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July 1, 2015

Utah Public Service Commission
Attn: Gary Widerburg, Commission Administrator
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Re: Petition to Voluntarily Surrender Certificate of Convenience and Necessity

Dear Mr. Widerburg:

Enclosed for filing is the application of LSSi Data Corporation to voluntarily surrender its certificate of convenience and necessity granted by the Utah Public Service Commission under Docket No. 05-2458-01 on July 12, 2005.

Pursuant to Utah Admin Code R746-100-6, Mitchel H. Perkiel, an attorney at Troutman Sanders admitted to practice law in the State of Utah, appears on this filing along with me. In the event that further action is required, I also request that this Commission waive the requirement for local sponsoring counsel in this matter, which is in keeping with the Commission's practice with regards to "cancellation of a CPCN."¹

Any questions you may have regarding this filing can be directed to my attention at 404-885-3754 or via email to alan.poole@troutmansanders.com. Thank you for your assistance in this matter.

Sincerely,



Alan Gregory Poole Jr.

¹See Notice to Attorneys Licensed in a Foreign State, UTAH PUBLIC SERVICE COMMISSION, available at <http://www.psc.state.ut.us/faq/Pro%20Hac%20Vice%20Notice%20to%20Attorneys%20licensed%20in%20foreign%20state.pdf> (last visited 9:40 A.M., June 17, 2015).

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Application of LSSi Data Corporation To Voluntarily Surrender its Certificate of Public Convenience and Necessity	Docket No. _____ APPLICATION
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APPLICATION

LSSi Data Corporation (“LSSi”), through its undersigned counsel and pursuant to the Rules of the Utah Public Service Commission (the “Commission”), hereby requests the Commission’s approval to voluntarily surrender its Certificate of Public Convenience and Necessity (the “Certificate), attached as Exhibit B.

LSSi does not currently provide intrastate telecommunications services to customers in the state of Utah and does not have plans to do so in the future. LSSi represents that this request will not detrimentally affect any customers in Utah. Furthermore, LSSi expects that this request will not be subject to any contest or controversy. As such, LSSi asserts that this request should be adjudicated informally pursuant to Utah Admin. R. R746-110.

In addition, LSSi states as follows:

1. LSSi is a Delaware corporation with its principal place of business at 1600 Stewart Avenue, Suite 305, Westbury, NY 11590. LSSi has filed with the Commission a Certificate of Public Convenience and Necessity (the "Certificate") to provide public telecommunications services in the State of Utah (attached as Exhibit B). Under this Certificate, LSSi is authorized by the Commission to provide interexchange and facilities-based local exchange services statewide in the State of Utah.

2. For the purposes of this Application, the contacts for LSSI are as follows:

Mitchel H. Perkiel, Esq.
Alan G. Poole, Esq.
Troutman Sanders LLP
600 Peachtree Street, N.E.
Suite 5200
Atlanta, GA 30308-2216
Telephone: 404-885-3754
mitchel.perkiel@troutmansanders.com
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James F. Hall
Secretary
LSSi Data Corporation
2000 Avenue of the Stars
Los Angeles, CA 90067
Telephone: (951) 314-4277
Email: jhall@skyviewcapital.com

3. LSSi's contact for any outstanding regulatory obligations is:

James F. Hall
Secretary
LSSi Data Corporation
2000 Avenue of the Stars
Los Angeles, CA 90067
Telephone: (951) 314-4277
Email: jhall@skyviewcapitol.com

4. LSSi does not currently provide intrastate telecommunications services to any customers in the state of Utah and has no plans to do so in the future. Furthermore, LSSi has no outstanding obligations to any Utah customers in the form of deposits or pre-payments for services which have not or will not be provided. LSSi, therefore, requests that the Commission cancel LSSi's Certificate effective immediately or as soon as the Commission can take such action.

5. Because there is no controversy surrounding LSSi's voluntary request to surrender its Certificate, it follows that good cause exists to grant LSSi's request. LSSi believes that there is no genuine issue of material fact as to whether the Certificate should be cancelled, and that this matter is appropriate for informal adjudication without a hearing under the Commission's rules.

6. In light of the foregoing, LSSi submits that this Application is reasonable, necessary and not disruptive to the present or future public interest, convenience and necessity of the State of Utah.

WHEREFORE, for the foregoing reasons, LSSi respectfully requests that the Commission approve LSSi's Application in accordance with the informal procedures set out in R746-110 of the Commission's rules.

Respectfully submitted this 1st day of July, 2015.

TROUTMAN SANDERS LLP

Mitchel Perkiel (signed with
permission; AGP)
Mitchel H. Perkiel
Utah Bar No. 8418
Alan G. Poole
Georgia Bar No. 528217

Suite 5200
600 Peachtree Street, N.E.
Atlanta, GA 30308-2216
Phone: (404) 885-3000
Fax: (404) 962-6721

Counsel for LSSi Data Corporation

EXHIBITS


Exhibit A Verification of Alex Soltani, President of LSSi Data Corporation
Exhibit B Certificate of Public Necessity and Convenience

Exhibit A

To Application to Voluntarily Surrender Certificate of Public Convenience and Necessity

VERIFICATION

I, **Alex Soltani** of LSSi Data Corporation, have reviewed and am familiar with the foregoing document. The statements in the foregoing document are true of my own knowledge, except as to matters which are herein stated on information and belief, and as to those matters, I believe them to be true.



Alex Soltani
President
LSSi Data Corporation

Subscribed and sworn to before me this
____ day of _____, 2015

Notary Public

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

On June 25, 2015 before me, Melisa N Yatman, Notary Public
(Here insert name and title of the officer)

personally appeared Alex Soltani,
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Melisa N Yatman
 Notary Public Signature (Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

Individual (s)
 Corporate Officer

(Title)

Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

Exhibit B

**To Application to Voluntarily
Surrender Certificate of Public
Convenience and Necessity**

- BEFORE THE PUBLIC SERVICE COMMISSION

OF UTAH -

In the Matter of the Application of LSSi Corp. for a Certificate of Public Convenience and Necessity to Provide Facilities-Based Competitive Local Exchange and Interexchange Services within the State of Utah)))))))	<u>DOCKET NO. 05-2458-01</u> <u>REPORT AND ORDER</u>
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ISSUED: July 12, 2005

SYNOPSIS

By this Report and Order, the Public Service Commission of Utah (the "Commission") grants the request of LSSi Corp., ("Applicant") for a Certificate of Public Convenience and Necessity ("Certificate") authorizing Applicant to provide public telecommunications services within the State of Utah, excluding those local exchanges having fewer than 5,000 access lines of an incumbent telephone corporation with fewer than 30,000 access lines in the state. The Commission, having considered the record in this proceeding and the applicable law, hereby makes, adopts, and enters the following Report and Order.

ISSUED: July
12, 2005

By the Commission:

PROCEDURAL HISTORY

LSSi Corp. ("Applicant") filed its Application on May 27, 2005, pursuant to Utah Code Annotated § 54-8b-1.1 *et. seq.*, and Title 63, Chapter 46b of the Utah Administrative Procedures Act. Incumbent Local Exchange Carriers ("ILECs") have been notified of the Application and have not requested intervention.

Since there appears to be no meritorious opposition, and Applicant has made out its *prima facie* case in support of the application, there appears to be no reason to

convene an evidentiary hearing on the matter. Accordingly, the Commission, having been fully advised in the premises, enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Applicant is qualified to do business in Utah.
2. Applicant has requested that the Commission grant a Certificate of Public Convenience and Necessity authorizing it to provide public telecommunications services within the State of Utah.
3. Applicant is proposing to provide public telecommunication services in the state of Utah, excluding those exchanges with less than 5,000 access lines that are served by incumbent telephone corporations with fewer than 30,000 access lines in the state.
4. Applicant will utilize its managerial and technical expertise to support its Utah operations.
5. Applicant has sufficient technical resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.
6. Applicant has sufficient managerial resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.
7. Applicant has a secure and sufficient source of funding for its Utah operations that will enable it to meet projected capital and operating expenses and to implement its business plans.
8. Applicant has sufficient financial resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.

9. In its provision of intrastate services, Applicant will be subject to competition from other certified telecommunications services providers.
10. Applicant's service offerings will provide customers with a wider range of choices in meeting their telecommunications needs and will support the development of competition.
11. The issuance of a Certificate to Applicant to provide public telecommunications services is in the public interest.
12. The reporting requirements in Exhibit B attached hereto are in the public interest and should be binding upon Applicant until modified by the Commission.
13. Applicant has applied for exemptions from the requirements of various procedures of the Utah Code and the Commission's Rules and Regulations.
14. The grant of exemptions from the provisions of the Utah Code and the Commission's Rules and Regulations, as set forth in Exhibit B, is in the public interest.

CONCLUSIONS OF LAW

1. It is in the public interest to convert this matter to an informal proceeding, pursuant to § 63-46b-4(3), UCA 1953, as amended.
2. Applicant meets each of the statutory requirements (§§ 54-8b-2.1, *et. seq.* UCA 1953, as amended) for issuance of a Certificate as a telecommunications corporation.
3. Applicant meets each of the statutory requirements (§§ 54-8b-2.1, *et. seq.*,

UCA 1953, as amended) for authorization to provide the public telecommunications services for which it seeks a Certificate.

4. The issuance of a Certificate to Applicant to provide the telecommunications services for which it has applied is in accord with the legislative policy declarations set forth in Utah Code § 54-8b-1.1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- This matter be, and it is, converted to an informal proceeding pursuant to § 63-46b-4(3), UCA 1953, as amended.
- The Commission hereby grants Applicant the Certificate that is attached hereto as Exhibit A and by this reference made a part of this Report and Order.
- Applicant shall provide reports to the Commission and to the Division of Public Utilities, Utah Department of Commerce, as set forth in Exhibit B and by this reference made part of this Report and Order.
- Applicant is exempt from certain provisions of the Utah Code and the Commission's Rules and Regulations, as set forth in Exhibit B.
- As Applicant does not propose to take customer deposits nor provide pre-paid services, the Commission's bond requirement is waived.

DATED at Salt Lake City, Utah, this 12th day of July.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#44921

EXHIBIT A

In the Matter of the Application of LSSi Corp. for a Certificate of Public Convenience and Necessity to Provide Facilities-Based Competitive Local Exchange and Interexchange Services within the State of Utah)))))	<p style="text-align: center;"><u>DOCKET NO. 05-2458-01</u></p> <p style="text-align: center;"><u>CERTIFICATE</u></p>
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ISSUED: July 12,
2005

By the Commission:

The Public Service Commission of Utah, pursuant to the Utah Code Ann. §§ 54-8b-2.1, *et. seq.*, hereby issues a Certificate of Public Convenience and Necessity authorizing LSSi Corp. ("Grantee") to provide public telecommunications services within the State of Utah, excluding those local exchanges of less than 5,000 access lines of incumbent telephone corporations with fewer than 30,000 access lines in the state.

DATED at Salt Lake City, Utah, this 12th day of July.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

EXHIBIT B

I. Annual Report

Grantee shall file an Annual Report, on or before March 31 of each year, unless said grantee requests and obtains an extension. The Annual Report shall contain the following:

A. **Annual Revenues** from operations attributable to the State of Utah by major service categories. Such information would be provided on a "Total Utah" and "Utah Intrastate" basis. "Total Utah" will consist of the total of interstate and intrastate revenues. "Utah Intrastate" will reflect only revenues derived from intrastate tariffs, price lists, or contracts. Both Total Utah and Intrastate Utah revenues shall be reported according to at least the following classes of service:

- (1) private line and special access,
- (2) business local exchange,
- (3) residential local exchange,
- (4) measured interexchange, and
- (5) vertical services.

Business local exchange, residential local exchange and vertical service revenue will be reported by geographic area, to the extent feasible.

B. **Annual Expenses and Estimated Taxes** attributed to operations in the State

of Utah.

C. **Year End Balances by Account for Property, Plant, Equipment, Annual Depreciation, and Accumulated Depreciation** for telecommunications investment in Utah.

The Actual Depreciation Rates which were applied in developing annual and accumulated depreciation figures shall also be shown.

D. **Financial Statements** maintained in accordance with generally accepted accounting principles in the ordinary course of business. These financial statements shall at a minimum include an income statement, balance sheet and statement of cash flows.

E. **List of Services** offered to customers and the geographic areas in which those services are offered. This list shall be current and shall be updated whenever a new service is offered or a new area is served.

F. **Number of Access Lines in Service** by geographic area, segregated between business and residential customers.

G. **Number of Messages and Minutes of Services** for measured services billed to

end users.

H. **List of Officers and Responsible Contact Personnel** updated annually.

I. **Chart of Accounts.** In addition to the foregoing, said grantee will provide its chart of accounts as existing and updated (no less than annually). Said Grantee will also work with the Division in good faith to develop a method of estimating intrastate expenses and investments.

II. Applicable Statutory Provisions and Exemptions from Statutes and Waiver of Regulations.

Grantee shall be exempted from the following statutory provisions and regulations:

A. Exemptions from Title 54

54-3-8, 54-3-19	--	Prohibitions of discrimination
54-7-12	--	Rate increases or decreases
54-4-21	--	Establishment of property values
54-4-24	--	Depreciation rates
54-4-26	--	Approval of expenditures

B. Waivers of Regulations

R746-340-2(D)	--	Uniform System of Accounts (47 C.F.R. 32)
R746-340-2(E)(1)	--	Tariff filings required
R746-340-2(E)(2)	--	Exchange Maps
R746-341	--	Lifeline <input type="checkbox"/>
R746-344	--	Rate case filing requirements
R746-401	--	Reporting of construction, acquisition and disposition of assets
R746-405	--	Tariff formats
R746-600	--	Accounting for post-retirement benefits

III. Obligations with Respect to Provision of Services.

Grantee agrees to provide service within specified geographic areas upon reasonable request and subject to the following conditions:

A. Grantee's obligation to furnish service to customers is dependent upon the

availability of suitable facilities on its own network and the networks of underlying carriers. Grantee will provide a map identifying the areas within the state of Utah where it is offering any services. The map will be updated as Grantee serves new areas and no less frequently than annually.

B. Grantee will only be responsible for the operation and maintenance of services that it provides.

IV. Modification

It is anticipated that to the extent such requirements impact competitive entry or impact effective competition that they will be subject to the rulemaking requirements of the Utah Code Ann. § 54-8b-2.2 and that the provisions set forth herein shall be superseded by any such rule adopted by the Commission.