

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Vesta Solutions, Inc. for Certificate of Public Convenience and Necessity to Provide Telecommunications Services in the State of Utah	<u>DOCKET NO. 18-2607-01</u> <u>REPORT AND ORDER</u>
--	---

ISSUED: October 25, 2018

SYNOPSIS

The Public Service Commission (“PSC”) approves the application of Vesta Solutions, Inc. (“Vesta”) for a Certificate of Public Convenience and Necessity (“CPCN”) and authorizes Vesta to provide the telecommunications services described in this order and the attached CPCN within the State of Utah.

PROCEDURAL HISTORY

On September 19, 2018, Vesta filed its Application for Certificate of Public Convenience and Necessity (“Application”), seeking a CPCN for authority to provide telecommunications services within Utah. Specifically, Vesta seeks authority to serve public safety answering points (“PSAPs”) that seek to transition from existing legacy networks to a next generation 9-1-1 network (“NG9-1-1”) or who seek network components in connection with their 9-1-1 call handling systems. Vesta represents it plans to serve and work with PSAPs, voice over internet protocol (“VoIP”) providers, incumbent local exchange carriers (“ILECs”), wireless providers, competitive local exchange carriers, and/or other local 9-1-1 authorities. The Application provides detailed information regarding the technical, financial, and managerial resources and abilities of Vesta to provide the public telecommunications services it seeks to offer. In addition, Vesta requests the \$100,000 bond requirement set forth in Utah Admin. Code R746-349-3(A)(2) be waived, as Vesta will not require customer deposits.

On September 21, 2018, the PSC issued a Notice of Filing and Comment Period (“Notice”), which set a comment deadline of October 19, 2018. The Notice further stated that if no comment was filed in opposition to the application, the PSC would adjudicate this docket informally and without hearing. *See* Utah Code Ann. § 54-8b-3. No party filed comments in opposition. Therefore, the PSC has adjudicated this docket informally.

On October 16, 2018, the Division of Public Utilities (“DPU”) filed a memorandum recommending approval of the Application. The DPU represents it has reviewed the technical, managerial, and financial abilities of Vesta and that it believes Vesta has provided all necessary information required under the PSC’s rules. The DPU represents the public interest will be promoted by granting Vesta a CPCN under the terms requested by Vesta. In its memorandum, the DPU emphasized the following of Vesta’s representations:

1. Approval of Vesta’s Application will serve the public interest by accelerating the development and deployment of NG9-1-1 services and promote more robust public safety offerings that will benefit and protect Utah residents.
2. Vesta seeks statewide authority.
3. Vesta intends to serve PSAPs who seek to transition from their existing legacy network to a NG9-1-1 network or who seek network components in connection with their 9-1-1 call handling systems.
4. Vesta does not intend to provide local access line (dial tone) services. As such, Vesta will not be providing access to local exchange, toll, operator services, directory assistance, and directory listings.

5. Vesta intends to commence negotiations for interconnection/commercial agreements with ILECs immediately upon receiving approval from the PSC.
6. Vesta does not currently own property in the state but will acquire or construct facilities in the state as necessary in order to provide its services.
7. Vesta has a positive net worth and ample working capital to support its operations in Utah, as well as considerable experience in the telecommunications industry.
8. Vesta has never been investigated for unauthorized switching or any other illegal activity.

In light of the foregoing, the PSC enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. There are no intervenors in this docket. There has been no opposition to the Application.
2. Vesta has filed documentation containing sufficient information to support the Application.
3. Vesta has demonstrated it is qualified to do business in Utah.
4. Vesta proposes to provide public telecommunications services within the State of Utah as explained in this order and the Application.
5. Vesta will utilize its managerial expertise to support its Utah operations.
6. Vesta has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. Vesta has a positive net worth and sufficient working capital for its Utah operations.

8. Vesta's service offerings will serve the public interest by accelerating the development and deployment of NG9-1-1 services and promote more robust public safety offerings that will benefit and protect Utah residents.
9. Vesta will not require customer deposits or offer any prepaid services in Utah.

CONCLUSIONS OF LAW

1. Vesta meets each of the statutory requirements of Utah Code Ann. § 54-8b-1, *et seq.*, for the requested CPCN.
2. Vesta's request to be exempted from the \$100,000 bond requirement is in accord with PSC practice and is in the public interest.
3. Issuance of the requested CPCN to provide public telecommunications services, as described in the Application, is in accord with the legislative policy set forth in Utah Code Ann. § 54-8b-1, *et seq.*, and is in the public interest.

ORDER

In light of the Findings and Conclusions set forth above, the PSC ORDERS:

- a. Vesta is granted the CPCN attached as Exhibit A, which exhibit is incorporated by reference into this Order as if fully set forth.
- b. Vesta's CPCN is subject to the limitations stated therein.
- c. Vesta is exempted from the \$100,000 bond requirement set forth in Utah Admin. Code R746-349-3(A)(2).

Any person may file a protest in regard to this Order within 20 days from the date of issuance. If the PSC finds the protest to be meritorious, the effective date shall be suspended

pending further proceedings. Otherwise, this order shall take effect 20 days from the signature date below.

DATED at Salt Lake City, Utah, October 25, 2018.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed October 25, 2018 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
PSC Secretary
DW#305220

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.

DOCKET NO. 18-2607-01

- 6 -

EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of VESTA SOLUTIONS, INC. for Certificate of Public Convenience and Necessity to Provide Telecommunications Services in the State of Utah	<u>DOCKET NO. 18-2607-01</u> <u>CERTIFICATE 2607</u>
--	---

ISSUED: October 25, 2018

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-8b-2.1, issues a Certificate of Public Convenience and Necessity authorizing VESTA SOLUTIONS, INC. to provide the following public telecommunications services within the State of Utah: 9-1-1 emergency services to government and quasi-government Public Safety Answering Points (“PSAP”), including Internet Protocol (IP) based 9-1-1 call routing, database services, database management, and network services to promote advancement and migration of PSAP networks to next generation 9-1-1 architecture.

DATED at Salt Lake City, Utah, October 25, 2018.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#305220

CERTIFICATE OF SERVICE

I CERTIFY that on October 25, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Wesley K. Wright (wright@khlaw.com)
Keller and Heckman LLP
Counsel for Vesta Solutions, Inc.

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Steven Snarr (stevensnarr@agutah.gov)
Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)
Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant