



Control Number: 49736



Item Number: 12

Addendum StartPage: 0

RECEIVED

APPLICATION OF NETWORK §
BILLING SYSTEMS, LLC DBA FUSION §
TO AMEND ITS SERVICE §
PROVIDER CERTIFICATE OF §
OPERATING AUTHORITY §

2019 OCT 15 PM 12:46
PUBLIC UTILITY COMMISSION
OF TEXAS

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Network Billing Systems, LLC dba Fusion to amend a service provider certificate of operating authority (SPCOA) number 60557. The applicant seeks an amendment to reflect a name change to Fusion LLC dba Fusion Connect LLC. The Commission approves the application and amends Network’s SPCOA number 60557.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

- 1. Network Billing Systems is a foreign limited liability company registered with the Texas secretary of state on July 9, 1998, under filing number 703869623.

Application

- 2. On July 12, 2019, the applicant applied to amend SPCOA number 60557 to reflect a name change from Network Billing Systems to Fusion LLC dba Fusion Connect LLC.
- 3. The applicant submitted the application in a Commission-approved format, verified by oath, and signed by Pamela L. Hintz, vice president of regulatory compliance of Fusion.
- 4. On September 12, 2019, the applicant supplemented the application by submitting documentation showing that the applicant is authorized to transact business in Texas.
- 5. In Order No. 4 issued October 2, 2019, the administrative law judge found the application sufficient and complete.

Financial Qualifications

- 6. The requested amendment does not result in a change to the underlying financial qualifications of the applicant.

12

Compliance History

7. Neither the applicant, nor its officers or principals, have any previous or ongoing investigations, nor have they been assessed any penalties in the past 60 months.
8. The applicant does not have a history of insolvency, bankruptcy, or dissolution in the 60 months preceding this application.
9. Neither the applicant, nor its officers or principals, are currently under investigation or have been penalized by the attorney general or any state or federal regulatory authority for violation of any securities, deceptive trade, or consumer protection laws or regulations.

Technical Qualifications

10. The requested amendment does not result in a change to the management of the applicant, whose combined experience in the telecommunications industry exceeds five years.

Service Quality

11. The requested amendment will not cause any changes to any of the applicant's ability to meet service quality standards.
12. The requested amendment will not cause any changes to any of the applicant's ability to meet all customer protection requirements.

Complaint History

13. The Commission database did not reveal any ongoing investigations against, or penalties assessed to, the applicant.

Certificate Name

14. The name Fusion is not deceptive, misleading, inappropriate, confusing, or duplicative.

Informal Disposition

15. No persons are entitled to notice of the application.
16. No person filed a protest or motion to intervene.
17. Network Billing Systems and Commission Staff are the only parties to this proceeding.
18. No party requested a hearing and no hearing is needed.
19. Commission Staff recommended approval of the application.
20. This decision is not adverse to any party.

II. Conclusions of Law

1. The Commission has jurisdiction over the application under § 54.154 and 54.155 of the Public Utility Regulatory Act.¹
2. The application meets the requirements of 16 Texas Administrative Code (TAC) § 26.111(h) and (i)(1)(A)(i).
3. The applicant has demonstrated that their respective executive officers and principals do not have a history of violations of rules or misconduct such that granting this application would be inconsistent with the public interest.
4. The applicant provided the information required under 16 TAC § 26.111 and meets the requirements for approval of the application, as amended.
5. The requirements for informal disposition under 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 Commission amends SPCOA number 60557 to reflect the name change from Network Billing Systems to Fusion.
2. Fusion may only provide service under the name Fusion LLC.
3. Fusion must file electronically, any future changes in address, contact representative, and or telephone numbers in an annual report with the Commission between January 1st and April 30th of each year as required by 16 TAC § 26.111(*l*). If Fusion has any changes during the year in the information requested in Section One of the annual report form, the company must file an updated form correcting the information in Section One within 30 days of the change.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

4. Fusion must provide a copy of this Notice of Approval, in accordance with the individual entity's requirements, to all affected CSEC 9-1-1 entities prior to providing service to those entities.
5. Fusion must notify all affected 9-1-1 administrative 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 in compliance with 16 TAC § 26.433(d)(3).
6. Fusion must execute 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 under each agreement in compliance with 16 TAC § 26.435(e)(4).
7. Fusion must comply with the quality of service requirements set forth in the Commission's Quality of Service Questionnaire.
8. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 15th day of October 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



STEVEN LEARY
ADMINISTRATIVE LAW JUDGE