

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application of X5 Solutions, Inc. and X5 OpCo LLC for Approval of Asset and Customer Transfer Transaction

DOCKET NO. 15-2580-02
ORDER APPROVING TRANSFER OF CUSTOMERS AND ASSETS

ISSUED: June 2, 2015

This matter is before the Commission on the joint application of X5 Solutions, Inc. (X5 Solutions) and X5 OpCo LLC (X5 OpCo) for approval to transfer the customers and assets of X5 Solutions to X5 OpCo.

The Commission issued notices of application, comment period, and hearing on March 26, 2015, allowing for the submission of comments by any interested party regarding the application. No comments or objections were received.

On April 21, 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 X5 Solutions . . . and X5 OpCo . . . and believes that [the transfer of customers and assets is in] . . . the public interest[.]"¹

On May 7, 2015, the Administrative Law Judge for the Commission held a hearing in this docket. Greg Monson appeared on behalf of applicants, and was joined telephonically by Robert Kristjanson and Barbara Meyer. Justin Jetter appeared for the Division, and was accompanied by Ron Slusher, utility analyst.

¹ Division Memo at 1, filed April 21, 2015.

Both the applicants and the Division testified in support of the application. 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.

ORDER

For the foregoing reasons, the Commission approves the transfer of customers and assets of X5 Solutions, Inc. to X5 OpCo LLC.

DATED at Salt Lake City, Utah, this 2nd day of June, 2015.

/s/ Melanie A. Reif
Administrative Law Judge

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Approved and confirmed this 2nd day of June, 2015, as the Report and Order issued by the Public Service Commission of Utah.

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#266633

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 2nd day of June, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

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