

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of BAK)
Communications, LLC., for a Certificate of)
Public Convenience and Necessity to)
Operate as a Competitive Local Exchange)
Carrier)

DOCKET NO. 04-2420-01

REPORT AND ORDER

ISSUED: September 24, 2004

By The Commission:

BAK Communications, LLC. (“Applicant”) filed its Application for a Certificate of Public Convenience and Necessity on January 27, 2004, pursuant to *Utah Code Annotated* § 54-8b-1.1 *et. seq.* On January 27, 2004, we directed the Division of Public Utilities to investigate the Application. The Application lacked information needed for approval. On February 3, 2004, the Division of Public Utilities sent a set of data requests to Applicant seeking information necessary for consideration of the Application. Complete responses to those data requests have not been received.

Because sufficient information has not been provided to demonstrate compliance with the statutory requirements, we must deny the petition. We do so without prejudice, and encourage Applicant to re-file an application, complete with all necessary information, if Applicant continues to desire to provide telecommunications services in Utah.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The Application in this matter is dismissed without prejudice.

DATED at Salt Lake City, Utah, this 24th day of September, 2004.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

GW#40553