

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of IDT)
America, Corp. for a Certificate of Public) DOCKET NO. 06-2464-02
Convenience and Necessity to Provide)
Facilities-Based and Resold Local) REPORT AND ORDER GRANTING
Exchange Services) MOTION TO DISMISS

ISSUED: November 16, 2006

By The Commission:

On June 1, 2006, IDT America, Corp. (“IDT”) filed an Application to Amend Its Existing Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange Services (“Application”) seeking to amend its certificate of public convenience and necessity (“Certificate”) granted on April 3, 2006, in Docket No. 06-2464-01 to permit IDT to provide service to and from all points in Utah, including those exchanges with less than 5,000 access lines that are served by incumbent telephone corporations with fewer than 30,000 access lines.

On June 9, 2006, the Utah Rural Telecom Association (“URTA”) filed a Petition to Intervene which the Commission granted by Order dated June 27, 2006.

On July 6, 2006, the Division of Public Utilities (“Division”) filed a Request for Scheduling Conference noting that, in addition to the Application filed by IDT, All American Telephone Co., Inc. (“All American”) in Docket No. 06-2469-01 and Beehive Telephone Co. (“Beehive”) in Docket No. 06-051-01 had filed applications also seeking to amend their Certificates to include those exchanges with less than 5,000 access lines that are served by incumbent telephone corporations with fewer than 30,000 access lines. Therefore, the Division

recommended the Commission hold a scheduling conference in all three dockets to discuss the possibility of moving these three dockets forward in concert and to schedule further proceedings.

A duly noticed scheduling conference was held on August 1, 2006.

Representatives of IDT, All American and Beehive attended said conference in person or via telephone. During this conference, the parties agreed to hold a Technical and Scheduling Conference on August 22, 2006, to facilitate discussion of the various issues raised by the applications in the three dockets. The Commission issued Notice of this conference on August 3, 2006.

IDT failed to appear at the Technical and Scheduling Conference held on August 22, 2006. All American and Beehive were present and, following discussion among the parties, indicated they would file amended applications limiting their earlier requests to serve those exchanges with less than 5,000 access lines that are served by incumbent telephone corporations with fewer than 30,000 access lines. Beehive and All American filed their amended applications on August 28, 2006.

On September 19, 2006, in response to a Motion for Protective Order filed September 12, 2006, by the Committee of Consumer Services ("Committee"), the Commission issued a Protective Order in this docket.

On October 2, 2006, the Commission issued a Notice of Status and Scheduling Conference informing parties of said conference to be held on October 17, 2006, for the purpose of discussing the status of IDT's application and adopting a schedule of further proceedings in this matter.

The conference convened as scheduled on October 17, 2006, with representatives of URTA, the Division, and the Committee present. IDT again failed to appear.

On October 19, 2006, the Division filed a Motion to Dismiss Amended Certificate (“Motion”) noting IDT’s failure to appear at the conferences on August 22 and October 17, 2006. The Division also notes IDT has failed to answer data requests submitted by the Division. Given the 240-day statutory deadline applicable to IDT’s Application, and IDT’s failure to appear at scheduled conferences or provide requested information, the Division seeks dismissal of the Application without prejudice. IDT failed to respond to the Division’s Motion.

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:

The application of IDT America, Corp., filed herein is dismissed without prejudice.

DATED at Salt Lake City, Utah, this 16th day of November, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 16th day of November, 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#51341