

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application for)
Approval of Transfer of Ultimate Control of) DOCKET NO. 14-2458-01
LSSi Data Corporation to NewNet)
Communication Technologies, LLC) ORDER APPROVING TRANSFER OF
) CONTROL
)

ISSUED: January 12, 2015

This matter is before the Commission on the joint application of LSSi Data Corporation (LSSi), LSSi's parent company Volt Delta Resources, LLC, Volt Delta Resource Holdings, Inc., and NewNet Communication Technologies, LLC (NewNet) (collectively, Applicants) for approval of transfer of ultimate control of LSSi to NewNet. Applicants filed for Commission approval on December 4, 2014. The application contains all the information required by Utah Admin. Code R746-349-7(A)(1).

Pursuant to Utah Code Ann. § 54-4-30, the Commission issued notices of application and hearing on December 9, 2014, allowing for the submission of comments by any interested party regarding the application. No comments or objections were received.

On December 31, 2014, in response to a Commission action request, the Division of Public Utilities (Division) submitted a recommendation to approve the application. The Division's memo states: "The Division . . . has reviewed the joint application between LSSi . . . and NewNet . . . and believes that the public interest will be promoted by . . . allow[ing] . . . this . . . transfer of control."¹

On January 7, 2015, the Administrative Law Judge (ALJ) for the Commission held a hearing, pursuant to Utah Code Ann. § 54-4-30. Attorneys Mitchel H. Perkiel and Alan G.

¹ Division Memo at 1, filed December 31, 2014.

Poole appeared telephonically on behalf of the Applicants and were joined by Bob Williams; Rich Oldach, President of LSSi; Sharon Stern (Ms. Stern), Vice President, Legal Affairs for Volt Delta Resource Holdings, Inc.; James Hall, Executive Vice President and General Counsel for NewNet. Justin Jetter, Utah Assistant Attorney General, appeared for the Division, and was accompanied by Ron Slusher (Mr. Slusher), Utility Technical Consultant.

The ALJ took administrative notice of the application and memorandum filed by the Division recommending approval. Ms. Stern testified that the transaction is in the public interest.² Mr. Slusher testified on behalf of the Division in support of the application. Mr. Slusher further testified that a transfer of control in this docket is just, reasonable, and in the public interest.³ No one appeared at the hearing objecting to the application.

Under Utah Admin. Code R746-349-7, “[i]f no objection to the proposed transaction is submitted in any filed comments or reply comments, the Commission will presume that approval of the transaction is in the public interest and use the information contained in the application and accompanying documents as evidence to support a Commission order.” Utah Admin. Code R746-349-7(A)(3). Because there is no objection to the granting of the application, the Commission thus presumes the application for approval of transfer of ultimate control is in the public interest. Moreover, the Division’s memoranda and testimony provide additional support for approval of the application.

² Transcript of Hr’g at 9:13-18.

³ See id. at 11:10-13.

DOCKET NO. 14-2458-01

- 3 -

ORDER

For the foregoing reasons, the Commission approves the transfer of ultimate control of LSSi Data Corporation to NewNet Communication Technologies, LLC.

DATED at Salt Lake City, Utah, this 12th day of January, 2015.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and confirmed this 12th day of January, 2015, as the Order Approving Transfer of Control issued by the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

DW#263003

DOCKET NO. 14-2458-01

- 4 -

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 CERTIFY that on the 12th day of January, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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