

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Cancellation of the)
Certificate of Public Convenience and) DOCKET NO. 09-2400-01
Necessity for GTC Telecom Corp.) ORDER CANCELLING CERTIFICATE

ISSUED: April 9, 2009

By The Commission:

On January 28, 2009, the Division of Public Utilities (Division) filed a recommendation that the Public Service Commission (Commission) cancel the Certificate of Public Convenience and Necessity (Certificate) held by GTC Telecom Corp (Company) for its failure to pay the Public Utilities Regulation Fee (PURF) for the 2007 year.

The Division recommended the Commission issue an Order to Show Cause to the Company, requiring it to show why it should not be fined and/or its Certificate suspended or revoked for failure to pay its PURF. In support of its recommendation, the Division stated as follows:

On June 9, 2003, GTC Telecom Corp. was issued a Certificate of Public Convenience and Necessity by the Commission in Docket No. 03-2400-01. This authorized the Company to “provide specified public telecommunications services within a defined geographic service territory in the state.”

The Company has not paid its Public Utility Regulation Fee (PURF) assessment for year 2007. The Division has sent a number of letters, emails and telephoned Ms. Alice Breslow, the listed contact for the Company, concerning their delinquency. The Division mailed the Public Utilities Regulation Fee assessment to the Company on June 2, 2008. Payment was due on or before July 1, 2008. No payment was received by the due date, so a reminder letter from the Attorney General was sent to the Company on September 9, 2008. The PURF assessment has still not been paid.

All letters and notices were mailed to the last known address that the Company provided to the Commission. These letters have not been answered and/or returned without a forwarding address.

Utah Code Ann. Section 54-5-1.5(1)(a) provides “[a] special fee to defray the cost of regulation is imposed upon all public utilities subject to the jurisdiction of the Public Service Commission.” Section 54-5.1.5(3)(b) continues “[t]he fee is due and payable on or before July 1 of each year.” Finally, Section 54-5-3(2)(b) states the Public Service Commission “may immediately enter an order suspending the operating rights of the utility” if a utility defaults on payment of the PURF. Pursuant to Utah Code Ann. Section 54-7-25, the Commission may also impose a fine of up to \$2,000 per day.

Based on the allegations submitted by the Division in their recommendation, the Commission ordered that the Company should, within thirty calendar days of the Order, show cause why the Company should not have its Certificate of Public Convenience and Necessity cancelled and/or other punitive remedies imposed on it for its failure to pay its PURF as mandated by state law.

The Company failed to respond to the Order to Show Cause.

Therefore, there being no response from the Company to the Commission’s Order to Show Cause, and it having failed to pay its PURF, the Commission hereby orders as follows:

ORDER

1. The Certificate issued to GTC Telecom Corp. is cancelled. GTC Telecom Corp. no longer has authority to operate as a public utility in the State of Utah.

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DATED at Salt Lake City, Utah, this 9th day of April, 2009.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#61459