

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Emery Telephone Tariff )  
Filing ) DOCKET NO. 10-042-T01  
) REPORT AND ORDER  
)  
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ISSUED: October 28, 2010

By The Commission:

Emery Telephone filed its tariff to eliminate its existing Extended Area Service (EAS) and increase its basic service and PBX trunk rates. Emery consolidates its four exchanges into one, which will eliminate the EAS monthly charge of \$4.95. This will result in a loss of the EAS revenue, which necessitates the increase in basic rates and PBX trunk rates. Emery's Board of Directors approved the rate changes per Utah Code Ann. §54-7-12(7)(c).

The Division of Public Utilities noted that the new base rates do not exceed the Affordable Rate Base proposed by the Division. The Division recommended the Commission approve the tariff modification, and waive the 30-day notice required by Utah Admin. Code R746-405(E)(3), so that the Company may assess the new rates beginning with the November billing cycle.

The Commission finds good cause for approving the tariff modification and for waiving the 30-day notice period.

ORDER

The tariff as amended is approved, and the 30-day notice period is waived. The Company shall be permitted to assess the new rates beginning November 1, 2010. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency

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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 28<sup>th</sup> day of October, 2010.

/s/ Ruben H. Arredondo  
Administrative Law Judge

Approved and confirmed this 28<sup>th</sup> day of October, 2010, 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#69498