

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of the DIVISION OF)
PUBLIC UTILITIES for cancellation of the)
Certificate of Public Convenience and Necessity of)
LCI INTERNATIONAL TELECOM CORP. dba)
QWEST COMMUNICATIONS SERVICES)

DOCKET NO. 02-2237-01
ORDER VACATING CANCELLATION OF
CERTIFICATE NO. 2237

ISSUED: May 6, 2002

SYNOPSIS

The Commission cancelled Certificate of Public Convenience and Necessity No. 2237 of LCI International Telecom Corp. as a result of incorrect information inadvertently provided by Qwest. Based on corrected information, the Commission hereby vacates its order of cancellation and reaffirms its prior order in Docket No. 01-2204-01, in which it approved the transfer of Certificate No. 2237 to Qwest Communications Corporation.

By The Commission:

PROCEDURAL HISTORY

On June 9, 1997, LCI International Telecom Corp. ("LCI") filed, in Docket No. 97-2237-01, an application with the Commission for authority to provide telecommunications services in Utah. The Commission granted the requested certificate of public convenience and necessity to LCI on April 22, 1998. The order approved a certificate that authorized LCI "to provide local and interexchange services and other public telecommunications services anywhere within the State of Utah . . . 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 [sic] 30,000 access lines within the State."

On May 23, 2001, Qwest Communications Corporation ("QCC") and LCI filed an application with the Commission for approval of an internal corporate restructuring, in which LCI would merge into QCC, with QCC as the surviving corporation. The application requested that "the assets and certificate of authority of LCI in Utah . . . be transferred to QCC." By memorandum dated June 4, 2001, the Division of Public Utilities ("Division") recommended approval of the corporate restructuring and noted that "the assets and certificate of authority of LCI in Utah will be transferred to QCC." The application was given Docket No. 01-2204-01, and the Commission issued its order on June 18, 2001, approving the restructuring and transferring LCI's operating authority to QCC. By letter dated January 4, 2002, formal notice was given to the Commission that the merger had been consummated as of December 31, 2001.

By letter dated March 28, 2002, Qwest submitted the Annual Report for LCI and inadvertently erroneously informed the Division that LCI, in conjunction with the QCC merger, had "surrendered all certificates" when, in fact, LCI's certificate had been transferred to QCC. Based on the erroneous statement that LCI had surrendered all certificates, the Division submitted a memorandum to the Commission on April 10, 2002 recommending that the Commission cancel Certificate No. 2237. The Commission so ordered on April 12, 2002.

Notwithstanding the erroneous representation that LCI had surrendered all certificates, and the resulting April 12, 2002 Order canceling Certificate No. 2237, the Commission had approved the transfer of Certificate No. 2237 to QCC in its June 18, 2001 Order in Docket No. 01-2204-01 approving the corporate restructuring and transferring LCI's operating authority to QCC.

On April 26, 2002, the Division filed a supplemental memorandum in which it agreed that Certificate No. 2237 had been cancelled based on an inadvertent erroneous statement in LCI's March 28, 2002 annual filing. In light of the corrected information, the Division recommended that the Commission vacate its April 12, 2002 Order canceling Certificate No. 2237. Since the documents filed in Docket No. 01-2204-01 were not made part of the record in an LCI docket, the Division suggested that the order in this docket should release LCI from any further obligations as a public utility.

Based upon the foregoing, the Commission finds and concludes that it is in the public interest to vacate its Order of April 12, 2002 in this docket and to reaffirm its Order of June 18, 2001 in Docket No. 01-2204-01.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The April 12, 2002 Order canceling Certificate of Public Convenience and Necessity No. 2237 is vacated and the Commission hereby reaffirms its June 18, 2001 Order in Docket No. 01-2204-01 transferring that Certificate to QCC, which shall have ongoing responsibility to make all filings with the Commission related to the authority granted to it under Certificate No. 2237. LCI is released from any further obligations as a public utility.
2. 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 6th day of May, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#29361