

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Miscellaneous)
Correspondence and Reports Regarding) DOCKET NO. 11-999-03
Telecommunications Utility Services; 2011) ORDER REQUIRING FURTHER ACTION
) BEFORE GRANTING APPLICATION
) TO DISCONTINUE SERVICE
)

ISSUED: September 23, 2011

SYNOPSIS

Before an order granting Cordia's application to discontinue service in Utah can be entered, Cordia must provide evidence that it has provided notice to discontinue service to its customers and, if there is any transition of customers, Cordia must also provide evidence that Cordia is working with and will continue to work with its customers to ensure that numbers are ported correctly. In addition, Cordia must provide an affidavit from its officer or principal, attesting to the truth, accuracy, and correctness of Cordia's application.

By The Commission:

On August 9, 2011, Cordia Communications Corporation ("Cordia") filed an application to discontinue telecommunications service to its Utah customers on October 13, 2011. An application to discontinue service is governed by Utah Administrative Code R746-350. Pursuant to the Commission's request, the Division of Public Utilities (the "Division") issued a memorandum on August 29, 2011, recommending conditional approval of Cordia's application provided that 1) Cordia provide notice of its intent to discontinue service to its customers and, if there is any transition of customers, 2) Cordia continue to work with its customers to ensure that numbers are ported correctly. These requirements are required by Utah Administrative Code R746-350-3(B)(2) and R746-350-4, and are not contained in Cordia's application.

Additionally, the Commission notes that Cordia's application must be signed by its officer or principal and must be attested to under penalty of perjury. See Utah Admin. Code R746-350-4(A)(6). Cordia's application is not attested to and it is not clear from the face of the application whether the signatory is Cordia's officer or principal.¹

The Commission concurs with the Division's recommendation, inasmuch as the conditions set forth in the Division's recommendation are just and reasonable and will provide Utah subscribers an opportunity to migrate their service to an alternative service or a different provider before Cordia's cessation of service, and are statutorily required. Accordingly, before the Commission acts further on Cordia's application, Cordia must provide the information recommended by the Division and which recommendations are hereby adopted by this Order. Further, Cordia must provide an affidavit, signed by its officer or principal, attesting under penalty of perjury to the truth, accuracy, and correctness of the application to discontinue service.

Wherefore, the Commission enters the following ORDER:

1. Cordia's must provide evidence that it has provided notice to discontinue service to its customers;
2. If there is any transition of customers, Cordia must also provide evidence that Cordia is working with and will continue to work with its customers to ensure that numbers are ported correctly; and
3. Cordia must provide an affidavit, signed by its officer or principal, attesting under penalty of perjury to the truth, accuracy, and correctness of the application to discontinue service.

¹ The application is merely signed "Maria A. Abbagnaro, General Counsel."

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Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 23rd day of September, 2011.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
D#210326

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of September, 2011, a true and correct copy of the foregoing ORDER REQUIRING FURTHER ACTION BEFORE GRANTING APPLICATION TO DISCONTINUE SERVICE, was delivered upon the following as indicated below:

By U.S. Mail:

Maria A. Abbagnaro
Cordia Corporation
2900 Westchester Avenue, Suite 103
Purchase, NY 10577

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant