



Control Number: 50457



Item Number: 9

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APPLICATION OF BEC §  
COMMUNICATIONS, LLC FOR A §  
SERVICE PROVIDER CERTIFICATE §  
OF OPERATING AUTHORITY §

2020 FEB 18 AM 10:16  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

**COMMISSION STAFF’S RECOMMENDATION ON  
SUFFICIENCY OF THE APPLICATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 2, Staff’s Recommendation on Sufficiency of the Application. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

**I. BACKGROUND**

On January 17, 2020, BEC Communications, LLC (BEC) filed an application for approval of a SPCOA, pursuant to Public Utility Regulatory Act (PURA), Tex. Util. Code Ann. §§ 54.151-.159 and 16 Tex. Admin. Code (TAC) § 26.111. BEC filed an application requesting to provide telecommunications services throughout the State of Texas including facilities-based data, and resale telecommunications. BEC is requesting its SPCOA be issued under the name “BEC Communications, LLC.” On February 10, 2020, BEC filed a supplement to its application.

The Administrative Law Judge issued Order No. 2 on January 30, 2020, which directed Staff to file a recommendation on the completeness or deficiencies of the application by February 18, 2020. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON SUFFICIENCY**

After reviewing the application, and as described in the attached memorandum of Rosalie Branham, of the Commission’s Customer Protection Division, Staff has determined that BEC has failed to provide documentation required by 16 TAC § 26.111(d)(3) and failed to provide adequate answers to Application Question Nos. 14(b) and (c), pursuant to 16 TAC § 26.111(d)(3). Staff therefore recommends that the application be deemed insufficient and incomplete. Staff requests that the applicant be ordered to file a supplement addressing the identified deficiencies in the application.

### III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that BEC's application be deemed deficient and respectfully requests the entry of an order consistent with the above recommendation.

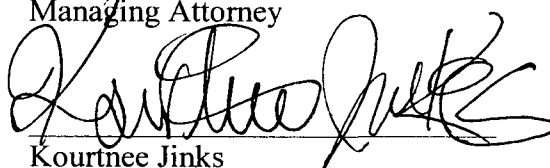
Dated: February 18, 2020

Respectfully submitted,

#### PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Thomas S. Hunter  
Division Director

Rachelle Nicolette Robles  
Managing Attorney

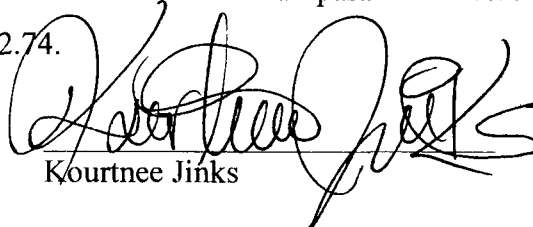


Kourtnee Jinks  
State Bar No. 24097146  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7265  
(512) 936-7268 (facsimile)  
kourtnee.jinks@puc.texas.gov

**DOCKET NO. 50457**

#### CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 18, 2020, in accordance with 16 TAC § 22.74.



Kourtnee Jinks

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Kourtnee Jinks, Attorney  
Legal Division

**FROM:** Rosalie Branham, License and Permit Specialist  
Customer Protection Division

**DATE:** February 18, 2020

**SUBJECT:** Docket No. 50457: *Application of BEC Communications, LLC for a Service Provider Certificate of Operating Authority*

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### **DEFICIENCY & COMPLETENESS RECOMMENDATION**

On January 17, 2020, BEC Communications, LLC (BEC) filed an application pursuant to Public Utility Regulatory Act (PURA) § 54.151-.159 and 16 Tex. Admin. Code (TAC) § 26.111 for a service provider certificate of operating authority (SPCOA). BEC filed this application requesting a SPCOA to provide facilities-based, data, and resale telecommunications services throughout the State of Texas.

Pursuant to 16 TAC § 26.111(d)(3) the application filed by BEC is insufficient for the following reasons:

- 1) Question 14(c), the applicant is required to give a detailed description or individual resumes setting forth the qualifications of the Applicant's key personnel. BEC's application only provided one key person and the requirement is to list all key personnel. In order to obtain a SPCOA certification to provide facilities-based, data, and resale telecommunications services, the Applicant must have principals or permanent employees in managerial positions whose combined experience in the telecommunications industry equals or exceeds five years. BEC provided a resume for one key person that did not meet the qualifications of telecom experience.
- 2) On February 10, 2020, BEC filed a supplement to its application to clarify its intent to rely on a consultant to meet the technical qualifications in order to obtain a SPCOA certification, however, the information that BEC provided is incomplete. BEC's initial application did not indicate the intent to rely upon a consultant to meet the technical

qualifications and did not provide the consultant information in question 14(b). Based on BEC's clarification to rely upon a consultant, BEC will need to supplement Question 14(b) of its application to provide the consultant information.

Staff has reviewed BEC's application and found it to be deficient in that they failed to provide sufficient information in its application; therefore, this application is insufficient for further review.

If you have any questions, please contact, Ms. Rosalie Branham at 512-936-7297.