

Decision No. C25-0434

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0161T

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

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

Issued Date: June 4, 2025
Adopted Date: May 28, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Joint Transfer Application filed on April 7, 2025, by ExteNet Systems, LLC (“ESL”) and ExteNet Asset Entity, LLC (“EAE”).

2. The Applicants request Commission authorization for the authority to execute a *pro forma* transfer of assets to distribute assets between ESL and EAE in connection with financing arrangements, and to align and consolidate assets under similar geographical boundaries. The *pro forma* asset transfer will not result in any change of Commission issued authorities for either ESL or EAE.

3. We will construe this filing as an application for approval of the *pro forma* asset transfer between ESL and EAE 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 privately held Delaware limited liability company. ESL was granted a Certificate of Public Convenience and Necessity (“CPCN”) in Proceeding No.18A-0133T by Decision No. C18-0250 on April 13, 2018. ESL is a direct, wholly owned subsidiary of Odyssey Acquisition, LLC.

5. EAE is a limited liability company organized under the laws of the State of Delaware. EAE is a wholly-owned subsidiary of ExteNet Issuer, LLC, which in turn is wholly owned by ESL.

6. Applicants, therefore, request Commission authorization to complete the *pro forma* asset transfer between ESL and EAE. The *pro forma* asset transfer is part of ESL’s additional debt financing plan to accommodate future growth and customers and will distribute assets between entities participating in finance arrangements. Further, assets may also be assigned between Applicants to better align and consolidate assets under similar geographical boundaries. Following the *pro forma* asset transfer, ESL and EAE will market and perform their respective services under the “ExteNet” brand, with which customers are familiar that customers are familiar with and customers of both ESL and EAE will continue to receive service under the same rates, terms and conditions of services as governed by their existing contract, and will receive the same customer service, technical, operational and managerial personnel, who shall be employed by ESL.

7. On April 22, 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 May 22, 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 ESL and EAE.

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 governed by their existing contracts under the “ExteNet” brand with which customers are familiar.

13. ESL and EAE are competitive providers 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, the Commission no longer regulates certifications to provide basic local exchange services. *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 Letter of Registration 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/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 ESL and EAE 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 deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

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
May 28, 2025.**

(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