

- 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	<u>DOCKET NO. 16-2589-01</u> <u>REPORT AND ORDER</u>
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ISSUED: May 27, 2016

SYNOPSIS

The Commission approves the application of Mobilitie Management, LLC (Mobilitie) for a Certificate of Public Convenience and Necessity and authorizes Mobilitie to provide local exchange telecommunications services within Utah.

PROCEDURAL HISTORY

Mobilitie filed its application on April 13, 2016, seeking a certificate of public convenience and necessity (Certificate) for authority to provide telecommunications services within Utah. The application set forth detailed information regarding the technical, financial, and managerial resources and abilities of Mobilitie to provide the public telecommunications services it seeks to offer. In addition, Mobilitie requested that the Commission waive the \$100,000 bond requirement set forth in Utah Administrative Code R746-349-3(A)(2), as the company will not require customer deposits or prepayments.

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

1. Approval of Mobilitie's application will serve the public interest by creating greater competition in Utah's local exchange marketplace.

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2. Mobilitie intends to operate initially in CenturyLink/Qwest's non-rural ILEC service area.

Therefore, Mobilitie will not operate in any area considered rural or within an area of an incumbent with fewer than 30,000 total access lines.

3. Mobilitie seeks authority to provide transport, backhaul, and broadband data and voice services, as well as infrastructure for other carriers, emergency responders, public safety agencies, and backhaul providers.

On May 24, 2016, the Commission held a hearing in this docket. Adam Baird, Michael Donahue, and Keenan Adamchak appeared telephonically as counsel for Mobilitie. Justin Jetter, Utah Assistant Attorney General, appeared on behalf of the Division, accompanied by Ron Slusher, utility analyst. According to the testimony given at hearing, the parties agree that approval of the application is in the public interest and that it is permissible and appropriate to waive the bond requirement.

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. Mobilitie has filed documentation containing sufficient information to support the application.
3. Mobilitie has demonstrated that it is qualified to do business in Utah.
4. Mobilitie proposes to provide public telecommunications services in the non-rural ILEC service area of CenturyLink/Qwest.

5. Mobilitie will utilize its managerial expertise to support its Utah operations.
6. Mobilitie has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. Mobilitie has a positive net worth and sufficient working capital for its Utah operations.
8. In providing intrastate services, Mobilitie will be subject to competition from other certified telecommunications service providers.
9. Mobilitie's service offerings will provide customers with a wider range of choice in meeting their telecommunications needs and will support the development of competition.
10. Mobilitie will not require customer deposits or offer any prepaid services in Utah.

CONCLUSIONS OF LAW

1. Mobilitie meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested Certificate.
2. Mobilitie'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 public telecommunications 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. Mobilitie Management, LLC is granted the Certificate attached as Exhibit A, which exhibit is incorporated by reference into this Order as if fully set forth.
- b. Mobilitie Management, LLC's Certificate is subject to the limitations stated therein.
- c. Mobilitie Management, LLC shall provide annual reports to the Commission and to the Division. Mobilitie Management, LLC shall meet with the Division to determine what information is required in order for the Division to exercise its statutory obligations.
- d. Mobilitie Management, LLC 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, May 27, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

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Approved and confirmed May 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#277024

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.

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EXHIBIT A

- 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	<p><u>DOCKET NO. 16-2589-01</u></p> <p><u>CERTIFICATE 2589</u></p>
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ISSUED: May 27, 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 Mobilitie Management, LLC to provide public telecommunications services within the State of Utah. Mobilitie Management, LLC may not operate in any area with fewer than 5,000 access lines that is served by an incumbent local exchange carrier that has fewer than 30,000 total access lines.

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

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

CERTIFICATE OF SERVICE

I CERTIFY that on May 27, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

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