



State of Utah

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Public Service Commission

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RON ALLEN  
*Commissioner*

February 8, 2012

Mr. Thorvald A. Nelson  
*Counsel for Common Point, LLC*  
Holland & Hart LLP  
6380 South Fiddler's Green Circle, Ste. 500  
Greenwood Village, CO 80111

RE: Application of Common Point LLC for a Certificate of Public Convenience and Necessity to Provide Switched Access Service in the State of Utah; Docket No. 11-2547-01

Dear Mr. Nelson:

The Commission understands that Common Point LLC seeks a certificate of public convenience and necessity ("CPCN") solely to provide switched tandem access service in the State. The Commission further understands that Common Point LLC seeks to provide this service to wholesale retailers only and not to the public generally. Based on this description of the proposed service, Common Point LLC is not a "public utility" within the meaning of the Utah Code. Consequently, Common Point LLC's proposed service is within the jurisdiction of the Commission. Therefore, the requested CPCN is unnecessary.

Thank you for your inquiry. Please call if you have any further questions.

Sincerely,

/s/ Gary L. Widerburg  
Commission Secretary  
D#215261

cc: Division of Public Utilities  
Office of Consumer Services