

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Utah Exchange Tariff,)
1st Revised Sheet No. 20, Appendix A,)
cancelling Original Sheet 20, Appendix A,)
Local Exchange Service, Dial Tone Line.)

DOCKET NO.06-2302-T01

REPORT AND ORDER

ISSUED: January 19, 2006

SYNOPSIS

The Commission approves the revised tariff filed by Carbon/Emery Telcom, Inc. (“Carbon/Emery”), and, for good cause shown, grants Carbon/Emery’s request that the revised tariff become effective on January 20, 2006.

By The Commission:

PROCEDURAL HISTORY

On January 9, 2006, pursuant to Commission Report and Order, dated January 3, 2006, in Docket No. 05-2302-01 (“USF Order”), Carbon/Emery Telcom, Inc. (“Carbon/Emery”) filed for Commission approval its Utah Exchange Tariff, 1st Revised Sheet No. 20, Appendix A, canceling Original Sheet 20, Appendix A, Local Exchange Service, Dial Tone Line. At the same time, Carbon/Emery, pursuant to Commission Rule 746-405-2(E)(3), requested a waiver from the 30-day notice period specified in Rule 746-405-2(E)(2) to permit the revised tariff to become effective on January 20, 2006. In support of its waiver request, Carbon/Emery noted the revised tariff sheets reflect only those changes approved by the Commission in its USF Order. Carbon/Emery also states January 20th is the start of the billing cycle for all access charges such

that, if the effective date is other than the 20th, Carbon/Emery would be required to undertake the burdensome process of pro-rating these usage sensitive charges for all of its customers. Furthermore, since January 20th is the start of the billing cycle for approximately 50% of its local service customers, authorizing January 20th as the tariff effective date would require pro-rating of bills for only that 50% percent of local service customers whose billing cycle begins on the 10th of each month.

On January 19, 2006, the Division of Public Utilities (“Division”) filed its recommendation that the Commission approve the revised tariff.

DISCUSSION AND CONCLUSIONS

Commission Rule 746-405-2(E)(3) states the Commission may, for good cause, authorize tariff sheets to become effective on a day before the end of the 30-day notice period required by R746-405-2(E)(2). Given the Division’s recommendation to approve the filed tariff sheets and Carbon/Emery’s stated rationale for waiver of the 30-day notice period, we conclude that good cause exist to approve the tariff sheets and grant the request for waiver such that the revised tariff becomes effective on January 20, 2006.

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 Utah Exchange Tariff, 1st Revised Sheet No. 20, Appendix A, canceling Original Sheet 20, Appendix A, Local Exchange Service, Dial Tone Line, filed by Carbon/Emery Telcom, Inc., on January 9, 2006, is approved.

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2. The request of Carbon/Emery Telcom, Inc., for waiver of the 30-day notice requirement of Commission Rule 746-405-2(E)(2) pursuant to R746-405-2(E)(3) is granted. The revised tariff sheets will become effective on January 20, 2006, as requested.

This Report and Order constitutes final agency action in these dockets. 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 19th day of January, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 19th day of January, 2006, as the 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#47298