

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Joint)	Docket Nos.
Application of DSLnet)	11-2275-01
Communications, LLC and DIECA)	and
Communications, Inc. for)	11-2277-01
Authority to Complete Certain)	
<i>Pro Forma</i> Intra-Corporate)	
Transactions)	

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South
Salt Lake City, Utah

DATE: November 22, 2011

TIME: 10:01 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

MELANIE A. REIF, Administrative Law Judge

-oOo-

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1 NOVEMBER 22, 2011 10:01 A.M.

2 P R O C E E D I N G S

3 THE COURT: Welcome everyone. This is the
4 time and place for the hearing concerning DSLnet
5 Communications, LLC and DIECA Communications. This is
6 the joint application for approval to combine, merge,
7 or consolidate DSLnet into DIECA.

8 Today is Tuesday, November 22nd. And this is
9 the time for the hearing on this matter. Could we go
10 ahead and take appearances now, beginning with those
11 on the telephone.

12 MR. STRENKOWSKI: Sure. My first name is
13 Jeffrey, my last name is Strenkowski. I'm an attorney
14 with Bingham McCutchen, LLC, located at 2020 K Street,
15 Washington, DC 20006. And I'll let Katherine Mudge
16 enter her appearance.

17 MS. MUDGE: Your Honor, good morning. My
18 name is Katherine Mudge, M-u-d-g-e. I am the director
19 of state affairs and ILEC relations for DIECA
20 Communications, Inc., DSLnet, Inc., and Covad
21 Communications Company. I am at 2111 West Braker
22 Lane, Suite 100, Austin, Texas 78758.

23 THE COURT: Thank you both.

24 Mr. Strenkowski, just for my clarification,
25 are you appearing on behalf of both companies?

1 MR. STRENKOWSKI: I am, your Honor.

2 THE COURT: Okay. Thank you very much.

3 MS. BURTON-LEE: Dahnelle Burton-Lee,
4 Assistant Attorney General, on behalf of the Division
5 of Public Utilities. And with me is Mr. Ron Slusher,
6 who will be the Division's witness today.

7 THE COURT: Okay. Thank you very much.

8 I'd like to note for the record that the
9 Commission takes administrative notice of the
10 Company's application and the Division's response
11 recommending approval of that application, for
12 everyone's clarification.

13 Mr. Strenkowski, do you wish to make a
14 statement on behalf of your application?

15 MR. STRENKOWSKI: Sure, your Honor, thank
16 you. As counsel for DSLnet and DIECA we hereby
17 request approval from the Public Service Commission of
18 Utah for the authority to complete certain *pro forma*
19 intra-corporate transactions, as outlined in the joint
20 application.

21 We request that authority pursuant to Utah
22 Code Section 54-4-28 in the rules of the Public
23 Service Commission of Utah. And I believe that the
24 details of the transactions are set forth in the
25 application on file, the joint application on file.

1 And we hereby request approval of the transaction as
2 set forth in the joint application.

3 THE COURT: Thank you Mr. Strenkowski.

4 Ms. Burton-Lee, do you have any questions for
5 Mr. Strenkowski?

6 MS. BURTON-LEE: No, I do not.

7 THE COURT: Okay. Thank you. And would you
8 like to proceed, Ms. Burton-Lee?

9 MS. BURTON-LEE: Yes. Thank you, your Honor.
10 In that the Commission has taken judicial notice of
11 the comments submitted to the Commission with regard
12 to these applications and that with that judicial
13 notice the comments become evidence in the record, the
14 Division has nothing further to submit.

15 If there are any questions we can swear
16 Mr. Slusher in and he can answer those questions.

17 THE COURT: Okay. Mr. Strenkowski, do you
18 have any questions for Mr. Slusher?

19 MR. STRENKOWSKI: Not at this time, your
20 Honor.

21 THE COURT: Okay. Thank you Ms. Burton-Lee.

22 Is there anyone here who wishes to oppose the
23 application that's pending before the Commission?

24 Noting no objections, does anyone have any
25 questions concerning this proceeding? And I'm

1 addressing this globally to anyone in the room or over
2 the telephone, realizing that those on the telephone,
3 it may be a little bit harder for them to understand
4 what's happening in the room.

5 Okay, I take that as no questions. I wish to
6 note for the record that in a case such as this which
7 is being examined under the Utah Code of Adminis --
8 the Utah Administrative Code Rule 746-349-7:

9 "If no objection to the proposed
10 transaction is submitted in any final
11 comments or reply comments the
12 Commission will presume that the
13 approval of the transaction is in the
14 public interest and use the information
15 contained in the application and
16 accompanying documents as evidence to
17 support a Commission order."

18 At this point we will adjourn the hearing and
19 an order will be forthcoming. If there are any
20 further questions, please let me know. Otherwise I
21 wish you all a very happy Thanksgiving, and thank you
22 very much.

23 (The hearing was concluded at 10:07 a.m.)

24 ***

25 ***

C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 6, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS 1st DAY OF December, 2011.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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