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State of Utah

Department of Commerce

Division of Public Utilities

FRANCINE GIANI
Executive Director

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Deputy Director

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Director, Division of Public Utilities

MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Casey J. Coleman, Utility Technical Consultant

Date: January 6, 2014

Re: Petition of Tempo Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah per Docket No. 13-2569-01.

RECOMMENDATION:

The Division recommends that the Commission suspend this Docket until the FCC approves the Compliance Plan for the State of Utah.

ISSUES:

On December 12, 2013 Tempo Telecom, LLC ("Tempo") filed a petition with the Commission asking to be considered an Eligible Telecommunications Carrier ("ETC"). As of the date of this memo, Tempo has not received specific approval for the State of Utah in their compliance plan from the Federal Communications Commission. Because the Compliance plan does not specifically grant approval for Utah, the Division is unsure if the Compliance plan is valid for Utah. Because the FCC will not provide any subsidies to companies before a compliance plan is approved the Division feels moving forward in this docket is premature until the issue of whether the compliance plan must specifically grant approval for the State of Utah. The Division recommends suspending this Docket until Tempo receives approval from the FCC of their compliance plan for the State of Utah. Once approval from the FCC is obtained the Division would recommend Tempo notifying the Commission of the approval and a scheduling conference can be established once notice is received by Tempo.

cc: Justin Jetter, Assistant Attorney General
Cheryl Murray, Utility Analyst, Office of Consumer Services, State of Utah
Williams J. Evans, Parsons Behle & Latimer
Joseph M. Stultz, Parsons Behle & Latimer