

October 24, 2014

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce
In the Matter of the Revocation of Pac-West Telecomm, Inc.'s Certificate of Authority
Docket No. P5979/RV-14-784**

Dear Dr. Haar:

The Department of Commerce (Department) has reviewed and analyzed the current filing. Attached is the Department's checklist for processing revocation dockets. The checklist reflects the Department's analysis of the issues relating to the requirements of Minnesota law and the Commission's rules to support the revocation.

Pac-West Telecomm, Inc. (Carrier) originally received authority to provide long distance services in Docket No. 00-1517. It received conditional local exchange authority to provide non-voice local services without a 911 Plan in Docket No. 06-1484. Carrier was granted approval to discontinue telecommunications services in Docket No. 07-1011.

The docket was opened on: September 18, 2014

The carrier's last known address:

Candice Clark
Pac-West Telecomm, Inc.
PO Box 29024
Austin, TX 78755-6024

Minnesota Statutes §237.16, subd. 5 states in part, "any certificate of authority may, after notice of hearing and a hearing, be revoked or temporarily suspended, in whole or in part, for: ...failure to meet the terms and conditions of its certificate..."

Recommended Action: Revocation of Pac-West Telecomm, Inc.'s certificate of authority

Conditions of Revocation: None.

Note: Qwest Corporation d/b/a CenturyLink QC should be placed on the service list of this docket.

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The Department intends to petition the Commission to require that all carriers discontinue their services to the carrier pursuant to Minn. Stat. 237.121 (a) (6). For administrative efficiency, this petition will be filed at a future time with other carriers that have recently relinquished their authority or have recently had their authority revoked. A separate docket number will be assigned to that petition. Affected carriers should be placed on inactive status on the Commission's Master Contact List pending final discontinuance.

Sincerely,

/s/ BRUCE L. LINSCHIED
Financial Analyst

BLL/lt

CHECKLIST FOR PROCESSING STANDARD REVOCATIONS OF CERTIFICATES OF AUTHORITY

I. TYPE OF CERTIFICATION

- A. Local Exchange Certificate of Authority (Pac-West Telecomm, Inc.(Pac-West) was granted authority to provide non-voice local services without a 911 Plan in Docket No. 06-1484. In Docket No. 07-1011, Pac-West was granted approval to discontinue telecommunications services.)
- B. Long Distance Certificate of Authority (Docket No. 00-1517)
- C. Local Niche Certificate of Authority (Docket No. _____)

II. REVOCATION PROCESSES THAT APPLY ALL CERTIFICATES

- A. Carrier's last known address is no longer valid. The Carrier's regulatory contact advised the Department that Pac-West Telecom, Inc. (Pac-West) entered Chapter 11 bankruptcy proceedings. An Internet search revealed that Pac-West filed for Chapter 11 protection on March 28, 2013. Pac-West previously applied for a transfer of control to UPH Acquisition Sub Inc. (Docket No. 11-1119). The last news release on Pac-West's website dated September 7, 2011 announced the merger of UniPoint Holdings and Pac-West.
- B. Carrier's last known telephone numbers are no longer in service. Telephone contact numbers were called on October 13, 2014. The Department was referred to the counsel for the debtors and calls were made on October 13 and 20, 2014 to ask if the cancellation of Pac-West's authority would have any implications for its bankruptcy proceeding. Neither call received a response.
- C. Carrier cannot be reached electronically (electronic mail or internet). See II.A.
- D. Carrier filed its last annual report in 2013. The Department's eAssessment database indicates that Carrier had zero revenues from 2007 through 2012.
- E. The Minnesota Secretary of State's records show that the carrier no longer holds a certificate to do business in Minnesota. The Minnesota Secretary of State's website indicates that Pac-West's status is inactive.
- F. The Commission's Consumer Affairs Office (CAO) complaint records do not indicate that the carrier continues to provide service in Minnesota. The Commission's Consumer Affairs Office confirms that no complaints have been filed against the Carrier.
- G. Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier. The Department's accounting staff reports that the Carrier has no unpaid assessments.
- Company is current with filing annual reports.

Intrastate jurisdictional revenue would be needed to enable assessment for the following past years: Although no Jurisdictional Annual Report was filed for 2013, Pac-West has never reported intrastate revenues and does not appear to be operational in Minnesota.

Annual reports for past years should be pursued:
 Yes No

Intrastate jurisdictional revenue will need to be filed by May 1 of the following year if company had intrastate revenues in current year, and regulatory assessment should be pursued:
 Yes No

- H. The docket history of this company has been checked to verify that the authority of the company has not been addressed within an acquisition docket. If the revocation was addressed within an acquisition docket, a separate revocation docket may not be required. Pac-West previously applied for a transfer of control to UPH Acquisition Sub Inc. (Docket No. 11-1119), but revocation of Pac-West's certificate of authority was not requested.
- I. Other: None.

III. REVOCATION PROCESSES THAT APPLY ONLY TO LOCAL CERTIFICATES

- A. The carrier's 911 plan, filed in Docket No. _____, should be cancelled. If the carrier has filed a 911 plan and has operational or conditional authority to provide local services, the Minnesota Department of Public Safety, and, if applicable, the Metropolitan 911 Board, will be notified of this recommendation by being placed on the service list for this docket. Pac-West was granted a waiver of the 911 requirement in Docket No. 06-1484. Pac-West did not provide dial tone service to end-user customers.
- B. Any Incumbent Local Exchange Carriers (ILECs) that have interconnection agreements with the carrier should be notified that the carrier no longer has authority to provide telecommunications services in Minnesota and services should no longer be offered under its interconnection agreement(s). The parties to those interconnection agreements have been notified of this recommendation by being placed on the service list in this docket. The carrier's interconnection agreement(s) were approved in Docket No. 06-151 with Qwest Corporation dba CenturyLink QC.
- C. If the carrier has either filed a 911 plan or has been an operational provider of local services, the 911 system integrator, if known, will be notified of the revocation of the carrier's certificate of authority by being placed on the service list for this docket. Qwest is the 911 system integrator for the metropolitan area. See III.A.
- D. For facilities-based carriers, the North American Numbering Plan Administrator (NANPA) should be notified of the relinquishment of the carrier's certificate of authority so that any NXX blocks assigned to the carrier may be returned to NANPA.
- NANPA has been added to the service list for this docket. _____

NANPA has not been added to the service list for this docket. Explain: Carrier did not provide dial tone service to end-user customers.

Carrier did not have facilities-based authority. _____

E. For competitive local exchange carriers, the Universal Service Administrative Company (USAC) has been notified of the revocation, so they can discontinue paying funds to the affected carrier.

USAC has been added to the service list for this docket. ¹ _____

USAC has not been added to the service list for this docket. Explain: Carrier does not receive universal service payments.

F. Other issues (specify): None.

IV. RECOMMENDATION OF THE DEPARTMENT

A. Revoke the carrier's authority. Note: Qwest Corporation dba CenturyLink QC should be placed on the service list of this docket.

B. Revoke the carrier's authority subject to the following:

C. Inactivate carrier from the Commission's Master Contact List until a Disconnection Order is issued.

¹ When handling relinquishments or revocation dockets, the Department analyst should check to see whether the affected carrier is on the list of high cost low income companies by going to www.usac.org and clicking the blue tab entitled "high cost." Next click on "disbursement data search" under "high cost tools" in the left hand column and type "MN" into the box marked "State." The address of this page is <http://www.usac.org/hc/tools/disbursements/default.aspx>. Check the list of low income companies for all names that the affected carrier has ever used. If the affected carrier is on the USAC list, then send the Department comments to Karen at USAC. Otherwise, send the Department comments to Legal at USAC.

CERTIFICATE OF SERVICE

I, Linda Chavez, hereby certify that I have this day served copies of the following document on the attached list of persons by electronic filing, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

MINNESOTA DEPARTMENT OF COMMERCE – COMMENTS

Docket Nos. **P5979/RV-14-784**

Dated this **24th** day of **October, 2014**.

/s/Linda Chavez

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_14-784_RV-14-784
Patricia	Baron Tomasco	N/A	Jackson Walker LLC	100 Congress Ave Ste 1100 Austin, TX 78701	Paper Service	No	OFF_SL_14-784_RV-14-784
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_14-784_RV-14-784
Candice	Clark	economist@earthlink.net	Pac-West Telecomm, Inc.	PO BOX 29024 Austin, TX 78755-6024	Electronic Service	No	OFF_SL_14-784_RV-14-784
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_14-784_RV-14-784
Jamie	Johnson	jjohnson@pacwest.com	Pac-West Telecomm Inc	6500 River Place Blvd Bldg. 2 Ste. 200 Austin, TX 78730	Electronic Service	No	OFF_SL_14-784_RV-14-784
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_14-784_RV-14-784
James	Mertz	legal@pacwest.com	Pac-West Telecomm, Inc.	4550 Lakefield Bend Berkeley Lake, GA 30096	Electronic Service	No	OFF_SL_14-784_RV-14-784