



State of Utah  
Department of Commerce  
Division of Public Utilities

FRANCINE GIANI  
*Executive Director*

THAD LEVAR  
*Deputy Director*

PHILIP POWLICK  
*Director, Division of Public Utilities*

JON HUNTSMAN Jr.  
*Governor*  
GARY HERBERT  
*Lieutenant Governor*

**MEMORANDUM**

**To:** Public Service Commission

**From:** Division of Public Utilities  
Philip Powlick, Director  
Bill Duncan, Telecommunications / Water Manager  
Ron Slusher, Utility Technical Consultant

**Date:** September 27, 2010

**Re:** In the Matter of the Application of Mobilite, LLC, for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange Telecommunications Service within the State of Utah Docket No. 10-2530-01.

---

**RECOMMENDATION: (Approval)**

The Division of Public Utilities (“Division”) has reviewed the technical, managerial, and financial abilities of the Applicant and has found that the Applicant has provided the necessary information to fulfill the requirements as stated in the existing Commission rules. The Division believes that the public interest will be promoted by recommending that the Commission allow the Applicant a CPCN as requested under the same terms and conditions allowed in other CPCNs. The Division also recommends that the \$100,000 bond be waived on the basis that the Applicant will not require customer deposits or prepayments of any kind.

The Division expects that based on history that a filing of this type and with the information submitted by the company there will be no objections or opposition to this recommendation. Therefore, the Division request that this docket be adjudicated informally in accordance with R746-110-1.

**EXPLANATION:**

Mobilite, LLC (“Applicant”) filed an application for a certificate of public convenience and necessity (“CPCN”) on September 14, 2010. The Division reviewed the application and found the following:

The Applicant seeks statewide authority except within exchange areas with less than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in accordance with Utah Code Ann. 5 54-8b-2.1 (3) and (4). Specifically, The Applicant seeks authority as a reseller and

facilities-based provider of interexchange and local exchange services in the service areas of Qwest Communications Inc. and any other existing or future LECs providing service in Utah.

According to financial statements attested to be accurate, objective and with integrity by Yvonne Schroeder de Orr, Senior Vice President / General Counsel, of Mobilite, LLC, the Applicant has a positive net worth and has ample working capital.

The Applicant does not currently own any telecommunications facilities, including switches, in the State of Utah. They state that initially they may lease the fiber optic facilities of other carriers while their own facilities are being built. As they complete the build out of their network, they will move this traffic onto their own network. At such time as the Applicant may plan to construct its own facilities, it will comply with the Commission's requirements and all other relevant regulations.

The Applicant proposes to operate a Distributed Antenna System ("DAS") which provides transport and backhaul services to other carriers, including, but not limited to wireless telecommunication service providers and other wireless information service providers. The Applicants' distributed architecture is designed to support multiple wireless carriers within a defined network using a shared infrastructure that results in enhanced service while minimizing the expense of expanding existing carrier networks. Their customers are wireless carriers and wired and wireless internet service providers who wish to increase cell coverage in an area where zoning for typical cellular communications towers are prohibited and in areas where cellular coverage is inadequate. Thus, they serve a subset of the general public.

The Applicant claims that it has never had any complaints nor has any investigation been undertaken against it or any of its affiliates involving unauthorized switching (slamming) or any other illegal activities. The Applicant's marketing plan for Utah will be limited in nature and will focus on large sophisticated carriers. As such, the public's exposure to unauthorized PUC changes relating to Mobilities' marketing activities is non-existent.

Summaries of professional experience and education of its managerial personnel demonstrate that the Applicant has considerable experience in the telecommunications industry. The Applicant is currently authorized to provide local exchange telecommunications services in Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, Oregon, Rhode Island, Texas, Vermont, Virginia, Washington, and Wisconsin.

The Applicant requests that the \$100,000 bond requirement be waived because it will not require customer deposits or prepayments of any kind.

The Applicant asserts that approval of its application will serve the public interest creating and enhancing competition and expanding customer service options. Additionally, the approval of this application will expand the availability of innovative, high quality, reliable and competitively-priced telecommunications services in the State of Utah.

cc: Yvonne Schroeder de Orr, Senior Vice President / General Counsel, Mobilite, LLC  
Patricia Schmid, Attorney, State of Utah