

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 27, 2018

SCC-CLERK'S OFFICE
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2018 JUN 27 A 11: 04

APPLICATION OF

SUNSET FIBER (DE), LLC
(USED IN VA BY: SUNSET FIBER, LLC)

CASE NO. PUR-2018-00094

For certificates of public convenience
and necessity to provide local exchange
and interexchange telecommunications
services in the Commonwealth of Virginia

ORDER FOR NOTICE AND COMMENT
AND GRANTING INTERIM OPERATING AUTHORITY

On June 18, 2018, Sunset Fiber (DE), LLC (USED IN VA BY: Sunset Fiber, LLC) ("Sunset Fiber (DE)" or "Company"), completed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia ("Application"). The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia. Furthermore, Sunset Fiber (DE) requested that the Commission grant the Company interim authority to operate as a competitive local exchange carrier and interexchange carrier upon the Commission's approval of the transactions for which permission is requested in Case No. PUR-2018-00077.¹

On June 20, 2018, in support of the Company's request for interim authority, Sunset Fiber (DE) submitted the bond required under 20 VAC 5-417-20 G 1 b of the Commission's

¹ *Joint Petition of Sunset Digital Communications, Inc., et al., For approval of the transfer of the telecommunications assets of BVU Authority and related transactions*, Case No. PUR-2018-00077, Joint Petition, Doc. Con. Cen. No. 180540033 (May 16, 2018).

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Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers to the Commission's Division of Public Utility Regulation.

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that it should docket the Company's Application; that Sunset Fiber (DE) should give notice to the public of its Application; that interested persons should have an opportunity to comment and request a hearing on the Company's Application; that the Staff of the Commission ("Staff") should conduct an investigation into the reasonableness of the Application and present its findings in a report ("Staff Report"); and that Sunset Fiber (DE) should be granted interim local exchange and interexchange operating authority.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUR-2018-00094.

(2) Sunset Fiber (DE) hereby is granted interim operating authority to provide local exchange and interexchange telecommunications services in the Commonwealth of Virginia pending further order of the Commission.

(3) On or before July 13, 2018, Sunset Fiber (DE) shall complete publication of the following notice to be published on one occasion, as classified advertising, in newspapers having general circulation throughout its proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
 SUNSET FIBER (DE), LLC (USED IN VA BY: SUNSET FIBER,
 LLC), FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
 NECESSITY TO PROVIDE LOCAL EXCHANGE AND
 INTEREXCHANGE TELECOMMUNICATIONS SERVICES IN
 THE COMMONWEALTH OF VIRGINIA
CASE NO. PUR-2018-00094

On June 18, 2018, Sunset Fiber (DE), LLC (USED IN VA BY: Sunset Fiber, LLC) ("Sunset Fiber (DE)" or "Company"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity to provide local exchange and interexchange

telecommunications services throughout the Commonwealth of Virginia ("Application"). The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia. Furthermore, Sunset Fiber (DE) requested that the Commission grant the Company interim authority to operate as a competitive local exchange carrier and interexchange carrier upon the Commission's approval of the transactions for which permission is requested in Case No. PUR-2018-00077.

Copies of the Application are available for public inspection between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Copies of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>, or may be ordered from counsel for Sunset Fiber (DE): Eric M. Page, Esquire, Eckert Seamans Cherin & Mellott, LLC, SunTrust Center, Suite 1300, 919 East Main Street, Richmond, Virginia 23219, or Charles A. Hudak, Esquire, Friend, Hudak & Harris, LLP, Three Ravinia Drive, Suite 17090, Atlanta, Georgia 30346.

On or before July 27, 2018, any person desiring to comment on Sunset Fiber (DE)'s Application may do so by directing such comments in writing to the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of the comments, whether submitted in writing or electronically, shall be served on counsel for Sunset Fiber (DE) at the addresses set forth above.

On or before July 27, 2018, any person may request a hearing on Sunset Fiber (DE)'s Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address set forth below. Requests shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Persons filing a request for hearing shall serve a copy of their request upon counsel for Sunset Fiber (DE) at the addresses set forth above.

All written communications to the Commission concerning Sunset Fiber (DE)'s Application shall be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUR-2018-00094.

SUNSET FIBER (DE), LLC,
(USED IN VA BY: SUNSET FIBER, LLC)

(4) On or before July 13, 2018, Sunset Fiber (DE) shall provide a copy of the notice contained in Ordering Paragraph (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) Any person desiring to comment on Sunset Fiber (DE)'s Application may do so by directing such comments in writing, on or before July 27, 2018, to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Interested persons desiring to submit comments electronically may do so by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of such comments, whether submitted in writing or electronically, shall be served on counsel for Sunset Fiber (DE): Eric M. Page, Esquire, Eckert Seamans Cherin & Mellott, LLC, SunTrust Center, Suite 1300, 919 East Main Street, Richmond, Virginia 23219, and Charles A. Hudak, Esquire, Friend, Hudak & Harris, LLP, Three Ravinia Drive, Suite 17090, Atlanta, Georgia 30346.

(6) On or before July 27, 2018, any person may request a hearing on Sunset Fiber (DE)'s Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering

Paragraph (5). Written requests for hearing shall refer to Case No. PUR-2018-00094 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy also shall be served on counsel for Sunset Fiber (DE) at the addresses in Ordering Paragraph (5).

(7) On or before August 3, 2018, Sunset Fiber (DE) shall file with the Clerk of the Commission proof of notice and proof of service as ordered herein.

(8) The Staff shall analyze the reasonableness of Sunset Fiber (DE)'s Application and present its findings in a Staff Report to be filed on or before August 15, 2018.

(9) On or before August 22, 2018, Sunset Fiber (DE) may file responses to the Staff Report or to any comments or requests for hearing filed with the Commission. If not filed electronically, an original and fifteen (15) copies of any responses shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (5). A copy of the response shall be delivered by overnight delivery to the Staff and Office of General Counsel and to any persons who filed comments or requests for hearing.

(10) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").

(11) The Company shall respond to written interrogatories or data requests within seven (7) calendar days after the receipt of the same. Persons who filed requests for hearing shall provide to the Company, the Staff, and any other persons who filed requests for hearing, promptly upon request, any work papers or documents used in preparation of their requests for

hearing. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(12) The Company shall respond promptly to requests from interested persons for copies of the Application and shall provide one copy free of charge. Copies also are available for public inspection between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. Copies of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

(13) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:
Eric M. Page, Esquire, Eckert Seamans Cherin & Mellott, LLC, SunTrust Center, Suite 1300, 919 East Main Street, Richmond, Virginia 23219; Jeffery K. Mitchell, Esquire, The Mitchell Law Firm, a Professional Corporation, 1700 Kraft Drive, Suite 2000, Blacksburg, Virginia 24060; Charles A. Hudak, Esquire, Friend, Hudak & Harris, LLP, Three Ravinia Drive, Suite 17090, Atlanta, Georgia 30346; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Public Service Taxation.