

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF MEGAPATH)
CORPORATION'S APPLICATION TO) **CASE NO. CVD-T-04-01**
TRANSFER ITS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 440)
TO GC PIVOTAL, LLC DBA GLOBAL) **ORDER NO. 33230**
CAPACITY)

On November 18, 2014, MegaPath Corporation (MegaPath) filed an Application asking the Commission to approve the transfer of its Certificate of Public Convenience and Necessity No. 440 to GC Pivotal, LLC dba Global Capacity (Global Capacity). The request is part of a larger transaction, finalized December 31, 2014, in which Global Capacity obtained network assets and data service customers from MegaPath. *See* Consummation Notice dated January 8, 2015. Global Capacity filed an Application for a Certificate of Public Convenience and Necessity on September 24, 2014. Global Capacity indicated it will withdraw its Application upon approval of the transfer now requested by MegaPath.

THE APPLICATION

In January 2005, MegaPath – then operating under the name Covad Communications – obtained its Certificate of Public Convenience and Necessity No. 440. Order No. 29681; *see also* Order No. 33005 (name change granted in April 2014). On December 31, 2014, MegaPath finalized a transaction in which it transferred network assets and data service customers to Global Capacity. Application Letter at 1.

Global Capacity is a Delaware limited liability company and lists its principal place of business at 180 North LaSalle Street, Suite 2430, Chicago, Illinois 60601. Application in Case No. GCP-T-14-01 at 3. Global Capacity separately filed an Application for Certificate of Public Convenience and Necessity, also describing the transaction with MegaPath. Application in Case No. GCP-T-14-01. Global Capacity has indicated it will withdraw its Application upon the Commission's approval of MegaPath's requested transfer. Application Letter at 1, n. 1.

Global Capacity states that it “seeks authority to provide facilities-based and resold local exchange and interexchange non-voice telecommunications services” throughout Idaho. Application in Case No. GCP-T-14-01 at 2. Further, Global Capacity “intends to provide services to those customers [obtained in the transfer] under the same rates, terms and conditions

as they are currently provided by MegaPath.” *Id.* According to Global Capacity, it will “comply with all applicable Idaho laws and . . . applicable Commission rules, regulations, and standards, and will provide safe, reliable and high-quality telecommunications services.” *Id.* at 6-7.

STAFF RECOMMENDATION

Staff reviewed the Applications of both Global Capacity and MegaPath. Staff believes Global Capacity possesses the requisite financial, managerial, and technical qualifications needed to operate as a telecommunications services provider. Thus, Staff recommended that the Commission approve the name change on Certificate No. 440 to Global Capacity.

COMMISSION FINDINGS

When considering an Application for a Certificate of Public Convenience and Necessity, the Commission must determine if the applicant has the necessary qualifications to provide service while still fostering competition in the local telecommunications market. Order No. 30465; *see also* Procedural Order No. 26665. The Commission finds that MegaPath’s request to transfer its Certificate to Global Capacity is essentially a corporate structure name change that does not appear to affect individual customer service. The Commission further finds that the information in the Applications demonstrates that Global Capacity satisfies the requirements of the Commission’s Rules and Procedural Order No. 26665, by virtue of its transaction with MegaPath.

Accordingly, we approve MegaPath’s Application to transfer Certificate No. 440 to Global Capacity. This is consistent with our previous Orders granting authority to provide telecommunications services to carriers meeting the established requirements.

ORDER

IT IS HEREBY ORDERED that Certificate of Public Convenience and Necessity No. 440, previously issued to MegaPath Corporation (as Covad Communications) to provide telecommunications services within the State of Idaho, is transferred to Global Capacity.

IT IS FURTHER ORDERED that all tariffs on file with the Commission for Certificate No. 440 in the name of MegaPath Corporation are rescinded. Global Capacity is directed to file tariffs in its name within 21 days.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7)

days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 13th day of February 2015.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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