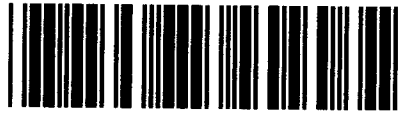


Control Number: 39377



Item Number: 5

Addendum StartPage: 0

**DOCKET NO. 39377**

**APPLICATION OF AEON COMMUNICATIONS, LLC FOR A SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY**      § **PUBLIC UTILITY COMMISSION**  
§  
§ **OF TEXAS**  
§

**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 May 3, 2011, filing by Aeon Communications, LLC (Applicant) applying under § 54.151 of the Public Utility Regulatory Act<sup>1</sup> for approval of a Service Provider Certificate of Operating Authority (SPCOA) to provide facilities-based and resale telecommunications services within the entire State of Texas in the service areas of Southwestern Bell Telephone Company d/b/a AT&T Texas and Verizon Southwest. 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.

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FILING CLERK

**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.

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

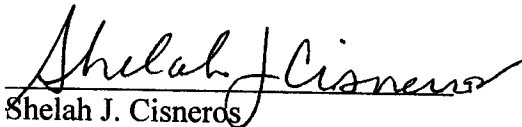
Staff respectfully requests that an order be issued consistent with this recommendation.

Dated: May 12, 2011

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

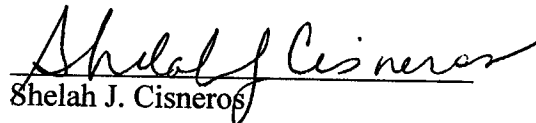
Keith Rogas  
Deputy Division Director  
Legal Division



Shelah J. Cisneros  
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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 May 12, 2011, in accordance with P.U.C. Procedural Rule 22.74.

  
Shelah J. Cisneros