

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)
SKYLINE TELECOM for an)
Expansion of its Certificated)
Authority)

DOCKET NO. 00-576-01

REPORT AND ORDER

ISSUED: April 18, 2000

SYNOPSIS

Applicant's proposed territorial expansion appearing to be in the public interest, the Commission granted the same.

Appearances:

Jerry Fenn For Skyline Telecom

By The Commission:

PROCEDURAL HISTORY

On March 3, 2000, Skyline Telecom ("Applicant") filed its Application seeking an expansion of its certificated service area. The matter was referred to the Division of Public Utilities, Utah Department of Commerce ("DPU") for review and recommendation. On March 24, 2000, DPU filed its memorandum recommending approval. Since Applicant has made out its *prima facie* case, no opposition has emerged and none appears likely, and an evidentiary hearing appears to be neither necessary nor helpful in the disposition of the matter, we have determined to dispose of the matter without further proceedings. 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

- Applicant has petitioned the Commission to expand its Certificate of Convenience and Necessity to encompass a previously-unserved geographic area of the state, which includes the Little Sahara Recreation Area ("Little Sahara").
- The Applicant is a wholly-owned subsidiary of Central Utah Telephone, Inc. ("Central"), and both are independent telephone companies in Utah. It is a "local exchange carrier" as defined by the Telecommunications Act of 1996 in 47 U.S.C. §153(44) and a "rural telephone company" as defined in 47 U.S.C. §153(47). It is also a "telecommunications corporation" as defined in § 54-8b-2(13), UCA, as amended, and an "incumbent telephone corporation" as defined in § 54-8b-2(5), UCA as amended.
- The Applicant is a corporation organized under the laws of the state of Utah with its principal place of business at 45 West Center, P.O. Box 7, Fairview, Utah 84629, and currently provides public telecommunications service in portions of Juab, Sanpete, and Utah counties. It has been owned and managed by Central since 1989 and has 1,576 access lines.
- Little Sahara is administered by the Bureau of Land Management ("BLM") and is located approximately 40 miles west of Nephi. Little Sahara is presently without landline telephone service. It has its own analog radio system for communications but it is unreliable and antiquated.

The BLM established an open-bidding process for parties interested in providing telephone service to Little Sahara and Applicant was the only party who submitted a bid to provide this service. On September 15, 1999, the United States Department of the Interior, by and through the BLM, entered into Contract No. NDC990079 with the Applicant, wherein it agreed to provide telephone service to Little Sahara.

- Initially, the Applicant plans to provide eight equal-access circuits at the Little Sahara administration center. It will also provide for an emergency telephone to be located at the visitor center and 911 emergency service will be routed to the Juab County emergency dispatch. It plans to install fiber optic line from Eureka, south along U.S. 6 to Jericho Junction, then west along the county road to the Recreation Area Access Road, then south to the Administration facility.
- Service will be provided under Skyline's local tariff. The area is contiguous to the southern boundary of the Eureka Exchange and will become part of that exchange. DPU has investigated the proposed boundary revision to include Little Sahara and found that it accurately portrays the boundary change.
- The Applicant has demonstrated that it has the financial, managerial, and technical qualifications to provide the services described in its application for an expanded territory through its many years of providing telecommunications service in the state.

DISCUSSION

Since Applicant's current service area is contiguous to Little Sahara, and no other telecommunications provider has expressed an interest in providing service to the area, Applicant appears to be most qualified to provide the service. It appears to be in the public interest to grant the Application.

CONCLUSIONS OF LAW

The Application should be granted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Certificate of Convenience and Necessity heretofore granted to Skyline Telecom be, and it is, amended by restating said Grantee's service area, including Little Sahara, as follows:

Commencing at the point where the Juab County, Utah County and Tooele County lines intersect; thence running in a southerly and westerly direction along the Juab County-Tooele County line to the westerly line of Range 5 West, SLM; thence running south along the westerly line of said Range 5 West to the point of intersection with the Juab County-Millard County line; thence running east along the Juab County-Millard County line to the point of intersection with the southerly line of Section 32, Township 14 South, Range 3 West, SLM, and continuing east along the southerly boundary of Township 14 South to the point where the corners are common to Sections 31 and 32, Township 14 South, Range 1 West, and Sections 5 and 6, Township 15 South, Range 1 West, SLM; thence running north along the western boundary of Sections 32, 29, 20, 17, 8, and 5, of Townships 14 South, 13 South, and 12 South, Range 1 West, SLM and continuing north along the western boundary of Section 32, Township 11 South, Range 1 West, SLM to the point of intersection with the Juab County-Utah County line; thence running in a westerly and northerly direction along the Juab County-Utah County line to the point of beginning.

- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 18th day of April, 2000.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 18th day of April, 2000, as the Report and Order of the Public Service Commission of

Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary