

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
365 WIRELESS, LLC TO VOLUNTARILY
CANCEL ITS CERTIFICATE OF PUBLIC
CONVENIENCE TO PROVIDE LOCAL
EXCHANGE SERVICE AND TOLL
SERVICES.

CASE NO. 20-582-TP-ABN

IN THE MATTER OF THE APPLICATION OF
COMMAPP TECHNOLOGIES LLC TO
VOLUNTARILY CANCEL ITS CERTIFICATE
OF PUBLIC CONVENIENCE TO PROVIDE
INMATE OPERATOR SERVICES.

CASE NO. 20-592-TP-ABN

FINDING AND ORDER

Entered in the Journal on June 3, 2020

I. SUMMARY

{¶ 1} The Commission approves the applications in the above-captioned proceedings to abandon service.

II. DISCUSSION

{¶ 2} R.C. 4927.07(B) provides that “[e]xcept as provided under the notice requirements of R.C. 4927.10, a telephone company may abandon entirely telecommunications service in this state if it gives at least thirty days’ prior notice to the Commission, to its wholesale and retail customers, and to any telephone company wholesale provider of its services.

{¶ 3} Pursuant to Ohio Adm.Code 4901:1-6-26, an application filed for abandonment of a certificate of public convenience and necessity shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. The application shall include copies of any notices provided pursuant to paragraphs (C) and (D) of this rule, as well as an affidavit verifying that the customer notice was provided to affected customers and shall include the list pursuant to paragraph (J) of this rule.

{¶ 4} On March 11, 2020, 365 Wireless, LLC (365 Wireless) filed an application to abandon service as an operator services provider pursuant to Certificate No. 90-9400. In support of its application, 365 Wireless asserts that there are no customers whose service would be impacted by this cancellation and is not currently marketing its services.

{¶ 5} On March 12, 2020, ComApp Technologies LLC (ComApp) filed an application to abandon service as an inmate operator services provider pursuant to Certificate No. 90-6428. In support of its application, ComApp asserts that there are no customers whose service would be impacted by this cancellation and is not currently marketing its services.

{¶ 6} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 7} On March 16, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC, directing that any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter, including the 30-day automatic approval process for certification applications to operate as a telephone company in the state of Ohio, as well as the 90-day period for the Commission to take action to approve or deny a suspended application. Further, the attorney examiner indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Commission would act on such applications on a case-by-case basis. *In re the Proper Procedures and Process*

for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters, Case No. 20-591-AU-UNC, Entry (Mar. 16, 2020) at ¶ 5.

{¶ 8} The applications filed in the above-captioned proceedings were, thus, subject to the March 16, 2020 Entry and suspended from automatic approval during the state of emergency.

{¶ 9} Staff filed its review and recommendation in each of these cases on April 24, 2020, noting that both 365 Wireless and ComApp have indicated that neither has ever had any customers in the state of Ohio. Staff believes that the applications appear to satisfy the requirements of set forth in Ohio Adm.Code 4901:1-6-26 and, therefore, recommends that they be approved.

{¶ 10} Upon further review, the Commission determines that the applications to abandon service in the above captioned cases should be approved. Therefore, ComApp and 365 Wireless shall be removed from the rolls of the Commission and their respective certificates and TRF dockets (Certificate Nos. 90-6428 and 90-9400) be cancelled. In reaching this determination, the Commission notes that both companies have represented that there are no customers whose service would be impacted by this cancellation and they are not currently marketing their services. As a result, the Commission concludes that customer notice is not required.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the applications filed in the above-captioned cases be approved and the respective certificates and TRF dockets be cancelled. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JSA/kck

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Case No(s). 20-0582-TP-ABN, 20-0592-TP-ABN

Summary: Finding & Order approving the applications in the above-captioned proceedings to abandon service. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio