

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Voluntary)	
Certification Withdrawal by VarTec)	<u>DOCKET NO. 06-2377-01</u>
Telecom, Inc., Excel)	
Telecommunications, Inc., and VarTec)	<u>REPORT AND ORDER CANCELING</u>
Solutions, Inc., and Notice of Asset Sale)	<u>CERTIFICATE</u>
Closing)	
)	

ISSUED: August 29, 2006

SYNOPSIS

Petitioner having voluntarily sought cancellation of its certificate, and no detriment to the public interest appearing, the Commission cancelled the certificate.

By The Commission:

PROCEDURAL HISTORY, DISCUSSION, AND FINDINGS

On June 15, 2006, VarTec Telecom, Inc. (“VTI”), Excel Telecommunications, Inc., and VarTec Solutions, Inc. (hereinafter referred to jointly as the “VarTec Companies”) filed a memorandum voluntarily withdrawing their respective operating authorities to provide local exchange and interexchange telecommunications in Utah (“Request”). This withdrawal is based on the VarTec Companies’ sale of assets, including customers, to Comtel Telcom Assets LP (“Comtel”) as part of Chapter 11 bankruptcy proceedings filed by the VarTec Companies on November 1, 2004. Due to the consummation of this sale, the VarTec Companies state they no longer have any employees, customers, or telecommunications operations in Utah or any other jurisdiction. Comtel now serves the Vartec Companies’ former customers.

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On July 11, 2006, the Division of Public Utilities (“Division”) filed a memorandum detailing its investigation of the Request and recommending cancellation of VTI’s Certificate of Public Convenience and Necessity (“Certificate”).

On January 3, 2002, in Docket No. 01-2377-01, the Commission granted a Certificate authorizing VTI to provide local exchange services in the Qwest Communications, Inc., service territory in the state of Utah. According to the Division, the sale of the VarTec Companies to Comtel was completed on June 7, 2006. Comtel received its Certificate from the Commission on January 27, 2006, in Docket No. 05-2463-01. Because VTI no longer has end-user customers in Utah, the Division concludes VTI has no remaining obligations under Commission Rule 746-350, *Application to Discontinue Telecommunications Service*.

As VTI does not currently provide telecommunications service to any customers within the State of Utah, no detriment to the public interest appears and the Commission hereby issues the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Certificate of Public Convenience and Necessity, issued January 3, 2002, in Docket No.01-2377-01, to VarTec Telecom, Inc., be, and it is, cancelled and annulled effective the date of this Order.

- 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

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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 29th day of August, 2006.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#50278