

Sharon M. Bertelsen, Esq. (#9759)
Ballard Spahr LLP
201 South Main Street, Suite 800
Salt Lake City, UT 84111-2221
Telephone: 801-531-3000
BertelsenS@ballardspahr.com

Attorneys for Sprint Communications Company L.P.

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Sprint Communications Company L.P. for Informal Adjudication of Indirect Transfer of Control	Request of Sprint Communications Company L.P. to Close the Docket Docket No. 18-094-02
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On July 13, 2018, Sprint Communications Company L.P. (“Sprint Communications”) filed an application (“Application”) with the Utah Public Service Commission (“Commission”) for informal adjudication of a transaction that will result in Sprint Communications becoming an indirect wholly owned subsidiary of T-Mobile USA, Inc. (“T-Mobile USA”) (the “Indirect Competitive Local Exchange Carrier (CLEC) Acquisition”).¹

Sprint Communications is an indirect wholly owned subsidiary of Sprint Corporation (“Sprint”). In the Application, Sprint Communications explained that the Indirect CLEC Acquisition will occur by virtue of a transaction at the parent holding company level, with Sprint surviving as a direct subsidiary of T-Mobile USA. Following the transaction, Sprint Communications will become an indirect wholly owned subsidiary of T-Mobile USA but will not otherwise experience a change of control and will continue to operate as an indirect wholly owned subsidiary of Sprint.

Sprint Communications further explained that pursuant to Utah Code Ann. §§ 54-4-28, 54-4-29 and 54-4-30, the Indirect CLEC Acquisition does not require approval by the Commission because it does not involve a “public utility” on both sides of the transaction, and that approval is

¹ Sprint Communications, certificated in Utah, Docket No. 96-094-01 (Jan. 14, 1997), filed its request pursuant to Utah Code Ann. §§ 54-4-28, 54-4-29, 54-4-30, 54-8b-3(1)(b) and 63G-4-203 and Utah Admin. Code R746-349-7 and R746-110.

not required for a transaction involving a commercial mobile radio service (“CMRS”) provider like T-Mobile USA, because the definitions of “public utility” and “telephone corporation” in §§ 54-2-1(21) and (31), respectively, exclude CMRS providers. Sprint Communications requested that the Commission either rule that approval is not necessary to allow Sprint Communications to consummate the Indirect CLEC Acquisition or grant approval of the Application.

On July 17, 2018, the Commission issued a Notice of Filing and Comment Period in this docket (“Notice”), establishing August 13, 2018, as the last date for any interested party to submit comments on the Application. In the Notice, the Commission stated “[i]f no comment is filed in opposition to the proposed transfer of control, the PSC will adjudicate this docket informally and without hearing. *See* Utah Code § 54-8b-3.” The Commission did not receive any comments from interested parties in response to the Notice. On July 30, 2018, the Utah Division of Public Utilities filed a memorandum in this docket recommending that the Commission allow the transfer of control because the public interest will be promoted by allowing the transaction.

On August 23, 2018, the Commission issued a letter acknowledging the filing of the Application and giving notice that the Commission will take no further action in this docket unless a party files a request for the Commission to do so and explains the jurisdictional basis on which the Commission may or should take further action.

Sprint Communications appreciates the efforts of the Commission and the Utah Division of Public Utilities to consider the Application on an expedited basis. As of this date, no party has filed a request for the Commission to take further action in this docket. Based on the foregoing, Sprint Communications respectfully requests that the Commission close this docket.

Respectfully submitted this 9th day of October, 2018.

Sprint Communications Company L.P.

/s/ Sharon M. Bertelsen
Sharon M. Bertelsen
Ballard Spahr LLP
201 South Main Street, Suite 800
Salt Lake City, UT 84111-2221

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the filing was served by electronic mail the 9th day of October, 2018, on the following:

Utah Office of the Attorney General:

Patricia Schmid	pschmid@agutah.gov
Justin Jetter	jjetter@agutah.gov
Steven Snarr	stevensnarr@agutah.gov
Robert Moore	rmoore@agutah.gov

Division of Public Utilities:

Chris Parker	chrisparker@utah.gov
William Duncan	wduncan@utah.gov
Ron Slusher	rslusher@utah.gov
Erika Tedder	etedder@utah.gov

Office of Consumer Services:

Michele Beck	mbeck@utah.gov
Cheryl Murray	cmurray@utah.gov

T-Mobile USA, Inc.:

Teri Ohta	teri.ohta@t-mobile.com
Elizabeth Brereton	lbrereton@swlaw.com

/s/ Sharon M. Bertelsen