



State of Utah  
Department of Commerce  
Division of Public Utilities

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## **ACTION REQUEST RESPONSE**

**To:** Public Service Commission

**From:** Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Brenda Salter, Utility Technical Consultant Supervisor

Ron Slusher, Utility Technical Consultant

**Date:** September 10, 2021

**Re: Docket No. 21-2631-01:** In the Matter of the Application of EarthGrid PBC, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Public Telecommunications Services within the State of Utah.

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### **Recommendation (No Approval):**

The Division of Public Utilities (“Division”) has reviewed the application filed by EarthGrid PBC, Inc. (“EarthGrid” or the “Applicant”) and based on the territories requested, recommends that the Public Service Commission (“Commission”) not approve its application for a Certificate of Public Convenience and Necessity (“CPCN”).

### **Discussion:**

On or about August 17, 2021, EarthGrid filed an application for a CPCN. The Division reviewed the application and found that the company requests authority to provide over-sized underground infrastructure to allow other utility and/or telecommunications providers to lease

space in its conduits and/or tunnels underground in underserved rural and tribal lands. EarthGrid has asked the Commission for a CPCN on tribal lands, which the Commission does not hold authority to issue. After several unsuccessful attempts to reach the company, for clarification on its application, the Division recommends that the Commission not approve EarthGrid's application for a CPCN.

**Conclusion**

Based on the Division's review of the filing and lack of response from the company, the Division recommends the Commission not approve this application.

cc: Troy Helming, CEO, EarthGrid PBC, Inc.  
Justin Jetter, Assistant Attorney General, State of Utah  
Office of Consumer Services, State of Utah