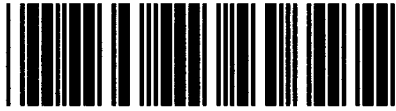




Control Number: 38857



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 38857

**APPLICATION OF CREXENDO
BUSINESS SOLUTIONS, INC. FOR A
SERVICE PROVIDER CERTIFICATE
OF OPERATING AUTHORITY**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

RECEIVED
2010 NOV -5 PM 1:43
PUBLIC UTILITY COMMISSION
CLERK

**COMMISSION STAFF'S COMMENTS ON ELIGIBILITY
OF APPLICATION**

The Staff (Staff) of the Public Utility Commission of Texas (Commission) files these comments on eligibility regarding the October 29, 2010, filing by Crexendo Business Solutions, Inc. (Applicant) applying under § 54.151 of the Public Utility Regulatory Act¹ for approval of a Service Provider Certificate of Operating Authority (SPCOA) to provide data, facilities-based/UNE, and resale telecommunications services within the geographic areas currently serviced by AT&T Texas, Verizon Southwest, and CenturyLink.. This recommendation does not address the merits of the application; such a recommendation will be filed according to the procedural schedule set forth in Order No. 1.

PURA/Substantive Rule Requirements

Public Utility Regulatory Act § 54.153 governs whether an applicant is eligible to obtain an SPCOA. Staff reviewed Applicant's application in light of § 54.153 and finds that Applicant, together with its affiliates, has less than six percent of the total intrastate switched access minutes of use (1.6 billion) for the most recent twelve-month period preceding the filing of its application for which data was available. Therefore, Staff finds that the Applicant is eligible to obtain an SPCOA.

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

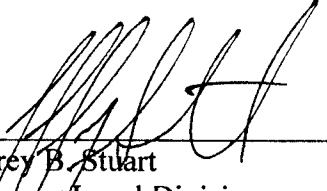
Staff respectfully requests that an order be issued consistent with this recommendation.

Date: November 5, 2010

Respectfully Submitted,

Thomas S. Hunter
Division Director-Legal Division

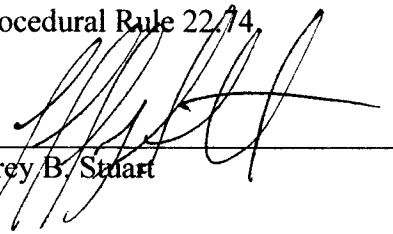
Keith Rogas
Deputy Division Director-Legal Division



Jeffrey B. Stuart
Attorney, Legal Division
State Bar No. 24066160
(512) 936-7442
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 5, 2010, in accordance with P.U.C. Procedural Rule 22.14.



Jeffrey B. Stuart