

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Liberty-)
Bell Telecom, LLC for Approval of a) DOCKET NO. 09-2509-02
Transfer of Customers of Impact Telecom,)
Inc. to Liberty-Bell Telecom, LLC) REPORT AND ORDER

ISSUED: September 23, 2009

By The Commission:

This matter is before the Commission on Liberty-Bell Telecom, LLC (Liberty) and Impact Telecom, Inc.'s (Impact) joint application for approval of transfer of Impact customers to Liberty. Impact has a Certificate of Public Convenience and Necessity (CPCN) and has 55 customers in Utah. Liberty obtained a CPCN on September 21, 2009. The Division of Public Utilities (Division) made a recommendation to approve the transfer of the customers on September 14, 2009. In its recommendation, the Division stated that it had reviewed the technical, managerial, and financial information submitted by Liberty and concluded that the public interest would be promoted by allowing the transfer of customers. Impact requested it be allowed to keep its CPCN, even though it would not maintain any customers in Utah. The Division found that there was no reason to not allow Impact to keep its CPCN.

Impact only provided services in the same geographic area as its underlying carrier, Qwest. Liberty intends to limit its service to the same area formerly served by Impact.

The Division opined on how the transfer will benefit the public and described how the companies have coordinated the transfer to make the transition as seamless as possible.

As stated by the Division:

The proposed transaction will provide Impact customers with access to Liberty-Bell's unified messaging, data back-up and technical support services. Access to these services will provide Impact customers a more robust and reliable communications package. It also will provide access to Liberty-Bell's technical and financial strength which together are expected to strengthen the Applicants' ability to expand their offerings and provide more advanced telecommunications services to a broader customer base in Utah.

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Liberty-Bell states that there will be no change in the rates to customers and that the transfer of control will be transparent to them. They also state that they will adopt the tariff and price list that Impact currently has in place. The companies have drafted a letter which they will send out to the customers once the transfer has been approved (see attached). Liberty Bell also informs the customers in this letter that they may choose another local and/or long distance carrier either before or after the transfer. The Division believes that having choice in providers offers the consumer adequate protection, and therefore recommends approval of the application.

Division Recommendation, p.2.

The Division also noted that Liberty and Impact requested the transfer be approved on or before September 30, 2009, so that Liberty may start offering service under this request.

ORDER

Based on the recommendation of the Division, and finding that the public interest will be served by approving the transfer of the customers, the Commission does approve the transfer of customers from Impact to Liberty.

Impact may keep its CPCN.

Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the

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Commission within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 20 days after the filing of the request, 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 Sections 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 23rd day of September, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 23rd day of September, 2009, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#63611