

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Petitioner: Vincent V. Queano, Director of Business License

Recommendation:

Accept the application of Gigapower, LLC for a Franchise to provide telecommunication services in unincorporated Clark County; cause public notice of the application pursuant to NRS 709.070; and set a public hearing to consider awarding a franchise for January 2, 2024, at 10 a.m. following the public notice period; and providing for other matters properly related thereto. Commission Districts: All (For possible action)

FISCAL IMPACT:

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

BACKGROUND:

On October 31, 2023, Gigapower LLC, submitted an application for a Franchise to provide telecommunication service in unincorporated Clark County. NRS Section 709.070 stipulates that upon receipt of a complete application the Board shall, at its next regular meeting, cause notice of the application to be given.

In accordance with NRS 709.070, public notice shall be published in a local newspaper for four consecutive weeks and posted in each of the unincorporated towns affected at least ten days before the public hearing. The Board is requested to accept the application, direct staff to cause public notice as required and set a public hearing for January 2, 2024, at 10 a.m. to consider awarding a franchise.

Cleared for Agenda

11/21/2023

File ID#

23-1598



Department of Business License

Vincent V. Queano, Director

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<http://www.clarkcountynv.gov/businesslicense>

APPLICATION FOR FRANCHISE SERVICES – PUBLIC UTILITIES

- Please fill out form completely; use **black** ink only; *incomplete, illegible, or altered application forms will be returned.*

BUSINESS INFORMATION

Date of Application:	Business/ Entity Name:
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Fictitious Firm Name(FFN)/ Doing Business As (DBA):	Classification/ Category (NAICS Code):
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Have you registered with the Nevada Secretary of State?	☐ Yes ☐ No	NV Business ID (required):
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OWNERSHIP INFORMATION (Must total 100%; list all business owners, and/or officers.)

Type of Business Ownership (select one)	☐ Sole Proprietorship	☐ Corporation	☐ Limited Liability Co.
	☐ Partnership	☐ Limited Partnership	☐ Other:

BUSINESS LOCATION AND CONTACT INFORMATION

Business Location/ Mailing Address

Business/ Location Address:	City/ State:	Zip Code	Country:
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☐ Check here if Mailing Address is the same as the Business Address. If different, please provide current mailing address on next line.

Mailing Address:	City/ State:	Zip Code	Country:
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Business Contact Information

Business Email:	Business Phone:	Business Fax:
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Authorized Contact Information

Authorized Contact Name (First, M.I., Last):	Authorized Contact Title:	
Email Address:	Primary Phone Number:	Alternate Phone Number:

FRANCHISE INFORMATION

Length of Term Desired (not to exceed 10 years):	Public Utilities Commission of Nevada (PUCN) Certificate:	☐ Yes ☐ No	Certificate Number:
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Has the applicant ever been denied a franchise or had a franchise suspended or revoked for any reason?	☐ Yes* ☐ No
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*If you answered "Yes" to the question above, please attach a detail description of the suspension, revocation, and/or denial.

List all third parties that the applicant is aware of at the time of application that will be using the applicant's facilities in the County's rights-of-way:	☐ List is provided below ☐ List is attached ☐ None AT&T Corporation
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Please attach the following to the application:

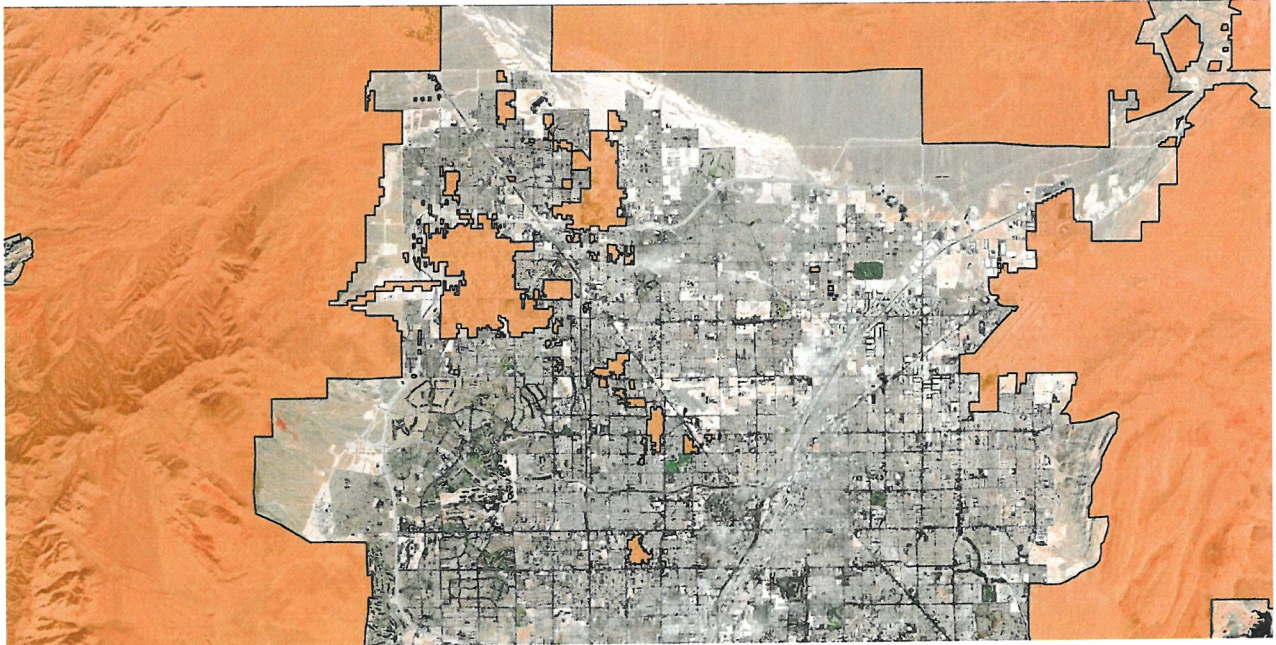
- | | |
|---|---|
| ☐ Order and Certificate issued by the PUCN | ☐ Map of the Service Area desired/ Requested |
| ☐ Disclosure of Ownership Form | ☐ Map of proposed initial route (Initial Franchise Application Only) |

SIGNATURES (requires signatures of owner, officer, authorized or legal signer)

I certify the information provided herein and attached is true and accurate to the best of my knowledge. I understand that providing false, misleading, or fraudulent statements on this application or supporting documentation may be grounds for denial of this license or later revocation, suspension, or non-renewal.

 Signature	Print Name and Title	Date
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MAP OF CLARK COUNTY SERVICE AREA



NOTE: CLARK COUNTY AREAS ARE IN ORANGE WITHIN LAS VEGAS

Gigapower is still designing Clark County routes and will provide them before or when we file for permits.

**INSTRUCTIONS FOR COMPLETING THE
DISCLOSURE OF OWNERSHIP/PRINCIPALS FORM**

Purpose of the Form

The purpose of the Disclosure of Ownership/Principals Form is to gather ownership information pertaining to the business entity for use by the Board of County Commissioners (“BCC”) in determining whether members of the BCC should exclude themselves from voting on agenda items where they have, or may be perceived as having a conflict of interest, and to determine compliance with Nevada Revised Statute 281A.430, contracts in which a public officer or employee has interest is prohibited.

General Instructions

Completion and submission of this Form is a condition of approval or renewal of a contract or lease and/or release of monetary funding between the disclosing entity and the appropriate Clark County government entity. Failure to submit the requested information may result in a refusal by the BCC to enter into an agreement/contract and/or release monetary funding to such disclosing entity.

Detailed Instructions

All sections of the Disclosure of Ownership form must be completed. If not applicable, write in N/A.

Business Entity Type – Indicate if the entity is an Individual, Partnership, Limited Liability Company, Corporation, Trust, Non-profit Organization, or Other. When selecting ‘Other’, provide a description of the legal entity.

Non-Profit Organization (NPO) – Any non-profit corporation, group, association, or corporation duly filed and registered as required by state law.

Business Designation Group – Indicate if the entity is a Minority Owned Business Enterprise (MBE), Women-Owned Business Enterprise (WBE), Small Business Enterprise (SBE), Physically-Challenged Business Enterprise (PBE), Veteran Owned Business (VET), Disabled Veteran Owned Business (DVET), or Emerging Small Business (ESB). This is needed in order to provide utilization statistics to the Legislative Council Bureau, and will be used only for such purpose.

- **Minority Owned Business Enterprise (MBE):** An independent and continuing business for profit which performs a commercially useful function and is at least 51% owned and controlled by one or more minority persons of Black American, Hispanic American, Asian-Pacific American or Native American ethnicity.
- **Women Owned Business Enterprise (WBE):** An independent and continuing business for profit which performs a commercially useful function and is at least 51% owned and controlled by one or more women.
- **Physically-Challenged Business Enterprise (PBE):** An independent and continuing business for profit which performs a commercially useful function and is at least 51% owned and controlled by one or more disabled individuals pursuant to the federal Americans with Disabilities Act.
- **Small Business Enterprise (SBE):** An independent and continuing business for profit which performs a commercially useful function, is not owned and controlled by individuals designated as minority, women, or physically-challenged, and where gross annual sales does not exceed \$2,000,000.
- **Veteran Owned Business Enterprise (VET):** An independent and continuing Nevada business for profit which performs a commercially useful function and is at least 51 percent owned and controlled by one or more U.S. Veterans.
- **Disabled Veteran Owned Business Enterprise (DVET):** A Nevada business at least 51 percent owned/controlled by a disabled veteran.
- **Emerging Small Business (ESB):** Certified by the Nevada Governor's Office of Economic Development effective January, 2014. Approved into Nevada law during the 77th Legislative session as a result of AB294.

Business Name (include d.b.a., if applicable) – Enter the legal name of the business entity and enter the “Doing Business As” (d.b.a.) name, if applicable.

Corporate/Business Address, Business Telephone, Business Fax, and Email – Enter the street address, telephone and fax numbers, and email of the named business entity.

Nevada Local Business Address, Local Business Telephone, Local Business Fax, and Email – If business entity is out-of-state, but operates the business from a location in Nevada, enter the Nevada street address, telephone and fax numbers, point of contact and email of the local office. Please note that the local address must be an address from which the business is operating from that location. Please do not include a P.O. Box number, unless required by the U.S. Postal Service, or a business license hanging address.

Number of Clark County Nevada Residents employed by this firm. (Do not leave blank. If none or zero, put the number 0 in the space provided.)

List of Owners/Officers – Include the full name, title and percentage of ownership of each person who has ownership or financial interest in the business entity. If the business is a publicly-traded corporation or non-profit organization, list all Corporate Officers and Directors only.

For All Contracts – (Not required for publicly-traded corporations)

- 1) Indicate if any individual members, partners, owners or principals involved in the business entity are a Clark County full-time employee(s), or appointed/elected official(s). If yes, the following paragraph applies.

In accordance with NRS 281A.430.1, a public officer or employee shall not bid on or enter into a contract between a government agency and any private business in which he has a significant financial interest, except as provided for in subsections 2, 3, and 4.

- 2) Indicate if any individual members, partners, owners or principals involved in the business entity have a second degree of consanguinity or affinity relation to a Clark County full-time employee(s), or appointed/elected official(s) (reference form on Page 2 for definition). If **YES**, complete the Disclosure of Relationship Form. Clark County is comprised of the following government entities: Clark County, Department of Aviation (McCarran Airport), and Clark County Water Reclamation District. Note: The Department of Aviation includes all of the General Aviation Airports (Henderson, North Las Vegas, and Jean). **This will also include Clark County Detention Center.**

A professional service is defined as a business entity that offers business/financial consulting, legal, physician, architect, engineer or other professional services.

Signature and Print Name – Requires signature of an authorized representative and the date signed.

Disclosure of Relationship Form – If any individual members, partners, owners or principals of the business entity is presently a Clark County employee, public officer or official, or has a second degree of consanguinity or affinity relationship to a Clark County employee, public officer or official, this section must be completed in its entirety.

DISCLOSURE OF OWNERSHIP/PRINCIPALS

Business Entity Type (Please select one)						
☐ Sole Proprietorship	☐ Partnership	☐ Limited Liability Company	☐ Corporation	☐ Trust	☐ Non-Profit Organization	☐ Other
Business Designation Group (Please select all that apply)						
☐ MBE	☐ WBE	☐ SBE	☐ PBE	☐ VET	☐ DVET	☐ ESB
Minority Business Enterprise	Women-Owned Business Enterprise	Small Business Enterprise	Physically Challenged Business Enterprise	Veteran Owned Business	Disabled Veteran Owned Business	Emerging Small Business
Number of Clark County Nevada Residents Employed:						
Corporate/Business Entity Name:						
(Include d.b.a., if applicable)						
Street Address:				Website:		
City, State and Zip Code:				POC Name:		
				Email:		
Telephone No:				Fax No:		
Nevada Local Street Address: (If different from above)				Website:		
City, State and Zip Code:				Local Fax No:		
Local Telephone No:				Local POC Name:		
				Email:		

All entities, with the exception of publicly-traded and non-profit organizations, must list the names of individuals holding more than five percent (5%) ownership or financial interest in the business entity appearing before the Board.

Publicly-traded entities and non-profit organizations shall list all Corporate Officers and Directors in lieu of disclosing the names of individuals with ownership or financial interest. The disclosure requirement, as applied to land-use applications, extends to the applicant and the landowner(s).

Entities include all business associations organized under or governed by Title 7 of the Nevada Revised Statutes, including but not limited to private corporations, close corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and professional corporations.

Full Name	Title	% Owned (Not required for Publicly Traded Corporations/Non-profit organizations)
_____	_____	_____
_____	_____	_____
_____	_____	_____

This section is not required for publicly-traded corporations. Are you a publicly-traded corporation? ☐ Yes ☐ No

- Are any individual members, partners, owners or principals, involved in the business entity, a Clark County, Department of Aviation, Clark County Detention Center or Clark County Water Reclamation District full-time employee(s), or appointed/elected official(s)?
☐ Yes ☐ No (If yes, please note that County employee(s), or appointed/elected official(s) may not perform any work on professional service contracts, or other contracts, which are not subject to competitive bid.)
- Do any individual members, partners, owners or principals have a spouse, registered domestic partner, child, parent, in-law or brother/sister, half-brother/half-sister, grandchild, grandparent, related to a Clark County, Department of Aviation, Clark County Detention Center or Clark County Water Reclamation District full-time employee(s), or appointed/elected official(s)?
☐ Yes ☐ No (If yes, please complete the Disclosure of Relationship form on Page 2. If no, please print N/A on Page 2.)

I certify under penalty of perjury, that all of the information provided herein is current, complete, and accurate. I also understand that the Board will not take action on land-use approvals, contract approvals, land sales, leases or exchanges without the completed disclosure form.

_____ Signature	_____ Print Name
_____ Title	_____ Date

DISCLOSURE OF RELATIONSHIP

List any disclosures below:
(Mark N/A, if not applicable.)

NAME OF BUSINESS OWNER/PRINCIPAL	NAME OF COUNTY* EMPLOYEE/OFFICIAL AND JOB TITLE	RELATIONSHIP TO COUNTY* EMPLOYEE/OFFICIAL	COUNTY* EMPLOYEE'S/OFFICIAL'S DEPARTMENT

* County employee means Clark County, Department of Aviation, Clark County Detention Center or Clark County Water Reclamation District.

"Consanguinity" is a relationship by blood. "Affinity" is a relationship by marriage.

"To the second degree of consanguinity" applies to the candidate's first and second degree of blood relatives as follows:

- Spouse – Registered Domestic Partners – Children – Parents – In-laws (first degree)
- Brothers/Sisters – Half-Brothers/Half-Sisters – Grandchildren – Grandparents – In-laws (second degree)

For County Use Only:

If any Disclosure of Relationship is noted above, please complete the following:

☐ Yes ☐ No Is the County employee(s) noted above involved in the contracting/selection process for this particular agenda item?

☐ Yes ☐ No Is the County employee(s) noted above involved in any way with the business in performance of the contract?

Notes/Comments:

Signature

Print Name
Authorized Department Representative

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Amended Application of Gigapower, LLC for authority)
to operate as a competitive supplier of)
telecommunication service within the State of Nevada.)
_____)

Docket No. 23-02022

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on June 27, 2023.

PRESENT: Chair Hayley Williamson
Commissioner C.J. Manthe
Commissioner Tammy Cordova
Assistant Commission Secretary Trisha Osborne

ORDER

The Public Utilities Commission of Nevada (“Commission”) makes the following
findings of fact and conclusions of law:

I. INTRODUCTION

Gigapower, LLC (“Gigapower”) filed with the Commission an application, designated as Docket No. 23-02022 (“Application”), for authority to operate as a competitive supplier of telecommunication service within the State of Nevada.

On May 11, 2023, Gigapower filed an amended application (“Amended Application”).

II. SUMMARY

The Commission grants the Amended Application and orders issuance of a Certificate of Public Convenience and Necessity (“CPC”) granting Gigapower authority to operate as a competitive supplier of telecommunication service within the State of Nevada.

III. PROCEDURAL HISTORY

- On March 2, 2023, Gigapower filed its Application with the Commission pursuant to the Nevada Revised Statutes (“NRS”) and the Nevada Administrative Code (“NAC”) Chapters 703 and 704, including, but not limited to, NRS 704.330 and NAC 704.7472.
- The Regulatory Operations Staff of the Commission (“Staff”) participates as a matter of right pursuant to NRS 703.301.

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- On March 7, 2023, the Commission issued a Notice of Application for Authority to Provide Telecommunication Service.
- On April 19, 2023, Staff filed a briefing memorandum (“Staff’s April 19, 2023, Briefing Memorandum”).
- On April 25, 2023, the Commission voted to adopt the recommendations in Staff’s April 19, 2023, Briefing Memorandum, and set Docket No. 23-02022, for further proceedings.
- On May 11, 2023, Gigapower filed the Amended Application, amending Exhibit No. 2.
- On May 16, 2023, The Commission issued a Notice of Amended Application for Authority to Provide Telecommunication Service.
- On June 26, 2023, Staff filed a briefing memorandum (“Staff’s June 26, 2023, Briefing Memorandum”).
- On June 27, 2023, the Commission voted to adopt the recommendations in Staff’s June 26, 2023, Briefing Memorandum,

IV. AMENDED APPLICATION

Gigapower’s Request

1. Gigapower requests authority to operate as a competitive supplier of telecommunication service within the State of Nevada. (Application at 1.)

Staff’s Position

2. Staff states that Gigapower has met the requirements of NAC 704.7472. (Staff’s June 26, 2023, Briefing Memorandum at 3.) Staff recommends the Commission grant the Amended Application and issue an order and a certificate granting Gigapower authority to operate as a competitive supplier of telecommunication service within the State of Nevada. (*Id.*)

Commission Discussion and Findings

3. The Commission adopts the analysis and recommendations found in Staff’s Briefing Memorandum. The Commission finds that Gigapower has met the requirements of NAC 704.7472 and grants the Amended Application.

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Therefore, it is ordered:

1. The Amended Application of Gigapower, LLC, designated as Docket No. 23-02022, is granted.
2. The Assistant Commission Secretary shall issue to Gigapower, LLC a Certificate of Public Convenience and Necessity authorizing Gigapower, LLC to operate as a competitive supplier of telecommunication service within the State of Nevada.

By the Commission,



TRISHA OSBORNE,
Assistant Commission Secretary on behalf of
the Commissioners

Dated: Carson City, Nevada

6/30/23

(SEAL)

