



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
Ron Slusher, Utility Technical Consultant

Date: July 29, 2019

Re: In the Matter of the Application of Utah Broadband LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah, Docket No. 19-2614-01.

RECOMMENDATION (*Deny*):

The Division of Public Utilities (“Division”) has reviewed the application filed by Utah Broadband, LLC and found that based on lack of information provided and on the stated services it will provide, it does not qualify for a Certificate of Public Convenience and Necessity (“CPCN”). The Division recommends at this time the Public Service Commission (“Commission”) deny the application.

EXPLANATION:

On or about July 16, 2019, Utah Broadband, LLC filed an application for a CPCN. The Division reviewed the application and found the following:

Utah Broadband, LLC has not completed the application as required by the Commission, under rule R746-349. The company did send with its incomplete application supplemental information that explains that the services the company will provide are for residential and commercial internet services only. The company also states that it will not offer telephone services on its network.

Base on the information provided the Division recommends that the Commission deny Utah Broadband, LLC request for a CPCN because the Commission lacks authority to regulate the internet offerings as the Division understands it.

cc: Jake Simon, Chief Technology Officer, Utah Broadband, LLC
Justin Jetter, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah