

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application to Transfer)
Customers of Impact Telecom, Inc. to Matrix) DOCKET NO. 15-2452-01
Telecom, Inc.) ORDER APPROVING TRANSFER OF
) CUSTOMERS
)
)

ISSUED: April 28, 2015

This matter is before the Commission on the application of Impact Telecom, Inc. (Impact) and Matrix Telecom, Inc. d/b/a Matrix Business Technologies d/b/a VarTec Telecom (collectively, Matrix) for approval of the transfer of Impact’s customers to Matrix. Applicants filed for Commission approval on March 10, 2015.

The Commission issued notices of application and hearing on March 13, 2015, allowing for the submission of comments by any interested party regarding the application. No comments or objections were received.

On March 26, 2015, 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 Impact . . . and Matrix . . . and believes that the [transfer of customers is in] the public interest[.]”¹

On April 17, 2015, the Administrative Law Judge for the Commission held a hearing in this docket. Thomas Forte appeared telephonically on behalf of Matrix. Justin Jetter appeared for the Division, and was accompanied by Paul Hicken, utility analyst.

¹ Division Memo at 1, filed March 26, 2015.

The Commission took administrative notice of the application and the recommendation filed by the Division recommending approval. Mr. Forte testified on behalf of Matrix and offered the following summary of why the transaction is in the public interest:

. . . The merger . . . between Impact and Matrix is . . . in the public interest[.] [I]n fact . . . , Matrix is a subsidiary of Impact. . . [T]his is a *pro forma* corporate reorganization. . . [S]o now Matrix will be the only company providing telecom services to . . . customers. . . [C]ustomers will not be harmed because [they] will still [receive] the same service [as they did before the reorganization]....

Hr'g Tr. 5:3-14.

Mr. Hicken testified on behalf of the Division in support of the application. Mr. Hicken further testified that approval of the application is in the public interest. *See id.* at 7:14-19. 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 presumes the application for approval of the transfer of customers and certain assets is in the public interest. Moreover, the Division’s memoranda and testimony provide additional support for approval of the application.

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ORDER

For the foregoing reasons, the Commission approves the transfer of Impact's customers to Matrix Telecom, Inc.

DATED at Salt Lake City, Utah, this 28th day of April, 2015.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and confirmed this 28th day of April, 2015, as the Report and Order 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#265882

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 28th day of April, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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