

SUPPLEMENTAL ACTION REQUEST

Date: December 9, 2021

FROM: Public Service Commission Due: January 7, 2022*

SUBJECT: EarthGrid PBC – CPCN Application, Docket No. 21-2631-01

(Company Name, Case Number, etc.)

10/21/2021

21-2631-01

AMENDED APPLICATION OF EARTHGRID PBC Application of EarthGrid PBC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Public Telecommunications Services within the State of Utah

This is a request for the Division of Public Utilities (DPU) to provide analysis, evaluation results, and the basis for conclusions and recommendations regarding the following:

- Review for Compliance and Make Recommendations
- Review Application and Make Recommendations
- Review Notice and Make Recommendations
- Review Request for Agency Action and Make Recommendations
- Respond in Accordance with the Notice of Filing and Request for
- Other – Explanation and Statement of Issues to be Addressed (See Below):

Please review EarthGrid PBC’s (“Applicant”) Application for compliance with Utah Admin. Code R746-349-3, including:

- Subsection (A)(2), including whether the proof of bond that Applicant provided from its California CPCN application satisfies Utah’s requirement;
- Subsection (A)(10)(b), including verifying Applicant’s relationship to the entity for which it provided financial information, and how the provided financial information satisfies the rule;
- Subsection (A)(11)(b), related to “verifiable cash flow to meet cash needs as shown in a five-year projection of expected operations;”
- Subsection (A)(12), related to a “five-year projection of expected operations,” including Subsection (A)(12)(a), related to “[pro forma] income statements and [pro forma] cash flow statements,” and Subsection (A)(12)(b), related to “a technical description of the types of technology to be deployed in Utah including types of switches and transmission facilities;”

*In the event the PSC issues an order or notice providing dates for comments and/or testimony in this docket:
The DPU shall respond consistent with the order or notice;
The order or notice, including any deadlines, shall supersede and replace this action request; and
This action request shall be deemed withdrawn.

- Subsections (A)(14)(a) and (b), related to “proof . . . that service is currently being offered in other jurisdictions by the applicant . . . or the corporation has had at least two years of recent experience in providing telecommunications services related to the type of services the CLEC intends to provide,” in light of Applicant’s receipt of a CPCN in California in July of 2021 and including clarifying whether Applicant provided those services for the required two years under a different name, did not need a CPCN to provide the qualifying services, or otherwise can explain how it complied with the rule; and
- Subsection (A)(17), related to illegal activities of the Applicant or any of its affiliates in any jurisdiction, including sanctions imposed against the Applicant, copies of orders from government bodies, and the Applicant’s response, in light of Applicant’s responses in its California CPCN application.

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