

Control Number: 45932



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DOCKET NO. 45932

RECEIVED

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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2016 MAY 20 PM 2:57
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS
REGISTRY CLERK

**COMMISSION STAFF'S RECOMMENDATION REGARDING
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response to Order No. 1, Staff's Recommendation Regarding Administrative Completeness. 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 required Staff to comment on (1) the sufficiency of the application, (2) what, if any, additional notice is required, and (3) a proposed procedural schedule for processing this docket by May 20, 2016. Therefore, this pleading is timely filed.

II. RECOMMENDATION REGARDING SUFFICIENCY

Staff has reviewed the application and recommends that Frontier's application be found sufficient and therefore administratively complete. Pursuant to 16 Tex. Admin. Code § 26.101(e)(1)(A) (TAC), CCN holders must amend their certificates for a change in the name of the CCN holder, including a change of the corporate name or assumed name. Frontier requests to change the name on its CCN to the name under which it prefers to transact business, Frontier Southwest Incorporated d/b/a Frontier Communications of Texas.

III. RECOMMENDATION REGARDING NOTICE

Notice of this application appeared in the May 20, 2016 issue of the *Texas Register*. Pursuant to 16 TAC § 22.52(b), additional notice is required in all telephone licensing proceedings,

except minor boundary changes, applications for a certificate of operating authority, or applications for a service provider certificate of operating authority. Subsection (b)(1) requires applicants to publish notice “in a newspaper having general circulation in the county or counties where a CCN is being requested, once each week for two consecutive weeks.” Such notice is required to be published beginning the week after the application is filed. Because no affidavit has been filed indicating that Frontier published such notice, Staff recommends that the ALJ order Frontier to publish such notice immediately. Staff further notes that 16 TAC § 22.52(b)(3) requires day-for-day extension of deadlines for intervention for any failure to provide notice in accordance with subsection (b). Subsection (b)(1) states that the deadline for intervention is 70 days after the date that the application was filed with the Commission. Because Frontier should have published such notice beginning on May 12, 2016 at the latest, Staff recommends that the 70 day intervention deadline be delayed by the number of days between May 12, 2016 and the first date that Frontier’s notice is published. Staff recommends that Frontier consult 16 TAC § 22.52(b)(1) for instruction on the content and language to be used in its published notice.

In addition to notice by publication, 16 TAC § 22.52(b)(2) requires that Frontier also mail notice of its application to cities and neighboring utilities providing the same service within five miles of the requested territory or facility. Staff interprets “the requested territory or facility” in this case to mean Frontier’s service area for CCN No. 40037. Staff recommends that Frontier be ordered to file proof of publication and proof of notice by mail.

IV. PROPOSED PROCEDURAL SCHEDULE

Because the Applicant has not fulfilled the notice requirements of 16 TAC § 22.52, Staff is unable to determine the deadline for intervention at this time and accordingly cannot calculate an appropriate procedural schedule. Staff intends to propose a proposed procedural schedule within five working days of Frontier’s filing of proof of notice in this docket.

V. CONCLUSION

For the reasons stated above, Staff respectfully recommends that Frontier’s application be deemed administratively complete. Staff further recommends that the ALJ order Frontier to give notice in the manner set out above and to file proof of such notice.

DATE: May 20, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

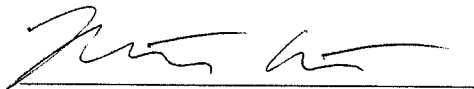
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CERTIFICATE OF SERVICE**

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 May 20, 2016 in the following manner: facsimile.



Matthew Arth