

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Hudson Fiber Network Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Public Telecommunications Services within the State of Utah	<u>DOCKET NO. 20-2621-01</u> <u>REPORT AND ORDER</u>
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ISSUED: September 1, 2020

SYNOPSIS

The Public Service Commission (PSC) approves the application of Hudson Fiber Network Inc. (HFN) for a Certificate of Public Convenience and Necessity (CPCN) and authorizes HFN to provide Telecommunications Services within Utah.

PROCEDURAL HISTORY

On June 23, 2020, HFN filed an application, seeking a CPCN for authority to provide telecommunications services within Utah (“Application”). The Application provides technical, financial, and managerial resources, and other information showing HFN is able to provide the public telecommunications services it seeks to offer.

On June 26, 2020, the PSC issued a Notice of Filing and Comment Period (“Notice”), which set a comment deadline of July 23, 2020, and a reply comment deadline of August 7, 2020. The Notice stated that if no opposition is filed, the PSC will adjudicate the docket informally and without a hearing. *See* Utah Code Ann. § 54-8b-3(1)(b). No opposition was filed; therefore, the PSC will adjudicate this docket informally.

On July 13, 2020, the Division of Public Utilities (DPU) filed a memorandum recommending approval of the Application. DPU states it reviewed the technical, managerial, and financial abilities of HFN and found HFN provided the necessary information to fulfill the

requirements under the PSC's rules. The DPU concludes granting a CPCN to HFN as requested and under the same terms and conditions granted in other CPCNs, will promote the public interest. In its memorandum, DPU emphasized the following representations made by HFN:

1. Approval of the Application will serve the public interest by creating greater competition and expanding customer service options.
2. HFN 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. HFN will primarily provide point-to-point telecommunications services such as Private Line, Ethernet, Wavelength, and similar services to wholesale customers (e.g., other carriers and providers), government customers, and health care, education, financial services, and other enterprise customers. HFN will provide services primarily using facilities owned by ExteNet Systems, Inc. and its subsidiaries, as well as facilities leased from other carriers.
4. HFN will begin interconnection and commercial agreement negotiations with CenturyLink immediately upon obtaining a CPCN from the PSC.
5. Hudson's wholesale customers will be responsible for providing end user services such as directory assistance, directory listings, operator services, and 911 either through their own operations or by arranging for those services from underlying carriers.
6. HFN provides summaries of the professional experience and education of its managerial personnel which demonstrate HFN has considerable experience in the telecommunications industry.

7. HFN states it has a positive net worth and ample working capital to support its operations in Utah.
8. HFN submitted proof of a bond in the amount of \$100,000 for customer deposits or other customer and state fund liabilities.
9. HFN is currently authorized to provide intrastate telecommunications service in the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Tennessee, Washington, and Wisconsin.
10. HFN asserts that it has never been investigated for unauthorized switching or any other illegal activity. HFN does not provide switched voice services to end users currently, nor does it have a written solicitation policy. HFN states it will comply with all applicable laws and regulations to prevent the unauthorized switching of local service customers by its employees, or agents.

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. HFN filed documentation containing sufficient information to support the Application.
3. HFN demonstrated it is qualified to do business in Utah.

4. HFN proposes to provide public telecommunications services primarily within the service area of CenturyLink and certain other local exchange carriers as explained in this order and the Application.
5. HFN will use its managerial expertise to support its Utah operations.
6. HFN has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. HFN has a positive net worth and sufficient working capital for its Utah operations.
8. HFN's service offerings will provide customers with a wider range of choice in meeting their telecommunications needs and will foster competition in the marketplace.

CONCLUSIONS OF LAW

1. HFN meets each of the statutory requirements of Utah Code Ann. §§ 54-8b-1.1 *et seq.* for the requested CPCN.
2. 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. HFN is granted the CPCN attached as Exhibit A, incorporated by reference into this Order.
- b. HFN's CPCN is subject to the limitations stated therein.

Any person may protest this Order within 20 days from the date of the Order. 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, September 1, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#315231

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 30 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.

DOCKET NO. 20-2621-01

- 6 -

EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Hudson Fiber Network Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange Services within the State of Utah	<p><u>DOCKET NO. 20-2621-01</u></p> <p><u>CERTIFICATE 2621</u></p>
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ISSUED: September 1, 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 HUDSON FIBER NETWORK INC. to provide public telecommunications services within the State of Utah. HUDSON FIBER NETWORK INC. 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, September 1, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary

CERTIFICATE OF SERVICE

I CERTIFY that on September 1, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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