



State of Utah  
Department of Commerce  
Division of Public Utilities

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*Executive Director*

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*Director, Division of Public Utilities*

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*Lieutenant Governor*

**MEMORANDUM**

**To:** Public Service Commission

**From:** Division of Public Utilities  
Chris Parker, Director  
Artie Powell, Division Manager  
Ron Slusher, Utility Technical Consultant

**Date:** August 13, 2019

**Re:** In the Matter of the Application of Time Warner Cable Business LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange Telecommunications Service within the State of Utah, Docket No.19-2615-01.

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**RECOMMENDATION (Approve):**

The Division of Public Utilities (“Division”) has reviewed the technical, managerial, and financial abilities of the Time Warner Cable Business LLC and has found that it has provided the necessary information to fulfill the requirements as stated in the existing Public Service Commission (“Commission”) rules. The public interest will be promoted by the Commission granting Time Warner Cable Business LLC a Certificate of Public Convenience and Necessity (“CPCN”) as requested under the same terms and conditions allowed in other CPCNs.

The Division also recommends that the \$100,000 bond be waived on the basis that the Applicant will not require customer deposits or prepayments of any kind.

The Division expects that based on history, a filing of this type and with the information submitted by the company will generate no objections or opposition to this recommendation. Therefore, the Division requests that this docket be adjudicated informally in accordance with R746-110-1.

**EXPLANATION:**

On or about July 22, 2019, Time Warner Cable Business LLC (“Time Warner or Applicant”) filed an application for a CPCN. The Division reviewed the application and found the following:

Time Warner Cable Business LLC is a registered foreign corporation within the State of Utah; with its corporate headquarters located at 12405 Powerscourt Drive, St. Louis, MO. 63131. It is an indirect subsidiary of Charter Communications, Inc.

Time Warner seeks authority to offer interexchange telecommunications statewide. To the extent Time Warner provides basic local exchange service, it will initially do so in the areas served by CenturyLink Communications, Inc. (“CenturyLink”) and does not plan to provide service in areas of any small or rural local exchange carriers having fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in accordance with Utah Code Ann. 5 54-8b-2.1 (3) and (4). However, Time Warner does seek statewide authority so that it may expand into other services as market conditions warrant and as additional service areas become open to competition.

The Applicant intends to provide a full range of telecommunications services to business and enterprise customers in the incumbent, CenturyLink, exchanges statewide in Utah, consistent with the exchange maps CenturyLink has on file with the Commission.

The Applicant does not currently own property in the state. The Applicant does not currently own facilities or property in the State of Utah, but will acquire or lease any facilities in the state as necessary in order to provide its services.

Time Warner intends to initiate its interexchange operations in the State of Utah upon receipt of authority from the Commission and upon expression of customer interest.

Time Warner states that it will not be providing traditional switched local exchange services within Utah. Applicant will provide primarily facilities-based private line, Ethernet, and data/wide area network (WAN) services to business customers. Therefore, Applicant will not have any interaction with emergency services such as 911 or enhanced 911, operator services, directory assistance, and telecommunications relay services.

Summaries of professional experience and education of its managerial personnel demonstrate that the Applicant has considerable experience in the telecommunications industry.

According to financial statements attested to be accurate, objective and with integrity by Betty J. Sanders, Vice President – Telephone Regulatory, Charter Communications, Inc. the Applicant has a positive net worth and has ample working capital.

The Applicant requests that the \$100,000 bond requirement be waived because it will not require customer deposits or prepayments of any kind.

The Applicant is currently authorized to provide local exchange telecommunications services in Alabama, Arizona, California, Colorado, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey,

New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

The Applicant claims that it has never had any complaints nor has any investigation been undertaken against it or any of its affiliates involving unauthorized switching (slamming) or any other illegal activities. The Applicant also states that it has implemented policies and procedures concerning solicitation of new customers. These policies require that customers sign a contract authorizing the Applicant to provide telecommunications services.

The Applicant asserts that approval of its application will serve the public interest creating and enhancing competition and expanding customer service options. Additionally, the approval of this application will expand the availability of innovative, high quality, reliable and competitively-priced telecommunications services in the State of Utah.

cc: Betty J. Sanders, Vice President – Telephone Regulatory, Time Warner Cable Business LLC  
Laura Arredondo-Santisteban, Counsel to Time Warner Cable Business LLC  
Justin Jetter, Assistant Attorney General, State of Utah  
Office of Consumer Services, State of Utah