

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the matter of the petition of Beehive Telephone)
Company, Inc., to require Qwest Corporation to)
identify source of Interexchange Carrier Traffic upon)
delivery to local exchange carriers)

DOCKET NO. 02-051-02

ORDER OF DISMISSAL

ISSUED: April 1, 2003

By the Commission:

On August 9, 2002, Beehive Telephone Company, Inc. (Beehive), filed a petition requesting the Commission to require Qwest Communications (Qwest) to identify the source of interexchange carrier traffic delivered to local exchange carriers. Beehive did not serve the petition upon Qwest; Qwest has made no response to the petition.

The Commission requested that the Division of Public Utilities (DPU) review the petition and provide a recommendation to the Commission. On March 19, 2003, the DPU submitted its memorandum and recommendation. The DPU reports that Qwest is not removing any identifying codes from other carriers but Qwest is sending on the traffic as they receive it. In most instances, carriers are not showing their carrier identification codes and Qwest is not able to add such information if it is non-existent when coming through its facilities. In discussions with Beehive, the DPU has learned that Beehive filed the original petition as an 'informational' filing to appraise the Commission of Beehive's concerns of potential non-payment of access charges by financially hindered carriers. The DPU reports that Beehive has no objection to the dismissal, without prejudice, of this petition, or its suspension, in light of Qwest's inability to provide the information as requested in Beehive's petition. The DPU believes that Beehive's intent in obtaining the carrier information was to permit Beehive to block traffic from a carrier. The DPU recommends that if any such blocking is to be undertaken, that it must be after petition and subsequent order from the Commission, rather than from a unilateral action of the local exchange carrier.

The Commission agrees with the DPU's recommendation. The specific relief requested in the petition is unavailable and the petition should be dismissed without prejudice. The Commission also agrees that a local exchange carrier's blockage of traffic from another carrier should occur by Commission order, rather than a decision by the local exchange carrier. At this time the Commission believes that this is the appropriate balance of the interests of the local exchange carrier, the other carrier and the customers of both carriers.

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The Commission enters this order dismissing the petition without prejudice.

DATED at Salt Lake City, Utah, this 1st day of April, 2003.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

GW#33206