



State of Utah
Department of Commerce
Division of Public Utilities

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Executive Director

THAD LEVAR
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

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Lieutenant Governor

MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Ron Slusher, Utility Technical Consultant

Date: December 29, 2011

Re: In the Matter of the Application of Onvoy, Inc, d/b/a Onvoy Voice Service, 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. 11-2546-01.

RECOMMENDATION: (Approval)

The Division has reviewed the technical, managerial, and financial abilities of the Applicant and has found that the Applicant has provided the necessary information to fulfill the requirements as stated in the existing Commission rules. The Division believes that the public interest will be promoted by recommending that the Commission allow the Applicant a 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 that a filing of this type and with the information submitted by the company there will be no objections or opposition to this recommendation. Therefore, the Division request that this docket be adjudicated informally in accordance with R746-110-1.

EXPLANATION:

Onvoy, Inc, d/b/a Onvoy Voice Service (“Onvoy or Applicant”) filed an application for a certificate of public convenience and necessity (“CPCN”) on December 06, 2011. The Division reviewed the application and found the following:

Onvoy is a Minnesota corporation with its corporate headquarters located at 300 South Highway 169, Suite 700, Minneapolis, MN 55426-1137. Onvoy is a direct subsidiary of Zayo Group Holdings, Inc., a Delaware corporation.

The Applicant seeks statewide authority except within exchange areas with less 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. § 54-8b-2.1 (3) and (4). Specifically, The Applicant seeks authority as a reseller and facilities-based provider of interexchange and local exchange services in the service areas of CenturyLink and any other existing or future LECs providing service in Utah when they become available.

The Applicant's states that their customers are large enterprise customers and other carriers. They currently do not have plans to serve residential customers, but may do so if the market conditions warrant.

According to financial statements attested to be accurate, objective and with integrity by Scott Sawyer, General Counsel, of Onvoy, Inc., the Applicant has a positive net worth and has ample working capital.

The Applicant does not currently own property in the State of Utah and does not currently plan to construct any facilities in the state. The Applicant intends to offer a broad range of local telecommunications services through the use of their own facilities, resold facilities and through a combination of these provisioning methods. Applicant intends to commence negotiations with CenturyLink for an interconnection/commercial agreement immediately upon receiving approval from the Public Service Commission of Utah to operate as a local exchange telecommunications service provider in the State of Utah.

The Applicant does not plan to operate an office within Utah. They state that their current management team from its headquarters in Minneapolis, Minnesota will handle the responsibility for Utah operations.

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.

Summaries of professional experience and education of its managerial personnel demonstrate that the Applicant has considerable experience in the telecommunications industry. The Applicant is currently authorized to provide local exchange telecommunications services in California, Colorado, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Onvoy is also authorized to provide interstate and international telecommunications services by the Federal Communications Commission.

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 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: William J Evan, Parsons Behle & Latimer
Jean L. Kiddoo, Bingham McCutchen LLP
Brett P. Ferenchak, Bingham McCutchen LLP
Dahnelle Burton-Lee, Attorney, State of Utah