

Decision No. C23-0342

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0180T

IN THE MATTER OF THE JOINT APPLICATION OF CLEARNETWORKX LLC, AND VERO BROADBAND LLC TO EXECUTE A TRANSFER OF CLEARNETWORKX'S CPCN TO VERO BROADBAND, LLC.

**COMMISSION DECISION
APPROVING JOINT TRANSFER**

Mailed Date: May 24, 2023

Adopted Date: May 24, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Joint Application filed by Clearnetworkx, LLC (Clearnetworkx) and Vero Broadband, LLC (Vero), on April 14, 2023.

2. The Applicant's requests Commission authorization for the approval of the transfer of Clearnetworkx to Vero. According to the filing, Vero bought shares of Clearnetworkx. Although Clearnetworkx is now a subsidiary of Vero, it will still hold its Commission issued Certificate of Public Convenience and Necessity (CPCN) and will continue to have the same management it had prior to the transaction.

3. We will construe this filing as an application for approval of the Transfer of Clearnetworkx to Vero pursuant to 4 *Code of Colorado Regulations* 723-2-2110 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

4. Clearnetworx was granted a CPCN in Proceeding No. 21A-0086T with Decision No. C21-0207 on April 9, 2021. Clearnetworx offers Voice over Internet Protocol and broadband services throughout Colorado.

5. Vero holds two Commission issued CPCNs. Vero Broadband, LLC's affiliate, Vero Fiber Networks, LLC obtained a CPCN in Proceeding No. 17A-0878T with Decision No. C18-0093 on February 8, 2018. Commission granted CPCN transfer filed by San Isabel Telecom, Inc. in Decision C21-0835 on December 30, 2021.

6. Applicants request Commission approval of the transfer of Clearnetworx to Vero with Clearnetworx retaining its ownership structure and its CPCN.

7. On April 18, 2023, 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 May 18, 2023. No interventions were filed.

8. On May 8, 2023, Clearnetworx and Vero filed a supplement to their application, a notarized affidavit.

B. Discussion

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

10. The application contains all of the information required by the applicable Commission Rules and is therefore deemed complete.

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

12. Applicants request Commission approval of the transfer of Clearnetworx to Vero.

13. The application represents that the Transfer will not result in any change to the management of Clearnetworx and will enhance the expansion of needed telecommunications and broadband infrastructure. The transfer will appear seamless to Clearnetworx's customers.

14. Clearnetworx is a competitive provider with Commission issued authorities. 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.

15. 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.

16. 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.

17. We find that the proposed transfer of the telecommunications authorities held by Clearnetworx to Vero 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 Clearnetworx, LLC and Vero Broadband, LLC is deemed complete. The request to transfer, including the Commission issued authorities held by Clearnetworx, LLC to Vero Broadband, LLC is granted.

2. Clearnetworx, LLC and Vero Broadband, LLC 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
May 24, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners