

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Local and EAS Service)
Agreement between Citizens)
Telecommunications Company of Utah and)
ICG Communications, Inc.)

DOCKET NO. 03-2218-03

REPORT AND ORDER

ISSUED: November 17, 2003

By the Commission:

On August 25, 2003, Citizens Telecommunications Company of Utah ("Citizens") filed with the Commission a Local and EAS Service Agreement (the "Agreement") between Citizens and ICG Communications, Inc. ("ICG"). Citizens is an incumbent local exchange carrier in its certificated area. ICG is a competitive local exchange carrier. ICG was granted a Certificate of Public Convenience and Necessity in 1999 authorizing it to provide service in Qwest service territories.

On November 10, 2003, the Division of Public Utilities submitted a recommendation in this matter that the Agreement be rejected because ICG is not permitted, under its certificate, to provide service in Citizens' service territory.

The Agreement is dated June 3, 2002, and apparently the parties have been conducting business consistent with the Agreement since that date. However, the Division of Public Utilities is correct that ICG is not permitted, under its current certificate, to provide service in Citizen's territory. As a result, we will suspend approval of the Agreement. ICG must, if it desires to provide service in Citizen's territory, seek to have its certificate amended to allow it to do so, and then approval of this Agreement can be addressed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Approval of the Local and EAS Service Agreement is suspended, and if ICG desires to provide service in Citizen's service territory it is directed to file an application seeking modification of its Certificate of Public Convenience and Necessity allowing it to provide such service.
2. 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 17th day of November, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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