

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Petition for)	<u>DOCKET NO. 02-999-02</u>
Declaratory Order of Rural Incumbent)	
Local Exchange Carriers)	<u>DECLARATORY ORDER</u>

ISSUED: May 6, 2002

By The Commission:

The Commission has considered the Petition for a Declaratory Order filed by All West Communications, Inc., Bear Lake Communications, Carbon/Emery Telcom, Central Utah Telephone, Citizens Telecommunications of Utah (d/b/a Frontier Communications of Utah), Emery Telcom, Gunnison Telephone Company, Hanksville Telcom, Inc., Manti Telephone, Navajo Communications Company Inc., Skyline Telecom, South Central Communications and Union Telephone (collectively "Rural ILECS"), which addresses a request for clarification arising out of the requirement set forth by the Federal Communications Commission ("FCC") in In the Matter of Federal-State Joint Board on Universal Service Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 96-45, that a rural incumbent local exchange carrier ("ILEC") file with this Commission its election as to the path which the carrier will take with respect to loop disaggregation. The FCC has provided for three approaches, or paths, for the application of federal loop cost support. Path One allows a company to certify to a state commission and the FCC that it will not disaggregate or target universal support. Path Two allows a company to file for state commission approval of a specific detailed loop disaggregation plan. Path Three allows the carrier the option to self-certify loop disaggregation plans to state commissions. Such paths are described in more detail in the FCC report and order.

On November 8, 2001, the FCC issued a second report and order in In the Matter of the Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 00-256, in which the FCC extended to May 15, 2002, the deadline date by which carriers must submit a disaggregation path to the state commission.

The Rural ILECs have requested that the Commission clarify the consequences of a Path One election and declare that the Commission will, following a timely Path One election, allow ILECs to thereafter at any time elect Path Two or Path Three, subject to the Commission's approval of the elected plan. The Commission has considered the Rural ILECs' Petition for Declaratory Order and, good cause appearing therefor, it enters the following declaratory order:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECLARED, that:

1. Any rural ILEC that makes an election of Path One under the FCC rules and files notice of such election with the Commission prior to May 15, 2002, may, at any time thereafter, amend its plan to freely elect or opt into Path Two or Path Three, as such paths are described in the aforementioned FCC Orders, subject to the Commission's approval. The Commission shall thereafter, if requested, consider such application on an expedited basis.
2. Any ILEC, which is uncertain about the appropriate path to elect and does not believe it can meet the FCC's May 15, 2002 deadline, is encouraged to formally select Path One since such election can later be modified with Commission approval. Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure to do so will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 6th day of April, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

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