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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

CARBON/EMERY TELCOM, INC.,

v.

8X8, INCORPORATED.

**REQUEST FOR AGENCY
ACTION**

DOCKET NO. _____

Carbon/Emery Telcom, Inc. (“Carbon/Emery”) hereby complains against 8x8 Incorporated, a Utah corporation. (“8x8”) as follows:

PARTIES

1. Carbon/Emery is a Utah corporation that is certificated by the Utah Public Service Commission to provide local telephone exchange service in Carbon and Emery Counties, State of Utah.
2. 8X8, Incorporated (“8x8”) is a Utah corporation.

JURISDICTION AND VENUE

3. The Utah Public Service Commission has jurisdiction over this matter pursuant to Utah Code Ann. Sections 54-1-2.5, 54-4-1, and 54-7-9.
4. Upon information and belief, 8x8 is providing, or proposes to provide, local exchange services or other public telecommunications services in the State of Utah in areas

served by Carbon/Emery.

5. Under Utah Code Ann. Section 54-8b-2(10), local exchange service under Utah law is defined as the provision of telephone lines to customers with the associated transmission of two-way interactive, switched voice communication with the geographic area encompassing one or more local communities as described in maps, tariffs, or rate schedules filed with and approved by the commission.

6. Under Utah Code Ann. § 54-8b-2(16), public telecommunications service is defined as the two-way transmission of signs, signals, writing, images, sounds, messages or other electromagnetic means offered to the public generally.

7. Prior to providing local exchange service or other public telecommunications services in the State of Utah, a telecommunications corporation must first obtain a Certificate of Public Convenience and Necessity (“CPCN”) from the Utah Public Service Commission (“PSC”).

GENERAL ALLEGATIONS

8. Upon information and belief, 8x8 is currently providing, or proposes to provide, managed VoIP services in Utah in general, and in Price, Carbon County, Utah specifically.

9. Under Utah law, as previously determined by the PSC, VoIP service is a public telecommunications service under Utah law, and as such, is subject to the requirements of UCA §54-8b-2.1—Competitive Entry.

10. Upon information and belief, 8x8 is exchanging landline to landline local traffic with Carbon/Emery through a third party wireless transiting carrier. The use of a third-party wireless transiting carrier does not change the character of the local services provided by 8x8 –

they remain landline to landline local services subject to the jurisdiction of the Commission. 8x8 does not have a CPCN and does not have any agreement with Carbon/Emery to exchange local traffic with Carbon/Emery. Without the CPCN from the State of Utah, and an appropriate agreement with Carbon/Emery, 8x8 is not authorized to provide public telecommunications or local exchange services in the State of Utah generally, and in the Price Exchange specifically.

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12. The PSC has broad authority to regulate public utilities and an obligation to regulate competitive entry into the service territories of the incumbent local exchange carriers.

13. 8x8 is required to apply for and obtain a CPCN prior to providing competitive local exchange service in the service territories of Carbon/Emery.

14. Prior to granting competitive entry into the service territories of the incumbent local exchange carriers, the PSC must determine that 8x8 has sufficient technical, financial and managerial resources and abilities to provide the public telecommunications services applied for; and that the issuance of a CPCN is in the public interest.

WHEREFORE, in accordance with the PSC's obligation to regulate competitive entry in providing local exchange services or other public telecommunications services in the service territories of incumbent telephone corporations such as Carbon/Emery, Carbon/Emery respectfully requests that the Commission enter an Order to Show Cause why 8x8, Incorporated should not be required to (1) apply for and obtain a CPCN prior to providing local exchange service or other public telecommunications services, including its managed VoIP services, in the service territories of Carbon/Emery and (2) formally request that Carbon/Emery enter into negotiations for an intercarrier agreement by which it would be authorized to exchange local exchange services with Carbon/Emery.

Dated this _____ day of July, 2012.

BLACKBURN & STOLL, LC

Kira M. Slawson
Stanley K. Stoll
Attorneys for Utah Rural Telecom Association

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the REQUEST FOR AGENCY ACTION was sent to the following individuals by regular or electronic mail, as noted below, this _____ day of July, 2012.

8x8, Incorporated (via regular mail)
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