



Control Number: 46587



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**Public Utility Commission of Texas**

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Infrastructure and Reliability Division  
Legal Division

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

**NOTICE OF APPROVAL**

This Notice addresses Neutral Tandem-Texas, LLC and Onvoy, LLC's application to amend a service provider certificate of operating authority (SPCOA). Commission Staff recommended approval of the application. The application is approved.

**I. Findings of Fact**

**Background**

1. On November 17, 2016, Neutral Tandem and Onvoy requested an amendment to Neutral Tandem's SPCOA No. 60707 to reflect a change of ownership/control.
2. The proposed transaction would result in Onvoy acquiring indirect control of Neutral Tandem.
3. On December 5, 2016, Order No. 2 was issued, deeming the application sufficient and complete.
4. On December 30, 2016, Commission Staff recommended approval of the application.

**Notice**

5. Notice of the application was published in the *Texas Register* on December 9, 2016.



6. Commission Staff did not recommend any additional notice of this application.

**Information**

7. Neutral Tandem and Onvoy have provided all of the information required by 16 Texas Administrative Code § 26.111(i)(1) (TAC) to amend SPCOA No. 60707 to reflect the change of ownership and control discussed in Finding of Fact No. 2.
8. Neutral Tandem will continue to provide services to its existing customers at the same rates, terms and conditions.
9. There were no financial or technical changes to Neutral Tandem's SPCOA in this application.
10. Neutral Tandem and Onvoy submitted this application in a Commission-approved format, verified by oath or affirmation, and signed by an executive officer of the applicant.
11. Neutral Tandem is a Delaware limited liability company that is authorized to transact business in Texas.
12. Onvoy is a Minnesota limited liability company that is authorized to transact business in Texas.
13. Neither Neutral Tandem nor its officers have any previous or ongoing investigations, nor have they been assessed any penalties.
14. None of Neutral Tandem's officers have been convicted of a felony.
15. The Commission has not investigated Neutral Tandem and no penalties have been assessed to the company.

**Informal disposition**

16. Commission Staff, Neutral Tandem and Onvoy are the only parties to this proceeding.
17. More than 15 days have passed since the completion of notice.
18. No protests or requests for a hearing were filed in this docket, therefore no hearing is necessary.
19. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

## **II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to PURA<sup>1</sup> §§ 14.001 and 54.151-.159.
2. Notice of the application was provided in compliance with 16 TAC §§ 26.111 and 22.54-.55.
3. Neutral Tandem and Onvoy is entitled to approval of this application, having satisfied the requirements of PURA §§ 54.154(b) and 54.155(b) and 16 TAC § 26.111.
4. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

## **II. Ordering Paragraphs**

1. This application is approved. SPCOA No. 60707 is amended to reflect the change of ownership and control described in Finding of Fact No. 2. The name on SPCOA No. 60707 will remain "Neutral Tandem-Texas LLC."
2. Neutral Tandem shall continue to file any future changes in address, contact representative, and/or telephone numbers in an annual report with the Commission, electronically, between January 1<sup>st</sup> and April 30<sup>th</sup> of each year. If Neutral Tandem has any change during the year in the information requested in Section One of the annual report form, then the company shall file an updated form correcting the information in Section One within 30 days of the change.
3. Neutral Tandem must continue to provide local exchange services as described in 16 TAC § 26.5(133) to remain in compliance with their SPCOA certification requirements.
4. To the extent the following requirements apply, Neutral Tandem shall ensure that all of the following requirements are or have previously been satisfied:
  - (a) Provision of a copy of this application and/or the Commission's Notice of Approval, in accordance with the entity's requirements, to all affected Commission on State Emergency Communications entities (9-1-1 entities) prior to providing service to those entities.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-58.303 (West 2016), §§ 59.001-66.017 (West 2007 & Supp. 2016) (PURA).

- (b) Provision of local telephone service to end-users, whether by its own facilities, flat-rate resale, or usage sensitive loop, must also include 9-1-1 emergency telephone service at a level required by the applicable regional plan followed by local telephone service providers under Chapters 771 and 772 of the Texas Health and Safety Code, Tex. Health & Safety Code Ann. §§ 771.001 *et seq.* (West 2010 & Supp. 2012), (the Code) or other applicable law, and any applicable rules and regulations implementing those chapters. Neutral Tandem shall diligently work with the Commission on State Emergency Communications, local 9-1-1 entities, and any other agencies or entities authorized by Chapters 771 and 772 of the Code to ensure that all 9-1-1 emergency services, whether provided through the certificate holders' own facilities, flat-rate resale, or usage sensitive loop, are provided in a manner consistent with the applicable regional plan followed by local telephone service providers under Chapters 771 or 772 of the Code or other applicable law and any applicable rules and regulations implementing those chapters. Neutral Tandem shall diligently work with the 9-1-1 entities to pursue, in good faith, the mutually agreed goal that the local 9-1-1 entities and emergency service providers experience no increase in their current level of rates and, to the extent technically feasible, no degradation in services as a result of the certification granted herein and the involvement of the certificate holder in the provision of 9-1-1 emergency service.
- (c) Notification to all affected 9-1-1 entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center.<sup>2</sup>
- (d) Execution of a separate service agreement with each 9-1-1 entity and remit the required 9-1-1 emergency service fee to the 9-1-1 entity pursuant to such agreement.<sup>3</sup>

5. Neutral Tandem continues to be bound by the quality of service requirements set forth in the Quality of Service Questionnaire. The underlying incumbent local exchange carriers (ILECs) continue to be bound by the quality of service requirements contained in 16 TAC

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<sup>2</sup> 16 TAC § 26.433(d)(3).


<sup>3</sup> 16 TAC § 26.435(e)(4).

§ 26.54. Approval of this application does not expand the scope of any underlying ILEC's obligation to its own customers.

6. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the 10<sup>th</sup> day of January 2017.

PUBLIC UTILITY COMMISSION OF TEXAS

  
SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE

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