

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Request of Access Point, Inc. for Cancellation  
of its Certificate of Public Convenience and  
Necessity

DOCKET NO. 19-2488-01  
ORDER CANCELING CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY

ISSUED: October 10, 2019

On July 31, 2019, Access Point, Inc. (“Access”) filed a request (“Request”) with the Public Service Commission (PSC), seeking to cancel its Certificate of Public Convenience and Necessity (“CPCN”). On August 30, 2019, the Division of Public Utilities (DPU) filed a memorandum recommending denial of the request, explaining Access had failed to follow Utah Code Ann. §§ 54-4-28 (pertaining to merger of utilities) and 54-4-30 (pertaining to utilities that acquire properties of “like utilities”). On September 9, 2019, Access filed an amendment to its Request, offering a more detailed explanation of the circumstances underlying it. On September 13, 2019, the DPU filed a recommendation to approve the Request, representing Access had complied with the rules for exiting under Utah Admin. Code R746-350 and noting Utah Code Ann. § 54-8b-3.4 (exempting certain telecommunications utilities from otherwise applicable statutes relating to merger and consolidation). The DPU also requested this docket be adjudicated informally in accordance with Utah Admin. Code R746-110-1.

Having reviewed the foregoing filings and there being no opposition, the PSC finds cancelation of Access’s CPCN is in the public interest. Accordingly, Access’s CPCN, which the PSC issued on October 7, 2008, is canceled, effective the date of this order.

DATED at Salt Lake City, Utah, October 10, 2019.

/s/ Michael J. Hammer  
Presiding Officer

DOCKET NO. 19-2488-01

- 2 -

Approved and Confirmed October 10, 2019, 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#310230

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 written 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.

CERTIFICATE OF SERVICE

I CERTIFY that on October 10, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Sharon Thomas ([stthomas@inteserra.com](mailto:stthomas@inteserra.com))  
*Access Point, Inc.*

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

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

By Hand Delivery:

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

---

Administrative Assistant