

**BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING**

IN THE MATTER OF THE JOINT APPLICATION )  
OF TRI COUNTY TELEPHONE ASSOCIATION )  
AND TCT WEST, INC. FOR AUTHORITY TO ) DOCKET NO. 70011-48-TA-16  
DISCONTINUE SERVICE AND RELINQUISH ) DOCKET NO. 70014-38-TA-16  
TCT WEST'S CERTIFICATE OF PUBLIC ) (RECORD NO. 14614)  
CONVENIENCE AND NECESSITY TO PROVIDE )  
LOCAL TELECOMMUNICATION SERVICES IN )  
WYOMING AND TO AMEND TRI COUNTY'S )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO EXTEND ITS CERTIFICATED )  
AREA )

**Order**  
**(Issued March 23, 2017)**

This matter is before the Wyoming Public Service Commission (Commission) upon the Joint Application of Tri County Telephone Association (Tri County) and TCT West, Inc. (TCT West) (collectively the Companies) for TCT West to discontinue service and relinquish its Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services within Wyoming, and for Tri County to amend its CPCN to extend its certificate territory, as more fully described herein.

The Commission, having reviewed the Joint Application, its files regarding the Companies, applicable telecommunications law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. Tri County and TCT West are telecommunications companies as defined by W.S. § 37-15-103(a)(xi), subject to the Commission's jurisdiction pursuant to W.S. § 37-15-401.
2. Tri County is wholly owned by BHT Holding Company. It is the parent of its wholly owned subsidiary, TCT West. Tri County provides local exchange telecommunications service to approximately 822 local exchange customers in the local exchange areas of Burlington, Hamilton Dome, Hyattville and Ten Sleep, Wyoming. TCT West provides local exchange telecommunications service to approximately 3006 local exchange customers in the local exchange areas of Basin, Frannie, Greybull, Lovell, and Meeteetsee.
3. According to the Companies, TCT West and Tri County provide both competitive and non-competitive telecommunications services in Wyoming, as well as broadband services. The main office for both Tri County and TCT West is located in Cody, Wyoming. The facilities utilized to provide telecommunications service by the Companies in their respective certificated areas are owned and operated by Tri County. The Companies operate from a single soft switch located in Basin, Wyoming. The Companies stated that they are managed and operated by the same management team. The Companies utilize the same local exchange access tariff on file with the Commission. The Companies operate under Tri County's financial books and receive federal universal service funds (FUSF) as one company. From a customer's perspective, the billing, tariffs, provision of service and company contacts all are provided by Tri County utilizing the trademarked

name TCT. However, TCT West and Tri County hold separate Commission-issued CPCNs and are assigned separate docketing numbers; 70011 for Tri County and 70014 for TCT West.

4. On December 9, 2016, the Companies filed the Joint Application seeking authority for TCT West to discontinue service and relinquish its CPCN to provide local exchange telecommunications services within Wyoming, and for Tri County to amend its CPCN to extend its certificate territory. The Companies noted that because they share a single set of books, and receive FUSF as one company, Commission Staff has had to determine an appropriate allocation formula between them for purposes of state universal service fund calculations. Further, the Companies assert that because Tri County and TCT West have operated their Wyoming regulated services as though they are a single unified company for several years, TCT West's separate CPCN is no longer necessary and can be relinquished. Instead, both Companies' Wyoming regulated services should be reflected in Tri County's 70011 docket, with TCT West's docket being closed and its regulated services transferred to Tri County.

5. According to the Companies, TCT West will continue to exist as a separate telecommunications company in Wyoming, but only for the purpose of providing services not regulated by the Commission. Tri County's CPCN will be the surviving CPCN which will be expanded to reflect the local exchanges served by TCT West's CPCN, and all of TCT West's regulated non-competitive services will become Tri County's regulated non-competitive services. The Companies state that while TCT West no longer intends to provide Wyoming non-competitive services, it is not TCT West's intent that such services be terminated or discontinued. Rather, it is the Companies' intent that such non-competitive services be continued pursuant to the same terms and conditions under which they are currently provided. Local exchange services are proposed to be provided pursuant to Tri County's CPCN, with no change in services terms or conditions.

6. In support of its Joint Application, the Companies included summaries of its key management personnel setting forth their business and telecommunications experience, as well as financial documents to support its ability to provide the proposed services. The Companies contend TCT West's request to discontinue utility service will not harm or otherwise affect the public interest.

7. The Commission issued a *Notice of Joint Application* on January 19, 2017, which provided a protest deadline of February 17, 2017, for filing requests for intervention. The notice period expired with no statements or protests being filed.

8. The Joint Application came before the Commission for consideration at its duly noticed open meeting of March 7, 2017. Liz Zerga, counsel, appeared in person for the Joint Applicants, and Don Jackson, Regulatory Manager of Tri County Telephone Association, appeared by telephone. Zerga provided a summary of the Joint Application, as reflected in ¶¶ 2-6 above stating that the Companies want to ensure that Tri County's 70011 docket is the surviving docket, and that Tri County's CPCN be amended to encompass TCT West's service territory. Jackson reiterated the Companies desire to be regulated as a single entity stating there was no reason to have each company regulated separately. Staff recommended approval of the Joint Application for TCT West: (1) to discontinue service and relinquish its CPCN to provide local exchange telecommunications services within Wyoming; (2) to amend Tri County's CPCN to extend its certificate territory to encompass TCT West's exchange areas reflected in the TCT West CPCN;

and (3) to close TCT West's docket and transfer its regulated services to Tri County, which will be listed as d/b/a TCT. Additionally, Staff recommended that TCT West's annual report filing for 2016 be attributed to Tri-County for administrative purposes.

9. Based on the representations of the Joint Applicants and Commission Staff, the Commission finds and concludes that it is in the public interest to approve the Joint Application as recommended by staff in Paragraph 8 above.

IT IS THEREFORE ORDERED:

1. Pursuant to open meeting action taken on March 7, 2017, the Joint Application of Tri County Telephone Association and TCT West, Inc., for TCT West to discontinue service and relinquish its Certificate of Public Convenience and Necessity to provide local exchange telecommunications services within Wyoming, and for Tri County to amend its CPCN to extend its certificate territory, is approved.

2. TCT West's Certificate of Public Convenience and Necessity to provide local exchange telecommunications services within Wyoming is hereby canceled, and Tri County Telephone Association's CPCN is amended to reflect that its certificate territory is extended to encompass TCT West's exchange areas.

3. TCT West's docket number 70014 is hereby deactivated and its regulated services transferred to Tri County Telephone Association d/b/a TCT. Tri County Telephone's docket number 70011 will remain active and the Company will continue to be subject to the Commission's jurisdiction. Additionally, TCT West's annual report filing for 2016 will be attributed to Tri-County for administrative purposes.

4. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on March 23, 2017.

PUBLIC SERVICE COMMISSION OF WYOMING



WILLIAM F. RUSSELL, Chairman



KARA BRIGHTON FORNSTROM, Deputy Chair



LORI L. BRAND, Assistant Secretary