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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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ACTION REQUEST RESPONSE

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Artie Powell, Manager
Brenda Salter, Utility Technical Consultant Supervisor
Ron Slusher, Utility Technical Consultant

Date: October 11, 2022

Re: **Docket No. 22-2638-01:** In the Matter of the Application of Skybeam, LLC. d/b/a Rise Broadband for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-based Local Exchange Telecommunications Service within the State of Utah.

Recommendation (Approve)

The Division of Public Utilities (“Division”) has reviewed the technical, managerial, and financial abilities of Skybeam, LLC. d/b/a Rise Broadband (“Skybeam” or “Applicant”) and has found that it has provided the necessary information to fulfill the requirements as stated in the existing Public Service Commission (“Commission”) rules. The public interest will be promoted by the Commission granting Skybeam a Certificate of Public Convenience and Necessity (“CPCN”) as requested under the same terms and conditions allowed in other CPCNs.

The Division also recommends that the \$100,000 bond be waived on the basis that the Applicant will not require customer deposits or prepayments of any kind.

Division of Public Utilities

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The Division expects that based on history, a filing of this type and with the information submitted by the company will generate no objections or opposition to this recommendation. Therefore, the Division requests that this docket be adjudicated informally in accordance with R746-110-1.

Discussion

On or about September 16, 2022, Skybeam filed an application for a CPCN. The Division reviewed the application and found the following:

Skybeam is registered as a foreign corporation in the State of Utah; with its corporate headquarters located at 61 Inverness Drive East, Suite 250, Englewood, CO 80112. It is a wholly owned subsidiary of JAB Wireless, Inc.

Skybeam seeks authority to provide regulated service to and from all points in Utah where demand for its services arises except that it will not provide local exchange services 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. The Applicant plans to offer point-to-point and point-to-multi-point fixed wireless and fiber optic broadband and voice services.

The Applicant will maintain a combination of switching, wireless transmission tower sites, fiber networks and associated telecommunications facilities in order to provide services in Utah. It anticipates offering services as soon as reasonably practicable after receiving approval of its application for a CPCN.

Skybeam does not initially seek to provide standard local exchange service to end users, including access toll calling, operator services, directory listings and emergency services. If it does offer such services in the future, it would provide access to ordinary intraLATA and interLATA message toll calling, operator services, directory assistance, directory listings,

and emergency services through interconnection and contractual arrangements with the underlying local exchange carrier.

Summaries of professional experience and education of its managerial personnel demonstrate that the Applicant has considerable experience in the telecommunications industry.

According to financial statements attested to be accurate, objective and with integrity by Mark Meisner, CFO, of Skybeam, LLC. d/b/a Rise Broadband the Applicant has a positive net worth and has ample working capital.

The Applicant requests that the \$100,000 bond requirement be waived because it will not require customer deposits or prepayments of any kind.

Skybeam has a certificate as an Eligible Telecommunications Carrier (“ETC”) in Illinois, Iowa, Kansas, Nebraska, and Texas. It also has a CPCN to provide VoIP services in Iowa.

It currently provides fixed wireless voice and broadband services in the following states: Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming.

The Applicant claims that it has never had any complaints nor has any investigation been undertaken against it or any of its affiliates involving unauthorized switching (slamming) or any other illegal activities. Skybeam does not currently provide switched local exchange voice services to end users and does not have a written solicitation policy. To the extent that Skybeam provides service in the future, it will comply with all applicable laws and regulations to prevent the unauthorized switching of local service customers by the company, its employees, or agents.

The Applicant asserts that approval of its application will serve the public interest creating and enhancing competition and expanding customer service options. Additionally, the approval of this application will expand the availability of innovative, high quality, reliable and competitively-priced telecommunications services in the State of Utah.

Conclusion

Based on the Division's review of the filing, we conclude the public interest will be promoted by the Commission granting Skybeam a CPCN and request the Commission approve the application.

cc: Thomas H. Rowland, Rowland & Moore LLP, Counsel for Skybeam, LLC. d/b/a Rise
Broadband.
Jason Ginther, Skybeam, LLC. d/b/a Rise Broadband.
Patricia Schmid, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah