

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----  
In the Matter of the Application of Peerless )  
Network of Utah, LLC for a Certificate of ) DOCKET NO. 12-2552-01  
Public Convenience and Necessity to )  
Provide Facilities-Based and Resold Local ) ORDER CANCELLING  
Exchange and Interexchange Services ) APPLICATION FOR CPCN  
-----

ISSUED: August 28, 2012

By The Commission:

ORDER

On July 26, 2012, the Commission held a scheduling conference in the above docket where it was determined that further clarification from the applicant, Peerless Network of Utah, LLC (“Peerless”), was needed to determine whether a certificate of public convenience and necessity (“CPCN”) was necessary. Peerless subsequently provided additional information to the Division of Public Utilities (“Division”), clarifying its application. Based on that clarification, the Division recommended the Commission cancel the application. See Division Memo, filed August 23, 2012.

The Division’s memo explains that it has reviewed the information submitted by Peerless and concludes that Peerless would not be required to obtain a CPCN for the services it plans to offer. According to the Division, Peerless intends its service to be facilities based and resold non-switched dedicated private line service to ILECs and CLECs, and it has no current plans to provide dial tone service to the general public or end user customers. Peerless will apply for a CPCN when it is warranted. Because Peerless is not presently planning to provide service to the general public, the Division recommends the Commission cancel the application.

DOCKET NO. 12-2552-01

- 2 -

Based on the Division's recommendation, and other good cause appearing, Peerless' application for a CPCN is hereby cancelled.

DATED at Salt Lake City, Utah, this 28<sup>th</sup> day of August, 2012.

/s/ Melanie A. Reif  
Administrative Law Judge

Approved and confirmed this 28<sup>th</sup> day of August, 2012, as the Order Cancelling Application for CPCN of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
D#233069

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the 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 fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, 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 Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28<sup>th</sup> day of August, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Patrick D. Crocker ([Patrick@crockerlawfirm.com](mailto:Patrick@crockerlawfirm.com))  
Crocker & Crocker

Daniel Meldazis ([dmeldazis@peerlessnetwork.com](mailto:dmeldazis@peerlessnetwork.com))  
Peerless Network of Utah, LLC

Patricia Schmid ([pschmid@utah.gov](mailto:pschmid@utah.gov))  
Justin Jetter ([jjetter@utah.gov](mailto:jjetter@utah.gov))  
Paul Proctor ([pproctor@utah.gov](mailto:pproctor@utah.gov))  
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111

Office of Consumer Services  
160 East 300 South, 2<sup>nd</sup> Floor  
Salt Lake City, Utah 84111

---

Administrative Assistant