

Decision No. C21-0235

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0110T

IN THE MATTER OF THE JOINT APPLICATION OF WHOLESALE CARRIER SERVICES, INC. AND BCM ONE, INC. TO EXECUTE A TRANSFER.

**COMMISSION DECISION
APPROVING JOINT TRANSFER**

Mailed Date: April 16, 2021

Adopted Date: April 14, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Joint Application filed by Transferee BCM One, Inc. (BCM One) and Transferor Wholesale Carrier Services, Inc. (WCS) on March 11, 2021, The applicants request Commission authorization for the transfer of control of WCS to BCM One Group Holdings, Inc. (BCM One Group Holdings) indirectly through BCM One.

2. We will construe this filing as an application for approval of the transfer of control of the Commission issued telecommunications authority held by WCS pursuant to 4 *Code of Colorado Regulations* 723-2-2110 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

3. WCS holds a Certificate of Public Convenience and Necessity (CPCN) and a Letter of Registration (LOR) authorizing it to provide local exchange and emerging competitive telecommunications services. These were granted by the Commission in Proceeding No. 07A-320T, Decision No. C07-0842, effective on October 4, 2007.

4. BCM One is a corporation organized under the laws of the State of New York and is registered with the Colorado Secretary of State as a foreign corporation. BCM One is a wholly-owned subsidiary of BCM One Group Holdings.

5. BCM One holds a CPCN to provide local exchange telecommunications services in Colorado and an LOR to provide emerging competitive services. These were granted by the Commission in Proceeding No. 08A-164T, Decision No. R08-0850, effective August 12, 2008.

6. Applicants, therefore, request Commission approval of the transfer of control of WCS to BCM One Group Holdings.

7. On March 12, 2021, 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 12, 2021. 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 of the information required by the applicable Commission Rules and is therefore deemed complete.

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

11. The application represents that the proposed transaction will have no effect on WCS, its customers, or operations, but WCS will benefit from the additional capital, in addition to financial and managerial expertise. The proposed transfer of control will enhance competition that benefits WCS's business consumers that have access to enterprise solutions, including TDM and Internet Protocol-based voice services, and other connectivity services. WCS will continue

to provide competitive and innovative services to existing customers in Colorado at the same rates, terms, and conditions and in the same geographic areas as currently provided.

12. WCS 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.

13. 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/deny the transfers and encumbrances of the part of authorities held by providers that address those services.

14. 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.

15. We find that the proposed transfer of control of the telecommunications authority held by WCS is not contrary to the public interest and therefore grant the Joint Application for transfer of control to that extent. The Joint Application recognizes the Commission's jurisdiction

as it now exists. 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 BCM One, Inc. (BCM One) and Wholesale Carrier Services, Inc. (WCS) is deemed complete. The request to transfer control of the Commission issued authority held by WCS to BCM One is granted.

2. WCS and BCM One 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 14, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners