

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Interconnection )  
Agreement between Qwest Corporation )  
and Prime Time Ventures, LLC )

DOCKET NO. 05-049-81

In the Matter of the Interconnection )  
Agreement between Qwest Corporation )  
and Prime Time Ventures, LLC )

DOCKET NO. 05-049-82

REPORT AND ORDER

ISSUED: November 8, 2005

SYNOPSIS

The Amendments to Interconnection Agreement at issue being defective as involving a non-certificated carrier, the Commission rejects the Amendments.

By The Commission:

On March 15, 2005, in Docket No. 05-049-39, Prime Time Ventures, LLC (“Prime Time”) filed an Interconnection Agreement with the Commission. On June 20, 2005, following review and a recommendation to dismiss by the Division of Public Utilities (“Division”), the Commission issued an Order rejecting the Interconnection Agreement because Prime Time is not a certificated carrier within the State of Utah.

On July 14, 2005, in Docket No. 05-049-81, Prime Time filed a Triennial Review Order and Triennial Review Remand Order Amendment to the Interconnection Agreement between Qwest Corporation and Prime Time Ventures, LLC for the State of Utah. Also on July 14, 2005, in Docket No. 05-049-82, Prime Time filed a Line Splitting

Amendment to the Interconnection Agreement between Qwest Corporation and Prime Time Ventures, LLC for the State of Utah (hereinafter referred to collectively as the “Amendments”).

In response to Commission request to review these matters, the Division filed memoranda on September 9, 2005, recommending dismissal. However, on September 14, 2005, the Commission erroneously sent Letters of Acknowledgment in both dockets indicating, with respect to the amendments at issue in each docket, “[t]here being no recommendation to reject the Amendment, by law, the Amendment shall be deemed approved in 90 days from its filing on October 12, 2005.”

The Commission now acts to correct these errors and to reject the Amendments submitted herein. 47 U.S.C. §252(e)(2) provides the basis upon which we may reject a negotiated interconnection agreement. That section, in part, provides that: “The State commission may only reject - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity. . . .”

The fact that Prime Time is not certificated to provide services within the State of Utah is equally dispositive in our consideration of the present Amendments as it was to our rejection of Interconnection Agreement itself in Docket No. 05-049-39. As of the date of this Order, Prime Time has not been granted a certificate to provide any public telecommunication services in Utah.

In this context, we conclude that the Amendments must be rejected as “not consistent with the public interest, convenience, and necessity” in attempting to position Prime Time to provide public telecommunication services in the State of Utah without a certificate. Prime Time’s failure to be subject to and to be able to comply with these requirements preclude us from approving the Amendments. We conclude that it would also “discriminate against [all other] telecommunications carrier[s] not a party” to the Amendments that have complied with Utah law and obtained their certificates to provide the services that Prime Time anticipates providing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The Amendments filed July 14, 2005, in the subject dockets are rejected. This rejection is without prejudice, permitting the Amendments to be resubmitted when Prime Time Ventures, LLC has remedied the deficiencies noted in this Order.
2. Pursuant to *Utah Code Annotated* §§ 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

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with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 8<sup>th</sup> day of November, 2005.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#46375 (Docket No. 05-049-81)  
G#46376 (Docket No. 05-049-82)