

Supplemental Exhibit 3

Docket No. 17-2500-01

Texas Public Utilities Commission Approval

DeAnn T. Walker
Chairman
Brandy Marty Marquez
Commissioner
Arthur C. D'Andrea
Commissioner
Brian H. Lloyd
Executive Director



Greg Abbott
Governor

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Public Utility Commission of Texas

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Infrastructure and Reliability Division
Legal Division

RE: **Docket No. 47723– Application of TeleQuality Communications, Inc. and Education Networks of America, Inc. for an Amendment to a Service Provider Certificate of Operating Authority**

NOTICE OF APPROVAL

This Notice addresses the application of TeleQuality Communications, Inc. and Education Networks of America, Inc. (ENA) to amend a service provider certificate of operating authority (SPCOA). Commission Staff recommended approval of the application. The application is approved.

I. Findings of Fact

Background

1. On October 20, 2017, TeleQuality and ENA requested an amendment to SPCOA number 60825 to reflect a corporate restructuring and a change in ownership and control.
2. Prior to closing the proposed transaction, TeleQuality will be re-domiciled and converted from a Texas Corporation to a Delaware limited liability company; then the proposed transaction will be completed, resulting in ENA's insertion into TeleQuality's chain of ownership and TeleQuality becoming a direct wholly-owned subsidiary of ENA. The

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restructuring and change of ownership and control will be transparent to TeleQuality's customers.

3. On November 6, 2017, Order No. 2 was issued deeming the application sufficient.
4. On November 15, 2017, Commission Staff recommended approval of the application.

Notice

5. Notice of the application was published in the *Texas Register* on November 3, 2017.
6. TeleQuality and ENA provided a copy of the application to the Texas Commission on State Emergency Communication (CSEC) within five days of submitting the application.
7. Commission Staff did not recommend any additional notice of this application.

Information

8. TeleQuality and ENA have provided all of the information required by 16 Texas Administrative Code (TAC) § 26.111(h) to amend SPCOA number 60825 to reflect the corporate restructuring and change in ownership and control described in finding of fact 2.
9. TeleQuality and ENA submitted this application in a Commission-approved format, verified by oath or affirmation, and signed by an executive officer of the applicant.
10. TeleQuality is authorized to transact business in Texas.
11. TeleQuality and ENA stated that none of their officers or directors have any previous or ongoing investigations nor have they been assessed any penalties.
12. None of TeleQuality's or ENA's officers or directors have been convicted of a felony.
13. The Commission's database did not reveal any investigations or penalties against TeleQuality or ENA.

Informal Disposition

14. Commission Staff, TeleQuality, and ENA are the only parties to this proceeding.
15. More than 15 days have passed since the completion of notice.
16. No protests or requests for a hearing were filed in this docket, therefore no hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction over this matter under PURA¹ §§ 14.001 and 54.151-.159.
2. Notice of the application was provided in compliance with 16 TAC §§ 26.111 and 22.54-.55.
3. TeleQuality and ENA are entitled to approval of this application, having satisfied the requirements of PURA §§ 54.154(b) and 54.155(b) and 16 TAC § 26.111.
4. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

II. Ordering Paragraphs

1. The application is approved. TeleQuality's SPCOA number 60825 is amended to reflect the corporate restructuring and change in ownership and control discussed in finding of fact 2.
2. TeleQuality shall continue to file any future changes in address, contact representative, and/or telephone numbers in an annual report with the Commission, electronically, between January 1st and April 30th of each year. If TeleQuality has any changes during the year in the information requested in Section One of the annual report form, then the company shall file an updated form correcting the information in Section One within 30 days of the change.
3. TeleQuality shall continue to provide local exchange services as described in 16 TAC § 26.5(133) to remain in compliance with their SPCOA certification requirements.
4. To the extent the following requirements apply, TeleQuality shall ensure that all of the following requirements are or have previously been satisfied:
 - (a) Provision of a copy of this application and/or the Commission's Notice of Approval, in accordance with the entity's requirements, to all affected CSEC entities (9-1-1 entities) prior to providing service to those entities.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-58.303 (West 2016), §§ 59.001-66.017 (West 2007 & Supp. 2017) (PURA).

- (b) Provision of local telephone service to end-users, whether by its own facilities, flat-rate resale, or usage sensitive loop, must also include 9-1-1 emergency telephone service at a level required by the applicable regional plan followed by local telephone service providers under Chapters 771 and 772 of the Texas Health and Safety Code, Tex. Health & Safety Code Ann. §§ 771.001 *et seq.* (West 2010 & Supp. 2012) (the Code) or other applicable law, and any applicable rules and regulations implementing those chapters. TeleQuality shall diligently work with the CSEC, local 9-1-1 entities, and any other agencies or entities authorized by Chapters 771 and 772 of the Code to ensure that all 9-1-1 emergency services, whether provided through the certificate holders' own facilities, flat-rate resale, or usage sensitive loop, are provided in a manner consistent with the applicable regional plan followed by local telephone service providers under Chapters 771 or 772 of the Code or other applicable law and any applicable rules and regulations implementing those chapters. TeleQuality shall diligently work with the 9-1-1 entities to pursue, in good faith, the mutually agreed goal that the local 9-1-1 entities and emergency service providers experience no increase in their current level of rates and, to the extent technically feasible, no degradation in services as a result of the certification granted herein and the involvement of the certificate holder in the provision of 9-1-1 emergency service.
- (c) Notification to all affected 9-1-1 entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center.²
- (d) Execution of a separate service agreement with each 9-1-1 entity and remit the required 9-1-1 emergency service fee to the 9-1-1 entity in accordance with such agreement.³
5. TeleQuality continues to be bound by the quality of service requirements set forth in the Quality of Service Questionnaire. The underlying incumbent local exchange carriers

² 16 TAC § 26.433(d)(3).

³ 16 TAC § 26.435(e)(4).

(ILECs) continue to be bound by the quality of service requirements contained in 16 TAC § 26.54. Approval of this application does not expand the scope of any underlying ILEC's obligation to its own customers.

6. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

Signed at Austin, Texas the 28th day of November 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

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