

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Request of Talk America Services, LLC for an Amendment to its Certificate of Public Convenience and Necessity	<u>DOCKET NO. 15-2236-01</u>
In the Matter of the Application of Talk America Services, LLC for a Certificate of Public Convenience and Necessity to Provide Resold Local Exchange and Interexchange Telecommunications Services in the State of Utah	<u>DOCKET NO. 14-2236-01</u> <u>ORDER</u>

ISSUED: October 1, 2015

BACKGROUND

On November 25, 2014, in Docket No. 14-2236-01, the Public Service Commission of Utah (Commission) issued Talk America Services, LLC (Talk America) a Certificate of Public Convenience and Necessity (Certificate 2236). The order granting Certificate 2236 included a finding that the application, as filed, was specifically "for authority to compete as a telecommunications corporation providing resold local exchange and interexchange telecommunications services within Utah."

To date, Talk America has restricted its operations to resold local exchange and interexchange telecommunications services. However, it anticipates expanding its operations to include facilities-based local exchange services. Therefore, on September 17, 2015, Talk America requested that its Certificate 2236 be amended to include authorization to provide facilities-based local exchange services, even though the initial application specified that the company operated solely as a reseller.

On September 21, 2015, the Division of Public Utilities (Division) issued a memorandum to the Commission, stating that the existing Certificate 2236 is stated broadly enough to allow Talk America to operate as it proposes to do. However, the Division does not appear to oppose the Commission's issuing an amended Certificate.

ANALYSIS

The Commission agrees with the Division that Talk America may operate in the facilities-based market without exceeding the limits of its authority, as set forth in Certificate 2236. However, the Commission values clarity and is willing to grant Talk America an Amended Certificate of Public Convenience and Necessity in order to foreclose any possible confusion or argument.

ORDER

Certificate of Public Convenience and Necessity 2236, issued to Talk America Services, LLC on November 25, 2014, in Docket No. 14-2236-01, is amended to specify that the authority granted to Talk America Services, LLC allows it to provide facilities-based local exchange services within the CenturyLink service area. The Amended Certificate is attached as Exhibit A.

DATED at Salt Lake City, Utah, this 1st day of October, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#269692

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.

EXHIBIT A

In the Matter of the Request of Talk America Services, LLC for an Amendment to its Certificate of Public Convenience and Necessity	<u>DOCKET NO. 15-2236-01</u>
In the Matter of the Application of Talk America Services, LLC for a Certificate of Public Convenience and Necessity to Provide Resold Local Exchange and Interexchange Telecommunications Services in the State of Utah	<u>DOCKET NO. 14-2236-01</u> <u>AMENDED CERTIFICATE 2236</u>

ISSUED: October 1, 2015

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-8b-2.1, issues an Amended Certificate of Public Convenience and Necessity authorizing Talk America Services, LLC to provide public telecommunications services within the State of Utah, excluding those local exchanges of less than 5,000 access lines that are owned or controlled by an incumbent telephone corporation with fewer than 30,000 lines in the state.

The authority granted under this Amended Certificate 2236 allows Talk America Services, LLC to provide resold local exchange and interexchange telecommunications services, as well as facilities-based local exchange services.

DOCKET NOS. 15-2236-01 and 14-2236-01

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DATED at Salt Lake City, Utah, this 1st day of October, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

CERTIFICATE OF SERVICE

I CERTIFY that on the 1st day of October, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

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