

Decision No. C14-0540

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0338T

IN THE MATTER OF THE JOINT APPLICATION OF ONVOY, LLC AND
COMMUNICATIONS INFRASTRUCTURE INVESTMENTS, LLC TO
EXECUTE A TRANSFER.

DECISION GRANTING APPLICATION

Mailed Date: May 22, 2014
Adopted Date: May 21, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a joint application filed by Onvoy, LLC (Onvoy) and Communications Infrastructure Investments, LLC (CII) on April 15, 2014. The joint applicants request Commission authorization to complete a transaction involving the transfer of control of Onvoy, from its direct corporate parent, Zayo Group Holdings, Inc. (Zayo Holdings), to become a direct affiliate of CII, currently Onvoy's and Zayo Holdings' ultimate corporate parent in the company organizational structure. 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 the anticipated transaction is intended to realign the operations of both Onvoy and Zayo Holdings under the common corporate parent, CII. The joint application also states that Onvoy and Zayo Holdings possess distinct business models and offer different products to diverse customer segments.

3. Onvoy received its authority to provide local exchange and emerging competitive telecommunications services in Decision No. C99-664, Proceeding No. 99A-197T, issued June 22, 1999.

4. Onvoy received its authority to provide local exchange and emerging competitive telecommunications services in Decision No. C10-0437 in Proceeding No. 10A-157T issued May 10, 2010. Onvoy is also a registered toll reseller.

5. CII is the corporate parent of both Onvoy and Zayo Holdings and possesses no Commission issued telecommunications authorities.

6. The transaction, as described in the joint application, does not include the transfer of any Commission issued authorities. The telecommunications authorities held by Onvoy will remain with the company following the contemplated transfer of control.

7. The joint applicants represent that, as part of the transaction related to Onvoy, its existing customers will experience no change in services, rates, terms, and conditions. The transfer of control transaction will be internal.

8. The joint applicants request an effective date of June 15, 2014 for the proposed transfer of control.

9. On April 15, 2014, notice of the 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 15, 2014. No interventions were filed.

B. Discussion

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

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

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 Onvoy, LLC (Onvoy) and Communications Infrastructure Investments, LLC (CII) on April 15, 2014 is deemed complete and is granted.

2. Applicants Onvoy and CII shall jointly notify the Commission if the transaction has been terminated or is not completed within 60 days of the proposed effective date stated in the application, June 15, 2014, or if the proposed transfer terms are changed prior to the consummation date. 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
May 21, 2014.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

GLENN A. VAAD

Commissioners

COMMISSIONER PAMELA J. PATTON
ABSENT.