

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Request of Qwest
Corporation for Waiver of Price Cap
Compliance Filing

DOCKET NO. 05-049-26
ORDER WAIVING PRICE CAP
COMPLIANCE FILING
REQUIREMENT

ISSUED: March 4, 2005

By The Commission:

On February 17, 2005, Qwest Corporation (Qwest) submitted a Request for Waiver of Price Cap Compliance Filing seeking Commission order waiving the requirement of R747-352-7 that Qwest make a Price Cap Compliance Filing by April 15, 2005. The Request noted that pursuant to amendments to the Utah Telecommunications Law, UCA § 54-8b-1 *et seq.*, effective May 2, 2005, Qwest will no longer be obligated to make Price Cap Compliance Filings. Qwest further notes that any price changes that might otherwise occur as a result of the Price Cap Compliance Filing would not become effective until July 1, 2005, nearly two months after the effective date of the amendments.

The Division of Public Utilities (Division) has reviewed Qwest’s request and recommends waiving the Price Cap Compliance Filing requirement. The Division notes that the purpose of R746-352 is to establish “a framework and procedures for price regulation under Subsection 54-8b-2.4(5)(a)”, R746-352-1, but that the recently enacted amendments to the Utah Telecommunications Law completely repeal § 54-8b-2.4, rendering the Price Cap Compliance Filing requirement unnecessary.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- The request of Qwest Corporation for waiver of the Price Cap Compliance Filing requirement of R746-352-7 is granted.
- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 4th day of March, 2005.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/Julie Orchard
Commission Secretary

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