

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of US Connect)
LLC for Designation as an Eligible) DOCKET NO. 11-2544-01
Telecommunications Carrier in the State of)
Utah) ORDER TO SHOW CAUSE AND
) NOTICE OF HEARING
)

ISSUED: March 11, 2013

By The Commission:

On November 7, 2011, US Connect LLC (Company) filed a petition for designation as an eligible telecommunications carrier in the State of Utah, requesting expeditious review.¹ On December 6, 2011, in response to a Commission action request, the Division of Public Utilities (Division) filed a recommendation to hold a scheduling conference in this docket.² A duly-noticed scheduling conference was held on December 21, 2011.³ On December 23, 2011, the Commission issued a Scheduling Order and Notice of Hearing.⁴ Thereafter, Utah Rural Telecom Association (URTA) and Salt Lake Community Action Program (SLCAP) requested and were granted intervention,⁵ and the Company filed its first round of testimony pursuant to the Scheduling Order.⁶ No further testimony was filed thereafter.

On February 16, 2012, the Office of Consumer Services (Office) filed a Motion to Stay Proceedings and Schedule in this docket until the Company's compliance plan has been

¹ See Petition of US Connect LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah, filed November 7, 2011.

² See Division Memo, filed December 6, 2011.

³ See Notice of Scheduling Conference, issued December 9, 2011.

⁴ See Notice of Scheduling Order, and Notice of Hearing, issued December 23, 2011.

⁵ See Order Granting Intervention of URTA, issued January 27, 2012. See also Order Granting Intervention of SLCAP, issued February 16, 2012.

⁶ See Direct Testimony of Bassam Abdallah, filed January 13, 2012.

approved by the Federal Communications Commission (FCC).⁷ The Office's motion is based on a FCC filing requirement pertaining to forbearance from facilities-based requirements for Lifeline-only ETCs, as a condition precedent to the Commission's consideration of the Company's petition.⁸ The Office's motion indicates support from the Division, and states no opposition from the Company or other parties is anticipated.⁹ In a memo filed with the Commission on February 16, 2012, the Division confirmed its support of the Office's motion, stating: "The Division agrees with the premise of the Office that moving forward with these proceedings would be premature. We recommend that the Commission approve the motion to stay the proceedings as suggested by the Office."¹⁰ On February 21 and 22, 2012, in separate e-mail messages, the Company, URTA, and SLCAP all stated they do not oppose the Office's motion.¹¹ Based on the foregoing, and for other good cause appearing, the Commission entered an order granting a stay on February 22, 2012.¹²

Since the Commission ordered the stay, no further activity has occurred in this docket. Given ample time has passed and opportunity has been given for the Company to pursue its petition, good cause exists to inquire into whether the stay should be revoked and this matter dismissed. The Commission thus enters the following order:

⁷ See Motion to Stay Proceedings and Schedule, filed February 16, 2012.

⁸ See *id.* at 1-2.

⁹ See *id.* at 4.

¹⁰ Division's Memo at 1, filed February 16, 2012.

¹¹ See E-mail from Heather Kirby, Regulatory Specialist, Lance J.M. Steinhart, P.C., to Gary Widerburg, Commission Secretary (Feb. 22, 2012; 2:20 PM) ("US Connect LLC . . . do[es] not oppose the Motion to Stay Proceedings in the above-referenced docket[.]"); E-mail from Kira M. Slawson, Blackburn & Stoll, LC, to Gary Widerburg, Commission Secretary (Feb. 21, 2012; 4:10 PM) ("URTA does not oppose the Motion."); and E-mail from Betsy Wolf, SLCAP, to Gary Widerburg, Commission Secretary (Feb. 21, 2012; 5:26 PM) ("[SLCAP] does not oppose the Motion.").

¹² See Order Granting Stay of Proceedings and Schedule, issued February 22, 2012.

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

US Connect LLC (Company) shall appear before the Administrative Law Judge of the Commission on **Wednesday, March 27, 2013, 9:00 a.m. (MDT), in the Fourth Floor Hearing Room 451, Heber M. Wells Bldg., 160 East 300 South, Salt Lake City, Utah**, to show cause, if any, why its petition for designation as an eligible telecommunications carrier in the State of Utah should not be dismissed. If the Company no longer intends to pursue its petition, it shall file a request for withdrawal no later than **Monday, March 25, 2013**.

Individuals wishing to participate in the hearing by telephone should contact the Public Service Commission two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission at one of the numbers posted above five minutes prior to the hearing to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify the Commission at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

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DATED at Salt Lake City, Utah, this 11th day of March, 2013.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#242470

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of March, 2013, a true and correct copy of the foregoing was served upon the following as indicated below:

By E-Mail:

Lance J.M. Steinhart (lsteinhart@telecomcounsel.com)
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