

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Joint Application of  
Broadview Networks Holdings, Inc.;  
Broadview Networks, Inc.; and Windstream  
Holdings, Inc. for Approval to Transfer  
Indirect Control of Broadview Networks,  
Inc.

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DOCKET NO. 17-2514-01  
ORDER GRANTING APPLICATION  
AND VACATING HEARING

ISSUED: June 1, 2017

On April 27, 2017, Broadview Networks Holdings, Inc. (Broadview Holdings); Broadview Networks, Inc. (Broadview Networks); and Windstream Holdings, Inc. (Windstream) jointly applied for approval from the Public Service Commission of Utah (PSC) to complete a transaction "whereby Windstream will acquire indirect control of the Broadview Networks." In the application, the parties requested informal adjudication of their application.

On April 28, 2017, the PSC issued a notice establishing Tuesday, May 30, 2017 as the comment deadline in this docket and setting a hearing for Tuesday, June 6, 2017.

On May 16, 2017, the Utah Division of Public Utilities (Division) filed a memorandum recommending that the application be approved. In recommending approval, the Division stated:

The Applicants expect that the merger will enable the combined entities to better meet the needs of enterprises, wholesale buyers, and other customers. The transaction will bring together two successful carrier organizations that have proven themselves in a highly competitive marketplace. The transaction will help create a stronger competitor by bringing together each organization's respective strengths. Operating as an integrated company will allow each of the operating companies to be more competitive and to deliver greater value and variety of services to their customers than they do individually.

No other comments have been filed in this docket.

On May 18, 2017, the applicants filed a motion to cancel the scheduled hearing. The applicants explained that recent Legislative action (House Bill 59, 2017 General Legislative Session) allows the PSC to adjudicate a matter informally and without hearing if (a) a party requests an informal adjudication; and (b) the request is unopposed during the following 10 business days. House Bill 59 went into effect on May 9, 2017. As of the date of this order, 14 business days have passed since the effective date of the legislative change, and 22 business days have passed since the applicants submitted their application, in which they requested informal adjudication of this matter. Therefore, the Commission finds it permissible and appropriate to exempt this application from hearing.

Pursuant to Utah Admin. Code R746-349-7(A)(3):

If no objection to the proposed transaction is submitted in any filed comments or reply comments, the Commission will presume that approval of the transaction is in the public interest and use the information contained in the application and accompanying documents as evidence to support a Commission order.

There is no objection to the granting of the application. Therefore, under Utah Admin. Code R746-349-7(A)(3) and in light of the comment of record, the PSC presumes the application to be in the public interest.

#### ORDER

Given the foregoing, the Public Service Commission of Utah approves the joint application of Broadview Networks Holdings, Inc.; Broadview Networks, Inc.; and Windstream Holdings, Inc. to transfer indirect control of Broadview Networks, Inc. to Windstream Holdings, Inc.

The hearing in this docket, scheduled for June 6, 2017, is canceled and vacated.

DOCKET NO. 17-2514-01

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DATED at Salt Lake City, Utah, June 1, 2017.

/s/ Jennie T. Jonsson  
Administrative Law Judge

Approved and confirmed June 1, 2017 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#294343

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 PSC 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 PSC 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 PSC'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.

CERTIFICATE OF SERVICE

I CERTIFY that on June 1, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

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