

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----  
In the Matter of the Voluntary )  
Certification Withdrawal by VarTec ) DOCKET NO. 06-2214-01  
Telecom, Inc., Excel )  
Telecommunications, Inc., and VarTec ) REPORT AND ORDER CANCELING  
Solutions, Inc., and Notice of Asset Sale ) CERTIFICATE  
Closing )  
-----

ISSUED: July 25, 2006

SYNOPSIS

Petitioner having voluntarily sought cancellation of its certificate, and no detriment to the public interest appearing, the Commission cancelled the certificate.

-----  
By The Commission:

PROCEDURAL HISTORY, DISCUSSION, AND FINDINGS

On June 15, 2006, VarTec Telecom, Inc. (“VTI”), Excel Telecommunications, Inc. (“Excel”), and VarTec Solutions, Inc. (hereinafter referred to jointly as the “VarTec Companies”) filed a memorandum voluntarily withdrawing their respective operating authorities to provide local exchange and interexchange telecommunications in Utah (“Request”). This withdrawal is based on the VarTec Companies’ sale of assets, including customers, to Comtel Telcom Assets LP (“Comtel”) as part of Chapter 11 bankruptcy proceedings filed by the VarTec Companies on November 1, 2004. Due to the consummation of this sale, the VarTec Companies state they no longer have any employees, customers, or telecommunications operations in Utah or any other jurisdiction. Comtel now serves the Vartec Companies’ former customers.

DOCKET NO. 06-2214-01

-2-

On July 11, 2006, the Division of Public Utilities (“Division”) filed a memorandum detailing its investigation of the Request and recommending cancellation of Excel’s Certificate of Public Convenience and Necessity (“Certificate”).

The Division notes the Commission granted a Certificate to Excel on March 17, 1997, in Docket No.96-2214-01.<sup>1</sup> According to the Division, the sale of the VarTec Companies to Comtel was completed on June 7, 2006. Comtel received its Certificate from the Commission on January 27, 2006, in Docket No. 05-2463-01. As Excel no longer has end-user customers in Utah, the Division concludes Excel has no remaining obligations under Commission Rule 746-350, *Application to Discontinue Telecommunications Service*.

As Excel does not currently provide telecommunications service to any customers within the State of Utah, no detriment to the public interest appears and the Commission hereby issues the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Certificate of Public Convenience and Necessity, issued March 17, 1997, in Docket No.96-2214-01, to Excel Telecommunications, Inc., be, and it is, cancelled and annulled effective the date of this Order.
- 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

---

<sup>1</sup>The Commission approved the transfer of control of Excel to VTI on January 8, 2002, in Docket No. 01-2377-02.

DOCKET NO. 06-2214-01

-3-

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

DATED at Salt Lake City, Utah, this 25<sup>th</sup> day of July, 2006.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#49821