



Control Number: 49823



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**DOCKET NO. 49823**

**APPLICATION OF SUNESYS LLC TO  
RELINQUISH ITS SERVICE PROVIDER  
CERTIFICATE OF OPERATING  
AUTHORITY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response to Order No. 2, Commission Staff’s Recommendation on Final Disposition. Staff recommends that the application be approved. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 6, 2019, Sunesys LLC (Sunesys) filed an application to amend its service provider certificate of operating authority (SPCOA), No. 60958, pursuant to PURA<sup>1</sup> §§ 54.151-.159 and 16 Texas Administrative Code (TAC) § 26.111. Specifically, Sunesys seeks to relinquish its SPCOA.

On August 28, 2019, the Commission administrative law judge (ALJ) issued Order No. 2, directing Staff to file a final recommendation on the application by September 20, 2019. Therefore, this pleading is timely filed.

**II. STAFF’S FINAL RECOMMENDATION**

Staff has reviewed the application and as supported by the attached memoranda of Gordon H. Van Sickle of the Commission’s Customer Protection Division. Staff has concluded that Sunesys’ application for an amendment to its SPCOA meets the technical requirements under PURA §§ 54.151–54.159 and the customer protection requirements under 16 TAC § 26.111. In addition, Sunesys has provided its existing customers with a 30-day notice of their transfer from one certificated entity to another certificated entity, as required under 16 TAC § 26.130(k). Therefore, Staff recommends approval of Sunesys’ application.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016

**III. CONCLUSION**

For the reasons specified above, Staff respectfully recommends that the application be approved.

Dated: September 20, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 20, 2019, in accordance with 16 TAC § 22.74.



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Richard Nemer

# Public Utility Commission of Texas

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## Memorandum

**TO:** Richard Nemer - Attorney  
Legal Division

**FROM:** Gordon H. Van Sickle, Senior Utility Analyst  
Licensing and Compliance Section  
Customer Protection Division

**DATE:** September 20, 2019

**SUBJECT:** Docket No. 49823: *Application of Sunesys LLC to Relinquish its Service Provider Certificate of Operating Authority*

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### FINAL RECOMMENDATION

On August 6, 2019, Sunesys LLC (Sunesys) filed an application for an amendment to its service provider certificate of operating authority (SPCOA) No. 60958 for relinquishment of its SPCOA. This relinquishment consists of Sunesys surrendering SPCOA No. 60958, because it consolidated its business into Crown Castle Fiber LLC (SPCOA No. 60988); which included transferring all of its customers to Crown Castle Fiber LLC. Sunesys filed this application pursuant to Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 54.151-.159 (PURA) and 16 Texas Administrative Code (TAC) § 26.111.

Staff recommends that Sunesys's application for relinquishment of SPCOA No. 60958 be approved as filed.

#### **Analysis**

Pursuant to 16 TAC § 26.111(m)(2), a SPCOA holder that intends to cease operations shall file with the commission an application to cease providing telecommunications services relating to its certificate by providing the following information: (1) name, address, and phone number for certificate holder; (2) SPCOA certificate number; (3) docket number in which the certificate was granted; (4) description of areas in which service will be discontinued and whether basic service is available from another certificated provider in the areas; (5) description of any contractual

arrangements with customers that will not be honored; and (6) statement regarding disposition of customer credits and deposits, sworn statement stating authority to stop providing telecommunications services while retaining its SPCOA certificate, statement that notice of the service discontinuation has been provided to customers and a statement that all information in the application is true and correct. Sunesys filed this application on the Commission prescribed form with the required information. Sunesys stated in its application that it is consolidating SPCOA No. 60958 into SPCOA No. 60988; therefore, it is surrendering SPCOA No. 60958. Sunesys provided its existing customers with a 30-day customer notice per 16 Texas Administrative Code (TAC) § 26.130(k) of the transfer of customers from one certificated entity to another certificated entity as required. The 30-day customer notice terminates local telecommunications services as of October 24, 2018. All customer deposits and credits were transferred with the customers.

### **Conclusion**

Staff has reviewed Sunesys's application for relinquishment of SPCOA No. 60958 and concludes that Sunesys provided the information required under 16 TAC § 26.111(m) and 16 TAC § 26.130(k) to discontinue providing telecommunications services and relinquish SPCOA No. 60958. Staff recommends that Sunesys's application for service relinquishment of SPCOA No. 60958 be approved as filed.