



State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

To: Public Service Commission

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

Date: June 24, 2013

Re: In the Matter of the Matter of the Application of Access One, Inc. for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange and Interexchange Telecommunications Services in the State of Utah, Docket No.13-2564-01.

RECOMMENDATION (Approve):

The Division of Public Utilities (“Division”) has reviewed the technical, managerial, and financial abilities of the Access One, Inc. and has found that they have provided the necessary information to fulfill the requirements as stated in the existing Public Service Commission of Utah (“Commission”) rules. The Division believes that the public interest will be promoted by recommending that the Commission allow the Access One, Inc. a Certificate of Public Convenience and Necessity (“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:

Access One, Inc. (“Access One or Applicant”) filed an application for a CPCN on or about June 07, 2013. The Division reviewed the application and found the following: Access One, Inc. is a registered foreign corporation within the State of Utah, business entity number 1434382-0143. With its corporate headquarters located at 820 West Jackson Blvd., 6TH Floor, Chicago, IL 60607.

Access One 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. 5 54-8b-2.1 (3) and (4). Specifically, the Applicant seeks authority as a reseller local exchange services in the service areas of CenturyLink Communications, Inc. and any other existing or future services Local Exchange Carriers (“LECs”) providing service in Utah.

The Applicant current intentions are to provide a full range of telecommunications services to business customers. They do not plan to serve residential customers, but may do so in the future as market conditions warrant.

The Applicant does not plan to construct any facilities in the state. The Applicant intends to use the local loops and other existing network facilities where prudent of the local exchange incumbent provider.

The Applicant intends to commence negotiations with CenturyLink Communications for an interconnection/commercial agreement immediately upon receiving approval from the Commission to operate as a local exchange telecommunications service provider in the State of Utah.

Access One, will provide access to local exchange, toll, operator services, directory assistance, directory listings, and emergency services such as 911 and E911 either through facilities-based interconnection or resale services purchased directly from the LECs.

Summaries of professional experience and education of its managerial personnel demonstrate that the Applicant has considerable experience in the telecommunications industry.

According to financial statements attested to be accurate, objective and with integrity by Mark A. Jozwiak, President, of Access One, Inc. the Applicant has a positive net worth and has ample working capital.

The Applicant requests that the \$100,000 bond requirement be waived because it will not require customer deposits or prepayments of any kind.

Access One is currently authorized to provide local exchange telecommunications services in California, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin.

Access One states that they will comply with Utah law and the Federal Communications Commission's ("FCC's) regulations regarding how interexchange carriers may change a consumer's Primary Interexchange Carrier. They further state that they will also comply with the FCC's regulations regarding how carriers may change a consumer's primary local exchange provider.

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.

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: Patrick D. Crocker, Attorney for Access One, Inc.
Mark A Joziak, President, Access One, Inc.
Justin Jetter, Assistant Attorney General, State of Utah
Patricia Schmid, Assistant Attorney General, State of Utah
Cheryl Murray, Utility Analyst, Office of Consumer Services, State of Utah