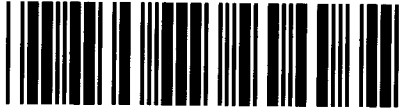




Control Number: 40178



Item Number: 6

Addendum StartPage: 0

DOCKET NO. 40178

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

**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 February 13, 2012, filing by Sonic Telecom, LLC, (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 and resale telecommunications services throughout the entire State of Texas. 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 (West 2007 & Supp. 2011) (PURA).


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

Dated: February 23, 2012

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division


Keith Rogas
Deputy Division Director-Legal Division



Jason Haas
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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 February 23, 2012, in accordance with P.U.C. Procedural Rule 22.74.



Jason Haas