

## CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS PROVIDERS.

### Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION

#### §26.113. Amendment of Certificate of Operating Authority (COA) or Service Provider Certificate of Operating Authority (SPCOA).

- (a) A person or entity granted a COA or an SPCOA by the commission shall be required to file an application to amend the COA or an SPCOA in a commission approved format in order to:
  - (1) Change the corporate name or assumed name of the certificate holder.
    - (A) Name change amendments may be granted on an administrative basis, if the holder is in compliance with §26.109(b)(1)(C) of this title (relating to Standards for Granting Certificates of Operating Authority) or §26.111(b)(2)(D) of this title (relating to Standards for Granting Service Provider Certificates of Operating Authority), and no hearing is requested.
    - (B) Commission staff shall review the requested name to determine if the name is deceptive, misleading, vague, inappropriate, confusing or duplicative of an existing certificated telecommunications utility. If the staff determines that the requested name is deceptive, misleading, vague, inappropriate, or duplicative, it shall notify the applicant and the applicant shall modify the name to alleviate the staff's concerns. If the name is not adequately modified, the amendment may be denied.
  - (2) Change the geographic scope of the COA or SPCOA;
  - (3) Sell, transfer, assign, or lease a controlling interest in the COA or the SPCOA or sell, transfer, or lease a controlling interest in the entity holding the COA or the SPCOA.
  - (4) Remove the resale-only restriction on a resale-only SPCOA certificate.
  - (5) Remove the data-only restriction on a data-only SPCOA certificate.
- (b) If a COA holder sells, merges, assigns, or leases its certificate or the entity holding the certificate to an SPCOA holder with an identical geographic scope, the surviving entity shall hold a COA certificate and shall have all the obligations of a COA holder set forth under state and federal law; the surviving entity shall also notify the commission within 30 days of the sale, merger, assignment, or lease.
- (c) If the application to amend is for a name change of the certificate holder and is not a sale, transfer, assignment, or lease of the COA or the SPCOA or a sale, transfer, or lease of the entity holding the COA or the SPCOA, applicant will be required to provide a general description of the applicant, including the following:
  - (1) Legal name and all assumed names of the entity to which the commission issued the certificate.
  - (2) All other assumed names, if any, under which the certificate holder does business.
  - (3) Certificate number of the COA or SPCOA.
  - (4) Address and telephone number of the principal office of certificate holder.
  - (5) Name, address, and office location of each partner, officer, and the five largest shareholders of certificate holder.
  - (6) Proposed amendment to legal name or assumed name of certificate holder.
- (d) If the application to amend is for corporate restructuring, a change in internal ownership, or an internal change in controlling interest, the applicant may file an abbreviated amendment application, unless the ownership or controlling interest change involves an uncertificated company, significant changes in management personnel, or changes to the underlying financial qualifications of the certificate holder as previously approved. If the commission staff cannot make a determination of continued compliance based on the applicable substantive rules from the information provided on the abbreviated amendment application, then a full amendment application will be required.
- (e) If the application to amend requests any change other than a name change, the commission shall consider the factors set forth in §26.109 of this title and §26.111 of this title in determining whether to approve the amendment to the certificate.
- (f) **Standards for relinquishing certifications.**

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- (1) A COA or SPCOA certificate holder relinquishing a certification shall comply with PURA §54.253. Notification to the commission shall consist of filing an amendment, which provides the following information:
    - (A) Name, address, and phone number of certificate holder;
    - (B) COA or SPCOA certificate number being relinquished;
    - (C) Commission docket number in which the COA or SPCOA was granted;
    - (D) A sworn statement stating the authority to relinquish certification, notification of customers, and that the information provided in the amended application is true and correct;
    - (E) Notification to each customer.
      - (i) The notification letter shall clearly state the intent of the certificate holder to cease operations and a copy of the letter shall be provided to the commission and to the Office of Public Utility Counsel (OPC);
      - (ii) The notification letter shall give customers a minimum of 61 days notice of relinquishment of certification;
      - (iii) The notification letter shall inform customers of the carrier of last resort or make other arrangements to provide service as approved by the customers.
  - (2) All customer deposits and credits shall be returned within 60 days of notification to relinquish certification;
  - (3) Any switchover fees that will be charged to affected customers shall be paid by the certificate holder relinquishing the certification;
  - (4) If the relinquishing certificate holder has participated in the universal service fund (USF), it must obtain a letter of release from the USF Administrator.
  - (5) The relinquishing certificate holder shall maintain operations until it has obtained commission authorization to cease operations or services. Upon the certificate holder receiving commission authorization to cease operations, the relinquishing certificate holder shall void its existing interconnection agreement(s).
- (g) **Standards for discontinuing optional services.**
- (1) A COA or SPCOA certificate holder discontinuing optional services shall comply with PURA §54.253. Notification to the commission shall consist of filing an amendment, which provides the following information:
    - (A) Name, address, and phone number of certificate holder;
    - (B) COA or SPCOA certificate number being amended;
    - (C) Commission docket number in which the COA or SPCOA was granted;
    - (D) A sworn statement stating the authority to discontinue service options, notification of customers, and that the information provided in the amended application is true and correct;
    - (E) Notification to each customer.
      - (i) The notification letter shall clearly state the intent of the certificate holder to cease an optional service and a copy of the letter shall be provided to the commission and to OPC;
      - (ii) The notification letter shall give customers a minimum of 61 days notice of discontinuation of optional services.
  - (2) All customer deposits and credits affiliated with the discontinued optional services shall be returned within 30 days of discontinuation.
  - (3) The certificate holder shall maintain the optional services until it has obtained commission authorization to cease the optional services.

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- (h) No later than five days after filing an application to amend, the applicant shall notify the Advisory Commission on State Emergency Communications and all affected 9-1-1 entities by providing a copy of the application to amend.
- (i) All amendment filings shall be made within 30 days of the event requiring the amendment.