



State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Artie Powell, Division Manager
Ron Slusher, Utility Technical Consultant

Date: August 30, 2019

Re: In the Matter of the Application of Access Point, Inc. to cancel its Certificate of Public Convenience and Necessity to provide Local Exchange Services in the State of Utah, Docket No. 19-2488-01.

RECOMMENDATION (Denied):

The Division of Public Utilities (“Division”) has reviewed the request by Access Point, Inc. (“Access Point”) to have its Certificate of Public Convenience and Necessity (“CPCN”) to provide Local Exchange Services in the State of Utah cancelled and recommends the Public Service Commission (“Commission”) deny this request until Access Point seeks appropriate approval for the transfer of control.

EXPLANATION:

On July 31, 2019, Access Point, Inc. (“Access Point”) filed with the Commission a request to have its CPCN cancelled. The Division has reviewed this request and found the following:

Access Point, Inc. was issued a Certificate to provide telecommunications services in Utah on October 07, 2008 in Docket No. 08-2488-01.

Based on the filing, Access Point transferred assets and customers to GTT Americas, LLC on or about October 01, 2018. GTT Americas, LLC then assigned said assets and customers to a subsidiary, GC Pivotal, LLC. GC Pivotal, LLC was issued a Certificate to provide telecommunications services in Utah on April 20, 2011 in Docket No. 11-2539-01.

Although, it appears Access Point has complied with the rules for exiting as required under Administrative Rule R746-350. It has failed to follow Utah Code Ann. § 54-4-28 Merger, consolidation or combination and Utah Code Ann. § 54-4-30 Acquiring properties of like utility only on consent of Commission.

The Division recommends at this time that the Commission deny the request until Access Point seeks appropriate approval for the transfer of control.

cc: Mike Winston, President, Access Point, Inc.
Sharon Thomas, Intererra Consulting Group, Inc.
Justin Jetter, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah