

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of SummitIG Utah, LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah	<u>DOCKET NO. 16-2591-01</u> <u>REPORT AND ORDER</u>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------

ISSUED: November 30, 2016

SYNOPSIS

The Public Service Commission of Utah (PSC) approves the application of SummitIG, Utah LLC (SummitIG) for a Certificate of Public Convenience and Necessity and authorizes SummitIG to provide facilities-based and resold local exchange, access, and interexchange telecommunications services within Utah.

PROCEDURAL HISTORY

On October 18, 2016, SummitIG filed this application, seeking a certificate of public convenience and necessity (Certificate) for authority to provide facilities-based and resold local exchange, access, and interexchange telecommunications services within Utah. The application provided detailed information regarding the technical, financial, and managerial resources and abilities of SummitIG to provide the public telecommunications services it seeks to offer. In addition, SummitIG requested that the \$100,000 bond requirement set forth in Utah Administrative Code R746-349-3(A)(2) be waived, as SummitIG will not require customer deposits or prepayments.

On November 7, 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 SummitIG's application will promote the public interest by creating and enhancing competition and expanding customer service options. Additionally, approving the application will expand the availability of innovative, high quality, reliable, and competitively priced telecommunications services in the State of Utah.
2. SummitIG seeks statewide authority except within exchange areas with fewer than 5,000 access lines that are owned or controlled by an incumbent local exchange carrier (ILEC) with fewer than 30,000 total access lines. *See* Utah Code § 54-8b-2.1(3)-(4). Specifically, SummitIG seeks to operate as a reseller of local exchange services in the service areas of CenturyLink Communications, Inc. and any other existing or future competitive local exchange carriers providing service in Utah.
3. Initially, SummitIG intends to offer fiber services to business subscribers. If, in the future, SummitIG determines to offer standard local exchange services, it would provide access to ordinary intraLATA and interLATA message toll calling, operator services, directory assistance, directory listings, and emergency services through interconnection and contractual arrangements with the underlying ILEC(s).
4. SummitIG has a positive net worth and ample working capital to support its operations in Utah, as well as considerable experience in the telecommunications industry.

5. SummitIG has never been investigated for unauthorized switching or any other illegal activity.

On November 29, 2016, the PSC held a hearing in this docket. William Evans appeared as counsel for SummitIG, accompanied telephonically by William Cook, CEO of SummitIG. Justin Jetter, Utah Assistant Attorney General, appeared on behalf of the Division, accompanied by Ron Slusher, utility technical consultant. 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 \$100,000 bond requirement.

In light of the foregoing, the PSC 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. SummitIG has filed documentation containing sufficient information to support the application.
3. SummitIG has demonstrated that it is qualified to do business in Utah.
4. SummitIG proposes to provide public telecommunications services within the service area of CenturyLink Communications, Inc. and other competitive local exchange carriers.
5. SummitIG will utilize its managerial expertise to support its Utah operations.
6. SummitIG has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. SummitIG has a positive net worth and ample working capital for its Utah operations.

DOCKET NO. 16-2591-01

- 4 -

8. In providing intrastate services, SummitIG will be subject to competition from other certified telecommunications service providers.
9. SummitIG's service offerings will provide customers with a wider range of choice in meeting their telecommunications needs and will foster competition in the marketplace.
10. SummitIG will not require customer deposits or offer any prepaid services in Utah.

CONCLUSIONS OF LAW

1. SummitIG meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested Certificate.
2. SummitIG's request to be exempted from the \$100,000 bond requirement is in accord with PSC 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 PSC ORDERS:

- a. SummitIG Communications of Utah, LLC is granted the Certificate attached as Exhibit A, which exhibit is incorporated by reference into this Order as if fully set forth.
- b. SummitIG's Certificate is subject to the limitations stated therein.
- c. SummitIG shall provide to the Division annual reports that contain information as required by the Division.

DOCKET NO. 16-2591-01

- 5 -

- d. SummitIG 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 PSC 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, November 30, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed November 30, 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#290555

DOCKET NO. 16-2591-01

- 6 -

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.

DOCKET NO. 16-2591-01

- 7 -

EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of SummitIG Utah, LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah	<p><u>DOCKET NO. 16-2591-01</u></p> <p><u>CERTIFICATE 2591</u></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------

ISSUED: November 30, 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 SummitIG, Utah LLC to provide public telecommunications services within the State of Utah. SummitIG, Utah 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, November 30, 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 November 30, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Sharon Thomas (sthomas@tminc.com)
Consultant to SummitIG Utah, LLC

William J. Evans (Bevans@parsonsbehle.com)
Parsons Behle & Latimer

Brett N. Anderson (bretta@blackburn-stoll.com)

Vicki Baldwin (vbaldwin@parsonsbehle.com)

Sharon Bertelsen (bertelsens@ballardspahr.com)

Larry Bowman (larry.bowman@charter.com)

Brian W. Burnett (brianburnett@cnmlaw.com)

(cflregulatory@chartercom.com)

Eddie L. Cox (ecox@cut.net)

James Farr (james.farr@centurylink.com)

Amy Gross (agross@tminc.com)

Alan Haslem (ahaslem@mleainc.com)

Ray Hendershot (ray.hendershot@beehive.net)

William Huber (William.huber@questar.com)

Bill Hunt (williamp.hunt@dish.com)

David R. Irvine (Drirvine@aol.com)

Kristin L. Jacobson (Kristin.l.jacobson@sprint.com)

Brock Johansen (bjohansen@emerytelcom.com)

Dawn Kubota (kubotad@ballardspahr.com)

Jasen Lee (jlee@desnews.com)

Kirk Lee (kirk.lee@ftr.com)

Shirley Malouf (srmalouf@stoel.com)

Jennifer H. Martin (jhmartin@stoel.com)

Steve Mecham (sfmecham@gmail.com)

Roger Moffitt (roger.moffitt@att.com)

Gregory Monson (gbmonson@stoel.com)

Sharon Mullin (smullin@att.com)

Thorvald Nelson (tnelson@hollandhart.com)

Janice Ono (Janice.ono@att.com)

Sheila Page (spage@utah.gov)

Mike Peterson (mpeterson@utahcooperatives.org)

Pam Pittenger (pam.pittenger@ftr.com)

Jenny Prescott (jenny.prescott@allwest.com)

Bruce Rigby (bruce@ucmc-usa.com)

Gary Sackett (gsackett@joneswaldo.com)

Kira Slawson (kiram@blackburn-stoll.com)

Alan L. Smith (alanakaed@aol.com)

Ted D. Smith (tsmithlaw@earthlink.net)

Kendra Thomas (kthomas@kfrservices.com)

Bruce H. Todd (btodd@stratanetworks.com)

Jake Warner (jakew@beehive.net)

James H. Woody (jwoody@union-tel.com)

John Woody (jowoody@union-tel.com)

Union Telephone Company

Patricia Schmid (pschmid@utah.gov)

Justin Jetter (jjetter@utah.gov)

Rex Olsen (rolsen@utah.gov)

Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)

Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant