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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Joint Application of Crown Castle Fiber LLC, Crown Castle NG West LLC, and NewPath Networks, LLC for (1) Approval of a Pro Forma Consolidation, (2) Approval for the Crown Castle NG West LLC Certificate to Be Transferred to Crown Castle Fiber LLC or, in the Alternative, Issuance of a New Certificate, and (2) Exemption from Utah Code Ann. § 54-8b-18 and Commission Rule R746-349-5

**APPLICANT’S RESPONSE TO
COMMENTS FROM THE DIVISION OF
PUBLIC UTILITIES**

Docket No. 18-2445-01
Docket No. 18-2512-01
Docket No. 18-2608-01

Crown Castle Fiber LLC (“Crown Castle Fiber”), Crown Castle NG West LLC (“CCNG-West”), and NewPath Networks, LLC (“NewPath”) (collectively, “Applicants”), through their undersigned counsel, hereby submit the following Response to the Comments from the Utah Division of Public Utilities, filed in this matter on September 19, 2018 (“Comments”).

The Applicants appreciate the timely response of the Division to the Commission’s Action Request and, for the most part, agree with the recommendations contained in the Division’s Comments. Applicants submit this Response to request that certain corrections be made to the following items when the Commission issues its order in this matter.

- 1. The CPCN's of Crown Castle NG West LLC and NewPath Networks, LLC should be cancelled only after Applicants notify the Commission of the completion of the Pro Forma Consolidation.***

The Comments, at page 2, make the following statement:

With the issuance of the CPCN to Crown Castle Fiber LLC, the company asks that the CPCN's issued to Crown Castle NG West LLC, number 2445, and NewPath Networks, LLC, number 2512, be cancelled.

As stated in the Joint Application at page 2, Applicants are requesting that the CPCNs of CCNG-West and NewPath be cancelled upon Applicants notifying the Commission that the *Pro Forma Consolidation* (as defined in the Application) was completed. Cancellation of the CPCNs of CCNG-West and NewPath upon the issuance of a CPCN to Crown Castle Fiber LLC could result in CCNG-West and NewPath operating without a CPCN in Utah during the interim of the issuance of a CPCN to Crown Castle Fiber and the completion of the *Pro Forma Consolidation*.

- 2. The waiver of (or exemption from) the anti-slamming provisions of Utah Code Ann. § 54-8b-18 and Utah Admin. Code R746-349-5 should be addressed and granted.***

The Division's Comments recommend granting a waiver of the requirement of the newly certificated Crown Castle Fiber to post a bond before commencing to offer service. Applicants appreciate the favorable recommendation. At page 8 of the Application, however, Applicants also requested a waiver of (or exemption from) the anti-slamming provisions of Utah Code Ann. § 54-8b-18 and Utah Admin. Code R746-349-5. The Division's Comments did not address this request. As stated in the Application, the customers who will be migrated to the newly certificated Crown Castle Fiber are wholesale and enterprise customers who take service under individually negotiated contracts. These customers will be notified of the proposed transaction and the change in their telecommunications provider to Crown Castle Fiber, and there will be no change in the prices, terms or conditions of service to these customers. But, obtaining

authorization and verification from each customer would be a burdensome process and would therefore impose undue hardship on Applicants. Hence, Applicants reiterate their request for a waiver of the requirements of the anti-slamming statute and rule for the purpose of moving the current Utah customer base over to the newly certificated entity.

3. Any CPCN transferred or granted to Crown Castle Fiber LLC should reflect its legal name, which does not contain a comma.

Throughout the Comments, the name of entity that will operate in Utah after the *Pro Forma* Consolidation is referred to as “Crown Castle Fiber, LLC.” The legal name of Crown Castle Fiber LLC does not contain a comma. Applicants request that the correction be noted, particularly in any CPCN issued to Crown Castle Fiber LLC.

4. The corporate headquarters of each Applicant is 1220 Augusta Drive, Suite 600, Houston, TX 77057.

Referring to page 2 of the Report, the corporate headquarters address of Crown Castle Fiber LLC is incorrectly stated. The corporate headquarters address for each Applicant, including Crown Castle Fiber LLC, is: 1220 Augusta Drive, Suite 600, Houston, TX 77057. As stated on page 10 of the Application, the address for purposes of correspondence from the Commission is 2000 Corporate Drive, Canonsburg, PA 15317.

Applicant’s respectfully request that the Commission acknowledge the foregoing items when it issues its order in these consolidated dockets, and grant the relief requested above.

Dated this 28th day of September, 2018.

PARSONS BEHLE & LATIMER

/s/ William J. Evans

William J. Evans

Attorney for Applicants

CERTIFICATE OF SERVICE

(Docket Nos. 18-2445-01, 18-2512-01 & 18-2068-01)

I hereby certify that on this 28th day of September 2018, I caused to be e-mailed, a true and correct copy of the foregoing **Applicant's Response to Comments from the Division of Public Utilities** to:

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