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October 6, 2017

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Supplement to Response to Staff Inquiries for Review of Transactions  
(Docket No. A-2017-2621791)**

Dear Ms. Chiavetta:

This letter serves as notification to the Pennsylvania Public Utility Commission ("Commission") that the Joint Transfer of Control Applications filed by Plant Holdings, Inc., Airbus DS Communications, Inc., and Motorola Solutions, Inc. (the "Applicants") have been approved by the Texas Public Utility Commission (on September 25, 2017) and by the Maryland Public Service Commission (on September 27, 2017). Pursuant to the Applicants' September 21, 2017 Response to Staff Inquiries for Review of the Transaction, the Applicants will continue to notify the Commission as other jurisdictions act on their applications. Included herewith are copies of the Texas and Maryland Orders.

Should you or anyone else at the Commission have questions regarding this letter, please do not hesitate to contact me.

Sincerely,



Wesley K. Wright  
*Counsel to Plant Holdings, Inc. and Airbus DS  
Communications, Inc.*

Enclosures

cc: Office of Consumer Advocate  
Office of Small Business Advocate  
Office of the Attorney General  
Bureau of Investigation and Enforcement



Control Number: 47528



Item Number: 10

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**Kenneth W. Anderson, Jr.**  
Commissioner

**Brandy Marty Marquez**  
Commissioner

**Brian H. Lloyd**  
Executive Director



**Greg Abbott**  
Governor

## *Public Utility Commission of Texas*

TO: Wesley K. Wright  
Keller and Heckman LLP  
1001 G. Street, NW, Suite 500 West  
5918 W. Courtyard Dr., Suite 500  
Austin, Texas 78730

Bennett L. Ross  
Wiley Rein LLP  
1776 K Street, NW  
Washington, D.C. 20006

Infrastructure and Reliability Division  
Legal Division

RE: **Docket No. 47528– Application of Airbus DS Communications, Inc. and Motorola Solutions, Inc. for an Amendment to a Service Provider Certificate of Operating Authority**

### NOTICE OF APPROVAL

This Notice addresses the joint application of Airbus DS Communications, Inc. and Motorola Solutions, Inc. to amend a service provider certificate of operating authority (SPCOA). Commission Staff recommended approval of the application. The application is approved.

#### I. Findings of Fact

##### Background

1. On August 21, 2017, Airbus and Motorola requested an amendment to SPCOA No. 60962 to reflect a change of ownership and control.
2. Approval of the proposed transaction would result in Airbus becoming a wholly-owned indirect subsidiary of Motorola.
3. On September 7, 2017, Order No. 2 was issued, deeming the application sufficient and complete.

4. On September 20, 2017, Commission Staff recommended approval of the application.

**Notice**

5. Notice of the application was published in the *Texas Register* on September 8, 2017.

6. Applicants provided a copy of the application to the Texas Commission on State Emergency Communication (CSEC) within five days of submitting the application.

7. Commission Staff did not recommend any additional notice of this application.

**Information**

8. Applicants have provided all of the information required by 16 Texas Administrative Code § 26.111(h) (TAC) to amend SPCOA No. 60962 to reflect the change in ownership and control described in Finding of Fact No. 2.

9. Applicants submitted this application in a Commission-approved format, verified by oath or affirmation, and signed by an executive officer of the applicant.

10. Airbus is authorized to transact business in Texas.

11. Airbus and Motorola stated that none of the companies nor their officers had any previous or ongoing investigations and had not been assessed any penalties.

12. Airbus and Motorola stated that none of their officers had been convicted of a felony.

**Informal disposition**

13. Commission Staff, Airbus and Motorola are the only parties to this proceeding.

14. More than 15 days have passed since the completion of notice.

15. No protests or requests for a hearing were filed in this docket, therefore no hearing is necessary.

**II. Conclusions of Law**

1. The Commission has jurisdiction over this matter pursuant to PURA<sup>1</sup> §§ 14.001 and 54.151-.159.

2. Notice of the application was provided in compliance with 16 TAC §§ 26.111 and 22.54-.55.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-58.303 (West 2016), §§ 59.001-66.017 (West 2007 & Supp. 2016) (PURA).

3. Airbus and Motorola are entitled to approval of this application, having satisfied the requirements of PURA §§ 54.154(b) and 54.155(b) and 16 TAC § 26.111.
4. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

## II. Ordering Paragraphs

1. The application is approved. Airbus's SPCOA No. 60962 is amended to reflect the change in ownership and control discussed in Finding of Fact No. 2.
2. Airbus shall continue to file any future changes in address, contact representative, and/or telephone numbers in an annual report with the Commission, electronically, between January 1<sup>st</sup> and April 30<sup>th</sup> of each year. If Airbus has any changes during the year in the information requested in Section One of the annual report form, then the company shall file an updated form correcting the information in Section One within 30 days of the change.
3. Airbus continue to provide local exchange services as described in 16 TAC § 26.5(133) to remain in compliance with their SPCOA certification requirements.
4. To the extent the following requirements apply, Airbus shall ensure that all of the following requirements are or have previously been satisfied:
  - (a) Provision of a copy of this application and/or the Commission's Notice of Approval, in accordance with the entity's requirements, to all affected CSEC entities (9-1-1 entities) prior to providing service to those entities.
  - (b) Provision of local telephone service to end-users, whether by its own facilities, flat-rate resale, or usage sensitive loop, must also include 9-1-1 emergency telephone service at a level required by the applicable regional plan followed by local telephone service providers under Chapters 771 and 772 of the Texas Health and Safety Code, Tex. Health & Safety Code Ann. §§ 771.001 *et seq.* (West 2010 & Supp. 2012) (the Code) or other applicable law, and any applicable rules and regulations implementing those chapters. Airbus shall diligently work with the CSEC, local 9-1-1 entities, and any other agencies or entities authorized by Chapters 771 and 772 of the Code to ensure that all 9-1-1 emergency services,

whether provided through the certificate holders' own facilities, flat-rate resale, or usage sensitive loop, are provided in a manner consistent with the applicable regional plan followed by local telephone service providers under Chapters 771 or 772 of the Code or other applicable law and any applicable rules and regulations implementing those chapters. Airbus shall diligently work with the 9-1-1 entities to pursue, in good faith, the mutually agreed goal that the local 9-1-1 entities and emergency service providers experience no increase in their current level of rates and, to the extent technically feasible, no degradation in services as a result of the certification granted herein and the involvement of the certificate holder in the provision of 9-1-1 emergency service.

- (c) Notification to all affected 9-1-1 entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center.<sup>2</sup>
  - (d) Execution of a separate service agreement with each 9-1-1 entity and remit the required 9-1-1 emergency service fee to the 9-1-1 entity pursuant to such agreement.<sup>3</sup>
5. Airbus continues to be bound by the quality of service requirements set forth in the Quality of Service Questionnaire. The underlying incumbent local exchange carriers (ILECs) continue to be bound by the quality of service requirements contained in 16 TAC § 26.54. Approval of this application does not expand the scope of any underlying ILEC's obligation to its own customers.
6. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

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<sup>2</sup> 16 TAC § 26.433(d)(3).

<sup>3</sup> 16 TAC § 26.435(e)(4).

Signed at Austin, Texas the 25<sup>th</sup> day of September 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE**

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**PUBLIC SERVICE COMMISSION**

**#6, 9/27/17 AM; ML# 216598, S-1744**

September 27, 2017

Bennett L. Ross  
Wiley Rein LLP  
1776 K Street, NW  
Washington, DC 20006

Dear Mr. Ross:

The Commission has reviewed the Joint Application filed on August 22, 2017 by Motorola Solutions, Inc., Plant Holdings, Inc. and Airbus DS Communications, Inc. requesting approval of the acquisition by Motorola Solutions of indirect control of Airbus DS Communications, Inc.

After considering this matter at the September 27, 2017 Administrative Meeting, the Commission approved the acquisition by Motorola Solutions of indirect control of Airbus DS Communications, Inc.

By Direction of the Commission,

*/s/ David J. Collins*

David J. Collins  
Executive Secretary

DJC/st