

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application of)
Broadweave Networks, Inc. and Veracity) DOCKET NO. 09-2410-01
Communications, Inc. for Approval of a) and
Transaction to Combine the Companies in)
Veracity Networks, LLC) DOCKET NO. 09-2461-01
)
)
) ORDER APPROVING MERGER
) (FINAL ORDER)
)

ISSUED: November 18, 2009

By the Commission:

This matter is before the Commission on the Joint Application of Broadweave Networks, Inc.¹ and Veracity Communications, Inc.² (collectively Companies) for approval of a proposed merger (Joint Application). The merger would combine the companies in the newly formed Veracity Networks, LLC. This matter is governed by Utah Code Annotated §§ 54-4-28, 54-4-29, 54-4-30 and Utah Admin. R746-349-7. R746-349-7 allows the companies to gain approval of the merger through informal adjudication. These proceedings were adjudicated informally. The companies filed the Joint Application on October 21, 2009.

Pursuant to R746-349-7.A.2, the Commission issued the Public Notice of Joint Application for Approval of Merger on October 27, 2009. The Commission allowed comments

¹ Broadweave was granted a certificate of public convenience and necessity (CPCN) on September 29, 2003 in Docket No. 03-2410-01. It serves primarily residential customers in Qwest's service territory and acquired the iProvo network from the city of Provo.

² Veracity Communications, Inc. applied for and was granted a CPCN on September 21, 2005 in Docket No. 05-2461-01. It serves primarily business and commercial customers in Utah and Salt lake counties and on the iProvo network in Provo.

to be filed by Tuesday, November 10, 2009 (within 14 days of notice), with reply comments due Tuesday, November 17, 2009 (within 21 days of notice). No one filed comments.

The Division of Public Utilities (Division) filed its recommendation regarding the Joint Application on October 28, 2009. It did not oppose the merger.

The Administrative Law Judge of the Commission held a hearing on the Joint Application on Wednesday, November 18, 2009. Steve Mecham was counsel for the companies. Michael Ginsberg, assistant attorney general, was counsel for the Division. No one objected to the merger. The Commission finds that:

1. the companies' Joint Application complies with the requirements of R746-349-7.A.1;
2. there are no objections to the transactions described in the Joint Application;
3. based on the information contained in the Joint Application and any accompanying documents, the merger is in the public interest;
4. there is good cause for allowing the companies to merge upon entry of this order to permit enhanced state-wide competition, enhanced services and products, increased innovation in the provision of service, etc.

Therefore, the Commission orders as follows:

ORDER

1. The Joint Application is approved, and the transactions described in the Joint Application resulting in the formation of Veracity Networks, LLC are approved;

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2. Veracity Networks, LLC shall be permitted to assume and operate pursuant to Veracity Communications, Inc.'s CPCN (Certificate No. 2461);
3. The anti-slamming requirements in Utah Code Ann. § 54-8b-18 are waived, as are the requirements of Utah Admin. Code R746-349-5.
4. The 20-day tentative period provided for in Utah Admin. R746-110-2 is waived and this order shall be considered a final order;
5. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the Commission within 30 days after the issuance of this 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 Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission'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 Sections 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 18th day of November, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 18th day of November, 2009, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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