

May 23, 2016

VIA FEDERAL EXPRESS & EMAIL

Gary Widerburg
Commission Secretary
Public Service Commission of Utah
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
psc@utah.gov

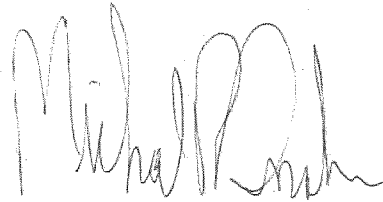
Re: In the Matter of the Application of Mobilitie, LLC and Utah Transmission Network Company, LLC for Approval of *Pro Forma* Transfer of Certificate to Provide Public Telecommunications Services in Utah to Utah Transmission Network Company, LLC (Docket No. 16-2530-01) – *Motion to Withdraw Application*

Dear Mr. Widerburg:

On behalf of Mobilitie, LLC ("Mobilitie") and Utah Transmission Network Company, LLC ("Utah Transmission Network Company") (collectively, the "Applicants") transmitted herewith are one (1) original and five (5) copies of the Applicants' Motion to Withdraw their Joint Application for the *Pro Forma* Transfer of Mobilitie's Certificate to Provide Public Telecommunications Services in Utah to Utah Transmission Network Company ("Motion"). The Motion has been signed by the Applicant's Utah Counsel, Adam R. Baird.

Please date-stamp the duplicate of this filing, and return it in the self-addressed, postage-prepaid envelope. Should you have any questions regarding this transmittal, please do not hesitate to contact the undersigned.

Respectfully submitted,



Michael P. Donahue

Counsel for the Applicants

Enclosures

**Before the
PUBLIC SERVICE COMMISSION OF UTAH**

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

MOTION TO WITHDRAW APPLICATION

Mobilitie, LLC (“Mobilitie”) and Utah Transmission Network Company, LLC (“Utah Transmission Network Company”) (collectively, the “Applicants”), by undersigned counsel and pursuant to the Rules of the Public Service Commission of Utah (“Commission”), hereby move for permission to withdraw their application for approval of the transfer Mobilitie’s Certificate of Public Convenience and Necessity (“CPCN”) to provide public telecommunications services in the State of Utah to Utah Transmission Network Company, filed with the Commission on April 19, 2016 in the above-captioned proceeding (“Application”).

By letter dated May 12, 2016, the Utah Department of Commerce – Division of Public Utilities (“Division of Public Utilities”) staff recommended that the Commission reject the Application on the grounds that “CPCNs are issued by the Commission to a specific business entity based on their qualifications and therefore, non-transferable.”¹ Furthermore, the Division

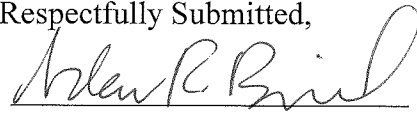
¹ Letter from Chris Parker, Director, Utah Department of Commerce – Division of Public Utilities, *et al.* to Utah Public Service Commission, *In the Matter of the Application of Mobilitie, LLC and Utah Transmission Network Company, LLC for Approval of Pro Forma Transfer of Certificate to Provide Public Telecommunications Services in Utah to Utah Transmission Network Company, LLC* (Docket No. 16-2530-01), at 1 (May 12, 2016).

of Public Utilities staff recommended that Utah Transmission Network Company apply for its own CPCN.²

In light of the Division of Public Utilities staff's recommendations, the Applicants are no longer contemplating the proposed transaction detailed in the Application. Accordingly, Mobilitie shall continue to provide telecommunications services in the State of Utah pursuant to its CPCN. Furthermore, Utah Transmission Network Company does not intend to seek a CPCN to provide such services in the state at this time.

WHEREFORE, Mobilitie, LLC and Utah Transmission Network Company, LLC hereby request that the Commission grant their motion to withdraw the Application filed in the above-captioned proceeding for the reasons stated herein.

Respectfully Submitted,



Adam R. Baird, USB #13491
Kutak Rock LLP
510 W. Riverside, Suite 800
Spokane, WA 99201-0506
Tel: (509) 747-4040
Fax: (509) 747-4545
Email: Adam.Baird@KutakRock.com

Michael P. Donahue
Keenan P. Adamchak
Marashlian & Donahue, PLLC
1420 Spring Hill Road, Suite 401
McLean, VA 22102
Tel: (703) 714-1319
Fax: (703) 563-6222
Email: mpd@commlawgroup.com
kpa@commlawgroup.com

Counsel for Applicants

Dated: May 16, 2016

² *Id.*