

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of Revisions to)
TCG UTAH'S Access and Interconnection)
Services Tariff No. 2, Re: The Adjustment of)
Rate Schedules for Switched Access (Feature)
Group D) Service)

DOCKET NO. 00-2211-T02

REPORT AND ORDER

ISSUED: May 18, 2000

SYNOPSIS

The proposed revisions not complying with Commission policy regarding automatic rate increases, the Commission rejected the proposed tariff revisions.

By The Commission:

PROCEDURAL HISTORY

On March 14, 2000, Teleport Communications Group (TCG) submitted a proposed tariff revision which, *inter alia*, provided for an automatic increase in rates in cases of a rate increase by U.S. West Communications, Inc., for which TCG is a reseller. The matter was referred for review and recommendation to the Division of Public Utilities, Utah Department of Commerce (DPU), for review and recommendation, which filed its memorandum recommending rejection of the proposal on May 5, 2000. The Administrative Law Judge, having been fully advised in the matter, now enters the following Report, containing proposed findings of fact, conclusions of law, and the Order based thereon.

FINDINGS OF FACT

1. DPU represents that TCG represented that it would withdraw the offending proposed tariff but has failed to do so. We so find.

DISCUSSION

Since the proposed tariff contravenes Utah law by raising tariff rates without a hearing, the tariff should be rejected.

CONCLUSIONS OF LAW

The tariff should be rejected.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- First Revised Sheet Nos. 2, 68, 69, and 70, TCG Tariff PSC Utah No. 2, be and they are, rejected.
- 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 18th day of May, 2000.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie P. Orchard
Commission Secretary