



Control Number: 45741



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DOCKET NO. 45741

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APPLICATION OF DSCI, LLC AND US §
TELEPACIFIC CORP. TO AMEND A §
SERVICE PROVIDER CERTIFICATE §
OF OPERATING AUTHORITY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S FINAL RECOMMENDATION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Final Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On March 17, 2016, DSCI, LLC and U.S. TelePacific Corp. (DSCI) filed an application to amend its Service Provider Certificate of Operating Authority (SPCOA) No. 60943, pursuant to § 54.151-159 of the Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2007 & Supp. 2014) (PURA) and 16 Tex. Admin. Code § 26.111 (TAC). Applicant seeks approval of a change in ownership/control.

In Order No. 1, issued March 18, 2016, Staff was given a deadline of April 14, 2016, to file a final recommendation on the application. This pleading is therefore timely filed.

II. STAFF'S FINAL RECOMMENDATION

Staff has reviewed the application, and as supported by the attached memorandum of Gordon Van Sickle of the Competitive Markets Division, Staff has concluded that DSCI's application provides the information required to demonstrate that the Applicants have met the technical requirements of PURA §§ 54.151-54.159 and the customer protection requirements of 16 TAC § 26.111 for an amendment to a SPCOA. Therefore, Staff recommends approval of the application.

III. CONCLUSION

Staff respectfully recommends that DSCI's application be approved.

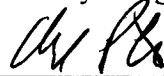
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Dated: April 14, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division

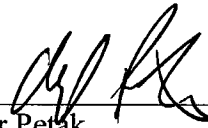


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 14, 2016, in accordance with 16 TAC § 22.74.



Alexander Petak

Public Utility Commission of Texas

Memorandum

TO: Alexander Petak, Attorney – Legal Division
FROM: Gordon H. Van Sickle, Utility Analyst – Competitive Markets Division *gvs*
DATE: April 14, 2016 *psl*
SUBJECT: Docket No. 45741 - *Application of DSCI, LLC and U.S. TelePacific Corp. to Amend a Service Provider Certificate of Operating Authority*

RECOMMENDATION

On March 17, 2016, DSCI, LLC and U.S. TelePacific Corp. filed an application to amend DSCI, LLC's Service Provider Certificate of Operating Authority (SPCOA) No. 60943 to reflect a change in ownership. Order No. 1, *Setting Procedural Schedule, Establishing Procedures, and Adopting Protective Order*, was issued on March 18, 2016. On March 24, 2016, Commission Staff (Staff) filed its recommendation on the sufficiency of the application. Order No. 2, *Deeming Application Sufficient and Complete*, was issued on April 6, 2016.

DSCI, LLC and U.S. TelePacific Corp. requested an amendment to SPCOA No. 60943 to reflect a change in ownership/control where U.S. TelePacific Corp. is purchasing the stocks of DSCI, LLC. This would make DSCI, LLC the subsidiary of U.S. TelePacific Corp. This is a pro forma change to DSCI, LLC's customers. The existing customers will experience no change in rates, terms or conditions as a result of this change of ownership/control. No technical changes have occurred as a result of this change of ownership/control. The name on the SPCOA will remain "DSCI, LLC".

Analysis

DSCI, LLC is a Delaware limited liability company that was established as of March 4, 2014. The Texas Secretary of State (SoS) issued an authorization to transact business in Texas to DSCI, LLC as a foreign limited liability company under file number 32054389534 as of June 17,

2014. DSCI, LLC is “in existence” in the Texas SoS database and “active” in the Texas Comptroller’s database. DSCI, LLC did not request a change in its service area.

Pursuant to 16 Tex. Admin. Code § 26.111(g)(1) (TAC), an applicant must have principals, consultants or permanent employees in managerial positions whose combined experience in the telecommunications industry equals or exceeds five years. The information provided by DSCI, LLC and U.S. TelePacific Corp. demonstrate that DSCI, LLC’s management experience still exceeds this requirement.

Pursuant to 16 TAC § 26.111(g)(3), an applicant must include complaint history, disciplinary record, and compliance record for the 60 months immediately preceding the filing of an application. DSCI, LLC and U.S. TelePacific Corp. stated that neither the company nor its officers had any previous or ongoing investigations and had not been assessed any penalties. DSCI, LLC and U.S. TelePacific Corp. stated that none of their officers had been convicted of a felony. A search by Staff did not reveal any investigations or penalties assessed against DSCI, LLC or U.S. TelePacific Corp.

Staff’s review found the following: (1) the Commission’s complaint database does not show that any complaints had been filed against DSCI, LLC or U.S. TelePacific Corp. in the past 60 months; (2) DSCI, LLC filed its 2015 Annual Report, but has not currently filed its 2016 Annual Report; (3) there are no outstanding Notices of Violation against DSCI, LLC or U.S. TelePacific Corp.; and (4) DSCI, LLC and U.S. TelePacific Corp. are not currently under any investigation for violation of any deceptive trade or consumer protection laws or regulations.

Conclusion

After reviewing the application, Staff concludes that DSCI, LLC and U.S. TelePacific Corp. provided all the information required under 16 TAC § 26.111 to amend Telecommunication Properties, Inc.’s SPCOA No. 60943 to reflect the pro forma change of ownership to U.S. TelePacific Corp. Staff recommends that DSCI, LLC and U.S. TelePacific Corp.’s application for an amendment to SPCOA No. 60943 be approved.