

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Local Access LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange and Access Telecommunications Services in the State of Utah	<u>DOCKET NO. 15-2584-01</u> <u>REPORT AND ORDER</u>
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ISSUED: December 16, 2015

SYNOPSIS

The Commission approves the application of Local Access LLC (Local Access) for a Certificate of Public Convenience and Necessity and authorizes Local Access to provide facilities-based and resold local exchange and access telecommunications services within Utah.

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PROCEDURAL HISTORY

Local Access filed its application on November 9, 2015, seeking a certificate of public convenience and necessity (Certificate) for authority to provide facilities-based and resold local exchange and access telecommunications services within Utah. The application contains detailed information regarding the technical, financial, and managerial resources and abilities of Local Access to provide the public telecommunications services it seeks to offer.

On December 2, 2015, the Division of Public Utilities (Division) filed a memorandum recommending approval of the application. In its memorandum, the Division noted the following:

1. Approval of Local Access's application will serve the public interest by creating and enhancing competition and expanding customer service options. Additionally, approving

DOCKET NO. 15-2584-01

- 2 -

the application will expand the availability of innovative, high quality, reliable, and competitively-priced telecommunications services in the State of Utah.

2. Local Access intends to operate in CenturyLink/Qwest's non-rural ILEC service area. Therefore, Local Access will not operate in any area considered rural or within an area of an incumbent with less than 30,000 total access lines.
3. Local Access provides only wholesale access for other CLECs and VOIP providers, consistent with the exchange maps CenturyLink has on file with the Commission.
4. Local Access will not provide operator services, directory assistance, directory listing, or emergency 911 and E911 services.
5. Local Access will not provide IntraLATA or InterLATA message toll services; however, it will provide other carriers with the ability to provide message toll services.
6. It is permissible and appropriate to waive the \$100,000 bond requirement in this docket, because Local Access will not require customer deposits or prepayments.

On December 15, 2015, the Commission held a hearing in this docket. Kenny Perkins, appeared telephonically on behalf of Local Access. Justin Jetter, Utah Assistant Attorney General, appeared on behalf of the Division, accompanied by Ron Slusher, utility analyst. According to the testimony given at hearing, the parties agree that approval of the application is in the public interest.

In light of the foregoing, the Commission enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. There are no intervenors in this docket. There has been no opposition to the application.
2. Local Access has filed documentation containing sufficient information to support the application.
3. Local Access has demonstrated that it is qualified to do business in Utah.
4. Local Access proposes to provide public telecommunications services in CenturyLink/Qwest's non-rural ILEC service area.
5. Local Access will utilize its managerial expertise to support its Utah operations.
6. Local Access has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. Local Access has a positive net worth and ample working capital for its Utah operations.
8. In providing intrastate services, Local Access will be subject to competition from other certified telecommunications service providers.
9. Local Access's service offerings will provide customers with a wider range of choice in meeting their telecommunications needs and will support the development of competition.
10. Local Access will not require customer deposits or offer any prepaid services in Utah.

Therefore, Local Access requests that the Commission waive the \$100,000 bond requirement set forth in Utah Administrative Code R746-349-3(A)(2).

CONCLUSIONS OF LAW

1. Local Access meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested Certificate.
2. Local Access's request to be exempted from the \$100,000 bond requirement is in accord with Commission practice and is in the public interest.
3. Issuance of the requested Certificate to provide public telecommunications services, as described in the application, is in accord with the legislative policy set forth in Utah Code Ann. §§ 54-8b-1.1 *et seq.*, and is in the public interest.

ORDER

In light of the Findings and Conclusions set forth above, the Commission ORDERS:

- a. Local Access LLC is granted the Certificate attached as Exhibit A, which exhibit is incorporated by reference into this Order as if fully set forth.
- b. Local Access LLC's Certificate is subject to the limitations stated therein.
- c. Local Access LLC shall provide reports to the Commission and to the Division after meeting with the Division to determine what information is required in order for the Division to exercise its statutory obligations.
- d. Within 30 days of the effective date of this order, Local Access LLC shall file in this docket a notice:
  - i. affirming that it has met with the Division as required herein; and
  - ii. listing the information that Local Access LLC will file with the Division in each annual report.

DOCKET NO. 15-2584-01

- 5 -

- e. Local Access LLC is exempted from the \$100,000 bond requirement set forth in Utah Administrative Code R746-349-3(A)(2).

Any person may file a protest in regard to this Order within 20 days from the date of issuance. If the Commission finds the protest to be meritorious, the effective date shall be suspended pending further proceedings. Otherwise, this order shall take effect 20 days from the signature date below.

DATED at Salt Lake City, Utah, this 16<sup>th</sup> day of December, 2015.

/s/ Jennie T. Jonsson  
Administrative Law Judge

Approved and confirmed this 16<sup>th</sup> day of December, 2015 as the Order of 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#270960

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

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the State of Utah

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DOCKET NO. 15-2584-01

CERTIFICATE 2584

ISSUED: December 16, 2015

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-8b-2.1, issues a Certificate of Public Convenience and Necessity authorizing Local Access LLC to provide public telecommunications services within the State of Utah, subject to the following limitations:

1. Local Access LLC may not operate outside of CenturyLink/Qwest's non-rural ILEC service area.
2. Local Access LLC may not operate in any area considered rural or within an area of an incumbent with less than 30,000 total access lines.
3. Local Access LLC shall limit its operations to the provision of wholesale access for other CLECs and VOIP providers.

DATED at Salt Lake City, Utah, this 16<sup>th</sup> day of December, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary

DW#270960

CERTIFICATE OF SERVICE

I CERTIFY that on the 16<sup>th</sup> day of December, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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Administrative Assistant