

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of TIME CLOCK SOLUTIONS, LLC for Certificate of Public Convenience and Necessity to Provide Telecommunications Services in the State of Utah	<u>DOCKET NO. 18-2603-01</u> <u>REPORT AND ORDER</u>
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ISSUED: June 25, 2018

SYNOPSIS

The Public Service Commission (“PSC”) approves the application of TIME CLOCK SOLUTIONS, LLC (“Time Clock”) for a Certificate of Public Convenience and Necessity (“CPCN”) and authorizes Time Clock to provide Telecommunications Services within Utah.

PROCEDURAL HISTORY

On April 27, 2018, Time Clock filed this application, seeking a CPCN for authority to provide telecommunications services within Utah. The application provides detailed information regarding the technical, financial, and managerial resources and abilities of Time Clock to provide the public telecommunications services it seeks to offer. In addition, Time Clock requests the \$100,000 bond requirement set forth in Utah Admin. Code R746-349-3(A)(2) be waived, as Time Clock will not require customer deposits.

On May 4, 2018, the PSC issued a Notice of Filing and Comment Period, which set a comment deadline of May 25, 2018. The Notice further stated that if no comment is filed in opposition to the application, the PSC will adjudicate this docket informally and without hearing. *See Utah Code Ann. § 54-8b-3.* No party filed comments in opposition. Therefore, the PSC will adjudicate this docket informally.

On May 14, 2018, the Division of Public Utilities (“DPU”) filed a memorandum recommending approval of the application. The DPU states it has reviewed the technical,

managerial, and financial abilities of Time Clock and has found it has provided the necessary information to fulfill the requirements under the PSC's rules. The DPU concludes the public interest will be promoted by the PSC granting Time Clock a CPCN as requested under the same terms and conditions allowed in other CPCNs. In its memorandum, the DPU emphasized the following of Time Clock's representations:

1. Approval of Time Clock's application will serve the public interest by creating greater competition for a full range of telecommunications services.
2. Time Clock seeks statewide authority except within exchange areas with fewer than 5,000 access lines that are owned or controlled by an incumbent local exchange carrier ("ILEC") with fewer than 30,000 total access lines. *See* Utah Code Ann. § 54-8b-2.1(3)-(4). Specifically, Time Clock seeks authority as a reseller of local exchange services in the service areas of Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") and any other existing or future local exchange carriers, unless excluded by statute, providing service in Utah.
3. Time Clock intends to provide a full range of telecommunications services to business customers in CenturyLink's exchanges statewide in Utah, consistent with the exchange maps CenturyLink has on file with the PSC.
4. Time Clock intends to commence negotiations with CenturyLink for an interconnection/commercial agreement immediately upon receiving approval from the PSC to operate as a local exchange telecommunications service provider.

5. Time Clock does not currently own property in the state and does not plan to construct any facilities in the state, it intends to use the local loops and other existing network facilities where prudent of the local exchange incumbent provider.
6. Time Clock will have interconnection with CenturyLink, and will obtain services such as operator services, directory assistance, directory listings, and emergency services such as 911 and E911. Time Clock has existing interconnection and commercial agreements with CenturyLink and will seek to add Utah to those agreements.
7. Time Clock has a positive net worth and ample working capital to support its operations in Utah, as well as considerable experience in the telecommunications industry.
8. Time Clock has never been investigated for unauthorized switching or any other illegal activity.

In light of the foregoing, the PSC enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. There are no intervenors in this docket. There has been no opposition to the application.
2. Time Clock has filed documentation containing sufficient information to support the application.
3. Time Clock has demonstrated it is qualified to do business in Utah.
4. Time Clock proposes to provide public telecommunications services within the service area of CenturyLink and certain other local exchange carriers as explained in this order and the application.

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5. Time Clock will utilize its managerial expertise to support its Utah operations.
6. Time Clock has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. Time Clock has a positive net worth and sufficient working capital for its Utah operations.
8. Time Clock's service offerings will provide customers with a wider range of choice in meeting their telecommunications needs and will foster competition in the marketplace.
9. Time Clock will not require customer deposits or offer any prepaid services in Utah.

CONCLUSIONS OF LAW

1. Time Clock meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested CPCN.
2. Time Clock's request to be exempted from the \$100,000 bond requirement is in accord with PSC practice and is in the public interest.
3. Issuance of the requested CPCN to provide public telecommunications services, as described in the application, is in accord with the legislative policy set forth in Utah Code Ann. § 54-8b-1.1 *et seq.*, and is in the public interest.

ORDER

In light of the Findings and Conclusions set forth above, the PSC ORDERS:

- a. Time Clock is granted the CPCN attached as Exhibit A, which exhibit is incorporated by reference into this Order as if fully set forth.
- b. Time Clock's CPCN is subject to the limitations stated therein.

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- c. Time Clock is exempted from the \$100,000 bond requirement set forth in Utah Administrative Code R746-349-3(A)(2).

Any person may file a protest in regard to this Order within 20 days from the date of issuance. If the PSC finds the protest to be meritorious, the effective date shall be suspended pending further proceedings. Otherwise, this order shall take effect 20 days from the signature date below.

DATED at Salt Lake City, Utah, June 25, 2018.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed June 25, 2018 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#303056

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

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EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of TIME CLOCK SOLUTIONS, LLC for Certificate of Public Convenience and Necessity to Provide Telecommunications Services in the State of Utah	<u>DOCKET NO. 18-2603-01</u> <u>CERTIFICATE 2603</u>
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ISSUED: June 25, 2018

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-8b-2.1, issues a Certificate of Public Convenience and Necessity authorizing TIME CLOCK SOLUTIONS, LLC to provide public telecommunications services within the State of Utah. TIME CLOCK SOLUTIONS, LLC may not operate in any area with fewer than 5,000 access lines that is served by an incumbent local exchange carrier that has fewer than 30,000 total access lines.

DATED at Salt Lake City, Utah, June 25, 2018.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary

CERTIFICATE OF SERVICE

I CERTIFY that on June 25, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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