

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)
Excel Telecommunications, Inc. for)
and Amendment to its Authority to)
Provide Competitive Facilities-)
Based Local Exchange)
Telecommunications Service in the)
State of Utah)

DOCKET NO. 02-2214-01

REPORT AND ORDER

ISSUED: July 2, 2002

By The Commission:

DISCUSSION

On April 8, 2002, Excel Telecommunications, Inc. ("Excel") filed an Application requesting that the Commission "amend its current authority to provide competitive local exchange services on a resale basis to include provision of local telecommunications services on a facilities basis in the State of Utah . . ." The Application further states that "Applicant intends to offer local exchange services to customers throughout those areas within the State of Utah approved by the Commission for competitive provision of local exchange services."

Excel was granted a Certificate of Public Convenience and Necessity by this Commission on March 17, 1997. That Certificate granted Excel the authority

[t]o provide local and interexchange services and other public telecommunications services anywhere within the State of Utah, as described in Exhibits which shall be filed effective ten (10) days after filing, except within any local exchange with fewer than 5,000 access lines that is owned or controlled by an incumbent telephone company with fewer than 30,000 access lines within the State.

Under that Certificate, Excel has the authority to provide local telecommunications services on a facilities basis in the State of Utah except in the identified exchanges. It is the Commission's understanding that Excel does not seek approval to provide services in exchanges with fewer than 5,000 access lines that are owned or controlled by an incumbent telephone company with fewer than 30,000 access lines. Accordingly, it appears that Excel already has the authority it seeks in this Application.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Application of Excel Telecommunications, Inc. for an amendment to its authority is denied on grounds that Excel already has the authority it seeks.
- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure to do so will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 2nd day of July, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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