

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of the Division of Public Utilities for an Order to Show Cause Why ESSENTIAL.COM, INC. Should Not Be Penalized for Failure to File Its Annual Report))))

DOCKET NO. 01-2288-01

REPORT AND ORDER

In the Matter of the Petition of the Division of Public Utilities for an Order to Show Cause Why ESSENTIAL.COM, INC. Should Not Be Penalized for Failure to Pay Its Regulatory Fee))))

DOCKET NO. 01-2288-02

REPORT AND ORDER

ISSUED: December 3, 2001

SYNOPSIS

Respondent having failed to file its annual report and to pay its regulatory fee, the Commission canceled its operating authority.

Appearances:

Kent Walgren,
Assistant Attorney General

For

Division of Public Utilities, Utah Department of Commerce

By the Commission:

PROCEDURAL HISTORY

Pursuant to notice duly served, the above-captioned matters came on regularly for hearing the sixteenth day of October, 2001, before A. Robert Thurman, Administrative Law Judge, at the Commission Offices, Heber Wells Building, Salt Lake City, Utah. Respondent above-named failed to appear, and based on Respondent's default, and proof that said Respondent has failed to file its annual report, as required by Utah Statute, and to pay its Utah regulatory fee, as required by statute, either of which delinquencies would justify revocation of the Respondent's operating authority, the Administrative Law Judge enters the following recommended

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- Certificate of Convenience and Necessity No. 2318, issued to ESSENTIAL.COM, INC, be, and it is, canceled and revoked effective the date of this Order.
- 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 3rd day of December, 2001.

/s/ A. Robert Thurman

Administrative Law Judge

Approved and Confirmed this 3rd day of December, 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#27335