

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Request for USF
of)
Bobby Hayes in the Service Territory)
of)
U.B.E.T.)

DOCKET NO. 04-053-05

ORDER

ISSUED: May 12, 2005

SYNOPSIS

The Public Service Commission of Utah grants a one time distribution from the State Universal Public Telecommunications Service Support Fund to facilitate the provision of telecommunications service, by UBTA-UBET Communications, Inc., to Bobby Hayes in Duchesne County, Utah.

By The Commission:

On December 15, 2004, Mr. Bobby Hayes filed a request for Universal Service Fund (“USF”) support for extension of telephone service approximately thirteen thousand feet from the current location of UBTA-UBET Communications, Inc. (“UBTA-UBET”) facilities to his residence within the UBTA-UBET certificated service area. There is currently no telephone service in the area. The Division of Public Utilities (“Division”) investigated this request. On April 28, 2005, the Division filed its analysis, finding there are no other potential subscribers in the area who may require telephone service within the next two to three years and recommending Commission approval of the requested one-time USF distribution for the service extension.

The Division’s recommendation states that total expected cost of the service extension is \$35,405.00 for cable, pedestals, excavation, labor, permits, splicing and a drop to the Hayes residence. By application of Rule R746-360-9, the funds would be paid as follows: \$21,790 from Mr. Hayes, \$3,615 from UBTA-UBET, and \$10,000 from the USF. UBTA-UBET would be responsible for submitting its actual incurred costs to the Division for verification of the costs' reasonableness and necessity, with the final payment from the Fund being for those costs deemed to be reasonable and necessary for the project.

We conclude that the proposed extension of land line telephone service is in the public interest in

providing telephone service to an underserved area, and furthers universal service goals.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The request for a one time distribution from the State Universal Public Telecommunications Service Support Fund, in an amount estimated to be \$10,000.00, is in the public interest and is approved.
2. Mr. Hayes will pay \$21,790.00 toward the cost of the project before the start of construction.
3. If Mr. Hayes elects to reject construction of the telephone service extension to his residence, UBTA-UBET Communications, Inc. shall formally withdraw the project and its request for USF support or, alternatively, petition the Commission for exemption under Rule 746-360-8(C).
4. Any additional subscribers who sign up in the area of this extension within five years of completion of the project will pay a customer contribution payment in accordance with Rule 746-360-9.
5. UBTA-UBET Communications, Inc. shall place the same type of facilities and technology as was assumed in developing the Division's construction cost estimate, and will size its facilities to accommodate future growth.6.Pursuant to Utah Code 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 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah this 12th day of May, 2005.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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