

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application for)
Waiver of Comcast Phone of Utah, LLC and) DOCKET NO. 09-2383-01
CIMCO Communications, Inc.) REPORT AND ORDER

ISSUED: November 3, 2009

By The Commission:

This matter is before the Commission on the Joint Application of CIMCO Communications, Inc. and Comcast Phone of Utah, LLC. for Approval of a Transfer of Customers of CIMCO Communication, Inc. to Comcast Phone of Utah, LLC. The Joint Application was filed on October 8, 2009. The companies request the Commission waive Utah Code Ann. § 54-8b-18 and Utah Admin. R746-349-5, and any other anti-slamming regulations, to allow a transfer of certain assets of CIMCO to Comcast. CIMCO will provide its Utah customers with notice of the transaction at least 30 days prior to the anticipated closing date pursuant to Section 64.1120(e) of the Federal Communication Commission’s (FCC) rules. The companies also request the Commission waive the 20-day tentative period for an order issued in informally adjudicated proceedings, and issue the final order effective as of issuance of the Order.

CIMCO operates in Utah providing resold interexchange services pursuant to its Initiation of Service Notification filed July 25, 2008. It also is authorized by the FCC to provide international and domestic interstate telecommunications services as a non-dominant carrier. CIMCO has 7 business customers in Utah.

Comcast is a facilities-based local exchange carrier authorized to provide local exchange, interexchange, and other telecommunications services pursuant to the certificate of

public convenience and public necessity issued transferred to it in Docket No. 03-2382-01. Comcast's qualifications to provide service are a matter of public record, having been presented to the Commission in connection with its obtaining authority to provide services in Utah. The Commission hereby takes administrative notice of Comcast's qualifications to provide its services in Utah.

Pursuant to an Asset Purchase Agreement entered into September 16, 2009 between Comcast and some of its affiliates and CIMCO, Comcast will acquire CIMCO's assets and customer accounts in Utah. The Companies represent that they will comply with the FCC's rules governing the sale of a carrier's customer base.

The waiver of §54-8b-18 and Utah Admin. R746-349-5 is in the public interest as it will allow Utah CIMCO customers to continue to enjoy high-quality telecommunications services at the same rates, terms, and conditions as they currently enjoy with as seamless a transition as possible. It will also continue to provide the benefits of competition to the state of Utah.

The Division of Public Utilities issued its recommendation on the Joint Application on October 29, 2009 and did not oppose it. No other person opposed the Joint Application.

ORDER

Based on the representation of the companies, and finding that the immediate waiver of §54-8b-18 and Utah Admin. R746-349-5, is in the public interest, the Commission orders as follows:

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1. The requirements of Utah Code Ann. §54-8b-18 and Utah Admin. R746-349-5 are waived;
2. The 20-day tentative period in Utah Admin. R746-110-2 is waived and this Order shall constitute a final order, effective as of the date of issuance;
3. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the Commission within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 20 days after the filing of the request, 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 Sections 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 3rd day of November, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 3rd day of November, 2009, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#64228