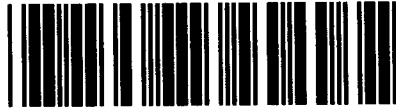




Control Number: 38606



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 38606

APPLICATION OF CONSOLIDATED § PUBLIC UTILITY COMMISSION
COMMUNICATIONS FOR §
AN AMENDMENT TO ITS SERVICE § OF TEXAS
PROVIDER CERTIFICATE OF §
OPERATING AUTHORITY §

COMMISSION STAFF'S FINAL RECOMMENDATION

The Staff (Staff) of the Public Utility Commission of Texas (Commission) files this final recommendation regarding the August 26, 2010, filing by Consolidated Communications (Applicant) to amend its Service Provider Certificate of Operating Authority (SPCOA) No. 60764.

I. PURA/Substantive Rule Requirements

Public Utility Regulatory Act¹ (PURA) §§ 54.151 – 54.159 governs the issuance of an SPCOA. The Commission's rules outline the requirements for the issuance of an SPCOA and the amendment of such. P.U.C. SUBST. R. 26.113 governs amendments to SPCOAs, and 26.113(e) stipulates that if the application to amend requests any change other than a name change, the commission shall consider the factors set forth in P.U.C. SUBST. R. 26.109 and 26.111 in determining whether to approve the amendment.

II. Staff Analysis

Staff has examined Applicant's application for an amendment to its SPCOA No. 60764 to determine if it meets the requirements of PURA §§ 54.156 - 54.159 and P.U.C. SUBST. R. 26.109, 26.111 and 26.113. Gordon Van Sickle of the Commission's Infrastructure Reliability Division reviewed the application to determine whether it meets the technical and consumer protection requirements of PURA §§ 54.156 - 54.159 and P.U.C. SUBST. R. 26.111 and 26.113. Anjuli Winker of the Commission's Financial Review Division reviewed the application to determine whether the transaction meets

¹ Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001 – 66.017 (Vernon 2007 & Supp. 2008) (PURA).

financial qualifications pursuant to P.U.C. Subst. R. 26.113(d) and (e). Staff's recommendations are included as attachments to this pleading and provide more specific information concerning the Applicant's satisfaction of the requirements.

III. Staff Recommendation

As explained further in the attached recommendations, Staff has determined that the Applicant has met the requirements of PURA §§ 54.156 - 54.159 and P.U.C. SUBST. R. 26.109, 26.111 and 26.113 for an amendment to its SPCOA No. 60253. **Staff therefore recommends that this application for an amendment be approved.**

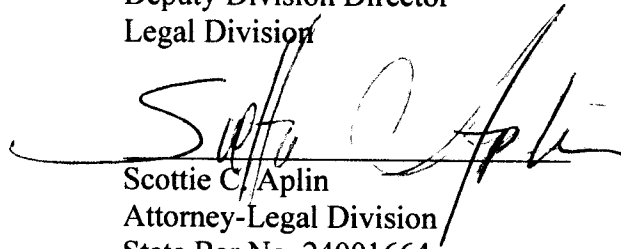
Staff respectfully requests that an order be issued consistent with this recommendation.

Dated: October 7, 2010

Respectfully Submitted,

Thomas S. Hunter
Division Director
Legal Division

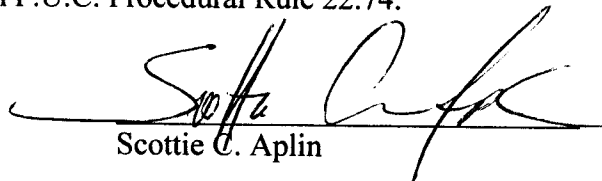
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Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 7, 2010, in accordance with P.U.C. Procedural Rule 22.74.



Scottie C. Aplin

Public Utility Commission of Texas

Memorandum

TO: Docket Management

DATE: October 7, 2010

FROM: Gordon H. Van Sickle, Senior Network Analyst – Infrastructure Reliability *gvs*

SUBJECT: *Docket No. 38606: Application of Consolidated Communications for an Amendment to its Service Provider Certificate of Operating Authority*

Summary of Conclusions and Recommendations

Commission Staff (Staff) finds that Consolidated Communications continues to meet the technical criteria for a Service Provider Certificate of Operating Authority (SPCOA), pursuant to the Public Utility Regulatory Act (TEX. UTIL. CODE ANN. §§54.151 - 54.159) (PURA) and Public Utility Commission of Texas (PUC) Substantive Rule 26.111 and 26.113. Consolidated Communications has filed this amendment to change its certificated name from Consolidated Communications to Consolidated Communications Enterprise Services, Inc. Staff finds that this application does not affect the technical qualifications of Consolidated Communications to provide Facilities-based, Data, and Resale telecommunications services for the entire State of Texas. Staff recommends that Consolidated Communications be granted an amendment to its existing SPCOA No. 60764 changing its name to “Consolidated Communications Enterprise Services, Inc.”

Background Information on Application

On August 26, 2010, Consolidated Communications filed an application requesting a name change for its existing SPCOA No. 60764. Order No. 1 was issued on August 30, 2010, requiring a commission staff recommendation. On September 2, 2010, Staff filed its sufficiency recommendation. Order No. 2 was issued on September 3, 2010, finding the application to be sufficient and complete.

Description of Services

Consolidated Communications Enterprise Services, Inc. (f/k/a Consolidation Communications Network Services, Inc. d/b/a Consolidated Communications) is a Delaware corporation that was formed on August 5, 2002. The Texas Secretary of State (SoS) granted a name change to Consolidation Communications Enterprise Services, Inc. as of July 22, 2004. The Texas SoS issued an authorization to transact business in the State of Texas to Consolidated Communications Enterprise Services, Inc. under file number 800369159. We checked the

requested name against the certificate of operating authority (COA), service provider certificate of operating authority (SPCOA) and incumbent local exchange company (ILEC) official lists and found three similar names: Consolidated Communications (CCN No. 40031) (Affiliate), Consolidated Communications (CCN No. 40054) (Affiliate), and Consolidated Communications (SPCOA No. 60764) (Affiliate). We checked the Interexchange Carriers (IXCs) list and found four similar names: Consolidated Billing Provider, LLC (IXC No. IX010357), Consolidated Communications Operator Services, Inc (IXC No. IX030011) (Affiliate), Consolidated Communications Telecom Services of Texas Company (IXC No. IX011398) (Affiliate) and Consolidated Telecom, Inc. (IXC No. IX020054). Most of the similar names listed above are affiliates of the Applicant. After reviewing the existing names, Staff concludes that the Applicant's requested name "Consolidated Communications Enterprise Services, Inc." is distinctive and acceptable.

Consolidated Communications holds SPCOA No. 60764, CCN No. 40031, and CCN No. 40054 for portions of the service area covered by this application in Texas.

Consolidated Communications (Consolidated Communications Enterprise Services, Inc.) intends to continue providing Facilities-based, Data, and Resale telecommunications services for the entire State of Texas. Consolidated Communications Enterprise Services, Inc. will continue to provide at least one customer service representative per 2,500 customers during normal business hours. Consolidated Communications Enterprise Services, Inc. intends to continue providing the following Business and Residential telecommunications services: ADSL, VDSL, 56K Switch, Wireless, VOIP, Frame Relay and Long Distance. Business Only – T1- Private Line Service, T1 Fractional, Optical Services, Fiber, and Hybrid Coax. Consolidated Communications Enterprise Services, Inc. provided a toll-free customer service number (866) 989-2255. Consolidated Communications Enterprise Services, Inc. has established a principal office phone number (936) 756-0611, an office fax number (936) 788-1229, a website address (www.consolidated.com), and an email address (morris@namanhowell.com).

Consolidated Communications Enterprise Services, Inc. has not requested a change in its existing service area of the entire State of Texas.

Additional Information Requested for Technical Review

Consolidated Communications Enterprise Services, Inc. was not requested to provide any clarifying technical information concerning this application.

Technical Qualifications

Consolidated Communications Enterprise Services, Inc.'s management personnel were not reviewed for a name change.

Compliance Check

A check of the Texas Comptroller's Office concerning the Franchise Tax Account Status for Consolidated Communications Enterprise Services, Inc. (Taxpayer ID# 10206364647) revealed the following: **IN GOOD STANDING NOT FOR DISSOLUTION OR WITHDRAWAL through November 15, 2010.**

Complaint Check

Consolidated Communications Enterprise Services, Inc. (f/k/a Consolidated Communications) and its affiliates reported 30 complaints in the past 24 months. Consolidated Communications and its affiliates reported its number of customers for the past 24 months confidentially. Using the above information, the customer to complaint ratio is below 6%; therefore no further investigation is warranted. Consolidated Communications had no NOVs.

Conclusion

Based on the information provided by the applicant and my review and analysis of the application filed; Commission Staff finds that Consolidated Communications is qualified to be granted a name change to "Consolidated Communications Enterprise Services, Inc." Commission Staff recommends that SPCOA No. 60764 be revised to reflect the name change to "Consolidated Communication Enterprise Services, Inc."

Public Utility Commission of Texas

Memorandum

October 7, 2010

TO: Bernice Cox, Legal
FROM: Anjuli Winker, Financial Analyst ^{o.s.w.}
RE: Docket No. 38606 Application of Consolidated Communications Network Services, Inc. to amend its Service Provider Certificate of Operating Authority

Recommendation

The change in name does not impact the underlying financial qualification obtained in Docket No. 33145. Application approval is recommended from a financial perspective.

Applicant

Consolidated Communications Network Services, Inc. holds SPCOA No. 60764 and is currently authorized to provide facilities based and resale competitive local exchange services throughout the State of Texas. Financial qualification pursuant to P.U.C. Subst. R. §26.109 were obtained in Docket No. 33145.

Analysis and Conclusions

The transaction does not result in a change to the underlying financial qualification of the SPCOA holder as previously approved. The transaction does not require an analysis of financial qualification pursuant to P.U.C. Subst. R. §26.113(d) and (e).