



State of Utah

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Public Service Commission

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November 23, 2021

Brandon Porter
4579 Laclede Avenue, #341
St. Louis, MO 63108

Adrienne Bell
Thorvald A. Nelson
Austin Rueschhoff
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Denver, CO 80202

Re: Docket No. 21-2623-01, *Notification of Proposed Changes in Ownership of Arcadian Infracom 1, LLC*

All,

The Public Service Commission (PSC) has reviewed Arcadian Infracom 1, LLC's ("Arcadian") notice of its plan to complete a transaction ("Transaction") that will result in a partial change of ownership of Arcadian, filed October 1, 2021 ("Notification"), pursuant to Utah Code Ann. § 54-8b-3.4(1)(b).

The Notification states the Transaction does not require prior approval under Utah Code Ann. §§ 54-4-28, 54-4-29 and 54-4-30 or, alternatively, is exempt from the requirement because Arcadian is a competitive entrant under Utah Code Ann. § 54-8b-3.4 and does not receive funding from the Universal Public Telecommunications Support Fund. Arcadian submits the Notification with the PSC "out of an abundance of caution, for informational purposes, and for transparency,"¹ and requests the PSC acknowledge it.

¹ Notice, at 1-2.

In addition, Arcadian asserts the Transaction is in the public interest because it will allow Arcadian to enhance its networks and services for its customers' benefit, and service to its customers will continue. Further, it states that there will be no reduction in the number of competitors serving the market and no change of provider for any customers, or any assignment of existing authorizations.

The PSC reviewed comments filed October 26, 2021 by the Division of Public Utilities (DPU). DPU recommends the PSC acknowledge the Notification as serving the public interest and requests informal adjudication of the matter under Utah Admin. Code R746-110-1. DPU does not address whether PSC approval of the Transaction is required.

No party has identified a statutory or other legal requirement for the PSC to approve the Transaction, and no party has requested a declaratory ruling on the issue pursuant to Utah Admin. Code R746-101-1, et seq. Accordingly, the PSC acknowledges that the Notification was filed with the PSC and gives notice it will take no further action in this docket unless a party files a request for action and explains the basis on which the PSC may or should act.

Sincerely,

/s/ Gary L. Widerburg

PSC Secretary

DW#321266