

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Application of
Uintah Basin Telecommunications)
Association, Inc., And UBET Telecom, Inc.,)
for an Order of the Commission Approving the)
Combination, Merger and Consolidation of)
UBET Telecom, Inc., and Uintah Basin)
Telecommunications Association, Inc.

DOCKET NO. 04-053-03

ORDER ON REQUEST FOR
RECONSIDERATION

ISSUED: January 12, 2005

By The Commission:

On August 9, 2004, Uintah Basin Telecommunications, Inc. (UBTA) and UBET Telecom, Inc. (UBET) (jointly the "Applicants") filed their Joint Application seeking Commission approval of the combination, merger, and consolidation of UBTA and UBET into one company. On October 19, 2004, Mr. Brent Hansen sent a letter to the Commission in which he indicated that he was not opposed to the merger, but objected to some of the terms thereof. The Commission received this letter on October 22, 2004. The Commission held a public hearing on November 3, 2004, in Vernal, Utah, for the purpose of receiving public testimony. Mr. Hansen was one of twelve members of the public who testified at that hearing. On November 5, 2004, Mr. Hansen informed the Commission that he had intended his letter of October 19, 2004, to serve as a petition to intervene. On November 12, 2004, the Commission granted Mr. Hansen's request to intervene.

On November 15, 2004, the Applicants, Division of Public Utilities (Division), and the Committee (collectively referred to as the "Parties") submitted a signed Stipulation evidencing their agreement that the proposed combination, merger and consolidation is in the public interest and should be approved. An evidentiary hearing was held on November 22, 2004, before the Commission's Administrative Law Judge. As stated in our November 26, 2004, Order approving the merger, Mr. Hansen did not appear at the evidentiary hearing.

On December 27, 2004, Mr. Hansen filed his Request for Reconsideration, generally alleging that members of the public had not received adequate notice of the proceedings in this docket; that Applicants had not

provided him with requested financial information; and that the Commission, Division, and Committee had failed to protect the public interest. Applicants submitted their Response to Request for Reconsideration on January 10, 2005, in which they opposed Mr. Hansen's Request and claimed that they had repeatedly attempted to provide Mr. Hansen the information which he seeks.

We find no merit in Mr. Hansen's general claims that he and other members of the public were not afforded adequate opportunity to participate in this docket. Mr. Hansen received notice of the November 3, 2004, public witness hearing and testified at that hearing. Once granted intervention, Mr. Hansen had ten days to clarify his rights as an intervener, to prepare his case, and to participate but the record provides no indication that Mr. Hansen took any action as an intervener during this period. In his October 19, 2004, letter to the Commission, Mr. Hansen had stated that he did not intend to attend the November 22, 2004, evidentiary hearing. True to his word, Mr. Hansen did not attend this hearing. Furthermore, the record reflects prompt and adequate notice provided to the public at all stages of this proceeding, from notice of the Applicants' initial merger request to notice of the public witness and evidentiary hearings. We remain confident that all members of the public, including Mr. Hansen, were afforded adequate notice and opportunity to participate in these proceedings.

Mr. Hansen also claims that his effort to intervene was hindered by the Applicants' failure to provide him requested discovery. However, Applicants point out that Mr. Hansen did not submit his Request for Discovery until December 13, 2004, more than two weeks after the Commission issued its Order in this docket. Even then, Applicants scheduled a meeting with Mr. Hansen for December 17, 2004, in order to discuss his concerns with the merger and to provide him the requested documents and information. Mr. Hansen cancelled this meeting and stated that he would not be available to meet with Applicants until the week after Christmas. However, after the holidays, rather than contact the Applicants in order to reschedule this meeting, Mr. Hansen served a Data Request on Applicants and filed his Request for Reconsideration to the Commission.

Given the late timing of Mr. Hansen's information requests, we cannot conclude that any failure to obtain the information he seeks prejudiced his effort to object to Applicants' merger. We note with approval Applicants'

willingness, even after our Order had issued, to satisfy Mr. Hansen's request for information and encourage Applicants to continue to work with Mr. Hansen should he continue to seek such information.

Finally, we find in Mr. Hansen's Request for Reconsideration no new information or argument that would move us to reconsider our approval of the merger. Mr. Hansen's public interest concerns center on board representation; appointment of initial directors for the Vernal, Roosevelt, and Duchesne districts; and the proposed cooperative membership fee. Not only were each of these issues the subject of extensive negotiation between the Applicants, Division, and Committee leading to mutually-agreed Stipulation, but they were also the subject of extensive questioning during the evidentiary hearing. Having specifically considered these issues, we concluded that approval of the merger as provided in the Stipulation is in the public interest and we find nothing in Mr. Hansen's Request for Reconsideration to cause us to now modify our findings or conclusions.

We conclude that Mr. Hansen and the general public were provided adequate opportunity to gather information and to be heard. We note Applicants' willingness to provide information to Mr. Hansen following issuance of our Order and expect such willingness to continue. Finally, we are satisfied that we have adequately considered the public interest at all stages of these proceedings and find no reason to reconsider our conclusion that Applicants' merger is in the public interest. We therefore deny Mr. Hansen's Request for Reconsideration.

DATED at Salt Lake City, Utah, this 12th day of January, 2005.

/s/Ric Campbell, Chairman

/s/Constance B. White, Commissioner

/s/Ted Boyer, Commissioner

Attest:

/s/Julie Orchard
Commission Secretary
G#42236