

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Earth Telecom, Inc. dba Union Telecom for Authority to Provide Competitive Telecommunications Services in Ohio.)
)
) Case No. 08-528-TP-ACE
)

FINDING AND ORDER

The Commission finds:

- (1) On April 18, 2008, as amended on September 16, 2008, and July 31, 2009, Earth Telecom, Inc. dba Union Telecom. (Earth Telecom, company, or applicant) filed an application for authority to provide competitive telecommunications services throughout the state of Ohio.
- (2) Pursuant to the attorney examiner entry issued on May 15, 2008, this matter was suspended for 60 days.
- (3) Pursuant to the attorney examiner entry issued on July 11, 2008, this matter was suspended from the automatic approval process until such time as the Commission ordered otherwise.
- (4) Information provided in Earth Telecom's initial application and subsequent amendments reflect the following:
 - (a) Earth Telecom is a Florida corporation currently providing competitive telecommunications services in the states of Illinois and Georgia;
 - (b) The applicant is proposing to offer postpaid calling card interexchange service;
 - (c) The officers of Earth Telecom possess the experience and technical expertise necessary to provide the proposed competitive telecommunications services in the state of Ohio;
 - (d) The applicant has the financial viability to provide and sustain the services proposed to be offered in the state of Ohio;

- (e) Earth Telecom is currently in good standing with the office of the Secretary of State of Ohio; and,
 - (f) The applicant has notified the Ohio Department of Taxation of its intent to operate as a competitive telecommunications service provider in the state of Ohio.
- (5) Based on a review of the record in this proceeding, Earth Telecom has fulfilled the filing requirements of Rule 4901:1-6-10, Ohio Administrative Code (O.A.C), and, therefore, the application seeking authority to provide competitive telecommunications service is approved. Specifically, the Commission finds that the applicant has the requisite financial, managerial, and technical qualifications necessary to receive a certificate of public convenience and necessity for the purpose of offering competitive telecommunications in the state of Ohio. Accordingly, Certificate No. 90-6396 shall be issued to Earth Telecom authorizing it to provide competitive telecommunications service throughout the state of Ohio.
- (6) Earth Telecom's proposed operations qualify it as a telephone company and as a public utility, as defined in Sections 4905.02 and 4905.03(A)(2), Revised Code. Therefore, Earth Telecom is subject to the jurisdiction of this Commission under authority of Sections 4905.04 and 4905.05, Revised Code.
- (7) Earth also seeks to establish rules, regulations, and rates governing its competitive telecommunications offerings. After inspecting the applicant's proposed tariff, as amended and supplemented, the Commission finds the tariff to be in compliance with the Commission's rules and orders relevant to the service offerings proposed by the applicant. Accordingly, the Commission concludes that the tariff should be approved.

It is, therefore,

ORDERED, That Earth Telecom's application to provide competitive telecommunications services throughout the state of Ohio is approved and Earth Telecom shall be issued Certificate No. 90-6396 to offer competitive telecommunications services throughout the state of Ohio. It is, further,

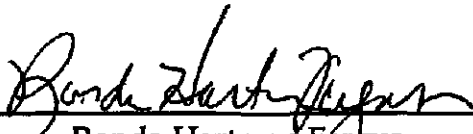
ORDERED, That Earth Telecom's tariff filed on April 18, 2008, as amended on September 16, 2008, and July 31, 2009, is hereby approved. The earliest effective date of the approved tariff shall be the date upon which the applicant files with the Commission three copies of the approved tariff, along with approved price lists. The tariff shall be effective for services rendered on or after such effective date. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the applicant and its counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

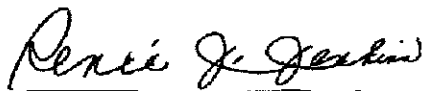

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Renee J. Jenkins
Secretary