



PROVINCE OF BRITISH COLUMBIA  
BRITISH COLUMBIA UTILITIES COMMISSION

IN THE MATTER OF the Utilities Commission  
Act, S.B.C. 1980, c. 60, as amended

and

IN THE MATTER OF an Application for  
Certificates of Public Convenience and Necessity  
by Digital Carrier Corporation

BEFORE: M. Taylor, )  
Chairman; and ) September 4, 1986  
N. Martin, )  
Commissioner )

O R D E R

WHEREAS the Lieutenant Governor in Council issued Order-in-Council No. 193 and 194 dated February 1, 1982, the intent of which was to encourage competition; the orderly introduction of new technology; diversity of programming services; and which directed the Commission to hold hearings on any Applications received for Certificates of Public Convenience and Necessity for the construction and operation of an enterprise or a facility as enunciated and described within the above-mentioned Orders-in-Council; and

WHEREAS the Commission issued a public notice advising of the terms of reference of Order-in-Council No. 193 and 194; and

WHEREAS LDAC Long Distance Access Corp. ("LDAC") applied for Certificates of Public Convenience and Necessity by an Application dated August 1, 1985; and

WHEREAS pursuant to a September 27, 1985 public hearing before the Commission Order No. T-17-85, dated December 6, 1985 was issued; and

WHEREAS Commission Order No. T-17-85 embodied, inter alia, Conditions 1(a) through 1(e) which were required to be satisfied prior to the issuance by the Commission of Certificates of Public Convenience and Necessity covering the ownership, construction and operation of facilities to be operated within the Province of British Columbia only; and

WHEREAS on August 11, 1986 Digital Carrier Corporation ("DCC") applied for a Certificate of Public Convenience and Necessity to be issued in its name covering the ownership, construction and operation within British Columbia of an exclusively digital Reseller Carrier network initially utilizing a satellite link offering enhanced Private Voice and Data Services, and Video Conferencing, all as more particularly described in its Application documents and the hearing record; and

WHEREAS Digital Carrier Corporation advised the Commission that DCC is the successor corporation to LDAC Long Distance Access Corp. ("LDAC"), which company is unable to proceed with its original service provisions; and

WHEREAS, because of non-compliance by LDAC with the conditions embodied in Order T-17-85 the Commission has not issued Certificates of Public Convenience and Necessity in the name of LDAC Long Distance Access Corp.; and

WHEREAS the Commission has considered the Application and the evidence adduced during the course of a hearing which occurred on August 20, 1986.

ORDER

NUMBER T-5-86

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NOW THEREFORE the Commission hereby orders as follows:

1. Commission Order No. T-17-85, issued in the name of LDAC Long Distance Access Corp. is hereby revoked and the Commission is to be notified, with proof, that any and all prepaid amounts or security deposits or advances received by LDAC from applicants for service have been refunded with bank interest to the said applicants.
2. Certificates of Public Convenience and Necessity covering the ownership, construction and operation of certain carrier facilities for the provision of an exclusively digital Reseller Carrier network service as earlier described in the preamble of this Order to be operated within the Province of British Columbia will be issued in the name of Digital Carrier Corporation upon that company satisfying the following conditions:
  - (a) A tariff containing Rate Schedules, Terms and Conditions of Service, Agreements and Contracts pertaining to the facilities and upon services to be provided by DCC is to be filed with the Commission.
  - (b) All prepaid amounts or security deposits or advances received by DDC from applicants for service are to be held in a trust account with a chartered bank. Such amounts will be refundable with bank interest until service has been provided to the applicant.
  - (c) Quarterly progress reports are to be filed with the Commission during the first year of operation, and annually thereafter.
  - (d) DCC will complete construction and commence operation of the said system prior to December 1, 1986.
  - (e) DDC undertakes to meet or exceed technical standards of the Department of Communications.
3. No variation or alteration to this Order may be made without the approval of the Commission first obtained.

DATED at the City of Vancouver, in the Province of  
British Columbia, this 5<sup>th</sup> day of September, 1986.

BY ORDER



Chairman