

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of VITCOM )  
CORPORATION for a Certificate of Public )  
Convenience and Necessity to Operate as a Reseller )  
and Facilities-based Local Exchange )  
Telecommunications Services Provider )

DOCKET NO. 01-2376-01

REPORT AND ORDER

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ISSUED: April 23, 2002

By The Commission:

Vitcom Corporation ("Applicant") filed its Application for a Certificate of Public Convenience and Necessity on August 17, 2001, pursuant to *Utah Code Annotated* § 54-8b-1.1 *et. seq.* On August 24, 2001, we directed the Division of Public Utilities to investigate the Application. On August 29, 2001, the Division of Public Utilities sent a set of data requests to Applicant seeking information necessary for consideration of the Application. No responses have been received to those data requests. By letter dated April 12, 2002, Applicant apologized for its delay in responding to the requests, and requested that the Commission "waive its 240 day rule and extend to Vitcom an additional amount of time to respond to the Division's first set of data requests."

*Utah Code Annotated* § 54-8b-2.1(3)(d) requires that the Commission "approve or deny the application under this section within 240 days after it is filed." There is no provision for waiver or extension of that time period. Because sufficient information has not been provided to

demonstrate compliance with the statutory requirements, we must deny the petition. We do so without prejudice, and encourage Applicant to re-file its Application, complete with all necessary information.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The Application in this matter is dismissed without prejudice.

DATED at Salt Lake City, Utah, this 23<sup>rd</sup> day of April, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#29167