

Control Number: 40873



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DOCKET NO. 40873

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PUBLIC UTILITY COMMISSION
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**APPLICATION OF MASSCOMM INC.
FOR A SERVICE PROVIDER
CERTIFICATE OF OPERATING
AUTHORITY**

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**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 October 22, 2012, filing by MassComm, Inc. (Applicant) applying under § 54.151-54.159 of the Public Utility Regulatory Act¹ for approval of a Service Provider Certificate of Operating Authority (SPCOA) to provide resale-only telecommunications services in the exchanges currently served by Southwestern Bell Telephone Company d/b/a AT&T Texas, Verizon Southwest, CenturyLink and Windstream. 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.

Requested Name Recommendation

Staff finds that the Applicant's requested name "MassComm, Inc." is distinctive and acceptable.

¹ Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001 – 66.017 (West 2007 & Supp. 2011) (PURA).

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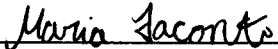
Staff respectfully requests that an order be issued consistent with this recommendation.

Dated: October 30, 2012

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division

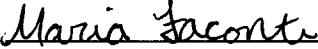
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 30, 2012, in accordance with P.U.C. Procedural Rule 22.74.



Maria Faconti