

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Application of  
**Mobilitie Management, LLC,**  
for a Certificate of Public Convenience and  
Necessity to Provide Local Exchange  
Telecommunications Services in the State of Utah

DOCKET No. \_\_\_\_\_

**APPLICATION**

Mobilitie Management, LLC ("Applicant"), by its undersigned counsel and pursuant to Chapter 8b of Title 54 of the Utah Code, Utah Admin. Code § 746-100 *et seq.*, and the rules and regulations of the Utah Public Service Commission ("Commission"), hereby applies for a Certificate of Public Convenience and Necessity to authorize Applicant to provide facilities-based and resold local exchange telecommunications service in the State of Utah. In support of this Application, Applicant states the following:

**I. GENERAL INFORMATION**

- A. Applicant's legal name is Mobilitie Management, LLC. Applicant is a Delaware Limited Liability Company, and was authorized to do business in the State of Utah on January 28, 2016 (Utah Business Entity Number: 9679592-0161). Copies of Applicant's Articles of Formation and authority to transact business as a foreign corporation are attached hereto as **Exhibit A.**
  
- B. Applicant may be reached at its principal place of business at:

Mobilitie Management, LLC  
2220 University Drive  
Newport Beach, CA 92660  
Toll-Free Number: (877) 999-7070  
[Email: solutions@mobilitie.com](mailto:solutions@mobilitie.com)

## II. CONTACT INFORMATION

### A. Correspondence or communications pertaining to this Application should be directed to:

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

*with a copy to:*

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

### B. Questions concerning Applicant's ongoing operations and regulatory compliance should be directed to:

Mobilitie Management, LLC  
2220 University Drive  
Newport Beach, CA 92660  
Toll-Free Number: (877) 999-7070  
[Email: solutions@mobilitie.com](mailto:solutions@mobilitie.com)  
Attn: Ethan Rogers

### C. Customer inquiries and complaints should be directed to:

Mobilitie Management, LLC  
2220 University Drive  
Newport Beach, CA 92660  
Toll-Free Number: (877) 999-7070  
[Email: solutions@mobilitie.com](mailto:solutions@mobilitie.com)  
Attn: Chester Bragado

### **III. PROPOSED SERVICES**

#### **A. Proof of Bond in the Amount of \$100,000 (R746-349-3(A)(2))**

Applicant does not plan to collect customer deposits or offer any prepaid services in the State of Utah. Accordingly, Applicant hereby requests a waiver of this bond requirement.

#### **B. Construction or Acquisition of Facilities (R746-349-3(A)(3))**

Applicant does not currently own property in the State of Utah, but will acquire or construct any facilities in the state as necessary in order to provide its services. Services will be provided using a combination of fixed lines and microwave links to ensure resiliency.

#### **C. Services to be Offered (R746-349-3(A)(4))**

##### **1. Classes of Customers (R746-349-3(A)(4)(a))**

Applicant intends to offer its services to business and other non-residential customers including: wireless carriers and other service providers, the hospitality industry, large-scale sports and entertainment venues, college campuses, self-driving vehicle providers, remote weather monitoring stations, rural communities, and healthcare facilities.

##### **2. Location of Service (R746-349-3(A)(4)(b))**

Applicant seeks authority to offer local exchange services throughout the State of Utah to and from all points in the state that are currently or become open to competition.

##### **3. Services Offered (R746-349-3(A)(4)(c))**

Applicant seeks authority to provide the following forms of local exchange service in the State of Utah: transport, backhaul, and broadband data services and voice and other data services as well as other infrastructure used by carriers, emergency responders, public safety agencies, backhaul providers, and other companies. Services will be provided using a combination of fixed lines and microwave links to ensure resiliency. Applicant seeks the full

range of local exchange authority so that it can have flexibility in provisioning its services in the future.

**D. Access to Standard Services (R746-349-3(A)(5))**

Applicant will provide access to ordinary interLATA and intraLATA message toll calling, operator services, directory assistance, directory listings, and emergency services such as 911 and E911 through resale services purchased directly from the applicable ILEC.

**E. Implementation Schedule (R746-349-3(A)(6) and (13))**

Pursuant to Section 252(c)(3) of the Telecommunications Act of 1996, 47 U.S.C. § 252(c)(3), Applicant intends to initiate its operations in the State of Utah upon receipt of authority from the Commission, and execution of an interconnection agreement with the applicable ILEC.

**IV. QUALIFICATIONS**

**A. Professional Experience and Education of Managerial Personnel and Personnel Responsible for Utah Operations (R746-349-3(A)(7))**

Applicant does not plan to operate an office within the State of Utah. Responsibility for Utah operations will be handled by Applicant's management team from its headquarters in Newport Beach, California. Copies of management's resumes are attached hereto as **Exhibit B.**

**B. Organization Chart (R746-349-3(A)(8))**

An organization chart listing all of Applicant's employees currently working or that plan to be working in or for Utah operations is attached hereto as **Exhibit C.**

**C. Chart of Accounts (R746-349-3(A)(9))**

Applicant's chart of accounts, including account numbers, names, and brief descriptions, can be provided to the Commission upon request.

#### **D. Financial Statements (R746-349-3(A)(10))**

Attached as **Exhibit D** are the financial statements of Applicant's parent company, Mobilitie Holdings, LLC, demonstrating that the Applicant has sufficient resources to initiate operations, and provide the services for which it seeks authority. The entirety of Applicant's operations in Utah will be financed by Applicant's parent company, Mobilitie Holdings, LLC. Please note that the information provided in **Exhibit D** is proprietary, and has been attached in a sealed envelope marked "**Confidential — Subject to Public Service Commission of Utah Rule R 746-100-16.**" As **Exhibit D** contains sensitive information regarding Applicant's business operations, Applicant respectfully requests that this information be treated confidentially, and not be released to any member of the public absent Applicant's prior written consent.

##### **1. Balance Sheet, Income Statement, and Cash Flow Statement (R746-349-3(A)(10)(a))**

Applicant's most recent balance sheet, income statement, and cash flow statement are attached hereto as **Exhibit D.**

##### **2. Letter from Management (R746-349-3(A)(10)(b))**

A letter from Applicant's management team, attesting to the accuracy, integrity, and objectivity of the financial statements provided in **Exhibit D.** and attesting that the financial statements were prepared in accordance with GAAP, is attached hereto as **Exhibit D.**

##### **3. Start-up Company (R746-349-3(A)(10)(c))**

Applicant is a start-up company. Accordingly, a copy of Applicant's most recent, GAAP-compliant balance sheet is attached hereto as **Exhibit D.**

##### **4. Parent Company Financials (R746-349-3(A)(10)(d))**

Financial information regarding Applicant's parent company, Mobilitie Holdings, LLC, is attached hereto as **Exhibit D.**

**5. Additional Financial Information (R746-349-3(A)(11))**

*a. Positive Net Worth (R746-349-3(A)(11)(a))*

As indicated in the financial statements attached hereto as **Exhibit D**, Applicant has a positive net worth.

*b. Income and Cash Flow (R746-349-3 (A)(11)(b))*

Please see Section IV(D)(6) of this Application for evidence of sufficient projected and verifiable cash flow to meet the cash needs as shown in Applicant's five-year projection of expected operations.

*c. Proof of Bond (R746-349-3 (A)(11)(c))*

Applicant requests a waiver of its bond requirement as does not intend to solicit customer deposits, or offer any prepaid telecommunications services.

**6. Five-Year Projection of Expected Operations (R746-349-3(A)(12))**

Applicant operates on a customer demand basis as each customer has individual needs that vary according to the size and type of the company, each customer will have a unique build-out plan and equipment requirement. Applicant does not plan to deploy a system until it has a customer under contract. As such, Applicant cannot meaningfully determine its projected income, expenses, and operations until a build-out plan has been identified by a prospective customer.

**E. Technical and Managerial Abilities (R746-349-3(A)(14))**

Applicant's officers have the necessary managerial and technical capabilities necessary to provide local exchange telecommunications services in the State of Utah. Applicant's

management team has extensive experience in the telecommunications industry. Please see **Exhibit B** for resumes of Applicant's management team.

**1. Proof of Certification (R746-349-3(A)(14)(a))**

Applicant is currently in the process of obtaining authority to operate or registration in all fifty (50) states, and the District of Columbia. Applicant will update the Commission with a list of jurisdictions in which it is licensed or registered to operate upon request.

**2. Company Experience in Providing Telecommunications Services (R746-349-3(A)(14)(b))**

Applicant is a start-up company. Accordingly, Applicant has not offered local exchange telecommunications services within the past two (2) years. However, as evidenced by **Exhibit B**, Applicant's management team has extensive experience in operating telecommunications services.

**F. Proof of Authority to Conduct Business in Utah (R746-349-3(A)(16))**

Applicant was granted authority to conduct business in the State of Utah by the Utah Secretary of State on January 28, 2016. Applicant's Utah Business Entity Number is 96795920161. Please see **Exhibit A** attached hereto for a copy of Applicant's certificate of authority to conduct business in Utah.

**G. Unauthorized Switching, Solicitation of New Customers, and Prevention of Unauthorized Switching (R746-349-3(A)(17))**

Utah law and the Federal Communications Commission's ("FCC") regulations governing how interexchange carriers may change a consumer's Primary Interexchange Carrier ("PIC") are not applicable to Applicant as it is applying only for authority to operate as a local exchange service provider in the State of Utah. However, Applicant hereby states that it will comply with

the FCC's regulations governing how carriers may change a customer's primary local exchange provider.

**1. Sanctions (R746-349-3(A)(17)(a))**

Applicant has never had sanctions imposed against it for unauthorized switching.

**2. Documentation of Complaints Regarding Unauthorized Switching (R746-349-3(A)(17)(b))**

Applicant has never had sanctions imposed against it for unauthorized switching. Therefore a response is not required.

**3. Applicant's Responses to Complaints Regarding Unauthorized Switching (R746-349-3(A)(17)(c))**

Applicant has never had sanctions imposed against it for unauthorized switching. Therefore a response is not required.

**H. Applicant's Written Policies Governing Solicitation of Customers/ Statement Regarding Prevention of Unauthorized Switching (R746-349-3(A)(18))**

Applicant utilizes company sales representatives to market its services. Applicant will not offer interexchange services; therefore, its exposure to unauthorized switching of customers will be virtually non-existent. Nevertheless, Applicant will comply with all FCC and state requirements regarding solicitation and authorization for preferred carrier changes.

**I. Proposed Tariff (R746-405 and 406)**

Applicant's proposed tariff is attached hereto as Exhibit E.

**V. PUBLIC INTEREST STATEMENT**

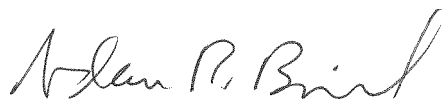
Pursuant to R746-349-3(A)(15), Applicant hereby states that the Commission's approval of this Application will serve the public interest by creating greater competition in Utah's local exchange marketplace. Therefore, the public convenience and necessity will be served by the



Commission's issuance of a Certificate of Public Convenience and Necessity to Applicant authorizing it to provide services as described herein.

WHEREFORE, Mobilitie Management, LLC respectfully requests that the Utah Public Service Commission accept the foregoing Application for filing, to grant it a Certificate of Public Convenience and Necessity to provide local exchange service in the State of Utah, and to grant any and all waivers requested in this Application.

Respectfully Submitted,



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*Counsel for Mobilitie Management, LLC*

Dated: April 11, 2016