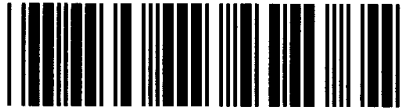


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**DOCKET NO. 42741**

14/07/15 11:09:09

**SOUTHWESTERN BELL TELEPHONE §  
COMPANY D/B/A AT&T TEXAS'S §  
PETITION TO ISSUE A CERTIFICATE §  
OF OPERATING AUTHORITY AND §  
RESCIND ITS CERTIFICATE OF §  
CONVENIENCE AND NECESSITY §  
§**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1**

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest and files this Response to Order No. 1 and would show the following:

**I. BACKGROUND**

On August 7, 2014, Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T Texas") filed a petition (1) to reclassify itself as a deregulated company pursuant to PURA<sup>1</sup> § 65.052(c), (2) for the issuance of a Certificate of Operating Authority ("COA") consistent with PURA § 65.101(a) and (b), and (3) for the rescission of its Certificate of Convenience and Necessity ("CCN").<sup>2</sup>

On August 12, 2014, the Administrative Law Judge ("ALJ") issued Order No. 1 requiring Staff to file comments regarding the Petition, including regarding the appropriate processing of this proceeding, by August 19, 2014. This pleading is timely filed.

**II. SUFFICIENCY OF THE APPLICATION AND NOTICE**

Staff has reviewed the Petition and has determined that there are no material deficiencies. AT&T Texas' Petition is sufficient for the purpose of further review.

<sup>1</sup> Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-66.016 (Vernon 2007 & Supp. 2013) ("PURA").

<sup>2</sup> AT&T Texas's Original Petition (Aug. 7, 2014) ("Petition").

AT&T Texas proposed that notice of the Petition be provided by publication in the *Texas Register*.<sup>3</sup> AT&T Texas also stated that its Petition was served on representatives for Staff, the Office of Public Utility Counsel, Verizon, CenturyLink, Windstream, AMA TechTel Communications, T-Mobile US, Inc., Sprint, Time Warner Cable, MTPCS, LLC d/b/a Cellular One, and Sage Telecom, Inc.<sup>4</sup>

Staff notes that the notice requirement for this proceeding is governed by P.U.C. PROC. R. 22.55,<sup>5</sup> which states that the presiding officer may require reasonable notice but does not specify what notice is necessary. Staff recommends that no notice beyond AT&T Texas's proposal is necessary at this time.

### III PROCESSING OF THE APPLICATION

AT&T Texas anticipates that all requirements for informal disposition as set in P.U.C. PROC. R. 22.35(a) will be satisfied in this proceeding. P.U.C. PROC. R. 22.35(a) states that an application, other than a major rate proceeding, may be approved if (1) at least 15 days have passed since the completion of all notice requirements, (2) the decision is not adverse to any party other than Staff, and (3) the Commission finds that no hearing is necessary. If these three requirements are met, P.U.C. PROC. R. 22.35(b) provides for the ALJ to issue a Proposed Order for the Commission's consideration at a subsequent Open Meeting.

AT&T Texas provided a proposed procedural schedule that is consistent with its expectation that this proceeding may be processed using informal disposition. AT&T proposed the following schedule:<sup>6</sup>

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<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.* at 10–11.

<sup>5</sup> Staff notes that P.U.C. PROC. R. 22.52(b) states that it applies to telephone licensing proceedings affecting a utility's CCN, which could be read to include this proceeding. However, the rule's provisions appear to relate to "where a certificate of convenience and necessity is being requested" or where a "proposed facility or territory is located." P.U.C. Proc. R. 22.52(b)(1) and (2). The issuance of a CCN for a new service area or the construction of a new facility is not requested in this proceeding. Accordingly, Staff recommends that this proceeding is properly governed by P.U.C. PROC. R. 22.55,<sup>5</sup>

<sup>6</sup> Petition at 6.

<b>Deadline</b>	<b>Date</b>
Intervention deadline <sup>7</sup>	August 29, 2014
Staff to file a recommendation on final disposition	September 12, 2014
AT&T Texas and Staff to file a Joint Proposed Order	September 26, 2014

AT&T Texas also stated that the Commission could likely consider the Petition at the October 17, 2014 open meeting.<sup>8</sup>

Staff agrees with AT&T Texas that this proceeding may likely be processed using informal disposition and concurs with the procedural schedule proposed in the Petition, including the proposed intervention deadline of August 29, 2014. Accordingly, Staff recommends that referral to the State Office of Administrative Hearings is unnecessary at this time and recommends the adoption of the above procedural schedule.

#### **IV CONCLUSION**

For the reasons stated above, Staff respectfully requests the entry of an order consistent with the above recommendations.

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<sup>7</sup> AT&T Texas noted that its proposed intervention deadline is fewer than 45 days from the date of the filing of its Petition and stated adoption of its proposed intervention deadline is consistent with the ALJ's authority pursuant to P.U.C. PROC. R. 22.104(b). *Id.*

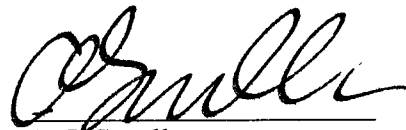
<sup>8</sup> *Id.*

Date: August 15, 2014

Respectfully Submitted,

Joseph P. Younger  
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**DOCKET NO. 42741**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 15, 2014 in accordance with P.U.C. PROC. R. 22.74.

  
A. J. Smullen