

Decision No. C14-0328

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14A-0156T

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IN THE MATTER OF THE JOINT APPLICATION OF ONVOY, INC. AND SUNTRUST  
BANK TO EXECUTE AN ENCUMBRANCE.

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**DECISION GRANTING APPLICATION**

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Mailed Date: March 27, 2014

Adopted Date: March 26, 2014

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a joint application filed by Onvoy, Inc. (Onvoy) and SunTrust Bank (SunTrust), as the lender, on February 20, 2014. The joint applicants request Commission authorization to enter into a financing transaction in which all of the assets of Onvoy, including its Commission issued telecommunications authorities will be encumbered. We will construe this filing as an application for approval of the encumbrance of the Certificate of Public Convenience and Necessity (CPCN) of Onvoy pursuant to § 40-15-204, C.R.S.

2. If the Commission grants the authority to execute the encumbrance of Onvoy's assets, including its Commission issued telecommunications authority, the joint application represents that there will be no transfer of Onvoy's assets. Services provided by Onvoy will continue to its customers with no change in terms and conditions.

3. Onvoy holds a CPCN and a Letter of Registration to provide regulated telecommunications services. These authorities were granted in Decision No. C10-0437, Proceeding No. 10A-157T on May 5, 2010.

4. SunTrust is serving as the lender in the financial transaction.

5. The Commission previously granted an encumbrance between Onvoy and SunTrust in Decision No. C10-1172, Proceeding No. 10A-649T on October 29, 2010. The proposed encumbrance will combine the remaining principal from the previous financing with the planned encumbrance that is the matter of this proceeding.

6. On February 20, 2014, the Commission provided notice of the application on its website. Interventions were due on March 24, 2014. No interventions were filed.

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

**B. Discussion**

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

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

10. We find that the proposed encumbrance is not contrary to the public interest and therefore grant the joint application.

11. The applicants are reminded that approval of the Commission is necessary before a Commission issued telecommunications authority can be transferred to another party in the event of default or foreclosure of the financial instrument.

**II. ORDER**

**A. The Commission Orders That:**

1. The joint application to encumber telecommunications authorities filed by Onvoy Inc. (Onvoy), and SunTrust Bank (SunTrust) is deemed complete and is granted with certain conditions as noted below.

2. Onvoy and SunTrust shall jointly notify the Commission when the encumbrance has been terminated or is not completed within 60 days of the proposed effective date stated in the application or if the proposed encumbrance terms are changed prior to the consummation date. This notice shall include the proceeding and decision numbers which granted the authority to execute the encumbrance.

3. In the event the encumbrance held by SunTrust is exercised or transferred to another entity, SunTrust or the new entity and Onvoy shall jointly file a transfer application to transfer the encumbered telecommunications authorities and obtain specific approval for this subsequent transfer from the Commission.

4. 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.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 26, 2014.**



*Doug Dean*

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOSHUA B. EPEL

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GLENN A. VAAD

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Commissioners

COMMISSIONER PAMELA J. PATTON  
ABSENT.