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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

Doug Wheelwright, Utility Technical Consultant Supervisor

Casey J. Coleman, Utility Technical Consultant

**Date:** March 26, 2026

**Re:** **Docket No. 26-2663-01**, In the Matter of the Application of Endurance, LLC for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange, Access, and Interexchange Telecommunications Services within the State of Utah.

## Recommendation (Approve)

The Utah Division of Public Utilities (Division) has conducted a comprehensive review of the application submitted by Endurance, LLC (Endurance or Applicant) for a Certificate of Public Convenience and Necessity (CPCN). The Division finds that the Applicant has demonstrated the necessary technical, managerial, and financial capabilities to provide the proposed services, thereby fulfilling the requirements outlined in the Utah Public Service Commission's (Commission) rule Utah Administrative Code R746-349-3.

The Division recommends that the Commission waive the \$100,000 bond requirement pursuant to R746-349-3(1)(b). This recommendation is based on the Applicant's attestation that it will not require customer deposits or prepayments. Additionally, consumer risk is further mitigated by the Applicant's stated intent to refrain from soliciting or providing services to individual residential consumers during its initial years of operation.

The Division expects no objections to this recommendation, as filings of this type, with the information submitted by Endurance, have historically generated none.



Division of Public Utilities

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Therefore, the Division requests that this docket be adjudicated informally in accordance with Utah Administrative Code R746-110-1 and Utah Code Ann. § 54-8b-3(1)(b).

## Discussion

On March 5, 2026, Endurance, LLC filed an application for a CPCN to provide facilities-based and resold public telecommunications services. Endurance, LLC is a Utah limited liability company organized under the laws of Utah on September 12, 2025, as evidenced by the Articles of Organization provided in Exhibit A. The Applicant received authorization to conduct business in the State of Utah on that same date.

### General Entity Information:

- **Utah Business Entity Number:** 14609657-0160
- **Principal Address:** 6849 S 700 W Ste 100, Midvale, UT 84047

**Registered Agent:** Nicholas J. Fuoco

The Compliance Matrix below details the requirements for CPCN application approval and includes the Division's analysis locating the corresponding data within the application.

### Compliance Matrix

Checklist Requirement	Applicant Status	Source Reference
<b>R746-349-3(1)(a)(i):</b> Support for Tech/Fin/Man	Fulfilled	Exhibit B and Direct Testimony
<b>R746-349-3(1)(b):</b> Proof of Bond (\$100,000)	Waiver Requested	Application Section R746-349-3(1)(b)
<b>R746-349-3(1)(c):</b> Facilities to be Used	Provided	Application Response R746-349-3(1)(c)
<b>R746-349-3(1)(d):</b> Services to be Offered	Provided	Application Response R746-349-3(1)(d)
<b>R746-349-3(1)(g):</b> Managerial Experience	Provided	Exhibit C

<b>R746-349-3(1)(h):</b> Organization Chart	Provided	Exhibit D
<b>R746-349-3(1)(i):</b> Chart of Accounts	Provided Confidentially	Exhibit E
<b>R746-349-3(1)(j):</b> Financial Statements	Provided Confidentially	Exhibits F, G, H, and I
<b>R746-349-3(1)(p):</b> Authority to Conduct Business	Provided	Exhibit J
<b>R746-349-3(1)(q):</b> Slamming/Illegal Activities	Provided	Application Response R746-349-3(1)(q)

**Technical and Managerial Ability (R746-349-3(1)(g, h, n))**

The Applicant is led by a sophisticated management team with extensive expertise in systems architecture and corporate finance. This team maintains a local presence in Midvale, UT, and shares a synergy with Groove Technology Solutions, where the core leadership has operated together since at least 2017. Key personnel include:

- **Lance Platt (CEO):** Holds a PhD in Organization and Management from Capella University and an MBA from the University of Phoenix. Dr. Platt was recognized as a 2024 EY Entrepreneur of the Year Finalist for the Mountain West Region.
- **Nick Fuoco (CFO):** A licensed CPA in Utah holding an MBA in Accounting and Finance from the University of Utah. He previously managed financials for entities with revenues exceeding \$600 million.
- **Ryan Friesenhahn (CTO):** Holds a PhD in Physics from the Massachusetts Institute of Technology (MIT) and served 11 years in the U.S. Air Force. His technical background includes designing and building a full-scale ISP business from the ground up.
- **Mike Murfin (VP Operations):** Brings over 20 years of experience in deployment operations and supply chain management.

- **Skipper Dean (General Counsel):** Licensed to practice law in Utah since 2014 and serves as General Counsel for both the Applicant and Groove Technology Solutions.

The Division finds that the combination of high-level academic credentials, specialized ISP construction experience, and established local management satisfies the requirements for technical and managerial reliability.

#### **Financial Qualifications (R746-349-3(1)(j, k, l))**

The Applicant has submitted a Balance Sheet (Exhibit G), Income Statement (Exhibit F), and Cash Flow Statement (Exhibit H) under seal. The Division's review confirms these statements were prepared in accordance with Generally Accepted Accounting Principles (GAAP), as attested to by management in Exhibit I. The submitted five-year pro forma projection demonstrates that the Applicant possesses sufficient projected cash flow and capital to sustain long-term operations and infrastructure deployment within the State of Utah.

#### **Services and Facilities (R746-349-3(1)(c, d, e))**

Endurance, LLC proposes a "mixed approach" to infrastructure:

- **Infrastructure & Standards:** The Applicant will construct a fiber-optic backbone utilizing Dense Wavelength-Division Multiplexing (DWDM) with capacities ranging from 10 Gbps to 400 Gbps. Core switching will utilize high-capacity Layer 3 equipment (Cisco Nexus and Juniper EX/QFX series) supporting MPLS and QoS features. All technologies comply with IEEE Ethernet standards and NEBS standards for environmental resilience.
- **Service Area & Market:** Initial deployment will focus on the Salt Lake City metropolitan area (Salt Lake, Davis, Utah, and Weber counties). The target launch is October 1, 2026, focusing on business and enterprise customers. Residential expansion will be evaluated based on network deployment progress and market demand.

**Service Types & Access:** Proposed services include local exchange, exchange access, broadband, long distance, wholesale, and VoIP. The Applicant has committed to providing full access to 911/E911, operator services, and directory assistance.

**Public Interest (R746-349-3(1)(o))**

Granting the CPCN to Endurance, LLC serves the public interest through the following:

- **Market Discipline:** The entry of a new CLEC will foster competitive pressure on incumbent providers, likely leading to enhanced service quality and pricing discipline for Utah consumers.
- **Diversity:** Increased network and pricing diversity provides business and governmental entities with more robust redundancy options.

**Economic Impact:** The construction of new fiber-optic facilities facilitates local job creation and supports the state's telecommunications infrastructure.

**Adjudication Requirements**

The Applicant has satisfied the requirements for informal adjudication. The "Direct Testimony of Skipper Dean," signed and sworn before a notary on March 3, 2026, provides the necessary verification under R746-110-2 regarding the accuracy and integrity of the application.

**Conclusion**

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

cc: Skipper Dean, Endurance LLC  
Michele Beck, Utah Office of Consumer Services