



State of Utah

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Commissioner

April 24, 2024

Daniel Howard
46 Labs LLC
1503 E. 19th Street
Edmund, OK 73013

Joe Mullin
West Technology Group, LLC
11650 Miracle Hills Drive
Omaha, NE 68154

Phillip Marchesiello
Wilkinson Barker Knauer, LLP
1800 M St., NW, Ste. 800N
Washington, DC 20036

Re: Docket No. 24-2617-01, *Hypercube Networks, LLC f/k/a Intrado Communications, LLC's Notice of Transfer of Control to 46 Labs LLC*

Sirs:

The Public Service Commission (PSC) has reviewed the notice (“Notification”) filed by AP VIII Olympus VoteCo, LLC, 46 Labs LLC (“46 Labs”), and Hypercube Networks, LLC (“Hypercube”) in the referenced docket of the acquisition of Hypercube by 46 Labs (“Transaction”). The Transaction will result in Hypercube’s acquisition of ultimate control by 46 Labs.

Intrado Communications, LLC (“Intrado”) was granted a certificate of public convenience and necessity on May 22, 2020 in Docket No. 20-2617-01.¹ Intrado’s CPCN was amended to reflect its name change to Hypercube on November 21, 2023, in Docket No. 23-2617-03.² The Notification states the Transaction “will in turn enhance Hypercube’s ability to offer its services and compete in the telecommunications marketplace. Hypercube will continue to provide competitive and innovative service to

¹ *Application of Intrado Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange Services within the State of Utah*, Docket No. 20-2617-01, Report and Order issued May 22, 2020.

² *Intrado Communications, LLC's Notice of Name Change to Hypercube Networks, LLC*, Docket No. 23-2617-03, Order Acknowledging New Name and Amending Certificate of Public Convenience and Necessity issued November 21, 2023.

existing customers at the same rates, terms, and conditions and in the same geographic areas as currently provided. Accordingly, the Transaction will be transparent to customers and will not result in the discontinuance, reduction, loss, or impairment of service to any customer.”³

The Division of Public Utilities (DPU) filed its comments and recommendation on April 9, 2024, recommending the PSC acknowledge the Notification and requesting informal adjudication of the matter. DPU reiterates that the transaction will occur at the parent level and Hypercube will continue to provide service to its existing customers at the same rates stated in its current tariff. DPU further reiterates that the “transaction will help create a stronger competitor by bringing together each organization’s respective strengths. Operating as an integrated company will allow each of the operating companies to be more competitive and to deliver greater value and variety of services to their customers than they do individually.”⁴ DPU states the transaction will not result in a change of carrier for customers or any assignment of authorizations, and in no event will result in the discontinuance, reduction, loss, or impairment of service to customers. DPU does not address whether the Transaction requires PSC approval.

No party has identified a statutory or other legal requirement for the PSC to approve the proposed Transaction, and no party has requested a declaratory ruling on the issue pursuant to Utah Admin. Code R746-101-1, et seq. Accordingly, the PSC acknowledges that the Notification was filed and gives notice it will take no further action in this docket unless a party files a request for agency action and explains the basis on which the PSC may or should act.

Sincerely,

/s/ Gary L. Widerburg
PSC Secretary
DW#333514

³ Notification, at 1.

⁴ DPU Comments, at 2.