

Decision No. C25-0201

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0063T

IN THE MATTER OF THE JOINT APPLICATION OF EXTENET SYSTEMS, LLC AND
EXTENET LVS, LLC FOR APPROVAL TO TRANSFER CERTAIN ASSETS.

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

Issued Date: March 20, 2025

Adopted Date: March 12, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Joint Transfer Application filed on February 2, 2025, by ExteNet Systems, LLC (“ESL”) and ExteNet LVS, LLC (“ELVS”).

2. The Applicants request Commission authorization for authority to execute a *pro forma* transfer of assets, separating its operations into two distinct service offerings: outdoor networks and indoor networks, including customer contracts and related telecommunications network infrastructure between ESL and ELVS (*pro forma* asset transfer). The *pro forma* asset transfer will not result in any change of Commission issued authorities for either ESL or ELVS.

3. We will construe this filing as an application for approval of the *pro forma* asset transfer between ExteNet Systems, LLC and ExteNet LVS, LLC pursuant to 4 *Code of Colorado Regulations* 723-2-2110 of the Commission’s Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

4. ESL is a Delaware limited liability company that received a Certificate of Public Convenience and Necessity (“CPCN”) by Decision No. C18-0250 on April 13, 2018. ESL is a direct, wholly owned subsidiary of Odyssey Acquisition, LLC.

5. ELVS is seeking Commission authorization to provide Part IV Services through an application submitted on January 10, 2025, Proceeding No. 25A-0038T.

6. Applicants, therefore, request Commission authorization to complete the *pro forma* asset transfer between ESL and ELVS. The Transaction will not result in any change in ownership or control of either ESL or ELVS. The *pro forma* asset transfer is part of ELVS’s plan to separate its operations into two distinct service offerings: outdoor networks that use the public rights of way to provide service through the use of small cells, fiber builds, and related equipment under ESL, and indoor networks that use many of the same types of equipment but are limited to installations in indoor settings and exclusively on private property under ELVS. Following the *pro forma* asset transfer, the business of each Applicant will remain the same aside from the segregation of the customers into those served with facilities and equipment located in the public rights of way, *i.e.*, ESL’s customers, and those served with facilities and equipment exclusively on private property, *i.e.*, ELVS’s customers.

7. On February 4, 2025, 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 March 6, 2025. 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 Applicants request Commission approval to complete the *pro forma* asset transfer between ExteNet Systems, LLC and ExteNet LVS, LLC.

12. The Application represents that the Transaction will ensure seamless and uninterrupted service at the same rates and on the same terms and conditions as previously provided by ESL and vice versa.

13. ExteNet Systems, LLC and ExteNet LVS, LLC are competitive providers 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.

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 *pro forma* asset transfer between ExteNet Systems, LLC and ExteNet LVS, LLC 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 ExteNet Systems, LLC and ExteNet LVS, LLC is granted and deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. ExteNet Systems, LLC and ExteNet LVS, 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 an Application for Rehearing, Reargument, or Reconsideration begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 12, 2025.**

(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