

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Negotiated Resale)	<u>DOCKET NO. 00-049-36</u>
Agreement between QWEST)	
CORPORATION and ONE STAR LONG)	<u>AMENDED REPORT AND ORDER</u>
DISTANCE, INC.)	

ISSUED: September 13, 2000

SYNOPSIS

The Commission's previous Order having been issued contrary to Commission policy and law, the Commission revokes the approval previously accorded.

By The Commission:

PROCEDURAL HISTORY

In our previous Order in this matter, we noted that the proposed reseller, One Star Long Distance, Inc., was not certificated by this Commission and had not applied for certification. We approved the agreement nevertheless without regard for our longstanding policy of requiring all providers of local telecommunications services, including local service resellers, to be certificated before doing business in the state. We did so in error. We have consistently interpreted § 54-2-1(22) to apply only to resale of long distance services. To the degree there was ever any confusion in the law, the legislature amended the statute to ensure that the exemption from certification extends to resellers of "intrastate toll service" only. Since the resale agreement here at issue does not so limit the services to be resold, and since applicable Utah law requires that all providers of local exchange service be certificated, we conclude our previous approval was improvidently granted and must be revoked. Accordingly we enter the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- Our previous approval of the Resale agreement between Qwest Corporation and ONE STAR LONG DISTANCE, INC., dated May 4, 2000, be and it hereby is, revoked; and said agreement be, and it is, disapproved without prejudice to refile the same at such time as the proposed reseller shall have been granted a Certificate of Convenience and Necessity from this Commission.
- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure to do so will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 13th day of September, 2000.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary