

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of ExteNet Asset Entity, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Public Telecommunications Services within the State of Utah	<p style="text-align: center;"><u>DOCKET NO. 21-2628-01</u></p> <p style="text-align: center;"><u>REPORT AND ORDER</u></p>
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ISSUED: June 16, 2021

SYNOPSIS

The Public Service Commission (PSC) approves the application of ExteNet Asset Entity, LLC (EAE) for a Certificate of Public Convenience and Necessity (CPCN) and authorizes EAE to provide Telecommunications Services within Utah.

PROCEDURAL HISTORY

On April 6, 2021, EAE filed an application, seeking a CPCN for authority to operate as a provider of resold and facilities-based public telecommunications services in the State of Utah (“Application”). The Application provides technical, financial, and managerial resources, and other information showing EAE is able to provide the public telecommunications services it seeks to offer.

On April 7, 2021, the PSC issued a Notice of Filing and Comment Period (“Notice”), which set a comment deadline of May 7, 2021, and a reply comment deadline of May 24, 2021. The Notice stated that if no opposition is filed, the PSC will adjudicate the docket informally and without a hearing, in accordance with Utah Code Ann. § 54-8b-3(1)(b); thus, the PSC will adjudicate this docket informally.

On April 14, 2021, 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 EAE and found EAE provided the necessary information to fulfill the requirements under the PSC's rules. The DPU concludes granting a CPCN to EAE as requested and under the same terms and conditions granted in other CPCNs, will expand the availability of innovative, high quality, reliable and competitively priced telecommunications services in the State of Utah thereby promoting the public interest. In its memorandum, DPU emphasized the following representations made by EAE:

1. EAE 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).
2. EAE states its customer base will be wireless service providers that will be able to improve their network coverage by filling in dead spots, or increase their network capacity to provide services in certain geographic areas. Through such arrangements, EAE's wholesale customers will be empowered to provide telephony to their retail end user subscribers without expensive and time-consuming installation of telecommunications equipment.
3. EAE will initially utilize the existing network infrastructure of ExteNet Systems, Inc. in Utah, which will be transferred to EAE, but also seeks authority to provide service via resale arrangements.
4. EAE anticipates offering services as soon as reasonably practicable after receiving approval of its Application for a CPCN.

5. EAE'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. EAE does not intend to furnish switched voice services or dial tone and has no immediate plans to provide service to residential customers or business customers at this time.
7. EAE provides summaries of the professional experience and education of its managerial personnel which demonstrate EAE has considerable experience in the telecommunications industry.
8. EAE shows it has a positive net worth and ample working capital to support its operations in Utah.
9. EAE submitted proof of a bond in the amount of \$100,000 for customer deposits or other customer and state fund liabilities.
10. EAE is currently authorized to provide intrastate telecommunications service in the District of Columbia, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Washington, and Wisconsin.
11. EAE claims it has never been investigated for unauthorized switching or any other illegal activity. To the extent that EAE provides local exchange services to end users in the future, EAE 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. EAE filed documentation containing sufficient information to support the Application.
3. EAE demonstrated it is qualified to do business in Utah.
4. EAE proposes to provide service as set forth in the Application to and from all points in Utah where demand for its services arises except within any local exchange that has fewer than 5,000 lines and that is owned or controlled by an incumbent telephone corporation with fewer than 30,000 access lines in the state.
5. EAE will use its managerial expertise to support its Utah operations.
6. EAE has sufficient technical resources and abilities to provide the public telecommunications services it proposes to offer.
7. EAE has a positive net worth and sufficient working capital for its Utah operations.
8. EAE's service offerings will provide its customers choice in meeting their telecommunications needs and will foster competition in the marketplace.

CONCLUSIONS OF LAW

1. EAE 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. EAE is granted the CPCN attached as Exhibit A, incorporated by reference into this Order.
- b. EAE'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, June 16, 2021.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#319132

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. 21-2628-01

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EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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ISSUED: June 16, 2021

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-8b-2.1, issues a Certificate of Public Convenience and Necessity authorizing EXTENET ASSET ENTITY, LLC to provide public telecommunications services within the State of Utah. EXTENET ASSET ENTITY, 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, June 16, 2021.

/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 June 16, 2021, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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