

Decision No. C14-0137

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1404T

IN THE MATTER OF THE JOINT APPLICATION OF INTERLOPER HOLDINGS, INC.,
INTERLOPER, INC., AND PEERLESS NETWORK OF COLORADO, LLC TO EXECUTE
A TRANSFER.

DECISION GRANTING APPLICATION

Mailed Date: February 7, 2014

Adopted Date: February 5, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a joint application filed by IntelPeer Holdings, Inc. (IHI); IntelPeer, Inc. (II); and Peerless Network, Inc. (PNI) on December 31, 2013. The joint applicants request Commission authorization for a transaction involving the transfer of II to PNI. The joint application was made pursuant to Rule 4 *Code of Colorado Regulations* 723-2-2109, of the Rules Regulating Telecommunications Providers, Services, and Products.

2. The joint applicants represent that a transaction was entered into where PNI and its owners agreed to purchase all of the common stock of II, with II becoming a wholly owned subsidiary of PNI.

3. II received its authority to provide local exchange and emerging competitive telecommunications services in Decision No. C09-1199, Proceeding No. 09A-658T on October 23, 2009.

4. IHI is the corporate parent of II. It holds no Commission issued telecommunications authorities.

5. PNI is the corporate parent of Peerless Network of Colorado LLC. (PNC). While PNI holds no Commission issued telecommunications authorities, PNC received its authority to provide telecommunications services in Decision No. C11-0343 in Proceeding No. 11A-144T issued April 1, 2011.

6. PNI is the entity that will become the new corporate parent of II following the transaction. The transaction, as described in the joint application, does not include the transfer of any Commission issued authorities. The telecommunications authorities held by II will remain under II following the transfer of control.

7. The joint applicants represent that II does not currently have any end user communications customers in Colorado that will be affected by the transaction.

8. On January 3, 2014, notice of the application was provided on the Commission's website. Interventions were due on or before February 3, 2014. No interventions were filed.

B. Discussion

9. We find that the Commission has jurisdiction in this matter.

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

11. The joint applicants represent that the transaction will accelerate and expand the national availability of customer services and interconnection options offered by II and PNI. In addition, it is contemplated that II and PNI will be able to operate more efficiently and develop new products and services.

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

13. The Commission finds the proposed transfer of control is not contrary to the public interest and therefore will grant the joint application.

II. ORDER

A. The Commission Orders That:

1. The joint application to effectuate a transfer of control filed by IntelePeer Holdings, Inc.; IntelePeer, Inc. (II); and Peerless Network, Inc. (PNI) on December 31, 2013 is deemed complete and is granted.

2. Applicants II and PNI shall jointly notify the Commission if the transaction has been terminated, is not completed, or if the proposed transfer terms are changed. This notice shall include the proceeding and decision numbers which granted the authority to execute the transfer.

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 5, 2014.**

(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

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners