



State of Utah

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Public Service Commission

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RON ALLEN
Commissioner

November 3, 2020

William J. Evans
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, UT 84111

Re: Docket No. 20-2548-01, *Joint Application of Red Fiber Parent LLC, Cincinnati Bell Inc., and CBTS Technology Solutions LLC for Approval of a Transfer of Indirect Control of CBTS Technology Solutions LLC to Red Fiber Parent LLC*

Dear Mr. Evans,

The Public Service Commission (PSC) has reviewed the joint application of Red Fiber Parent LLC, Cincinnati Bell Inc., and CBTS Technology Solutions LLC (collectively the “Applicants”) for approval of the proposed transfer of indirect control (“Application”) filed September 9, 2020. The PSC has also reviewed the Division of Public Utilities’ (DPU) comments, filed September 30, 2020, recommending the PSC approve the Application.

The Application describes the joint applicants, explains the transaction, provides the information required by Utah Admin. Code R746-349-7, Informal Adjudication of Certain CLEC Merger and Acquisition Transactions, explains filings it has made in other jurisdictions and provides samples, and discusses the public interest consideration of the PSC. The Application also states that approval of the proposed transfer is not required, and that only a notice of transfer of indirect control is required.¹ The DPU’s comments do not address whether PSC approval of the transaction is required but, the DPU recommends approval.

No party has identified a statutory or other legal requirement for the PSC to approve the noticed transaction, and no party has requested a declaratory ruling on the issue. *See* Utah Admin. Code R746-101-1, *et seq.* Accordingly, the PSC acknowledges the filing of the Application and gives notice it will take no further action in this docket unless a party files a request for action and explains the jurisdictional basis on which the PSC may or should act.

¹ On this point the Application cites: “See UTAH CODE ANN. [§ 54-8b-3.4] (exempting competitive entrants from requirements of UTAH CODE ANN. § 54-4-28 and § 54-4-29 and requiring only notices of transfer of control).”

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Sincerely,

/s/ Gary L. Widerburg
PSC Secretary
DW#316229