

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of QX TELECOM,)
LLC, for a Certificate of Convenience and Necessity)
to Operate as a Facilities-based and Resold)
Interexchange Telecommunications Services Provider)

DOCKET NO. 01-2384-01
REPORT AND ORDER

ISSUED: December 12, 2001

SYNOPSIS

Applicant proposing to provide only services unregulated by the Commission, the Commission dismissed the Application.

By the Commission:

PROCEDURAL HISTORY

On October 25, 2001, QX Telecom, Inc. (Applicant), applied for Utah telecommunications authority. The matter was referred for review and recommendation to the Division of Public Utilities, Utah Department of Commerce (DPU) which filed a memorandum recommending dismissal November 6, 2001. DPU found, and we concur that Applicant proposes to provide only services outside the Commission's regulatory jurisdiction, i.e., interexchange services either resold or via facilities located outside Utah. Since Applicant's operations are outside the Commission's jurisdiction, issuance of a certificate would be improvident. Accordingly, we enter the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The Application in the above-captioned matter be, and it is, denied and dismissed.

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 12th day of December, 2001.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 12th 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#27318