

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of National )  
Telecommunication Consultants, Inc. As ) DOCKET NO. 06-2263-01  
Agent for Little Caesars Pizza, Utah, LLC ) REPORT AND ORDER DISMISSING  
vs. Eschelon Telecom of Utah, Inc. ) COMPLAINT  
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ISSUED: May 25, 2006

By The Commission:

PROCEDURAL HISTORY

On March 9, 2006, Petitioner National Telecommunication Consultants, Inc. (“National”) as agent for Little Caesars Pizza, Utah, LLC (“Little Caesars”), filed a Request for Agency Action (“Request”) claiming Respondent Eschelon Telecom of Utah, Inc. (“Eschelon”), had misrepresented the savings Little Caesars would realize from Respondent’s service, had improperly changed its billing practices to remove the billing detail necessary to allow Little Caesars to properly scrutinize its bills, and had improperly assessed Little Caesars an early termination penalty. Petitioner sought Commission order (1) granting Little Caesars rate reparations; (2) finding Respondent has engaged in unjust, unreasonable, and discriminatory billing practices and charges; (3) requiring Respondent to refund the early termination penalty paid by Little Caesars; and (4) allowing Little Caesars to terminate all service from Respondent without further penalty or delay.

On April 13, 2006, Respondent filed a Motion to Dismiss and Answer (“Motion”) claiming the Request fails to state a claim upon which relief may be granted and seeking dismissal.

On May 18, 2006, National filed a Notice of Dismissal indicating its voluntary dismissal of this matter with prejudice and requesting the Commission issue an order to effectuate the same.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The complaint filed herein is dismissed.
2. Pursuant to *Utah Code Annotated* §§ 63-46b-12 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 Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 25<sup>th</sup> day of May, 2006.

/s/ Steven F. Goodwill  
Administrative Law Judge

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Approved and Confirmed this 25<sup>th</sup> day of May, 2006, as the Report and  
Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#49050