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Attorney for All West Communications, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF UTAH

In Regard to the Request of ALL WEST COMMUNICATIONS, INC. for Revision to Exchange Boundaries

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REQUEST FOR AGENCY ACTION

Docket No. 02-2270-01

All West Communications, Inc., (“All West”) by and through its attorneys of record, by this request for agency action, requests that the Public Service Commission of Utah (the “Commission”) pursuant to § 54-4-1 Utah Code Ann. (2002), revise the existing service territory of All West and Qwest Communications, Inc. (“Qwest”) in order to determine which Local Exchange Carrier (“LEC”) should provide local exchange services as the incumbent carrier to a new community, the Promontory Development (“Promontory”), presently being built partly within the current service territory of All West and partly within the current service territory of Qwest. All West submits that the Commission should realign the exchange boundaries of the current Jordanelle and Park City exchanges to place Promontory entirely

within the Jordanelle exchange and within the service territory of All West. Historically, it has been public policy to not divide communities among different incumbent LECs. All West believes that this is sound public policy which should be followed in this case. In support of its request, All West submits:

1. All West is a regulated LEC holding a certificate of public convenience and necessity from the Commission. All West is certificated to provide local telephone services in parts of Summit, Wasatch and Rich Counties, Utah. All West / Utah, Inc., a wholly owned subsidiary of All West Communications, Inc., is a certified CLEC in the state of Utah, and has authority to provide telecommunications services anywhere in the state of Utah presently served by Qwest. All West also provides additional telecommunications services, including cable television, video, broadband and internet services.

2. All West is the incumbent LEC in the Jordanelle exchange.

3. All West has entered into a contract to provide telecommunication services to Promontory, a development which presently is geographically 70.2 percent within the Jordanelle exchange and 29.8 percent within the Park City Exchange, in which Qwest is the incumbent LEC. Presently, 1117 of the designed residential lots in Promontory will be located within the Jordanelle exchange and 484 within the current Park City exchange. Two resort hotels are currently designed for the development, both lie within the present boundaries of the Jordanelle exchange.

4. All West respectfully requests that the Commission expand All West's certificated authority to authorize it to provide services to all of Promontory. All West requests that the Commission alter the exchange boundary of the Jordanelle exchange to encompass the following territory. This property consists of approximately 2.99 square miles or approximately 1914 acres and is more particularly described as follows:

Beginning at the North East corner of Section 2, Township 1 South, Range 4 East, Salt Lake Base and Meridian; thence West along the Northerly section line of said Section 2, approximately 4215 feet, more or less, to a point where the Easterly boundary of Interstate 80 intersects the said section line; thence in a Southerly direction following the said Easterly boundary of Interstate 80 to the South section line of said Section 2; thence East along the section line approximately 600 feet, more or less, to a point, said point also being approximately 4250 feet West, more or less, from the South East corner of Section 2, thence; South approximately 13, 210 feet, more or less, to a point along the half section line of Section 23, Township 1 South, Range 4 East, S.L.B. & M.; thence East along the ½ section line approximately 3980 feet, more or less, to the East section line of said Section 23; thence in a Northerly direction approximately 18110 feet, more or less, following the section lines to the Point of Beginning.

A map of the described property is attached hereto as Exhibit "A". All West requests that this area be added to its service territory.

5. All West respectfully asserts that it is in the public interest to place the entire Promontory development within the service territory of one incumbent. There will be greater economies of scale if the community is served by one incumbent LEC rather than two. Moreover, there will be less confusion of residents if this community is not divided between two exchanges, since if the community is within one exchange the residents would have the same NXX, the same calling area and the same provider. It simply is common sense to realign exchanges boundaries to reflect the growth and development of a new community which just happens to straddle the boundary of two exchanges.

6. It is in the public interest to allow All West to have the ability to serve the entire Promontory development. All West has been requested by the developer of Promontory to provide services to the entire development and it will be more efficient, cost-effective and less confusing for All West to serve the entire Promontory development and construct facilities to serve all of the residents thereof through All West, than for the development to be divided with All West as the incumbent LEC in part of Promontory and Qwest as the incumbent LEC in the remainder. If Promontory is not placed entirely within the Jordanelle exchange, All West would be required to serve part of the community through a Competitive Local Exchange Carrier ("CLEC"), All West / Utah, Inc. It is appropriate to have the entire community of Promontory in one exchange and served by one incumbent carrier. All West seeks the ability to provide seamless services to this development located partly within the All West service territory and partly within Qwest's service territory. Bringing the entire development within All West's service territory is in the public interest.

7. All West is better situated to serve Promontory than is Qwest. All West presently has a contract with Promontory developers to install telecommunications facilities in the entire development. All West has facilities installed or available in the area. At the request of the developer, All West has already placed approximately \$150,000 of facilities within the development. All West does not believe that Qwest has the facilities available to provide the requested services to Promontory in a timely manner. Qwest currently has not facilities installed within the boundaries

of the Promontory development.

Therefore, All West respectfully requests that the Commission issue an order expanding the exchange boundaries of the Jordanelle exchange, to bring all of Promontory within the boundaries thereof, and thereby authorizing All West to provide telecommunications services as an incumbent LEC to this area within its service territory.

DATED this day of February 2002.

BLACKBURN & STOLL, LC

Jerry D. Fenn
Attorneys for All West Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **Request for Agency Action** in Docket No. 02-2270-01 to be mailed by first class mail, postage prepaid, this 1st day of February, 2002 to the following:

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