

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Intrado Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities- Based Local Exchange Services within the State of Utah	<u>DOCKET NO. 20-2617-01</u> <u>REPORT AND ORDER</u>
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ISSUED: May 22, 2020

SYNOPSIS

The Public Service Commission (PSC) approves the application of Intrado Communications, LLC (“Intrado”) for a Certificate of Public Convenience and Necessity (“CPCN”) and authorizes Intrado to provide Telecommunications Services within Utah.

PROCEDURAL HISTORY

On April 6, 2020, Intrado filed an application, seeking a CPCN for authority to provide telecommunications services within Utah (“Application”). The Application provides technical, financial, and managerial resources information, and other information, the intent of which is to show Intrado’s ability to provide the public telecommunications services it seeks to offer. In addition, Intrado requests the \$100,000 bond requirement set forth in Utah Admin. Code R746-349-3(A)(2) be waived, as Intrado will not require customer deposits.

On April 6, 2020, the PSC issued a Notice of Filing and Comment Period (“Notice”), which set a comment deadline of May 6, 2020, and reply comments on or before May 21, 2020. The Notice further stated that if no opposition to the Application is filed, the PSC will adjudicate this docket informally and without a hearing. *See* Utah Code Ann. § 54-8b-3(1)(b). No party filed comments opposing the Application; therefore, the PSC will adjudicate this docket informally.

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On April 15, 2020, the Division of Public Utilities (DPU) filed a memorandum recommending approval of the Application. The DPU states it reviewed the technical, managerial, and financial abilities of Intrado and found that Intrado provided the necessary information to fulfill the requirements under the PSC's rules. The DPU concludes the public interest will be promoted by granting the requested CPCN under the same terms and conditions granted in other CPCNs. In its memorandum, the DPU emphasized the following representations made by Intrado:

1. Approval of the Application will serve the public interest by creating greater competition and expanding customer service options.
2. Intrado seeks statewide authority except within exchange areas with fewer than 5,000 access lines that are owned or controlled by an incumbent local exchange carrier (ILEC) with fewer than 30,000 total access lines. *See* Utah Code Ann. § 54-8b-2.1(3)-(4).
3. Intrado intends to offer services targeting retail enterprise customers leveraging associations with these customers in other states where Intrado is or will be certificated. It also proposes to provide wholesale services to other carriers.
4. Intrado intends to provide services by using its own switching facilities and leased and resold transport facilities and services from the ILEC and/or other carriers with such facilities. Applicant will interconnect with CenturyLink pursuant to the terms and conditions of an interconnection agreement that will be filed with the PSC in accordance with 47 U.S.C. § 252.

5. Intrado will provide access to intraLATA and interLATA toll, operator services, directory assistance, directory listings, and emergency services such as 911 and E911 either through facilities-based interconnection or resale services purchased directly from the ILEC.
6. Intrado provides summaries of the professional experience and education of its managerial personnel which demonstrate it has considerable experience in the telecommunications industry.
7. Intrado 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. Intrado asserts that it 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 and no one opposes the Application.
2. Intrado filed documentation containing sufficient information to support the Application.
3. Intrado demonstrated it is qualified to do business in Utah.
4. Intrado proposes to provide public telecommunications services within the service area of CenturyLink and certain other local exchange carriers as explained in this order and the Application.
5. Intrado will use its managerial expertise to support its Utah operations.

6. Intrado has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. Intrado has a positive net worth and sufficient working capital for its Utah operations.
8. Intrado's service offerings will provide customers with a wider range of choice in meeting their telecommunications needs and will foster competition in the marketplace.
9. Intrado will not require customer deposits or offer any prepaid services in Utah.

CONCLUSIONS OF LAW

1. Intrado meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested CPCN.
2. Intrado's request for exemption from the \$100,000 bond requirement is consistent 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 consistent with the legislative policy set forth in Utah Code Ann. § 54-8b-1.1 *et seq.*, and is in the public interest.

ORDER

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

- a. Intrado is granted the CPCN attached as Exhibit A, incorporated by reference into this Order.
- b. Intrado's CPCN is subject to the limitations stated therein.
- c. Intrado 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, May 22, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#313960

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.

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EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Intrado Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities- Based Local Exchange Services within the State of Utah	<u>DOCKET NO. 20-2617-01</u> <u>CERTIFICATE 2617</u>
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ISSUED: May 22, 2020

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-8b-2.1, issues a Certificate of Public Convenience and Necessity authorizing INTRADO COMMUNICATIONS, LLC to provide public telecommunications services within the State of Utah. INTRADO COMMUNICATIONS, LLC may not operate in any area with fewer than 5,000 access lines that is served by an incumbent local exchange carrier that has fewer than 30,000 total access lines.

DATED at Salt Lake City, Utah, May 22, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary

CERTIFICATE OF SERVICE

I CERTIFY that on May 22, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Connie Wightman (cwightman@inteserra.com)
Robert W. McCausland (RWMcCausland@intrado.com)
Intrado Communications, LLC

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