



State of Utah

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Public Service Commission

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Commissioner

April 5, 2021

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

Re: Docket No. 21-2581-01, *Joint Application of Clear Rate Holdings, Inc. and Clear Rate Communications, Inc. for Approval of a Transfer of Control of Clear Rate Communications, Inc. to Clear Rate Holdings, Inc.*

Dear Mr. Evans,

The Public Service Commission (PSC) has reviewed the joint application of Clear Rate Holdings, Inc. and Clear Rate Communications, Inc. (collectively the “Applicants”) for approval of the proposed transfer of indirect control (“Application”) filed February 25, 2021. The PSC has also reviewed the Division of Public Utilities’ (DPU) comments, filed March 15, 2021, 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 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 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.

Sincerely,

/s/ Gary L. Widerburg
PSC Secretary
DW#318070

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).”