

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Decrease of)
Universal Service Fund Support of)
Emery Telecom)

DOCKET NO. 03-042-01
REPORT AND ORDER

ISSUED: July 10, 2003

SYNOPSIS

The Proposed decreases in telephone service rates and in the annual distributions from the Utah State Universal Service Support Fund requested by Emery Telephone, are hereby approved by the Commission

By the Commission:

PROCEDURAL HISTORY

This matter was initiated by an Application for Universal Service Fund Decrease (the "Application") filed with the Division of Public Utilities (the "Division") on June 17, 2003. The Division conducted an investigation and audit of the books and records of Emery pertaining to Emery's interstate and intrastate operations. This audit included an onsite investigation of Emery's operations in and surrounding Orangeville, Utah. Following its investigation, the Division stipulated with Emery to the proposed decreased withdrawals from the Utah State Universal Service Support Fund ("USF"), and filed a Joint Stipulation and Agreement (the "Stipulation") with the Commission on June 17, 2003. No party has intervened in this docket.

Based on the record in this Docket, the Application, the Stipulation, and the Exhibits filed therewith, and in view of the fact that the applicable statute allows disposition of this matter without a hearing, and there appearing to be no reason for convening one, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Emery is an Incumbent Local Exchange Carrier in the State of Utah providing public telecommunications services to areas of rural Utah pursuant to a certificate of public convenience and necessity. Emery is also a telephone cooperative pursuant to § 54-7-12(6) Utah Code Ann.
2. The Application was accompanied by all necessary information and schedules required in accordance with Section 54-7-12 Utah Code Ann. (2001) and R746-344 of the Commission's Rules of Practice and Procedure. The Division recommends that decrease of \$241, 375 is just and reasonable. 3. The Commission further adopts the representations and statements contained in the Stipulation and the Agreement, which are incorporated herein by this reference, as additional findings of fact.

CONCLUSIONS OF LAW

1. The Commission has subject matter jurisdiction in this Docket pursuant to Sections 54-4-1 and 54-8b-15 Utah Code Ann.
2. It is in the public interest to approve the Stipulation as described herein.

3. The decrease to be implemented by Emery is just and reasonable.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The Stipulation is hereby approved.

- The decrease set forth in the Application, Stipulation and Agreement is approved as being just and reasonable and in the public interest.
- The decrease in Emery's annual withdrawals under the Utah Universal Public Telecommunications Service Support Fund as set forth herein be, and the same hereby is approved, effective July 1, 2003.

4. Pursuant to Sections 63-46b-1 etc. Utah Code Ann., any person aggrieved by this Order may petition the Commission in writing for review of this Order. Pursuant to Section 54-7-15 Utah Code Ann., failure to file such a request will result in the forfeiture of the right to appeal to the Utah Supreme Court. If the Commission fails to issue an order within 20 days after the filing of such request, the requests shall be considered denied.

DATED at Salt Lake City, Utah this 10th day of July, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#34346