

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-0396-PET

Petition of Schurz Broadband Group, Inc. for approval of a controlling interest in Champlain Broadband, LLC, pursuant to 30 V.S.A. § 515

**SCHURZ BROADBAND GROUP'S MOTION TO AMEND FINAL ORDER UNDER
COMMISSION RULE 2.221(A)**

This document has been filed ePUC.

Schurz Broadband Group (SBG) moves the Vermont Public Utility Commission (Commission) under Commission Rule 2.221 to amend the Order Approving Transfer issued in this matter on May 29, 2025 to remove all references to 30 V.S.A. § 107 because that section does not apply to the transaction as Champlain Broadband LLC (Champlain) is a non-dominant local exchange carrier.

The Order Approving Transfer discusses on page 3 that Section 107 applies to this transaction, and approved the transaction under Section 107 in the Order on page 5.

This motion to amend is appropriate because the Commission did not provide the parties with an opportunity to explain why Section 107 does not apply, the Petitioner did not file this Petition under Section 107, and no party argued that Section 107 applies. While the Petitioner greatly appreciates that the Commission issued approval under Section 107 had that section applied and had the Petitioner inadvertently omitted in its petition, the Petitioner needs the Commission to strike references to Section 107.

Section 107 does not apply to this transaction for the reasons explained below. In Case 18-0491-PET, Champlain filed testimony from its President Todd Schurz on February 26, 2018 and explained that Champlain is a non-dominant CLEC covered by Commission Rule 7.500:

Champlain seeks to continue the status quo with respect to Burlington Telecom's status as a Non-Dominant CLEC covered by PUC Rule 7.500. It is my understanding that, under Rule 7.500, Non-Dominant CLEC carriers, including Burlington Telecom, are generally not subject to the full range of regulatory review that Dominant Local Exchange Carriers must undergo, including the "corporate organization and financial review" normally required under 30 V.S.A. § 109. Champlain has, therefore, separately filed the "Telecommunications Provider Registration Form" with the PUC, which is attached hereto as Champlain Exhibit-TS-7, and which I respectfully submit contains the information necessary for the PUC to make the appropriate findings that are pre-requisite to granting a CPG to Champlain for this facet of Burlington Telecom's existing business. Pages 31-32.

Champlain's status has not changed and it remains a non-dominant CLEC. Commission Rule 7.500, which defines the obligations of various kinds of telecommunications carriers under Title 30 of Vermont Statutes, and especially 30 V.S.A. § 227c, relates to nondominant carriers such as Champlain. Section 7.505(A) discusses corporate organization and finance, including reviews under 30 V.S.A. § 107. It provides that "[o]nly dominant local exchange carriers are subject to corporate organization and financial reviews", and this includes Section 107. In other words, non-dominant local exchange carriers such as Champlain are not required to seek Section 107 approval for transfers of control. Instead, Rule 7.505(D) requires such companies like Champlain to file a Commission-provided form within two weeks of the transaction:

(D) Any telecommunications carrier not subject to corporate and financial review shall notify the Commission within two weeks of completing any transaction that is subject to review under the terms of 30 V.S.A. §§ 107, 109, or 311. Notice shall be accomplished through the filing of a completed form provided by the Commission for that purpose.

Pursuant to this Rule as set forth in Mr. Schurz testimony quoted above, when Champlain acquired the Burlington Telecom assets, Champlain did not need to seek 107 approval on the telecom side, but rather filed the Commission-provided form under Rule 7.505(D). Here, Champlain will file the same form within two weeks of completing the transaction. For these reasons, Section 107 does not apply to this transaction and the Commission must strike references to it. SBG greatly appreciates the Commission's issuance of the Order of Transfer and review of this motion.

Dated at Montpelier, Vermont, this 2nd day of June, 2025.

SCHURZ BROADBAND GROUP.



By:

Joslyn L. Wilschek, Esq.
Wilschek Iarrapino Law Office, PLLC
35 Elm Street, Suite 200
Montpelier, VT 05602
(802) 249-7663
joslyn@ilovt.net