

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

IN THE MATTER OF THE APPLICATION OF)
UINTAH BASIN TELECOMMUNICATIONS)
ASSOCIATION, INC., FOR UNIVERSAL)
SERVICE FUND ELIGIBILITY)

DOCKET NO. 03-053-01
REPORT AND ORDER

ISSUED: November 12, 2003

SYNOPSIS

The proposed changes in telephone service rates and in the annual distributions from the Utah State Universal Service Support Fund requested by Uintah Basin Telecommunications Association, Inc., are hereby approved by the Commission

By the Commission:

PROCEDURAL HISTORY

This matter was initiated by an Application for Universal Service Fund Eligibility (the "Application") filed on October 17, 2003, by Uintah Basin Telecommunications Association, Inc. ("UBTA"). UBTA is a telephone cooperative providing telecommunications services in its certificated territory. The Board of Directors of UBTA approved a proposed rate increase at a regularly scheduled meeting. In addition, a public meeting for all customers and members of UBTA was duly noticed and held regarding the proposed rate increase.

The Division of Public Utilities ("Division") conducted an investigation and audit of the books and records of UBTA pertaining to UBTA's interstate and intrastate operations. Following its investigation, the Division stipulated with UBTA to the proposed decreased withdrawals from the Utah State Universal Service Support Fund ("USF"), and a Stipulation of Uintah Basin Telecommunications Association, Inc. and the Division of Public Utilities (the "Stipulation") was filed with the application in this matter. The Stipulation recommended that the authorized USF withdrawal become effective on November 16, 2003.

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. UBTA 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. UBTA is also a telephone cooperative pursuant to *Utah Code Ann.* § 54-7-12(6).
2. The Application was accompanied by all necessary information and schedules required in accordance with *Utah Code Ann.* § 54-7-12 and R746-344 of the Commission's Rules of Practice and Procedure. The Division recommends that USF distributions to UBTA decrease from \$908,439 to \$81,153.
3. The Commission further adopts the representations and statements contained in the Stipulation and the exhibits thereto, 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 *Utah Code Ann.* §§ 54-4-1 and 54-8b-15.
2. It is in the public interest to approve the Stipulation as described herein.
3. The decrease to be implemented by UBTA is just and reasonable.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The Stipulation is hereby approved.
2. The decrease set forth in the Application and Stipulation is approved as being just and reasonable and in the public interest.
3. The decrease in UBTA's annual withdrawals under the Utah Universal Public Telecommunications Service Support Fund as set forth herein is approved effective November 16, 2003.
4. Pursuant to *Utah Code Ann.* §§63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Ann.* §§63-46b-14, 63-46b-16 and the *Utah Rules of Appellate Procedure*.

DATED at Salt Lake City, Utah this 12th day of November, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#35936