

Control Number: 45932



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RECEIVED

APPLICATION OF FRONTIER §  
SOUTHWEST INCORPORATED D/B/A §  
FRONTIER COMMUNICATIONS OF §  
TEXAS FOR AN AMENDMENT TO A §  
CERTIFICATE OF CONVENIENCE AND §  
NECESSITY §

PUBLIC UTILITY COMMISSION  
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PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION AND  
PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response to Order No. 3, Staff's Recommendation on Final Disposition and Proposed Procedural Schedule. In support thereof, Staff shows the following:

**I. BACKGROUND**

On May 5, 2016, Frontier Southwest Incorporated d/b/a Frontier Communications of Texas (Frontier or Applicant) filed an application for a name change amendment to its Certificate of Convenience and Necessity (CCN) No. 40037. The Applicant would like to change the name to its assumed name Frontier Southwest Incorporated d/b/a Frontier Communications of Texas, under which it prefers to transact business.

On May 6, 2016, Order No. 1 was issued which requiring Staff to file a recommendation on administrative completeness. On May 20, 2016, Staff filed it's administrative completeness recommendation, recommending that the application be found sufficient, but also recommending that the notice requirements of 16 Tex. Admin. Code § 22.52(b) (TAC) applied and that Frontier should therefore provide notice in accordance with that rule. On May 25, 2016, the Administrative Law Judge (ALJ) issued Order No. 2 deeming the application sufficient, but requiring Frontier to provide notice in accordance with 16 TAC § 22.52(b). On May 27, 2016, Frontier filed a Response to Commission Staff's Recommendation Regarding Sufficiency of Notice, Request for Reconsideration of Order No. 2, and Request for Good Cause Exception, in which Frontier asked that the ALJ reconsider Order No. 2 on notice or in the alternative grant a good cause exception exempting Frontier from providing such notice in this case. The Commission heard Frontier's appeal at the June 29, 2016 Open Meeting and on July 7, 2016 issued an Order on Interim Appeal granting Frontier's appeal and directing the ALJ to issue an order granting Frontier's request for a good cause exception.

On July 15, 2016, the ALJ issued Order No. 3, which granted Frontier's request for a good cause exception to the notice requirements of 16 TAC § 22.52(b) and required Staff to propose a procedural schedule by July 22, 2016. Therefore, this pleading is timely filed.

## **II. RECOMMENDATION ON FINAL DISPOSITION**

Staff has reviewed Frontier's application for a name change to CCN No. 40037 and, as further detailed in the attached memorandum of Gordon Van Sickle of the Competitive Markets Division, Staff recommends that the application be approved. Frontier meets the requirements of 16 TAC § 26.101(d) and (e) for a change to the corporate or assumed name of the CCN holder.

## **III. PROPOSED PROCEDURAL SCHEDULE**

In support of the recommendation stated above, Staff proposes the following procedural schedule:

| <b>Event</b>   | <b>Date</b>                |
|--|----------------------------|
| Deadline to intervene  | July 14, 2016 <sup>1</sup> |
| Deadline for Staff to file a recommendation on final disposition                             | July 22, 2016              |
| Deadline for Frontier to respond to Staff's final recommendation regarding final disposition | July 29, 2016              |

Staff has conferred with counsel for the Applicant and is authorized to report that Frontier agrees with this proposed procedural schedule.

## **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that Frontier's application be approved and that the above proposed procedural schedule be adopted.

**DATE: July 22, 2016**

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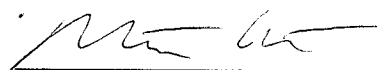
<sup>1</sup> Pursuant to 16 Tex. Admin. Code § 22.52(b)(1) (TAC), the intervention deadline for a telecommunications licensing proceeding is seventy days after the application is filed with the Commission. Frontier filed the application on May 5, 2016, therefore seventy days later is July 14, 2016.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

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**DOCKET NO. 45932  
CERTIFICATE OF SERVICE**

I, Matthew Arth, Attorney – Legal Division of the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record in this proceeding on July 22, 2016 in the following manner: via facsimile.



Matthew A. Arth

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Matthew Arth – Attorney  
Legal Division

**FROM:** Gordon H. Van Sickle - Utility Analyst  
Competitive Markets Division

**DATE:** July 22, 2016

**SUBJECT:** Docket No. 45932: *Application of Frontier Southwest Incorporated d/b/a Frontier Communications of Texas for an Amendment to a Certificate of Convenience and Necessity*

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## **Recommendation**

On May 5, 2016, Frontier Southwest Incorporated d/b/a Frontier Communications of Texas (Frontier or the Company) filed an application seeking an amendment to its Certificate of Convenience and Necessity No. 40037 (CCN). The application was filed pursuant to PURA §§ 54.051-54.054 and 16 Tex. Admin. Code § 26.101 (TAC). Frontier filed its application for a name change amendment to reflect the change in ownership and control of the company that occurred on April 1, 2016. The Company would like to change the name to Frontier Southwest Incorporated d/b/a Frontier Communications of Texas. On May 17, 2016, Frontier filed an assumed name certificate from the Office of the Texas Secretary of State.

Order No. 1, *Requiring Comments on Sufficiency of Application and Notice; Addressing Other Procedural Matters*, was issued on May 6, 2016. On May 20, 2016, Commission Staff (Staff) filed its recommendation regarding administrative completeness. Order No. 2, *Addressing Sufficiency of Application and Notice*, was issued on May 25, 2016. On May 27, 2016, Frontier filed a request for the administrative law judge to reconsider her ruling in Order No. 2 regarding the notice requirement or in the alternative to grant a good cause exception. After discussion at the June 29, 2016 open meeting, the Commission issued an Order on Interim Appeal on July 7, 2016. Order No. 3, *Granting Good Cause Exception; Requesting Procedural Schedule*, was issued on July 15, 2016.

Pursuant to 16 TAC § 22.52(b), in all telephone licensing proceedings, except minor boundary changes, applications for a COA, or applications for a SPCOA, an applicant is required to provide notice in a newspaper and by mail. On May 27, 2016, Frontier filed a request for a good cause exception pertaining to the notice requirements of 16 TAC § 22.52(b). The Commission granted Frontier's request for a good cause exception on July 7, 2016 (*see* Order on Interim Appeal).

Pursuant to 16 TAC § 26.101(e), a person or entity granted a CCN by the Commission shall file an application to amend the CCN in order to change the corporate name or assumed name of the certificate holder. Frontier has met this requirement by filing the instant application to amend CCN No. 40037.

Pursuant to 16 TAC § 26.101(d)(1) & (2), an applicant must provide certain information from its registration with the Office of the Secretary of State or from its corporate registration in another state or county. The required information includes: (1) form of business; (2) any assumed name; (3) certification/file number; and (4) date business was registered. The requested name may not be deceptive, misleading, vague, inappropriate, confusing or duplicative of an existing certificated telecommunication utility. Staff has reviewed Frontier's application and the assumed name certificate and concludes that the Company provided all the required information outlined in 16 TAC § 26.101(d) and therefore meets such requirements. Additionally, after a review of the Commission's database, Staff concludes that the name "Frontier Southwest Incorporated d/b/a Frontier Communications of Texas" is acceptable.

Based on Staff's review of Frontier's application and its assumed name certificate, Staff recommends that the Company's application to amend CCN No. 40037 to reflect a name change be GRANTED.