

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of ExteNet Systems, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange and Interexchange Services within the State of Utah	<u>DOCKET NO. 16-2586-01</u> <u>REPORT AND ORDER</u>
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ISSUED: March 9, 2016

SYNOPSIS

The Commission approves the application of ExteNet Systems, Inc. (ExteNet) for a Certificate of Public Convenience and Necessity and authorizes ExteNet to provide limited facilities-based and resold local exchange and access telecommunications services within Utah.

PROCEDURAL HISTORY

On January 5, 2016, ExteNet filed an application seeking a certificate of public convenience and necessity (Certificate) for authority to provide facilities-based and resold local exchange telecommunications services within Utah. The application contains detailed information regarding the technical, financial, and managerial resources and abilities of ExteNet to provide the services it seeks to offer.

On February 9, 2016, the Division of Public Utilities (Division) filed a memorandum recommending approval of the application.¹ In its memorandum, the Division noted the following:

¹ The Division initially opposed ExteNet's application. *See* the memorandum filed by the Division on January 29, 2016. However, on further review, the Division withdrew its opposition.

1. ExteNet proposes to operate a distributed antenna system, providing transport and backhaul services to other carriers, including wireless telecommunication service providers.
2. ExteNet's distributed architecture is designed to support multiple wireless carriers within a defined network and using a shared infrastructure.
3. ExteNet's customers are wireless carriers and wired and wireless internet service providers. ExteNet will not furnish switched voice services or dial tone, and will not provide service to any end user customer.

On March 8, 2016, the Commission held a hearing in this docket. Anita Taff-Rice, appeared telephonically on behalf of ExteNet, accompanied by Jay Noceto, vice president of external relations for ExteNet. Justin Jetter, Utah Assistant Attorney General, appeared on behalf of the Division, accompanied by Ron Slusher, Division 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. ExteNet has filed documentation containing sufficient information to support the application.
3. ExteNet has demonstrated that it is qualified to do business in Utah.

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4. ExteNet proposes to support other carriers that provide cellular service and internet access to the public.
5. ExteNet will utilize its managerial expertise to support its Utah operations.
6. ExteNet has sufficient technical resources and abilities to provide the services it proposes to offer.
7. ExteNet has a positive net worth and ample working capital for its Utah operations.
8. ExteNet will not require customer deposits or offer any prepaid services in Utah.

Therefore, ExteNet 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. ExteNet meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested Certificate.
2. ExteNet'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 wireless telecommunications and internet support 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. ExteNet Systems, Inc. is granted the Certificate attached as Exhibit A, which exhibit is incorporated by reference into this Order as if fully set forth.

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- b. ExteNet Systems, Inc.'s Certificate is subject to the limitations stated therein.
- c. ExteNet Systems, Inc. shall provide annual 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, ExteNet Systems, Inc. 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 ExteNet Systems, Inc. will file with the Division in each annual report.
- e. ExteNet Systems, Inc. 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, March 9, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

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Approved and confirmed March 9, 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#272207

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

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

<p>In the Matter of the Application of ExteNet Systems, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange and Interexchange Services within the State of Utah</p>	<p><u>DOCKET NO. 16-2586-01</u></p> <p><u>CERTIFICATE 2586</u></p>
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ISSUED: March 9, 2016

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

1. ExteNet Services, Inc. shall limit its operations to the creation and administration of a distributed antenna system through which it may provide transport and backhaul services to other carriers.
2. ExteNet Services, Inc. may not offer telecommunications services to the general public.
3. ExteNet Services, Inc. shall apply for an amended Certificate if it chooses to expand its service offerings to include public telecommunications services as defined in Utah Code § 54-8b-2(16).

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DATED at Salt Lake City, Utah, March 9, 2016.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#272207

CERTIFICATE OF SERVICE

I CERTIFY that on March 9, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By E-Mail:

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