

Decision No. C04-0651

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-225T

IN THE MATTER OF THE JOINT APPLICATION OF TELIGENT, INC., TELIGENT SERVICES, INC., AND ASPEN PARTNERS – SERIES A, A SERIES OF ASPEN CAPITAL PARTNERS L.P., FOR AN ORDER AUTHORIZING CHANGE OF CONTROL.

**ORDER GRANTING APPLICATION AND
MOTION FOR ADMISSION *PRO HAC VICE***

Mailed Date: June 16, 2004
Adopted Date: June 16, 2004

I. BY THE COMMISSION

A. Statement

1. On May 6, 2004, Teligent, Inc. (Teligent), Teligent Services, Inc. (TSI), and Aspen Partners – Series A, a series of Aspen Capital Partners L.P. (Aspen Partners) filed a joint application for an order authorizing an indirect transfer of control of TSI via a stock purchase transaction involving Teligent and Aspen Partners. 4 *Code of Colorado Regulations* 723-25-8.

2. Included with the joint application, Teligent filed a Motion for Admission *Pro Hac Vice* of Tom W. Davidson to be permitted to practice before the Commission in this docket.

3. Aspen Partners currently holds a 21.89 percent ownership interest in Teligent. Upon completion of the proposed transfer, Aspen Partners will hold a 97.19 percent ownership interest in Teligent. The transaction will be completed at the parent company level. No TSI assets are being transferred as part of this transaction. TSI will continue to hold the Certificate of Public Convenience and Necessity (CPCN) to provide local exchange service and the CPCN to

provide emerging competitive telecommunications services upon consummation of the proposed transfer. The terms of the transaction do not include a change in the day-to-day management of Teligent or TSI.

4. On August 6, 1999, Teligent was granted authority to transfer its CPCN to provide local exchange services and its CPCN to provide emerging competitive telecommunications services to TSI. *See* Decision Nos. C99-853 and C99-934 in Docket No. 99A-329T. TSI is a wholly-owned operating subsidiary of Teligent.

5. On September 25, 2001, TSI was granted authority to discontinue local exchange and data communications services and to temporarily suspend its effective tariffs for one year. However, TSI did not relinquish its CPCNs. *See* Decision No. C01-966 in Docket No. 01A-394AT. The discontinuance and temporary suspension were extended through September 25, 2003 by Decision No. C02-1098.

6. On October 2, 2001, TSI was granted permission to transfer its assets and operating authorities to TAC License Corp. *See* Decision No. C01-1004 in Docket No. 01A-407T. However, the transfer to TAC License Corp. was never consummated because financing was unavailable to the transferee. TSI notified the Commission that the transfer had not been consummated.

7. TSI's tariffs were canceled for failure to re-activate the temporarily suspended tariffs by September 25, 2003.

8. The transferee, Aspen Partners, does not hold a Commission grant of authority.

9. On May 10, 2004, the Commission issued a Notice of Application Filed, giving notice to all interested parties. Interventions were due on or before June 9, 2004. No interventions were filed.

B. Discussion

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

11. The Commission finds that the proposed transfer is not contrary to the public interest.

12. Prior to offering regulated telecommunications services in the State of Colorado, TSI shall be required to file new tariffs with the Commission because TSI's prior tariffs were cancelled.

II. ORDER

A. The Commission Orders That:

1. The joint application of Teligent, Inc., Teligent Services, Inc., and Aspen Capital Partners L.P. is deemed complete.

2. The joint application for the indirect transfer of control of Teligent, Inc., and its wholly-owned subsidiary, Teligent Services, Inc., to Aspen Capital Partners L.P. is granted.

3. Teligent, Inc.'s Motion for Admission *Pro Hac Vice* of Tom W. Davidson to practice before the Commission in this docket is granted.

4. Teligent Services, Inc., shall continue to hold the certificate of public convenience and necessity to provide local exchange services and the certificate of public convenience and

necessity to provide emerging competitive telecommunications services upon consummation of the transfer.

5. Prior to offering regulated telecommunications services in the State of Colorado, Teligent Services, Inc., shall be required to have effective tariffs on file with the Commission.

6. TSI shall have the obligation to file an annual report with the Commission and to contribute to all applicable Colorado funds, including the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 16, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE ABSENT.