

APPLICATION OF GOOGLE FIBER
TEXAS, LLC FOR AMENDMENT TO
ITS STATE-ISSUED CERTIFICATE
OF FRANCHISE AUTHORITY

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PUBLIC UTILITY COMMISSION
2015 JUN 4 PM 3:54
PUBLIC UTILITY OF TEXAS
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF
APPLICATION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Recommendation on Sufficiency of Application, and would show the following:

I. BACKGROUND

On May 21, 2015, Google Fiber Texas, LLC (Applicant) filed an application to amend its State-Issued Certificate of Franchise Authority (SICFA) No. 90083, pursuant to § 66.004(b) of the Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (Vernon 2007 & Supp. 2014) (PURA). Applicant seeks to expand its service area footprint to include city limits of San Antonio, Texas.¹

In Order No. 1, issued May 22, 2015, Staff was given a deadline of June 5, 2015 to file a recommendation on the sufficiency of the application. This pleading is therefore timely filed.

II. RECOMMENDATION

Staff has reviewed the application and, as supported by the attached memorandum of Gordon Van Sickle of the Competitive Markets Division, Staff has determined that the application provides the information required to demonstrate that Applicant satisfies the requirements of a SICFA amendment pursuant to PURA § 66.004(b). Therefore, Staff recommends that the application be deemed sufficient.

III. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

¹ Application at 5.

Dated: June 4, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

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PROJECT NO. 44756

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record June 4, 2015,
in accordance with P.U.C. Procedural Rule 22.74.

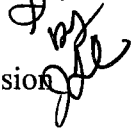


Erika Banks

Public Utility Commission of Texas

Memorandum

TO: Docket Management
FROM: Gordon H. Van Sickle, Senior Utility Analyst – Competitive Markets Division
DATE: June 4, 2015
SUBJECT: Project No. 44756: *Application of Google Fiber Texas, LLC to Amend its State-Issued Certificate of Franchise Authority*



Background Information on Application

On May 21, 2015, Google Fiber Texas, LLC filed for an amendment to its existing SICFA No. 90083. Order No. 1 was issued on May 22, 2015, establishing a procedural schedule, and filing and service procedures. On June 5, 2015, Google Fiber Texas, LLC filed a revised amendment application removing the “Other” and “Name Change” revisions.

Summary of Conclusions and Recommendations

Staff (Staff) of the Public Utility Commission of Texas (Commission) finds that the amendment application of Google Fiber Texas, LLC to amend its service area footprint by adding the City Limits of San Antonio, Texas is sufficient and complete. Staff finds this application meets the criteria for granting an amendment to an existing State-Issued Certificate of Franchise Authority (SICFA), pursuant to the Public Utility Regulatory Act (Tex. Util. Code Ann. §§ 66.003–66.015) (PURA). Staff recommends that Google Fiber Texas, LLC d/b/a Google Fiber d/b/a Google Fiber Austin be granted an amendment to its existing SICFA (SICFA No. 90083) adding the following service area footprint:

ADDITION of the City Limits of **San Antonio**, Texas.

If approved, the Applicant has requested that the name on SICFA No. 90083 remain “Google Fiber Texas, LLC d/b/a Google Fiber d/b/a Google Fiber Austin.”

Sufficiency and Completeness

Title Page – Provided Requested Information – Completed Authorized Representative, Regulatory and Emergency Contact information.

Affidavit – Signed by an Officer of the company – Mr. Dennis Kish – Manager.

Question #1 – Certification Request – Type of Provider: No Change - Video Service Provider.
AMENDMENT: Service Area Addition of the City Limits of San Antonio, Texas.

Question #2 – Primary Contact Information – Provided principal office address, primary contact information and a list of company principal officers.

Question #3 – Existing Certificate Name: Google Fiber Texas, LLC d/b/a Google Fiber d/b/a Google Fiber Austin.

A check of the Texas Secretary of State's Business Organization Inquiries shows Google Fiber Texas, LLC (File Number 801764177) is a Texas limited liability company that was formed on April 9, 2013. The Secretary of State (SoS) issued an authorization to transact business in the State of Texas to Google Fiber Texas, LLC under file number 801764177 as a Domestic limited liability company as of April 9, 2013 is currently "In Existence". Texas SoS approved D/B/As: Google Fiber and Google Fiber Austin. Commission approved D/B/As: Google Fiber and Google Fiber Austin.

A check of the Texas Comptroller's Office concerning the Franchise Tax Account Status for Google Fiber Texas, LLC (Taxpayer ID# 32050651119) revealed the following:
ACTIVE.

Question #4 – Municipal Franchise Terminations

- a. No, San Antonio, Texas was not under a municipal franchise.
- b. There is no municipal franchise expiration date involved in this application.

In accordance with the ruling made by the United States District Court for the Western District of Texas, Austin Division which issued a judgment invalidating most of PURA §66.004 in Texas Cable Association v. Hudson, Cause No. A-05-CV-721-LY (W.D. Tex. May 31, 2012), SICFA holders no longer have to wait until the expiration of the existing municipal franchise if they have provided the affected municipality with a proper termination notice to add service area to their certification. This application is eligible for processing.

Question #5 – Service Area Footprint – Applicant has requested to provide service using the following footprint:

EXISTING Service Area Footprint:

Municipal/City/Town/Village Limits of: Austin and Sunset Valley, Texas.

REQUESTED ADDITION to Service Area Footprint:

Municipal/City/Town/Village Limits of: San Antonio, Texas.

Question #6 – Notification of Termination and Copy of Court Orders: Applicant agrees to provide the Commission with written notification of its SICFA termination and the applicant agrees to provide the Commission with a copy of any Court Order or ruling concerning its SICFA.