



State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THOMAS BRADY
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

GARY HERBERT.
Governor
SPENCER J. COX
Lieutenant Governor

MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Ron Slusher, Utility Technical Consultant

Date: May 12, 2016

Re: In the Matter of the Application of Mobilitie, LLC and Utah Transmission Network Company, LLC for Approval of *Pro Forma* Transfer of Certificate to Provide Public Telecommunications Services in Utah to Utah Transmission Network Company, LLC, Docket No. 16-2530-01.

RECOMMENDATION (Reject):

The Division of Public Utilities (“Division”) has reviewed the joint application between Mobilitie, LLC. and Utah Transmission Network Company, LLC for the *Pro Forma* Transfer of the Certificate to Provide Public Telecommunications Services (“CPCN”) of Mobilitie, LLC. to Utah Transmission Network Company, LLC. The Division recommends that the Public Service Commission (“Commission”) reject this request. CPCNs are issued by the Commission to a specific business entity based on their qualifications and therefore, non-transferable.

The Division would also like to clarify for the Commission, that Mobilitie, LLC. was issued a CPCN because of its need to have access to the rights of way, the ability to attach to utility poles, and an easier path to enter into interconnection agreements. A company providing the types of services Mobilitie, LLC. provides do not fall under services that would be regulated in the State of Utah.

Because of the reasons stated for Mobilitie, LLC getting a CPCN, the Division would recommend that Utah Transmission Network Company, LLC apply for a CPCN for those same reasons.

EXPLANATION:

On or about April 20, 2016, Mobilitie, LLC (“Mobilitie”) and Utah Transmission Network Company, LLC (“Utah Transmission”) notified the Commission of a transaction, which will result in *Pro Forma* Transfer of Mobilitie, LLC’s CPCN to Utah Transmission Network Company, LLC.

Mobilitie, LLC is a Nevada limited liability corporation headquartered at 2220 University Drive, Newport Beach, California 92660. Mobilitie is authorized to provide public telecommunications services in the State of Utah by the Commission on October 06, 2010, Docket No. 10-2530-01. Mobilitie designs, builds, and operates network and infrastructure to deliver optimal wireless coverage. Mobilitie's complete wireless infrastructure solutions include funding, designing, building, operating, and maintaining neutral host outdoor and indoor distributed antenna systems (DAS), small cells, Wi-Fi, and communication towers.

Utah Transmission Network Company, LLC is a Delaware limited liability company headquartered at 3972 Barranca Parkway, Suite J-606, Irvine, California 92606. Utah Transmission is a newly formed company, it is not currently authorized or registered to provide telecommunications services in any jurisdiction. Utah Transmission is a wholly-owned, indirect subsidiary of Mobilitie, LLC.

Utah Transmission Network Company, LLC does not currently have a CPCN. CPCNs are issued by the Commission to a specific business entity based on their qualifications and therefore, non-transferable. The Division recommends that the Public Service Commission reject this request for a transfer of control and the transfer of Mobilitie, LLC’s CPCN.

cc. Jim Grass, Vice President – Corporate Counsel, Mobilitie, LLC
Dave Garner, Vice President, Utah Transmission Network Company, LLC
Adam R. Baird, Counsel for Applicants
Michael P. Donahue, Counsel for Applicants
Justin Jetter, Assistant Attorney General, State of Utah
Cheryl Murray, Utility Analyst, Office of Consumer Services, State of Utah