

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Joint)	Docket Nos:
Application of AboveNet, Inc.,)	12-2324-01
AboveNet of Utah, LLC, and Zayo)	12-2536-01
Group, LLC for the Transfer of)	
Indirect Control of AboveNet of)	
Utah, LLC to Zayo Group, LLC)	

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South
Salt Lake City, Utah

DATE: May 3, 2012

TIME: 9:10 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

Melanie A. Reif, Administrative Law Judge

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1 MAY 3, 2012

9:10 A.M.

2 P R O C E E D I N G S

3 THE COURT: Good morning. My name is Melanie
4 Reif, Administrative Law Judge for the Public Service
5 Commission. And this is the date and time for the
6 hearing in Dockets 12-2324-01, and 12-2536-01: The
7 Joint Application of AboveNet, Inc., AboveNet of Utah,
8 LLC, and Zayo Group, LLC, for the Transfer of Indirect
9 Control of AboveNet to Zayo Group.

10 This hearing is being conducted pursuant to
11 Administrative Code Rule 746-349-7.

12 MR. FERENCHAK: Bill, are you still there?

13 MR. EVANS: Yes.

14 (A discussion was held regarding the telephone
15 speaker system.)

16 (There was a pause in the proceedings to
17 adjust the telephone speaker system.)

18 THE COURT: I think we were in the process of
19 taking appearances. Mr. Evans, would you like to go
20 first?

21 MR. EVANS: Yes. I'm William Evans for the
22 Joint Applicants, AboveNet and Zayo.

23 THE COURT: And on the telephone, please.

24 MR. EVANS: On the telephone is Peter
25 Chevalier from Zayo, Jill Sandford from AboveNet, and

1 Brett Ferenchak, counsel from -- for the Joint
2 Applicants.

3 THE COURT: Thank you.

4 Ms. Schmid?

5 MS. SCHMID: Patricia E. Schmid, with the
6 Attorney General's Office, representing the Division
7 of Public Utilities. And Ron Slusher is the
8 Division's witness in this matter.

9 THE COURT: Thank you Ms. Schmid.

10 (A discussion was held regarding the
11 microphones.)

12 THE COURT: Okay. For clarification, I wish
13 to note that the Commission takes administrative
14 notice of both the application and the recommendation.
15 The application being the application submitted on
16 March 26, 2012. This is the joint application of
17 AboveNet and Zayo Group.

18 And the memorandum recommending approval of
19 the application is dated April 12, 2000 -- April 6,
20 2012, from Division. These will be accepted into the
21 record as Exhibit 1 and Exhibit 2.

22 (Exhibit Nos. 1 and 2 were admitted.)

23 MR. EVANS: Thank you, your Honor. With
24 attachments on that application?

25 THE COURT: Yes.

1 MR. EVANS: Okay.

2 THE COURT: Exactly. Are there any questions
3 or further comments that you wish to make, Mr. Evans?

4 MR. EVANS: No. If you have questions for
5 the applicants, the people on the phone are able to
6 answer them. We would just submit that the
7 transaction described in the application is in the
8 public interest.

9 That AboveNet will provide the same
10 telecommunications services that it has in the past.
11 And that the transfer of control won't impact their
12 quality of service in the State of Utah. We suggest
13 that this is in the public interest and request
14 approval of the application.

15 THE COURT: Thank you.

16 Ms. Schmid, do you have anything you'd like
17 to add?

18 MS. SCHMID: Just that the Division
19 recommends that the application be approved. And that
20 Mr. Ronald Slusher is here available to be sworn and
21 for cross-examination if there are any questions.

22 THE COURT: Okay.

23 MR. EVANS: And we have no questions for
24 Mr. Slusher.

25 THE COURT: Thank you Mr. Evans. Given that

1 there are no questions, is there any objection to the
2 pending application?

3 Hearing no objection, this application,
4 pursuant to Rule 746-349-7, which reads:

5 "If no objection to the proposed
6 transaction is submitted in any filed
7 comments or reply comments, the
8 Commission will presume the approval of
9 the transaction is in the public
10 interest and use the information
11 contained in the application and
12 accompanying documents as evidence to
13 support a Commission order."

14 Does anyone have any questions?

15 MR. EVANS: Huh-uh.

16 THE COURT: We'll be adjourned, thank you.

17 (The hearing was concluded at 9:19 a.m.)

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