

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application of
Onvoy, LLC, The Broadvox Holding
Company, LLC, and Broadvox-CLEC, LLC
for Approval of Transfer of Control

DOCKET NO. 15-2546-01

DOCKET NO. 15-2515-01

ORDER APPROVING TRANSFER OF
CONTROL

ISSUED: July 13, 2015

This matter is before the Commission on the joint application of Onvoy, LLC (Onvoy), The Broadvox Holding Company, LLC, and Broadvox-CLEC, LLC (Broadvox-CLEC) for approval of transfer of control of Broadvox-CLEC to Onvoy. Applicants filed for Commission approval on June 12, 2015. The application contains all the information required by Utah Admin. Code R746-349-7(A)(1).

On June 12, 2015, the Commission issued notices of application and hearing, allowing for the submission of comments by any interested party regarding the application. No comments or objections were received.

On June 22, 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 Onvoy . . . and Broadvox-CLEC . . . and believes that the public interest will be promoted by . . . allow[ing] . . . this . . . [t]ransfer of [c]ontrol."¹

On June 30, 2015, the Administrative Law Judge for the Commission held a hearing in this docket. Bill Evans appeared on behalf of applicants, and was joined telephonically by Mary

¹ Division Memo at 1, filed June 22, 2015.

Buley, senior regulatory and interconnection manager for Onvoy, and Alex Gertsburg, executive vice president and general counsel of Broadvox. Justin Jetter, Utah Assistant Attorney General, appeared for the Division, and was accompanied by Bill Duncan, manager of the telecommunications section.

The applicants both testified in support of the application. Ms. Buley offered the following summary on why this transaction is in the public interest:

This transaction will bring together two companies that have long been committed to excellence in a highly competitive marketplace. Their combined financial, technical, and managerial expertise will allow them to better serve the local, national, and global needs of wholesale buyers, business enterprises, and other customers in Utah and to better compete in the marketplace for telecommunications services.

The transfer of control will not result in any immediate change in rates, terms or conditions for Broadvox customers who will continue to receive the same high quality services they were receiving before the transaction.²

Mr. Gertsburg agreed with Ms. Buley's statement and further testified:

The Broadvox transaction is in the public interest. It will increase the economic efficiency of the combined company and will enhance competition in Utah among competitive local exchange carriers to the benefit of all customers in Utah. The transaction will be transparent to Broadvox customers who will receive [the] same services and quality of service they have come to expect without any change to service offerings, rates or terms and conditions.³

Mr. Duncan testified that approval of the application would be just, reasonable, and in the public interest.⁴ No one appeared at the hearing objecting to the application.

² Hr'g Tr. 10:5-16, June 30, 2015.

³ *See id.* at 13:17-25.

⁴ *See id.* at 16:2-5.

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 transfer of control is in the public interest. Moreover, the Division’s memoranda and testimony provide additional support for approval of the application.

ORDER

For the foregoing reasons, the Commission approves the transfer of control of Broadvox-CLEC, LLC to Onvoy, LLC.

DATED at Salt Lake City, Utah, this 13th day of July, 2015.

/s/ Melanie A. Reif
Administrative Law Judge

DOCKET NOS. 15-2456-01 and 15-2515-01

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Approved and confirmed this 13th day of July, 2015, as the Order Approving Transfer of Control issued by the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#267418

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 13th day of July, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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