

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the ) Docket No. 15-2584-01  
Application of Local Access LLC )  
for a Certificate of Public ) HEARING  
Convenience and Necessity to )  
Provide Facilities-Based and )  
Resold Local Exchange and Access )  
Telecommunications Services in )  
in the State of Utah )

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December 15, 2015  
9:02 a.m.

Location: Utah Public Service Commission  
160 East 300 South Fourth Floor  
Salt Lake City, Utah 84111

Reporter: Susan S. Sprouse

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A P P E A R A N C E S

For the Division of Public Utilities: Justin Jetter  
Kenny Perkins, RTC Associates LLC

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1 Tuesday, December 15, 2015; 9:03 a.m.

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

3 ADMINISTRATIVE LAW JUDGE: So today is Tuesday,  
4 December 15th, 2015. It's just after 9 o'clock in the  
5 morning. This is the date and time set for the hearing in  
6 Docket No. 15-2584-01 in the matter of The Application of  
7 Local Access LLC for a Certificate of Public Convenience  
8 and Necessity to Provide Facilities-based and Resold Local  
9 Exchange and Access Telecommunications Services in the  
10 State of Utah.

11 This application was filed on November 9th,  
12 2015. The Division of Public Utilities reviewed the  
13 application, and on December 2nd, 2015 recommended that it  
14 be approved.

15 We are required by statute to hold a hearing in  
16 this application. It was noticed on November 13th, 2015  
17 for today.

18 At this time Local Access doesn't appear to be  
19 represented and is not here, but we're going to see if we  
20 can get them; is that correct?

21 MR. JETTER: Yes, your Honor.

22 ADMINISTRATIVE LAW JUDGE: All right. So do you  
23 want to put your appearance on the record?

24 MR. JETTER: And I'm Justin Jetter. I represent  
25 the Utah Division of Public Utilities. And with me at

1 counsel table is Ron Slusher with the Division of Public  
2 Utilities.

3 ADMINISTRATIVE LAW JUDGE: Thank you. Let's go  
4 off the record while we see if we can get him on the phone  
5 and give him his instructions.

6 (Pause in proceedings.)

7 ADMINISTRATIVE LAW JUDGE: Good morning. Is this  
8 Mr. Perkins?

9 MR. PERKINS: Yes, it is.

10 ADMINISTRATIVE LAW JUDGE: My name is Jenny  
11 Jonsson. I'm the administrative law judge for the Public  
12 Service Commission in Utah. Good morning.

13 MR. PERKINS: Good morning. I want to first  
14 apologize. I was in a meeting and looked at the clock  
15 maybe 15 minutes -- I seen it was a quarter to and just  
16 lost track of time. So I want to apologize for that.

17 ADMINISTRATIVE LAW JUDGE: Thank you. I think  
18 we're going to be able to pull it together and make this  
19 happen. So here we go.

20 MR. PERKINS: Okay.

21 ADMINISTRATIVE LAW JUDGE: I've already set the  
22 record. And the attorney for the Division of Public  
23 Utilities has put his appearance on the record. Would you  
24 just put your appearance on the record for me. Just give  
25 us your full name and your position with Local Access,

1 LLC.

2 MR. PERKINS: Yes. My name is Kenny Perkins and  
3 I am a consultant for Local Access, LLC.

4 ADMINSTRATIVE LAW JUDGE: Okay. Thank you. So  
5 I think we then can go ahead and proceed.

6 Mr. Perkins, are you the only person who will be  
7 providing information on behalf of Local Access?

8 MR. PERKINS: Yes, I will.

9 ADMINSTRATIVE LAW JUDGE: Okay. Are you an  
10 attorney?

11 MR. PERKINS: No, I'm not.

12 ADMINSTRATIVE LAW JUDGE: All right. Then I'm  
13 just going to have you affirm today that the information  
14 and testimony you provide will be the truth.

15 MR. PERKINS: Yes, it will.

16 (The witness is duly sworn.)

17 \* \* \*

18 KENNY PERKINS,

19 Called by Local Access, Inc., having been duly

20 Sworn, is examined and testifies as follows:

21 ADMINSTRATIVE LAW JUDGE: Okay. Very good. Go  
22 ahead then and put on the record whatever it is that you'd  
23 like the Commission to know and consider in reviewing your  
24 application.

25 MR. PERKINS: Yes. Local Access has submitted

1 an application of a company CLEC out of the State of Utah.  
2 We filed the application and we are currently in 22 states  
3 and Utah is one of 15 states that we wanted to expand. We  
4 actually provide local numbers and we're in the process of  
5 also offering local service to the residents of Utah. We  
6 actually have two right certifications in all of 20 states  
7 that we are currently at.

8 ADMINISTRATIVE LAW JUDGE: Okay. Does the  
9 Division have any questions for Mr. Perkins?

10 CROSS-EXAMINATION

11 BY MR. JETTER:

12 Q. I have just a few brief questions for you,  
13 Mr. Perkins. This is Justin Jetter with the Utah Division  
14 of Public Utilities. Can you hear me okay?

15 A. Yes, I can.

16 Q. My understanding from your application is that  
17 Local Access, LLC will not be directly serving residential  
18 customers; is that correct?

19 A. Yes. At this time, no.

20 Q. And so in terms of the phone numbers that you  
21 would be using in Utah, are those going to be used through  
22 a third-party vendor or multiple third-party vendors to  
23 assign those to customers in Utah?

24 A. Exactly.

25 Q. Okay. And also you're aware that the

1 application that you had filed is limited to the  
2 competitive access territories which excludes a lot of the  
3 rural parts of Utah?

4 A. Yes. I understand that.

5 Q. Okay. And do you also understand that if you  
6 wished at some point to expand into those areas, you would  
7 need to file a new application to amend your CPCN to  
8 expand it for those territories?

9 A. Yes, absolutely.

10 Q. Those are the only questions that I have.

11 ADMINISTRATIVE LAW JUDGE: Thank you. And if I  
12 understand correctly, those questions would be directed to  
13 the portion of the application where Local Access has  
14 requested that the bond requirement be waived since it  
15 will not be dealing directly with consumers?

16 MR. PERKINS: Yes.

17 ADMINISTRATIVE LAW JUDGE: Okay. All right.  
18 Does the Division have a witness today?

19 MR. JETTER: Yes, your Honor. The Division  
20 would like to call and have sworn in Mr. Ron Slusher.

21 ADMINISTRATIVE LAW JUDGE: Mr. Slusher, do you  
22 swear to tell the truth today?

23 THE WITNESS: I do.

24 (The witness is duly sworn.)

25 \* \* \*

1 RON SLUSHER,

2 Called by the Division, having been duly  
3 Sworn, is examined and testifies as follows:

4 ADMINISTRATIVE LAW JUDGE: Thank you.

5 DIRECT EXAMINATION

6 BY MR. JETTER:

7 Q. Good morning, Mr. Slusher. Would you please  
8 state your name and occupation for the record.

9 A. My name is Ron Slusher. S as in Sam,  
10 L-U-S-H-E-R. I'm a utility technical consultant for the  
11 Division of Public Utilities.

12 Q. Thank you. And in the course of your employment  
13 have you had the opportunity to review the application  
14 filed by Local Access, LLC in this docket?

15 A. I have.

16 Q. And did you create the comments from the  
17 Division of Public Utilities as well as an affidavit from  
18 Ronald Slusher December 2nd, 2015?

19 A. I did.

20 Q. And do those -- let me back up and ask you the  
21 question.

22 Is there any changes or amendments you'd like to  
23 make to either of those?

24 A. No, everything is good.

25 Q. And do those still accurately reflect the



1 position of the Division of Public Utilities?

2 A. They are.

3 Q. I would ask at this time they be entered into  
4 the record at this hearing.

5 ADMINISTRATIVE LAW JUDGE: Any objection,  
6 Mr. Perkins?

7 MR. PERKINS: No, no objection.

8 ADMINISTRATIVE LAW JUDGE: All right. We'll  
9 enter those in and I will mark them.

10 MR. JETTER: Thank you.

11 Q. Do you believe that approval of the application  
12 and granting of the CPCN as requested by Local Access, LLC  
13 would be just, reasonable and in the public interest?

14 A. Yes.

15 Q. And finally, are you aware of any opposition to  
16 this application?

17 A. I have not heard or seen any.

18 MR. JETTER: Thank you. I have no further  
19 questions.

20 ADMINISTRATIVE LAW JUDGE: Thank you.

21 Mr. Perkins, do you have any questions for the  
22 Division at this time?

23 MR. PERKINS: No, I don't. Thank you.

24 ADMINISTRATIVE LAW JUDGE: All right. Unless one  
25 or both parties wishes to make any further comments on the

1 record, I believe I have what I need to go back to the  
2 Commission with this matter and issue an order.

3 Anything more from you, Mr. Perkins?

4 MR. PERKINS: No.

5 ADMINISTRATIVE LAW JUDGE: From the Division?

6 MR. JETTER: No, your Honor.

7 ADMINISTRATIVE LAW JUDGE: Okay. Well, then I  
8 believe we can close this hearing. Thank you all very  
9 much.

10 MR. PERKINS: Thank you. You have a great day  
11 now.

12 ADMINISTRATIVE LAW JUDGE: Thank you. Bye-bye.

13 MR. PERKINS: Bye-bye.

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

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C E R T I F I C A T E

STATE OF UTAH )  
 ) SS.  
COUNTY OF SALT LAKE )

I, Susan S. Sprouse, a Registered Professional Reporter, Certified Court Reporter, and Notary Public in and for the State of Utah, do hereby certify:

That the foregoing hearing was taken on December 15, 2015.

That the proceedings were reported by me in stenotype and thereafter transcribed by computer, and that a full, true, and correct transcription of said testimony so taken is set forth in the foregoing pages;

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

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 21st day of December, 2015.



SUSAN S. SPROUSE  
License No. 5965543-7801

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