- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Wide Voice, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange Services within the State of Utah DOCKET NO. 14-2572-01

ORDER GRANTING REQUEST TO WITHDRAW APPLICATION, AND CANCELLING SCHEDULING ORDER AND HEARING

ISSUED: October 9, 2014

<u>ORDER</u>

On June 4, 2014, Wide Voice, LLC (Wide Voice) filed an application for a certificate of public convenience and necessity to provide resold and facilities-based local exchange services within Utah. On July 16, 2014, Utah Rural Telecom Association (URTA) filed a request to suspend the hearing scheduled in this docket based, in part, on concerns regarding the completeness of Wide Voice's application. On July 17, 2014, the Commission granted URTA's request and suspended the hearing until Wide Voice completed its filing. The Commission's order stated: "Once the error is corrected the docket will resume and a scheduling conference will be held and any interested party may attend."¹

On August 6, 2014, Wide Voice filed additional documents to supplement its application. On August 27, 2014, the Division of Public Utilities filed a memorandum, stating "it appears that [Wide Voice] now ha[s] a complete filling."² Thereafter, the Commission noticed and held a scheduling conference. The scheduling conference was held on September 10, 2014. Wide Voice did not appear at the scheduling conference. Based on the Division's proposed

¹ Notice of Suspended Hearing and Order, issued July 17, 2014.

² Division Memorandum, filed August 27, 2014.

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schedule, the Commission issued a scheduling order and notice of hearing on September 12, 2014. The scheduling order set September 26, 2014, as Wide Voice's deadline to file its direct testimony, and October 28, 2014, as the hearing date.

Wide Voice did not file direct testimony. On October 3, 2014, URTA filed testimony recommending the Commission reject Wide Voice's application. On or about October 3, 2014, Wide Voice initiated a conference call with the Division, URTA, and the ALJ for the Commission, to discuss its application.³

Thereafter, Wide Voice requested to withdraw its application.⁴ Based on Wide Voice's request, and for other good cause appearing, the request to withdraw is granted. Accordingly, both the scheduling order and the hearing scheduled for October 28, 2014, are cancelled.

DATED at Salt Lake City, Utah, this 9th day of October, 2014.

<u>/s/ Melanie A. Reif</u> Administrative Law Judge

³ The call was initiated by Carey Roesel, Consultant to Wide Voice.

⁴ See Email from Carey Roesel, to Commission (Oct. 3, 2014; 3:12 PM).

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Approved and confirmed this 9th day of October, 2014, as the Report and Order of

the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg Commission Secretary DW#261395

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order 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.

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CERTIFICATE OF SERVICE

I CERTIFY that on the 9th day of October, 2014, a true and correct copy of the foregoing was served upon the following as indicated below:

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