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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

MARGARET W. BUSSE
Executive Director

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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Director
Abdinasir Abdulle, Utility Technical Consultant Supervisor
Ron Slusher, Utility Technical Consultant

Date: January 14, 2025

Re: **Docket No. 24-2653-01**, In the Matter of the Application of Cablevision Lightpath, LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah.

Recommendation (Approve)

The Division of Public Utilities (“Division”) has reviewed the technical, managerial, and financial abilities of the Cablevision Lightpath, LLC (“Cablevision” 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”) Utah Administrative Code R746-349-3. The public interest will be promoted by the Commission granting Cablevision a Certificate of Public Convenience and Necessity (“CPCN”) as requested under the same terms and conditions allowed in other CPCNs within the State of Utah.

Cablevision has requested that the \$100,000 bond be waived on the basis that the Applicant will not require customer deposits or prepayments of any kind.

Cablevision has asked that its application be adjudicated informally under Utah Code Ann. § 54-8b-3(1)(b).

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 Utah Administrative Code R746-110-1.

Discussion

On or about December 20, 2024, Cablevision filed an application for a CPCN. The Division reviewed the application and found the following:

Cablevision is a registered foreign corporation with the State of Utah and was authorized to do business in the state on November 08, 2024. Its corporate headquarters are located at 1111 Stewart Avenue, Bethpage, NY 11714.

The Applicant seeks statewide authority except within exchange areas with less than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in accordance with Utah Code Ann. § 54-8b-2.1 (3) and (4). Specifically, The Applicant seeks authority to offer local exchange services throughout the State of Utah to and from all points in the state that are currently or become open to competition in the future.

Cablevision intends to provide its services to businesses of all sizes and other non-residential customers. It does not intend to provide any telecommunication services to residential customers at this time.

The Applicant states that it will install or use facilities in or on existing structures. In some instances, however, existing structures or routes may not be available, and Applicant will install new infrastructure such as fiber and conduit. The Applicant anticipates offering services in Utah as soon as reasonably practicable after it has obtained approval of its application for a CPCN and completed the construction of its network. Cablevision anticipates construction will take approximately 6 months to complete and anticipates providing services within 12-24 months.

Cablevision does not plan to furnish switched voice services or dial tone currently, and therefore requirements to provide access to directory assistance, directory listings, operator services and emergency services do not apply. Cablevision states that if it desires to

provide local exchange service to end users in the future, it will seek to amend its CPCN to provide local exchange service and will explain how it proposes to provide access to ordinary intraLATA and interLATA message toll calling, operator services, directory assistance, directory listings, and emergency services at that time.

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

On January 07, 2025, the Division requested that a letter attesting the accuracy, objectivity and integrity of the financial statements be sent in by Christopher Yost, Chief Legal Officer and General Counsel, of Cablevision Lightpath, LLC. (see DPU Exhibit 1). 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.

Cablevision has asked that its application be adjudicated informally under Utah Code Ann. § 54-8b-3(1)(b).

The Applicant is currently authorized to provide local exchange telecommunications services in Connecticut, Florida, Georgia, Massachusetts, Minnesota, New Jersey, New York, Ohio, and Virginia.

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.

Cablevision states that since it does not sell or offer services to residential customers it does not have any written solicitation policies in place. In the event that Applicant decides to provide local exchange services to end users in the future, the Applicant states it will comply with all applicable laws and regulations to prevent the unauthorized switching of local service customers by the Applicant, 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 Cablevision Lightpath, LLC a CPCN and request the Commission approve the application.

cc: Christopher Yost, Chief Legal Officer and General Counsel, Cablevision Lightpath, LLC.
Patricia Schmid, Assistant Attorney General, State of Utah
Patrick Grecu, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah