

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application  
Of Peerless Network of Utah, LLC,      Docket No. 14-2552-01  
for a Certificate of Public  
Convenience and necessity to Provide  
Facilities-Based and Resold Local  
Exchange and Interexchange  
Telecommunications Services within the  
State of Utah.

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HEARING PROCEEDINGS  
ADMINISTRATIVE LAW JUDGE REIF  
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PLACE:            Heber M Wells Building  
                      160 East 300 South  
                      Salt Lake City, UT

DATE:             November 4, 2014

TIME:             10:00 a.m.

REPORTED BY:    Kellie Peterson, RPR

50 West Broadway, Suite 900, Salt Lake City, UT 84101  
801-983-2180

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A P P E A R A N C E S

FOR DIVISION OF PUBLIC UTILITIES:

Justin Jetter, Esq.  
Ron Slusher

DIVISION OF PUBLIC SERVICES  
160 East 300 South  
Fourth Floor  
Salt Lake City, UT 84111

FOR PEERLESS NETWORK OF UTAH

Patrick Phipps  
John Barnicle



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

2 ADMINISTRATIVE LAW JUDGE REIF: Good  
3 morning, everyone. My name is Melanie Reif. I am the  
4 administrative law judge for the Utah Public Service  
5 Commission, and this morning is the hearing in Docket  
6 14-2552-01. This hearing is scheduled in the matter of  
7 the application of Peerless Network of Utah, LLC, for a  
8 certificate of public convenience and necessity to  
9 provide facilities-based and resold local exchange and  
10 interexchange telecommunications services within the  
11 State of Utah.

12 We will start by taking appearances. And,  
13 Mr. Phipps, will you would please go first?

14 MR. PHIPPS: Yes, my name is Patrick Phipps.  
15 I am the director of regulatory affairs for Peerless  
16 Network. My last name is spelled P-H-I-P-P-S.

17 ADMINISTRATIVE LAW JUDGE REIF: And with you  
18 today?

19 MR. PHIPPS: With me today is John Barnicle.  
20 Go ahead, John, sorry.

21 MR. BARNICLE: Yes, that's okay. I am the  
22 president and CEO of Peerless Network, and my last name  
23 is spelled B-A-R-N-I-C-L-E.

24 ADMINISTRATIVE LAW JUDGE REIF: Thank you.  
25 Mr. Jetter?

1 MR. JETTER: I am Justin Jetter,  
2 representing the Utah Division of Public Utilities, and  
3 with me today is utility technical consultant for the  
4 Division of Public Utilities, Ron Slusher.

5 ADMINISTRATIVE LAW JUDGE REIF: Thank you  
6 once again, everyone, and welcome. I wished to do a  
7 couple of things that I think will help streamline this  
8 a little bit. And, Mr. Phipps, since you may not be  
9 familiar with our proceedings and since you are not  
10 legal counsel, I think I will do this as a matter of  
11 courtesy just to get this rolling. And that is, that  
12 there was an application filed by Peerless, on August  
13 25, 2014, and in response to that application, there was  
14 a memorandum filed by the Division of Public Utilities,  
15 which the Commission received on September 19, 2014.

16 The Commission takes administrative notice  
17 of those two filings, and to that extent, they will both  
18 be part of the record in this docket. So with that  
19 being said, if there is anything else that you need to  
20 address. The application, of course, includes all of  
21 the exhibits. If there is anything else that you need  
22 to request be entered into the record, please let me  
23 know when you do your presentation.

24 And, Mr. Phipps, I'll start with you.

25 MR. PHIPPS: Thank you, Your Honor, and

1 thank you for that introduction. Yes, Peerless is  
2 requesting certification to provide local exchange and  
3 interexchange service in the State of Utah. As the  
4 examiner stated, the petition and exhibits were filed on  
5 August 25th. We are aware of no objections to the  
6 application. And in support of that application, we  
7 provided the direct testimony of John Barnicle,  
8 Peerless' president and CEO. And I would tender Mr.  
9 Barnicle for any questions of the Commission or the  
10 staff may have at this time.

11 ADMINISTRATIVE LAW JUDGE REIF: Okay, thank  
12 you very much, Mr. Phipps. I think probably the most  
13 expeditious way of handling this would be for us to --  
14 I'll put Mr. Barnicle under oath and ask him a couple of  
15 questions. Actually, I will allow the Division to do so  
16 first, and then I will follow up, and you can do the  
17 same as well. I am doing this as a matter of courtesy,  
18 realizing that, again, you, you may not be that familiar  
19 with our proceedings, and I'm also being extra helpful  
20 because I know you are not a lawyer.

21 MR. PHIPPS: I appreciate that, Your Honor,  
22 thank you.

23 ADMINISTRATIVE LAW JUDGE REIF: You are quit  
24 welcome. So, Mr. Barnicle, thank you very much for  
25 being here today. If you are on the line and available

1 to testify, please let me know.

2 MR. BARNICLE: I am, thank you.

3 ADMINISTRATIVE LAW JUDGE REIF: Okay. I  
4 will need to put you under oath, please. If you will  
5 kindly raise your right hand.

6 MR. BARNICLE: Okay.

7 ADMINISTRATIVE LAW JUDGE REIF: And do you  
8 swear that the testimony you will give today will be the  
9 truth?

10 MR. BARNICLE: Yes, I do.

11 ADMINISTRATIVE LAW JUDGE REIF: Okay, thank  
12 you, sir. Mr. Phipps, you're welcome, as the applicant,  
13 to begin this if you want to. Otherwise, I am going to  
14 turn to Mr. Jetter, and if Mr. Jetter doesn't have any  
15 questions, then I'll follow up with Mr. Barnicle.

16 MR. PHIPPS: I just will defer to staff.

17 ADMINISTRATIVE LAW JUDGE REIF: Okay, thank  
18 you. Mr. Jetter?

19 MR. JETTER: I have no questions for the  
20 witness, thank you.

21 ADMINISTRATIVE LAW JUDGE REIF: Okay, thank  
22 you. Mr. Barnicle, are you familiar with the company's  
23 application that was filed on August 25th, 2014?

24 MR. BARNICLE: Yes, I am.

25 ADMINISTRATIVE LAW JUDGE REIF: Okay. And

1 as an exhibit to that application, there is direct  
2 testimony which is identified as direct testimony of  
3 John Barnicle which is filed on behalf of Peerless. Are  
4 you familiar with that exhibit?

5 MR. BARNICLE: Yes, I am. I have it in  
6 front of me.

7 ADMINISTRATIVE LAW JUDGE REIF: Okay. And  
8 did you execute that --

9 MR. BARNICLE: I did.

10 ADMINISTRATIVE LAW JUDGE REIF: -- exhibit?

11 MR. BARNICLE: Yes.

12 ADMINISTRATIVE LAW JUDGE REIF: Okay. And  
13 do you testify that what you've represented in that  
14 exhibit is the same and true today?

15 MR. BARNICLE: Yes.

16 ADMINISTRATIVE LAW JUDGE REIF: Okay, very  
17 good. Thank you. Mr. Phipps, you are welcome to follow  
18 up if you need to. Otherwise, I don't need anything  
19 further from Mr. Barnicle.

20 MR. PHIPPS: I have nothing further, Your  
21 Honor. Thank you.

22 ADMINISTRATIVE LAW JUDGE REIF: Okay. We  
23 will turn to the Division.

24 MR. JETTER: Thank you. The Division would  
25 like to call Ron Slusher as its witness.

1 ADMINISTRATIVE LAW JUDGE REIF: Good  
2 morning, Mr. Slusher.

3 MR. SLUSHER: Morning.

4 ADMINISTRATIVE LAW JUDGE REIF: Are you  
5 prepared to testify?

6 MR. SLUSHER: Yes.

7 ADMINISTRATIVE LAW JUDGE REIF: And would  
8 you kindly raise your right hand? And do you swear the  
9 testimony that you are about to give today will be the  
10 truth?

11 MR. SLUSHER: Yes.

12 ADMINISTRATIVE LAW JUDGE REIF: Thank you.

13 MR. JETTER: Mr. Slusher, will you please  
14 state your name and occupation for the record.

15 MR. SLUSHER: My name is Ron Slusher, S, as  
16 in Sam, L-U-S-H-E-R, and I am a utility analyst for the  
17 State.

18 MR. JETTER: Thank you. And have you  
19 reviewed the application for CPCN filed by the applicant  
20 in the docket, as well as the exhibits which are listed  
21 as A through I?

22 MR. SLUSHER: Yes, I did.

23 MR. JETTER: And after reviewing those, did  
24 you prepare a document that was filed by the Division of  
25 Public Utilities, titled memorandum from the Division,



1 dated September 19, 2014?

2 MR. SLUSHER: Yes, I did.

3 MR. JETTER: And does the recommendation  
4 that you've made in that memo still reflect the  
5 Division's position today?

6 MR. SLUSHER: Yes, it does.

7 MR. JETTER: And, ultimately, does the  
8 Division recommend approval?

9 MR. SLUSHER: Yes.

10 MR. JETTER: Do you believe that approval  
11 would be just, reasonable, and in the public interest?

12 MR. SLUSHER: Yes, it would be.

13 MR. JETTER: And, finally, are you aware of  
14 any opposition to approval of this application?

15 MR. SLUSHER: I have not seen any objections  
16 or heard of any objections.

17 MR. JETTER: Thank you. I have no for they  
18 are questions.

19 ADMINISTRATIVE LAW JUDGE REIF: Thank you,  
20 Mr. Jetter. Thank you, Mr. Slusher. Mr. Phipps, do you  
21 have any questions for the Division?

22 MR. PHIPPS: No, I don't Your, Honor. Thank  
23 you.

24 ADMINISTRATIVE LAW JUDGE REIF: Okay. Is  
25 there anything further to come before the Commission

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today? Any questions?

MR. PHIPPS: None from Peerless, Your Honor.

MR. JETTER: None from the Division.

ADMINISTRATIVE LAW JUDGE REIF: Okay. I want to thank you again for being here today. This matter is adjourned and the Commission will take it under advisement.

MR. PHIPPS: Thank you, Your Honor. Have a great day.

ADMINISTRATIVE LAW JUDGE REIF: Thank you for calling in. Bye.

(The hearing was concluded at 10:12 a.m.)

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REPORTER'S CERTIFICATE

State of Utah     )  
                          )  
County of Salt Lake)

I hereby certify that the witness in the foregoing hearing was duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause;

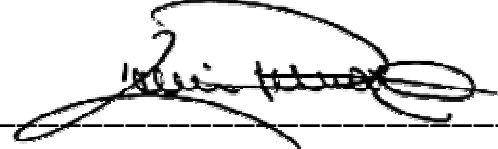
That said hearing was taken at the time and place herein named;

That the testimony of said witness was reported by me in stenotype and thereafter transcribed into typewritten form.

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action and that I am not interested in the even thereof.

IN WITNESS WHEREOF, I set my hand this 11th day of November, 2014.



  
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Kellie Peterson, RPR