

Decision No. C24-0300

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0095T

IN THE MATTER OF JOINT APPLICATION OF THRIVE BROADBAND, LLC AND
CONCEPT COMMUNICATIONS LLC TO EXECUTE A TRANSFER OF CONTROL.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Mailed Date: May 6, 2024
Adopted Date: April 24, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Joint Application filed by Thrive Broadband, LLC (Thrive Broadband) and Concept Communications, LLC doing business as Core Fiber Partners (Concept Communications) on February 26, 2024.

2. The Applicants request Commission authorization for authority to execute a transfer control of the Thrive Broadband to Concept Communications. The transfer of control to Concept Communications will enable Thrive Broadband to expand and improve its facilities, benefiting both new and existing customers. The transaction will not result in any changes to Commission-issued authorities.

3. We will construe this filing as an application for approval of the transfer of control of Thrive Broadband to Concept Communications pursuant to 4 *Code of Colorado Regulations* (CRR) 723-2-2110 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

4. Thrive Broadband, LLC is a limited liability company organized under the laws of the State of Colorado. Thrive Broadband was granted a Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services in Proceeding No. 22A-0456T in Decision No. C22-0759 issued on November 28, 2022.

5. Concept Communications, LLC doing business as Core Fiber Partners is a limited liability company organized under the laws of the State of Washington. Concept Communications does not hold any Commission-issued telecommunications authorities.

6. Applicants, therefore, request Commission authorization to complete the transfer of control of the Thrive Broadband to Concept Communications. Concept Communications is purchasing all of the equity interests in Thrive Broadband, which will become a wholly owned subsidiary of Concept Communications

7. On March 19, 2024, a notice of the Joint Application was provided to all persons, firms, or corporations interested in or affected by the grant or denial of the requested relief. Interventions were due on or before April 18, 2024. No interventions were filed.

B. Discussion

8. The Commission has jurisdiction over this Joint Application pursuant to §§ 40-5-105, 40-15-204, and 40-15-303, C.R.S.

9. The application contains all the information required by the applicable Commission Rules and is therefore deemed complete within the meaning of § 40-6-109.5, C.R.S.

10. The application is unopposed and therefore may be considered without a formal hearing, pursuant to § 40-6-109(5), C.R.S.

11. Applicants request Commission approval to complete the transfer of control of Thrive Broadband to Concept Communications.

12. The application represents that Thrive Broadband will continue to provide competitive services to its existing customers under the same rates, terms, and conditions and with the same experienced and qualified personnel.

13. Thrive Broadband is a competitive provider with commission-issued authority. Except for limited circumstances (such as for providers that are recipients of state high-cost support and for the provision of basic emergency services), certifications to provide basic local exchange services are no longer regulated by the Commission. *See* § 40-15-401(1)(b), C.R.S. Similarly, the provision of any other emerging competitive services such as advanced features, premium services, intraLATA toll, non-optional operator services, and private line services, except switched access services and basic emergency services, are no longer regulated by the Commission. *See* §§ 40-15-401(1)(e), (k), (n), (o), (s), (t), C.R.S. Consequently, the Commission does not have the authority to approve the transfers of the CPCNs or those parts of the LORs addressing advanced features, premium services, intraLATA toll, non-optional operator services, and private line services.

14. Switched access services and the provision of basic emergency services have not been deregulated. As a result, we have the authority to review and approve or deny the transfers and encumbrances of the part of authorities held by providers that address those services.

15. We remind applicants that public utilities remain subject to Commission oversight that includes but is not limited to reporting and payment obligations to the Colorado High-Cost Support Mechanism and the Telecommunications Relay Services Program.

16. We find that the proposed transfer of control of Thrive Broadband to Concept Communications is not contrary to the public interest and therefore grant the Joint Application for

transfer to that extent. Entities that hold Commission-issued authorities remain obligated to comply with any applicable requirements or regulations as stated in Article 15 of Title 40.

II. ORDER

A. The Commission Orders That:

1. The Joint Application to Transfer filed by Thrive Broadband, LLC and Concept Communications, LLC doing business as Core Fiber Partners, is granted and deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Thrive Broadband, LLC and Concept Communications, LLC doing business as Core Fiber Partners or their authorized representatives shall jointly notify the Commission if the transfer has been terminated or is not completed within 60 days of the proposed effective date stated in the application or if the proposed transfer terms are changed prior to the consummation date. The notice shall include the proceeding and decision numbers which granted the authority to execute the transfer.

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 24, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners