes that the rule requires that the transferor provide a minimum of 14 days written notice to the customer that their toll provider will no longer be providing services and the date when service will be terminated and that a copy be forwarded to the

Commission at the time it is mailed. The notice must also inform the customer that absent the selection of an alternate carrier the customer will be assigned to the transferee and that the change will be at no cost to the customer. Commission Rule Puc 411.04(b)(1) e. 1. requires a clear statement of any difference in rates and/or terms and conditions of service and the rates and/or terms and conditions of service of the proposed transferee. Staff contends the Petitioners' plans to notify the customers laid out in the notification are adequate to meet the requirements of the above citation. In accordance with Puc 411.04(b)(1), the companies must make the notification at least 14 days prior to the implementation of the transaction. Staff notes as well that Puc 411.04(b)(3) requires that within 30 days of the change, the company ceasing operations shall refund to its customers any applicable amounts owed.

Staff also recommends that, for administrative efficiency, OneStar Long Distance's CLEC certification be reassigned to OneStar rather than a new certification issued. See, Order No. 23,282. The Petition provides evidence that the financial conditions and the qualifications of the management and technical staff of OneStar meet the requirements for facilities-based CLEC as proscribed in Puc 1304.01(a)(2). OneStar remains responsible for meeting the conditions imposed in Order No. 23,397. Staff concludes that the transaction does have elements

which fulfill the public good test by ensuring that customers maintain service without interruption and by enhancing the responsiveness of the free market. Staff also notes that changes of this general nature are necessary to maintain the strength of competitors in a vibrant market.

### **III. COMMISSION ANALYSIS**

We agree with the company and the Staff that this transaction will serve the public good. Therefore, we will approve the transfer of OneStar Long Distance's and CRG International's assets, operational control and right to service customers to OneStar on the condition that OneStar Long Distance and CRG International notify their customers in writing 14 days prior to the change in accordance with the conditions detailed in the proposed notification and that OneStar Long Distance and CRG International provide any appropriate refunds to their customers. Further, we will withdraw the certification of both OneStar Long Distance and CRG International to provide toll service within the State of New Hampshire. Inasmuch as OneStar meets the qualifications for technical competence and financial strength required for CLEC certification in New Hampshire, we will reassign OneStar Long Distance's CLEC certification granted in Order No. 23,282 to OneStar. We, therefore, approve the Petition.

**Based upon the foregoing, it is hereby**

**ORDERED,** that the Petition for the transfer to OneStar of OneStar Long Distance's and CRG International's assets, operational control and right to service customers is GRANTED pursuant to RSA 374:30, subject to the conditions enumerated herein, and it is

**FURTHER ORDERED,** that OneStar file tariff pages encompassing the services, terms and rates of OneStar Long Distance and CRG International; and it is

**FURTHER ORDERED,** that the Certificate of Public Convenience and Necessity issued to OneStar Long Distance as IXC No. 23997 and the same issued to CRG International, Inc. as IXC No. 26397 be withdrawn; and it is

**FURTHER ORDERED,** that the certification of OneStar Long Distance to provide local exchange service under Order No. 23,397 be assigned to OneStar which remains bound by the commitments and requirements of that order.

By order of the Public Utilities Commission of New  
Hampshire this sixteenth day of November, 2001.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Debra A. Howland  
Executive Director and Secretary