

Control Number: 47992



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Commissioner

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Executive Director



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Governor

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## *Public Utility Commission of Texas*

To: Terri DeLong  
JSI  
9430 Research Blvd., Echelon Bldg. II, Suite 200  
Austin, Texas 78759  
  
Legal Division  
Infrastructure & Reliability Division

From: Gabriel P. Soto  
Administrative Law Judge

Re: Docket No. 47992 – *Application of Community Telephone Company to Amend a Certificate of Convenience and Necessity for a Minor Service Area Boundary Change in Jack County*

### **NOTICE OF APPROVAL**

This Notice approves the application of Community Telephone Company (CTC) for a minor boundary amendment to provide service to customers in a small area outside of CTC's current certificated service areas of the Joy and Jacksboro exchanges. Commission Staff recommended approval of the application. The application, as supplemented, is approved.

The Commission adopts the following findings of fact and conclusions of law:

#### **I. Findings of Fact**

##### **Procedural History**

1. On January 26, 2018, CTC filed an application to amend its certificate of convenience and necessity (CCN) No. 40020 to provide service to customers in a small area outside of CTC's current certificated service areas of the Joy and Jacksboro exchanges.
2. On February 2, 2018, Order No. 1 was issued, requiring comments on sufficiency of the application, notice and other procedural matters.



3. On February 26, 2018, Commission Staff recommended the application be deemed sufficient and complete as filed and that *Texas Register* notice was sufficient. Commission Staff also recommended that the application be deemed a minor boundary change.
4. On February 27, 2018, Order No. 2 was issued, finding that the application was sufficient and materially complete, that notice was sufficient and established a procedural schedule.
5. On March 27, 2018, Commission Staff recommended the application be approved.

#### **Notice**

6. Notice of the application was published in the *Texas Register* on February 16, 2018.

#### **Project Description**

7. CTC requested the amendment to its CCN to realign the service area boundaries of CTC's Joy and AT&T's Jacksboro exchanges in Jack County.
8. The proposed boundaries are depicted in the maps attached as exhibits to the application.
9. The boundary change covers two adjacent, continuous plots of uncertificated land. No other incumbent local exchange provider is impacted by the minor boundary change.
10. The applicant indicated that this minor boundary change request would have no effect on existing customers.
11. The boundary change would have no effect on telecommunication privacy issues, improvements of service or lowering of cost to consumers in the area, recreational and park areas, historical and aesthetic values, community values, or environmental integrity.

#### **Informal Disposition**

12. At least 15 days have passed since the completion of all notice requirements.
13. CTC and Commission Staff are the only parties to this proceeding.

14. No requests to intervene or requests for hearing were filed in this proceeding and there are no disputed issues of fact.

## **II. Conclusions of Law**

1. CTC is a public utility, as defined in PURA § 51.002(8) and telecommunications utilities, as defined in PURA § 51.002(11).
2. The Commission has jurisdiction over this matter under PURA<sup>1</sup> §§ 14.001 and 54.051-.054.
3. Published notice is not required under 16 Texas Administrative Code (TAC) § 22.52(b) because this application is a minor boundary change.
4. CTC is entitled to approval of the application described above, having demonstrated that the proposed service area boundary change is necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 54.054 and 16 TAC § 26.101(b).
5. The application is a minor boundary amendment under 16 TAC § 26.101(e)(2) because it affects less than 5% of the customers in the Joy and Jacksboro exchanges.
6. This application does not constitute a major rate proceeding as defined by 16 TAC § 22.2.
7. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

## **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The application, as supplemented, is approved.
2. The Commission's official service area boundary maps for CTC shall be revised in Central Records in order to reflect this change.

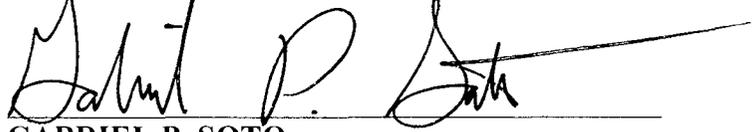
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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 54.001-66.016 (West 2007 & Supp. 2016) (PURA).

3. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the 10<sup>TH</sup> day of April 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Gabriel P. Soto', is written over a horizontal line. The signature is fluid and cursive.

**GABRIEL P. SOTO**

**ADMINISTRATIVE LAW JUDGE**