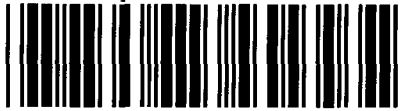




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DOCKET NO. 46587

APPLICATION OF NEUTRAL §
TANDEM-TEXAS, LLC AND ONVOY, §
LLC FOR AN AMENDMENT TO A §
SERVICE PROVIDER CERTIFICATE §
OF OPERATING AUTHORITY §

RECEIVED
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PUBLIC UTILITY COMMISSION
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FOR 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 November 17, 2016, Neutral Tandem-Texas, LLC (Neutral Tandem) and Onvoy, LLC (Onvoy) filed a joint application to amend Service Provider Certificate of Operating Authority (SPCOA) No. 60707, pursuant to § 54.141-158 of the Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2007 & Supp. 2016) (PURA) and 16 Tex. Admin. Code § 26.111 (TAC). Neutral Tandem seeks to reflect a change in ownership/control.

In Order No. 2, issued December 5, 2016, Staff was given a deadline of December 30, 2016, to file a final recommendation on the application. This pleading is therefore timely filed.

II. STAFF'S FINAL RECOMMENDATION

Staff has reviewed the amended application, and as supported by the attached memorandum of Gordon Van Sickle of the Competitive Markets Division, Staff has concluded that the application provides the information required to demonstrate that Neutral Tandem and Onvoy 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 requests the entry of an order consistent with the above recommendation.

Dated: December 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

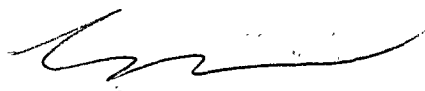
 - w/ permission

Matthew A. Arth
State Bar No. 24090806
(512) 936-7021
(512) 936-7268 (facsimile)
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
matthew.arth@puc.texas.gov

Docket No. 46587

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 30, 2016 in accordance with 16 TAC § 22.74.

 w/ permission
Matthew A. Arth

Public Utility Commission of Texas

Memorandum

TO: Matthew Arth - Attorney
Legal Division

FROM: Gordon H. Van Sickle – Senior Utility Analyst
Competitive Markets Division

DATE: December 30, 2016

SUBJECT: Docket No. 46587: *Application Neutral Tandem-Texas, LLC and Onvoy, LLC for an Amendment to a Service Provider Certificate of Operating Authority*

RECOMMENDATION

On November 17, 2016, Neutral Tandem-Texas, LLC (Neutral Tandem or the Company) and Onvoy, LLC (Onvoy) filed an application for an amendment to its service provider certificate of authority (SPCOA) No. 60707 to request a change of ownership. Specifically, Onvoy will acquire Inteliquent, Inc. (parent company of Neutral Tandem); thereby making Neutral Tandem an indirect subsidiary of Onvoy. The Company filed its application pursuant to Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 54.151-.159 (West 2007) (PURA) and 16 Tex. Admin. Code § 26.111 (TAC).

On November 22, 2016, Order No. 1, *Setting Procedural Schedule, Establishing Procedures and Entering Protective Order* was issued. Order No. 1 required Staff to file a recommendation on the deficiencies/completeness of the application on or before December 2, 2016. On December 5, 2016, Order No. 2, *Deeming Application Sufficient and Complete* was issued. Order No. 2 required Staff to file a final recommendation on or before December 30, 2016.

Analysis

Pursuant to 16 TAC § 26.111(i)(1)(C), a person or entity who files an application to amend its COA or SPCOA to reflect a change of ownership, shall file the application in a Commission approved format. Staff has reviewed Neutral Tandem's and Onvoy's application to reflect the

change of ownership from Inteliquent, Inc. to Onvoy, Inc. and has determined that the application was submitted in a Commission approved format, verified by oath or affirmation and signed by an executive officer of the applicant.

Pursuant to 16 TAC § 26.111(h), 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 determined that Texas TerraCom is authorized to transact business in Texas. Staff has reviewed Neutral Tandem's application and concludes that the Company provided the required information as outlined in 16 TAC § 26.111(h).

16 TAC § 26.111(g)(3) requires that an applicant include complaint history, disciplinary record, and compliance record for the 60 months immediately preceding the filing of an application. Neutral Tandem stated that neither the company nor its officers had any previous or ongoing investigations and had not been assessed any penalties. Neutral Tandem also stated that none of its officers had been convicted of a felony. A search of the Commission database did not reveal any investigations of Neutral Tandem or any penalties that had been assessed to the Company.

Conclusion

After reviewing Neutral Tandem's and Onvoy's application, Staff concludes that the Company provided the required information under 16 TAC § 26.111 to amend Neutral Tandem's SPCOA No. 60707 to reflect a change of ownership. Staff recommends that Neutral Tandem's application for an amendment to SPCOA No. 60707 be approved as filed.