

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of ESCHALON  
TELECOM OF UTAH, INC., for the Transfer of a  
Certificate of Convenience and Necessity to Provide  
Local Exchange Carrier Services in Utah )  
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DOCKET NO. 01-2263-01  
REPORT AND ORDER  
Certificate No. 2263

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ISSUED: October 4, 2001

SYNOPSIS

No interest to the public interest appearing, the Commission transferred the certificate.

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By The Commission:

PROCEDURAL HISTORY

On June 6, 2001, Eschalon Telecom of Utah, Inc., (Petitioner) petitioned the Commission for the transfer of Certificate of Convenience and Necessity No. 2263, issued to Eschalon Telecom, Inc., an affiliated parent entity of Petitioner. The matter was referred for review and recommendation to the Division of Public Utilities, Utah Department of Commerce (DPU) which filed its memorandum recommending approval June 28, 2001. Said memorandum is annexed hereto and incorporated herein by this reference. We adopt the factual findings in said memorandum as our findings of fact in this matter. Since the matter appears to present no detriment to the public interest, is unlikely to engender any opposition, and a hearing on the matter appears to be neither necessary nor advisable, on our own motion we have determined to dispose of it summarily. Accordingly, we enter the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Certificate of Convenience and Necessity No. 2263, issued originally to Eschalon Telecom, Inc., be, and it is, transferred effective the date of this Order to Eschalon Telecom of Utah, Inc., and that the records of the Commission be, and they are, amended to reflect that Eschalon Telecom of Utah, Inc., is the holder of said certificate.

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 4<sup>th</sup> day of October, 2001.

/s/ A. Robert Thurman  
Administrative Law Judge

Approved and Confirmed this 4th day of October, 2001, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G# 26563

June 27, 2001

**TO: PUBLIC SERVICE COMMISSION**

**FROM: DIVISION OF PUBLIC UTILITIES**

Lowell Alt, Director  
Ingo Henningsen, Manager, Telecommunications  
Judith Hooper, Rate Analyst  
Bart Croxford, Regulatory Analyst

**Re: Application of Eschelon Telecom of Utah, Inc. for transfer of a Certificate of Public Convenience and Necessity to provide local exchange carrier services in Utah under Docket No. 01-2263-01**

**Issues:**

Eschelon Telecom, Inc. ("ETI") and Eschelon Telecom of Utah, Inc. ("ETU") jointly requested approval for the transfer of the operating authority of Eschelon Telecom, Inc. to Eschelon Telecom of Utah, Inc. The predecessor of Eschelon Telecom, Inc., Advanced Telecommunications, Inc. received a Certificate of Public Convenience and Necessity on April 6, 1999 in Docket No. 98-2263-01.

The Applicants state that the transfer is reflective of an internal corporate change, with no other changes in operations, rates, or personnel providing service in Utah. The same personnel now active in managing ETI's Utah operation will be active in managing the subsidiary, ETU. This transfer is merely to make ETI's operations in Utah consistent with that in other states, where it operates under a state-specific affiliate.

The Applicants also assert that ETU will enjoy the same financial and supervisory support that exists for ETI prior to the transfer and ETU will be responsible for all of the financial obligations of ETI.

ETU, like its predecessor, ETI, does not require customer deposits or prepayment of any kind and, although ETI has not previously requested nor received a waiver of the requirement to post a bond, ETU now requests such a waiver.

**Recommendation:**

The Division believes that the information that the Applicants have provided is sufficient for the Division to recommend approval and should be considered under R746-110, which permits uncontested matters to be adjudicated informally. The Division also recommends that ETU be granted a waiver of the \$100,000 bond on the basis that it will not require customer deposits or prepayments of any kind.

cc: William J. Evans, Parsons Behle & Latimer  
Division of Public Utilities  
Michael Ginsberg, Assistant Attorney General  
Committee of Consumer Services