



State of Utah
Department of Commerce
Division of Public Utilities

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Executive Director

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Director, Division of Public Utilities

GARY HERBERT.
Governor
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Lieutenant Governor

MEMORANDUM
Supplemental Action Request

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Ron Slusher, Utility Technical Consultant

Date: October 23, 2018

Re: **Supplemental Action Request - Review and make recommendations regarding the applicants' request for waiver of Utah Code Ann. § 54-8b-18 and Utah Admin. Code R746-349-5.**

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
(3) Exemption from Utah Code Ann. § 54-8b-18 and Commission Rule R746-349-5

Docket Number(s) 18-2445-01, 18-2512-01, and 18-2608-01.

RECOMMENDATION (Approve):

The Division of Public Utilities (“Division”) has reviewed the Supplemental Action Request for the waiver of Utah Code Ann. § 54-8b-18 and Utah Admin. Code R746-349-5 as it pertains to the issuance of the Certificate of Public Convenience and Necessity (“CPCN”) to Crown Castle Fiber LLC. The public interest will be promoted by the Public Service Commission granting this waiver.

EXPLANATION:

On or about September 19, 2018, The Division filed with the Commission, a recommendation for approval of a CPCN for Crown Castle Fiber LLC. In that recommendation, the Division did

not comment on the request by Crown Castle Fiber LLC (“Crown Castle” or “Company”) for the exemption from the requirements of Utah Code Title 54 Public Utilities Statutes § 54-8b-18 and Utah Administrative Code R746-349-5 at that time.

In reviewing the Company’s request for an exemption and based on type of customer the Company serves, the Division agrees that obtaining an authorization from the affected customers would be too burdensome. The Company will be sending out notifications to its customers, stating that there will be a change in their telecommunication provider because of an intra-corporate consolidation. In its letter it also states that the “consolidation will have no impact on your services or your rates, and all rights and obligations under the agreements between you and your current provider will continue unaffected”.

cc: William J. Evans, Parsons Behle & Latimar
Fernanda Biehl, Manager – Regulatory Affairs – Crown Castle Fiber LLC
Neil Dickson, Vice President, Crown Castle Fiber LLC
Justin Jetter, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah