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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**In the Matter of the Application** )  
**of New Horizons Communications Corp.** ) **DOCKET NO.**  
**for Certificate of Public** )  
**Convenience and Necessity to Provide** )  
**Telecommunications Services** )  
**in the State of Utah** )

**APPLICATION FOR CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY**

New Horizons Communications Corp., ("New Horizons" or "Applicant") by its undersigned counsel and pursuant to Chapter 8b of Title 54 of the Utah Code, Utah Admin. Code §§ 746-100 *et. seq.*, and the rules and regulations of the Utah Public Service Commission ("Commission"), hereby respectfully applies for a Certificate of Public Convenience and Necessity to Provide Telecommunications Services in the State of Utah. The Application submits the following information in support of this Application:

**1.** Applicant's legal name is New Horizon Communications Corp. Its principal place of business is located at:

420 Bedford Street, Ste. 250  
Lexington, Massachusetts 02420  
(781) 290-4600 (Phone)  
(800) 520-5812 and (866) 241-9423/repair (Customer Service)  
info@nhcgrp.com (E-mail)  
www.nhcgrp.com (Website)

2. R746-349-3(A)(16). Proof of authority to conduct business. New Horizons is incorporated in the State of Delaware and is in good standing under the laws of that state. The Applicant was incorporated on October 8, 2002 as New Horizons Communications Corp. A copy of New Horizon's articles of incorporation and bylaws are attached as **Exhibit 1**. The Applicant is authorized to do business as a foreign Corporation in the State of Utah. A copy of New Horizon's foreign authority is attached as **Exhibit 2**. New Horizons Communications Corp. is affiliated with NHC Resources, Inc.

3. Communication related to this Application should be directed to:

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info@telecomcounsel.com (E-mail)

4. Questions regarding ongoing operations should be directed to:

Glen Nelson, Vice President  
420 Bedford Street, Suite 250  
Lexington, Massachusetts 02420  
(781) 290-4600 (Phone)  
(800) 520-5812 and (866) 241-9423/repair (Customer Service)  
info@nhcgrp.com (E-mail)

5. New Horizon's registered agent in Utah is:

Corporation Service Company  
10 E South Temple, Suite 850  
Salt Lake City, Utah 84133

**6.** R746-349-3(A)(3). Facilities to be used. Applicant will not own switching or other facilities in Utah, but will utilize facilities and switches located in other portions of its operating service territory. New Horizons will utilize a combination of its own facilities, unbundled network elements (UNEs) or UNE-replacement services from incumbent local exchange carriers (ILECs) and other ILEC-provided services to provide local exchange services in Utah. Applicant already has existing interconnection and commercial agreements in place with Qwest; Applicant will seek to add Utah to its existing agreements.

**7.** R746-349-3(A)(4). Services to be offered.

**(A)** R746-349-3(A)(4)(a). Classes of customers. New Horizons proposes to offer local exchange telecommunications services to business customers in the state of Utah.

**(B)** R746-349-3(A)(4)(a). Location of service. New Horizons seeks authority to offer local exchange service statewide, with the exception of 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).

**(C)** R746-349-3(A)(4)(c). Services offered. New Horizons seeks authority to provide all types of resold- and facilities-based local exchange service to and from all points in Utah that are or become open to competition. New Horizons is specifically seeking authorization as a facilities- and reseller-based provider of local exchange services in the service area of Qwest. The Applicant seeks statewide authority so that it may expand to the service areas of other future or existing LECs when they become open to competition. New Horizons seeks authority to provide the following services:

- A. Local Exchange Services that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features.
- B. Switched local exchange services, including basic service, trunks, carrier access, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (e.g., private line) that currently exist or will exist in the

future.

- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, and other high capacity line services. (New Horizons' Services").

8. R746-349-3(A)(5). Access to standard services. New Horizons will have interconnection and commercial agreements with Qwest, and will obtain services such as operator services, directory assistance, directory listings, and emergency services such as 911 and E911. New Horizons has existing interconnection and commercial agreements with Qwest and will seek to add Utah to those agreements.

9. R746-349-3(A)(7). Professional experience and education of managerial personnel and personnel who will have responsibilities for Utah operations. New Horizons does not plan to operate an office in Utah. New Horizons' existing management team will handle Utah operations from its offices in Massachusetts. Biographical information for New Horizons' officers and directors are attached as **Exhibit 3**.

10. R746-349-3(A)(1), R746-349-3(A)(9)-(12). Financial ability. New Horizons has sufficient financial ability and access to capital to provide the proposed telecommunications services in Utah.

(A) R746-349-3(A)(10)(a)-(d). Financial statements. New Horizons has been providing telecommunications services since 2002 and is authorized to provide telecommunications services in 47 states and the District of Columbia. New Horizons' current operations provide a solid financial basis for the Company to operate and expand its business in Utah. Financial statements demonstrating New Horizons' financial ability, along with an attestation as to their accuracy, integrity, and objectivity, are attached as **Exhibit 4**. The information provided in Exhibit 5 is **PROPRIETARY AND CONFIDENTIAL**. As such it has been submitted separately, under seal, in an envelope marked "**Confidential – Subject to Utah**

**Public Service Commission Rule R746-100-16.”** New Horizons respectfully requests that this sensitive trade secret information be treated as confidential and not made available for public inspection, absent prior permission from New Horizons.

(B) R746-349-3(A)(11)(b). Sufficient projected and verifiable cash flow. See Section 11, below.

(C) R746-349-3(A)(2), R746-349-3(A)(11)(c). Bond requirement. New Horizons respectfully requests a waiver of the bond requirement in R746-349-3(A)(2). New Horizons will not require advance customer deposits in the state of Utah, and has a strong financial position and thus the risk to Utah customers is limited.

11. R746-349-3(A)(12). Five-year projection of expected operations.

(A) R746-349-3(A)(12)(a). Income and cash flow statements. New Horizons’ pro forma income statements and pro forma cash flow statements are attached as **Exhibit 5**. The information provided in Exhibit 6 is **PROPRIETARY AND CONFIDENTIAL**. As such it has been submitted separately, under seal, in an envelope marked “**Confidential-Subject to Utah Rule R746-100-16.**” New Horizons respectfully requests that this sensitive trade secret information be treated as confidential and not made available for public inspection, absent prior permission from New Horizons.

(B) R746-349-3(A)(12)(b). Types of technology to be deployed in Utah. New Horizons will not own any switching or other facilities in Utah, but will utilize its facilities and switches located in other portions of its operating service territory. New Horizons will utilize a combination of its own facilities, UNEs or UNE-replacement services from ILECs, and other ILEC-provided services to provide local exchange services in Utah. Applicant already has existing interconnection and commercial agreements in place with Qwest. Applicant will seek to add Utah to that existing agreement.

(C) 11(c). R746-349-3(A)(12)(c). Maps of proposed locations of facilities. As stated above, New Horizons will not own switching or other facilities in Utah, and thus this is not applicable.

**12.** R746-349-3(A)(6), R746-349-3(A)(13). Implementation schedule. New Horizons proposes to begin providing services in Utah as soon as it is authorized to do so.

**13.** R746-349-3(A)(1), R746-349-3(A)(14). Sufficient managerial and technical ability to provide telecommunications services. New Horizons has extensive experience in providing telecommunications services, and is authorized to provide local exchange and interexchange services in Alabama, Arkansas, California, Colorado, Connecticut, Washington D.C., Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Applicant is authorized to provide only interexchange services Kansas, South Dakota, and Utah. Applicant is a reseller of long distance service in Utah as of October 27, 2006. New Horizons will rely upon existing financial, personnel and technological resources to provide the proposed local exchange services.

New Horizons has complied with or will comply with all legal requirements to act as a telecommunications corporation and to provide public telecommunications services in the State of Utah.

**14.** R746-349-3(A)(1), R746-349-3(A)(15). Public interest. New Horizons' expansion of services into the Utah marketplace would be in the public interest. The additions of New Horizons' local services in Utah will increase the competitive pressure felt by the existing local carriers, spurring them to lower costs and improve services. Numerous companies in Utah will

compete with New Horizons, if granted authorization to provide service in Utah, thus increasing competitive choice for consumers.

**15.** R746-349-3(A)(17). Complaints or investigations of unauthorized switching, or other illegal activities of the applicant or any of its affiliates. None.

**16.** R746-349-3(A)(17). Written policies regarding the solicitation of new customers and efforts to prevent unauthorized switching. New Horizons has detailed anti-slamming measures in place, additional information is attached as **Exhibit 6**.

WHEREFORE, New Horizons Communications Corp. respectfully requests that the Commission grant a Certificate of Public Convenience and Necessity to provide telecommunications services in the state of Utah

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
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