

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Application of Utah Broadband LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah	<u>DOCKET NO. 19-2614-01</u> <u>ORDER DENYING APPLICATION</u>
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ISSUED: September 5, 2019

On July 9, 2019, Utah Broadband LLC filed an Application for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah (“Application”). The same date, the Public Service Commission (PSC) issued a Notice of Filing and Comment Period (“Notice”), allowing interested parties to submit comments on the Application no later than August 8, 2019 and reply comments no later than August 23, 2019.

On July 29, 2019, the Division of Public Utilities (DPU) filed a Memorandum, explaining the Application does not contain the complete information that Utah Admin. Code R746-349 requires and that the Application suggests the company will provide only residential and commercial internet services for which the law does not require a Certificate of Public Convenience and Necessity from the PSC. Therefore, the DPU recommends the PSC deny the Application.

On July 30, 2019, the Utah Rural Telecom Association (URTA) filed comments, arguing the Application is insufficiently supported and does not adequately identify any public telecommunications services Utah Broadband LLC intends to provide. Like the DPU, URTA argues the PSC should deny the Application.

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The PSC notes Utah Broadband LLC has failed to file a reply or otherwise attempted to support its Application or remedy its deficiencies. Utah Broadband LLC has not requested a hearing, nor has any other party. Accordingly, based on our review of the Application, the supporting materials, the DPU's Memorandum, and URITA's comments, we cannot find Utah Broadband LLC has met the requirements for issuance of a CPCN under Title 54 of the Utah Code or Utah Admin. Code R746-349. The Application is denied.

DATED at Salt Lake City, Utah, September 5, 2019.

/s/ Michael J. Hammer  
Presiding Officer

Approved and Confirmed September 5, 2019, 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#309937

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 written 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.

CERTIFICATE OF SERVICE

I CERTIFY that on September 5, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Jake Simon ([jason@utahbroadband.com](mailto:jason@utahbroadband.com))  
*Utah Broadband LLC*

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By Hand Delivery:

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Administrative Assistant