

July 13, 2016

Daniel P. Wolf  
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 the Certificate of Authority of Public Wireless, Inc.**  
Docket No. P6825/RV-16-231

Dear Mr. Wolf:

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.

Public Wireless, Inc. originally received a certificate of authority to provide local niche services on August 10, 2009 in Docket No P6825/NA-09-848.

The current docket was opened on: March 17, 2016

The carrier's last known address:

Jennifer Haas  
Public Wireless, Inc.  
25 E. Trimble Road  
San Jose, CA 95131-1108

Michael A. Maidy<sup>1</sup>  
Sherwood Partners, Inc.  
1100 La Avenida Street, Building A  
Mountain View, CA 94043

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..."

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<sup>1</sup> Note the Department obtained this address from the California Secretary of State's website for the business entity of PWireless, LLC. According to the April 20, 2015 "Notice of Assignment for the Benefit of Creditors and Deadline for Submitting Claims" agreement, Public Wireless, Inc. made a general assignment of its assets to PWireless, LLC.

Recommended Action: Revocation of the certificate of authority of Public Wireless, Inc.

Conditions of Revocation:

1. The carrier remains responsible for any unpaid regulatory assessments or fees.

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.

Sincerely,

/s/ DIANE DIETZ  
Public Utilities Analyst

DD/lt

## CHECKLIST FOR PROCESSING STANDARD REVOCATIONS OF CERTIFICATES OF AUTHORITY

### I. TYPE OF CERTIFICATION

- ☐ A. Local Exchange Certificate of Authority (Docket No. \_\_\_\_\_)
- ☐ B. Long Distance Certificate of Authority (Docket No. \_\_\_\_\_)
- ☒ C. Local Niche Certificate of Authority (Docket No. P6825/NA-09-848)

### II. REVOCATION PROCESSES THAT APPLY ALL CERTIFICATES

- ☒ A. Carrier's last known address is no longer valid. \_\_\_\_\_
- ☒ B. Carrier's last known telephone numbers are no longer in service. \_\_\_\_\_
- ☒ C. Carrier cannot be reached electronically (electronic mail or internet). \_\_\_\_\_
- ☒ D. Carrier filed its last annual report in (year) 2014.
- ☒ E. The Minnesota Secretary of State's records show that the carrier no longer holds a certificate to do business in Minnesota. \_\_\_\_\_
- ☒ F. The Commission's Consumer Affairs Office (CAO) complaint records do not indicate that the carrier continues to provide service in Minnesota. \_\_\_\_\_
- ☒ G. Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier.
- ☐ Company is current with filing annual reports. \_\_\_\_\_
- ☐ Intrastate jurisdictional revenue would be needed to enable assessment for the following past years: \_\_\_\_\_
- ☒ 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
- Since the jurisdictional revenues Public Wireless, Inc. jurisdictional were zero for the last years 2009 through 2014 and are expected to be under \$1,000 for the year 2015, the revenues are exempt from assessment pursuant to Minn. Stat. 237.295, subd. 2. Therefore, the Department will not pursue the filing of an annual report.
- ☒ H. The docket history of this company was 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.
- ☐ I. Other: \_\_\_\_\_

### III. REVOCATION PROCESSES THAT APPLY ONLY TO LOCAL CERTIFICATES

- NA 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.
- NA 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 Nos. \_\_\_\_\_.

NA 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.

NA 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 have facilities-based authority.

NA 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. <sup>2</sup>

☐ USAC has not been added to the service list for this docket. Explain: \_\_\_\_\_

☐ F. Other issues (specify): \_\_\_\_\_

#### IV. RECOMMENDATION OF THE DEPARTMENT

☒ A. Revoke the carrier's authority.

☐ B. Revoke the carrier's authority subject to the following: (RESTATE ALL ACTIONS THAT ARE TO BE TAKEN):

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<sup>2</sup> 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](http://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.