



State of Utah  
Department of Commerce  
Division of Public Utilities

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**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 09, 2016

**Re:** 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. 16-2589-01.

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**RECOMMENDATION (Approve):**

The Division of Public Utilities (“Division”) has reviewed the technical, managerial, and financial abilities of the Mobilitie Management, LLC and has found that they have provided the necessary information to fulfill the requirements as stated in the existing Public Service Commission (“Commission”) rules. The Division believes that the public interest will be promoted by recommending that the Commission approve Mobilitie Management, LLC a Certificate of Public Convenience and Necessity (“CPCN”) as requested under the same terms and conditions allowed in other CPCNs.

The Division also recommends that the \$100,000 bond be waived on the basis that the Applicant will not require customer deposits or prepayments of any kind.

The Division expects that based on history that a filing of this type and with the information submitted by the company there will be no objections or opposition to this recommendation. Therefore, the Division request that this docket be adjudicated informally in accordance with R746-110-1.

**EXPLANATION:**

On or about April 13, 2016, Mobilitie Management, LLC (“Mobilitie or Applicant”) filed an application for a CPCN. The Division reviewed the application and found the following:

Mobilitie Management, LLC is a registered foreign corporation within the State of Utah; with its corporate headquarters located at 2220 University Drive, Newport Beach, CA. 92660. Their business entity number is 9679592-0161 and they are currently in good standing with the State of Utah.

Mobilitie seeks authority to offer interexchange telecommunications statewide. To the extent Mobilitie provides basic local exchange service, it will initially do so in the areas served by CenturyLink Communications, Inc. (“CenturyLink”) and does not plan to provide service in areas of any small or rural local exchange carriers having fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in accordance with Utah Code Ann. 5 54-8b-2.1 (3) and (4). However, Mobilitie does seek statewide authority so that it may expand into other services as market conditions warrant and as additional service areas become open to competition.

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.

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.

The Applicant intends to commence negotiations with CenturyLink for an interconnection/commercial agreement immediately upon receiving approval from the Commission to operate as a local exchange telecommunications service provider in the State of Utah.

Mobilitie 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.

Mobilitie 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. Summaries of professional experience and education of its managerial personnel demonstrate that the Applicant has considerable experience in the telecommunications industry.

According to financial statements attested to be accurate, objective and with integrity by Christos Karmis, President, of Mobilitie Management, LLC the Applicant has a positive net worth and has ample working capital.

The Applicant requests that the \$100,000 bond requirement be waived because it will not require customer deposits or prepayments of any kind.

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

The Applicant claims that it has never had any complaints nor has any investigation been undertaken against it or any of its affiliates involving unauthorized switching (slamming) or any other illegal activities. The Applicant also states that it has implemented policies and procedures concerning solicitation of new customers. These policies require that customers sign a contract authorizing the Applicant to provide telecommunications services.

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.

cc: Christos Karmis, President, Mobilitie Management, LLC.  
Adam R. Baird, Kutak Rock LLP  
Michael P. Donahue, Esq., Marashlian & Donahue, PLLC  
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