

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Application of SQF, LLC for
approval to offer, render, furnish or
supply telecommunications services
as a Competitive Access Provider
throughout the Commonwealth of
Pennsylvania**

**Public Meeting November 5, 2015
2490501-TUS
Docket No. A-2015-2490501**

**JOINT MOTION OF CHAIRMAN GLADYS M. BROWN AND
VICE CHAIRMAN JOHN F. COLEMAN, JR.**

SQF, LLC (SQF or Applicant) filed an application for a Certificate of Public Convenience from the Commission to operate as a Competitive Access Provider in Pennsylvania. SQF seeks authority to provide radio frequency transport and backhaul services to commercial mobile radio service (CMRS) providers using a system of fiber optic cables and small antennas and conversion equipment attached to poles and other structures.¹ SQF also may transport and distribute its commercial wireless customers' data services. SQF avers that it will provide both interstate and intrastate wholesale services in Pennsylvania.

We agree with the recommendation to approve the application. However, in approving the application, we propose to specifically address several important regulatory obligations of SQF as a certificated public utility.

In accordance with the affidavit that accompanied the application for a Certificate of Public Convenience, SQF has agreed to abide by all applicable federal and state laws and regulations and by the decisions of the Commission. We remind SQF that, in accordance with the Commission's orders implementing the federal Telecommunications Act of 1996 (TA-96), a public utility that seeks Commission certification or that is certificated in Pennsylvania to provide telecommunications service, as defined by state and federal law, must provide the service in full compliance with all applicable provisions of Pennsylvania and federal law.² This includes compliance with Section 1511(e) of Pennsylvania's Business Corporation Law, 15 Pa. C.S. § 1511(e),³ when siting facilities/equipment in public rights-of-way. Failure to comply with applicable law may result in fines being imposed against a public utility or in the suspension or revocation of the utility's Certificate of Public Convenience, consistent with due process.

¹ Carriers like SQF often are called DAS providers because they gather, transport, and distribute commingled transmissions of voice, data, and video traffic, including Internet traffic, from CMRS providers through a distributed antennae system or "DAS" in combination with other network facilities and equipment.

² See generally *In re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, Order entered June 3, 1996, 1996 WL 482990; Order on Reconsideration entered September 9, 1996, 26 Pa. B. 4588 (1996), 1996 WL 482990.

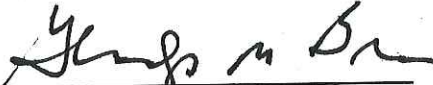
³ A public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface public utility facilities thereon or therein. Before entering upon any street, highway or other public way, the public utility corporation shall obtain such permits as may be required by law and shall comply with the lawful and reasonable regulations of the governmental authority having responsibility for the maintenance thereof. 15 Pa. C.S. § 1511(e).


SQF represents in its application that it will be providing both interstate and intrastate services in Pennsylvania. We remind SQF that certificated public utilities in Pennsylvania are required to file with the Commission an accurate annual financial report and an accurate separate statement of gross intrastate revenues for fiscal assessment purposes, as received from operations conducted pursuant to the authority granted by Commission order.⁴ Additional reporting of intrastate retail revenues also may be involved for the purpose of Pennsylvania Universal Service Fund contribution assessments. Failure to comply with applicable reporting requirements may result in billing for back payments due and the imposition of fines and/or other lawful remedies, consistent with due process.

THEREFORE, WE MOVE THAT:

1. Ordering Paragraph No. 4 be amended to direct Applicant to maintain accurate accounting records that properly classify and segregate its Competitive Access Provider revenues from its operations within the Commonwealth and to file with the Commission an accurate annual financial report and an accurate separate statement of gross intrastate revenues for fiscal assessment purposes.
2. The Bureau of Technical Utility Services prepare an Order consistent with this Motion.

DATE: November 5, 2015


GLADYS M. BROWN
CHAIRMAN


JOHN F. COLEMAN, JR.
VICE CHAIRMAN

⁴ See 66 Pa. C.S. § 510(b); see also 52 Pa. Code § 63.31 *et seq.* We note that flexibility for SQF's system of accounts is provided by our own annual reporting regulations for competitive local exchange carriers that the Applicant can also utilize. See generally 52 Pa. Code §§ 63.31(3) and 63.32(c).