

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE**

FROM: GRACE SEAMAN

DATE: NOVEMBER 19, 2014

**RE: TRANSFER OF CERTIFICATE NO. 440 FROM MEGAPATH
CORPORATION TO GC PIVOTAL, LLC DBA GLOBAL
CAPACITY; CASE NO. CVD-T-04-01.**

On November 18, 2014, Megapath Corporation and GC Pivotal, LLC dba Global Capacity (“Global Capacity” or collectively, the “Parties”) filed an Application to transfer Certificate No. 440 from Megapath Corporation to Global Capacity. Certificate No. 440 was issued to Covad Communications Company on January 12, 2005, and on April 1, 2014, the Commission approved the name change to Megapath Corporation. *See* Order Nos. 29681 and 33005. Global Capacity will obtain certain network assets and customers from Megapath Corporation and intends to provide services to those customers under the same rates, terms and conditions currently provided by Megapath. Copies of Certificates issued by the Idaho Secretary of State’s Office, financial statements, and a proposed tariff were included with the Application.

At the end of December 2014, the asset transfer will be consummated and the Parties will notify the Commission when the actual transfer takes place. The Parties seek Commission approval to proceed with the transfer of Certificate No. 440 prior to final consummation of the transfer of assets.

STAFF RECOMMENDATION

Staff has reviewed the Application along with the supporting documentation and believes Global Capacity possesses the requisite financial, managerial, and technical

qualifications necessary to operate as a provider of telecommunications services. Thus, Staff recommends that the Commission approve the name change on Certificate No. 440 to Global Capacity and issue the final Order upon notification that the asset transfer has been consummated.

COMMISSION DECISION

Does the Commission agree?


Grace Seaman