

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the Matter of the Decertification of  
CeriStar

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DOCKET NO. 06-2380-01  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE

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ISSUED: February 24, 2006

By the Commission:

On September 20, 2001, CeriStar filed an application “for authority to compete as a telecommunications corporation . . . and to compete in providing resold and facilities-based interexchange and public local exchange telecommunications services . . . in Utah.” The application was given Docket No. 01-2380-01. The Commission granted Certificate of Public Convenience and Necessity No. 2380 (“Certificate”) on February 1, 2002. The Certificate authorized CeriStar “to provide public telecommunications services within the State of Utah.”

On February 17, 2006, the Division of Public Utilities (“Division”) filed a memorandum stating that CeriStar has not paid its Public Utilities Regulation Fee for the year 2004 that was due on or before July 1, 2005. The Division states it has sent a number of letters and emails, and telephoned Mr. R. Stephen Blackham, CeriStar President, concerning this payment delinquency. The Division mailed the Public Utilities Regulation Fee assessment to CeriStar on May 31, 2005. The Division then sent a reminder letter to CeriStar on June 13, 2005. All letters and notices were mailed to the last known address that CeriStar had provided to the Commission. Most recently, attempted correspondence has been returned as undeliverable.

Concerning nonpayment of the Public Utilities Regulation Fee, *Utah Code*

*Annotated* Section 54-5-3 states:

(1) If the public utility fee is due and the payment is in default, a lien in the amount of the fee may be filed against the property of the utility and may be foreclosed in an action brought by the executive director of the Department of Commerce in the district court of any county in which property of the delinquent utility is located.

(2) (a) If the fee computed and imposed under this chapter is not paid within 60 days after it becomes due, the rights and privileges of the delinquent utility shall be suspended.

(b) The executive director of the Department of Commerce shall transmit the name of the utility to the Public Service Commission, which may immediately enter an order suspending the operating rights of the utility.

The fee was due on July 1, 2005. Therefore, the 60-day grace period expired on August 31, 2005.

*Utah Code Annotated* Section 54-7-25 provides the following regarding imposition of fines for violation of applicable statutes or Commission orders:

(1) Any public utility that violates or fails to comply with this title or any rule or order issued under this title, in a case in which a penalty of not less than \$500 nor more than \$2,000 for each offense.

(2) Any violation of this title or any rule or order of the commission by any corporation or person is a separate and distinct offense. In the case of a continuing violation, each day's continuance of the violation shall be a separate and distinct offense.

(3) In construing and enforcing the provisions of this title relating to penalties, the act, omission, or failure on any officer, agent, or employee of any public utility acting within the scope of his official duties or employment shall in each case be deemed to be the act, omission, or failure of that public utility.

The Division recommends the Commission issue an order to CeriStar to show cause why it

should not be fined and its Certificate suspended or revoked for failure to pay its public utility regulation fee.

Wherefore, based on the foregoing and for good cause appearing, the Commission hereby enters this order to show cause to determine whether CeriStar should be fined or its Certificate suspended or cancelled for failure to pay its public utility regulation fee for 2004.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

CeriStar and its officers or representatives shall appear before the Administrative Law Judge of the Commission on **Thursday, March 9, 2006, at 10:00 a.m.**, in the Fourth Floor Hearing Room #451, Heber M. Wells State Office Building, 160 East 300 South, Salt Lake City, Utah, to show cause, if any, why CeriStar has failed to pay its public utility regulation fee for 2004, and further to show cause why CeriStar should not be fined and have its Certificate cancelled for its failure to pay its public utility regulation fee for 2004, and have other remedies imposed on CeriStar and its officers.

Individuals wishing to participate by telephone should contact the Commission at least three days prior to the Hearing to make arrangements. On the day of the Hearing, participants must call (801) 530-6716 or 1-866-PSC-UTAH (1-866-772-8824) at least five minutes prior to the beginning of the Hearing to ensure participation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during Hearing

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in this matter should notify the Commission at 160 East 300 South, Salt Lake City, Utah, 84111, (801) 530-6716, at least three working days prior to the Hearing.

DATED at Salt Lake City, Utah, this 24<sup>th</sup> day of February, 2006.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#47872