

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application of Onvoy, LLC; Neutral Tandem-Utah, LLC; and Inteliquent, Inc. for Approval of Transfer of Indirect Control	<u>DOCKET NOS. 16-2546-02</u> <u>and 16-2478-01</u> <u>ORDER APPROVING JOINT</u> <u>APPLICATION</u>
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ISSUED: December 27, 2016

This matter is before the Public Service Commission of Utah (PSC) on a joint application filed by Onvoy, LLC (Onvoy); Neutral Tandem-Utah, LLC (Neutral Tandem); and Inteliquent, Inc. (Inteliquent). The Applicants request PSC approval to transfer indirect control of Neutral Tandem to Onvoy.

On December 1, 2016, in response to a PSC action request, the Division of Public Utilities (Division) recommended that the application be approved. In recommending approval, the Division stated:

The Applicants submit that the transaction ... will serve the public interest. The transaction will bring together two successful carrier organizations that have proven themselves in a highly competitive marketplace. The transaction will help create a stronger competitor by bringing together each organization's respective strengths. Operating as an integrated company will allow each of the operating companies to be more competitive and to deliver greater value and variety of services to their customers than they do individually.

The PSC issued notices of filing, comment period, and hearing on November 17, 2016. No comments were received during the comment period. The Administrative Law Judge for the Commission held a hearing on December 21, 2016. William Evans, Parsons Behle & Latimer, appeared as counsel for the Applicants, joined telephonically by Mary Buley, Senior Regulatory Manager for Onvoy; and John Harrington, Senior Vice President of Regulatory, Litigation, and

Human Resources for Inteliquent. Assistant Attorney General Justin Jetter appeared for the Division, joined by Ron Slusher, utility technical analyst.

At hearing, the joint application, including all exhibits, and the Division's written comments were entered into the record, as were the following supplemental exhibits:

Applicants' Supplemental Exhibit 1: Public Notice from the FCC establishing a streamlined pleading cycle for the Domestic Section 214 Application of Onvoy and Inteliquent, dated November 22, 2016.

Applicants' Supplemental Exhibit 2: Notice from the Georgia Public Service Commission that no further action of the Georgia Commission is required on the Application of Onvoy and Inteliquent, et al., relating to financing for the proposed Indirect Transfer of Control.

Applicants' Supplemental Exhibit 3: Correspondence from the Louisiana Public Service Commission, notifying the Joint Applicants that their request for Transfer of Indirect Control has been deemed approved.

Ms. Buley and Mr. Harrington testified that there has been no opposition to the Applicants' petition with the FCC for approval of the proposed transaction. Applicants' witnesses further testified that parallel dockets have been filed in other states, and that no state regulatory body or other interested person has objected to the proposed transfer of control.

Mr. Slusher testified on behalf of the Division that the transaction described in the application appears to be in the public interest.

No one appeared at the hearing to object to the application.

Pursuant to Utah Admin. Code R746-349-7(A)(3):

If 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.

There is no objection to the granting of the application. Therefore, under Utah Admin. Code R746-349-7(A)(3) and in light of the comments and testimony of record, the PSC presumes the application to be in the public interest.

ORDER

Given the foregoing, the Public Service Commission of Utah approves the joint application of Onvoy, LLC; Neutral Tandem-Utah, LLC; and Inteliquent, Inc. to transfer indirect control of Neutral Tandem-Utah, LLC to Onvoy, LLC.

DATED at Salt Lake City, Utah, December 27, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed December 27, 2016 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#290958

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 December 27, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

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