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DOCKET NO. 43559

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**APPLICATION OF TRI-M
COMMUNICATIONS d/b/a TMC
COMMUNICATIONS FOR
AMENDMENT TO A SERVICE
PROVIDER CERTIFICATE OF
OPERATING AUTHORITY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF’S FINAL RECOMMENDATION

The Staff (Staff) of the Public Utility Commission of Texas (Commission) files this final recommendation the October 14, 2014, filing by Tri-M Communications d/b/a TMC Communications (Applicant) to amend Service Provider Certificate of Operating Authority (SPCOA) No. 60696, changing its certificated name to “Globalinx Enterprises, Inc.”

I. PURA/Substantive Rule Requirements

Pursuant to §54.154(b)(3) of the Public Utility Regulatory Act,¹ the applicant must demonstrate that it has the technical ability to provide the requested services and that the services meet the requirements of PURA §§54.151–54.158. Additionally, the applicant must demonstrate compliance with the customer protection requirements of P.U.C. SUBST. R. 26.111. Finally the applicant must establish that it has met the financial qualifications outlined in PURA §54.154(b)(3) and P.U.C. SUBST. R. 26.111.

II. Staff Analysis

Staff has examined Applicant’s application for an amendment to its SPCOA No. 60696. Grace Godines of the Commission’s Competitive Markets Division reviewed the application to determine whether it meets the technical requirements of PURA §§54.151–54.158 and the customer protection requirements of P.U.C. SUBST. R. 26.111. Diane Hopingardner of the Commission’s Competitive Markets Division reviewed the application to determine whether it meets the requirements of PURA §54.154(b)(3) and P.U.C. SUBST. R. 26.111. Ms. Godines’ recommendation is included as an attachment to this pleading and provides more specific

¹ Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001–66.016 (West 2007 & Supp. 2014) (PURA).

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information concerning the applicant's satisfaction of the technical, customer protection requirements.

IV. Staff Recommendation

As explained in the attached recommendations, Staff has determined that the Applicant has met the requirements of PURA §§54.151–54.158 and P.U.C. SUBST. R. 26.111 for an amendment to SPCOA No. 60696. **Staff therefore recommends that this Application for an amendment be approved.**

V. Conclusion

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

Dated: November 13, 2014

Respectfully Submitted,

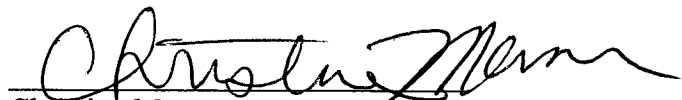
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 13, 2014 in accordance with P.U.C. Procedural Rule 22.74.


Christina Mann

Public Utility Commission of Texas

Memorandum

TO: Docket Management
FROM: Grace Godines – Competitive Markets Division *GG*
DATE: November 13, 2014
SUBJECT: Docket No. 43559: Application of TRI-M Communications d/b/a TMC Communications for an Amendment to a Service Provider Certificate of Operating Authority

Summary of Conclusions and Recommendations

Staff (Staff) of the Public Utility Commission of Texas finds that Tri-M Communications d/b/a TMC Communications continues to meet the technical criteria for a Service Provider Certificate of Operating Authority (SPCOA), pursuant to the Public Utility Regulatory Act (TEX. UTIL. CODE ANN. §§54.151 - 54.159) (PURA) and Public Utility Commission of Texas (PUC) Substantive Rule 26.111. The Applicant is requesting this amendment to SPCOA No. 60696 to change its certificated name from Tri-M Communications d/b/a TMC Communications to Globalinx Enterprises, Inc. Staff finds that this application does not affect the technical qualifications of Tri-M Communications d/b/a TMC Communications to provide Facilities-based and Resale telecommunications services for the entire State of Texas. Staff recommends that Tri-M Communications d/b/a TMC Communications be granted an amendment to its existing SPCOA No. 60696 changing its certificated name to “Globalinx Enterprises, Inc.”.

Background Information on Application

On October 14, 2014, Tri-M Communications d/b/a TMC Communications filed an application requesting a name change for its existing SPCOA No. 60696. Order No. 1 was issued on October 16, 2014, requiring a commission staff recommendation. On November 3, 2014, Staff filed its sufficiency recommendation. Order No. 2 was issued on November 4, 2014, finding this application to be sufficient and complete.

Description of Services

Tri-M Communications d/b/a TMC Communications is a California company. The Texas Secretary of State (SoS) issued an authorization to transact business in the State of Texas to Tri-M Communications d/b/a TMC Communications under file number 1191780 as a Foreign For Profit Corporation as of January 15, 1998. Texas SoS approved d/b/as: “Globalinx Enterprises, Inc.”
PUC approved d/b/as: Globalinx Enterprises Inc.

We checked the requested name against the certificate of operating authority (COA), service provider certificate of operating authority (SPCOA) and incumbent local exchange company (ILEC) official lists and found no similar names. We checked the Interexchange

Carriers (IXCs) list and found no similar names. After reviewing the existing names, Staff concludes that the Applicant's requested name "Globalinx Enterprises, Inc." is distinctive and acceptable.

Tri-M Communications d/b/a TMC Communications intends to continue providing Facilities-based data and Resale telecommunications services for the entire State of Texas. Tri-M Communications d/b/a TMC Communications provided a toll-free customer service number (888) 999-1133. Tri-M Communications d/b/a TMC Communications has established a principal office phone number (585) 321-5942, an office fax number (805) 967-5686, and an email address (jmulvehill@5linx.com).

Tri-M Communications d/b/a TMC Communications has not requested a change in its existing service area of the entire State of Texas.

Compliance Check

A check of the Texas Comptroller's Office concerning the Franchise Tax Account Status for Tri-M Communications d/b/a TMC Communications (Taxpayer ID# 17704581861) revealed the following: **Active**.

Tri-M Communications d/b/a TMC Communications filed its 2014 CLEC and IXC Annual Reports; therefore, it is in compliance with its CLEC Annual Reporting requirements.

Complaint Check

The Commission Company Contact Database shows 0 complaints against Tri-M Communications d/b/a TMC Communications for the past 60 months. Tri-M Communications d/b/a TMC Communications filed its number of customers as 119978 for the past 60 months. Using the above information, the customer to complaint ratio is below 6%; therefore no further investigation is warranted.

Conclusion

Based on the information provided by the applicant and my review and analysis of the application filed; Staff finds that Tri-M Communications d/b/a TMC Communications is qualified to be granted a name change to "Globalinx Enterprises, Inc.". Staff recommends that SPCOA No. 60696 be revised to reflect the name change to "Globalinx Enterprises, Inc.".