

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----

In the Matter of the Petitions Received by ) the Committee for Extended Area Services, ) From the Residential Telephone Consumers ) From Alta/Snowbird Exchange. ) )	<u>DOCKET NO. 91-049-15</u>
In the Matter of the Petition for EAS From ) Lehi to Salt Lake City. ) )	<u>DOCKET NO. 96-049-02</u>
In the Matter of the EAS Petition Between ) Blanding, Bluff, Lake Powell, and Mexican ) Hat. ) )	<u>DOCKET NO. 96-049-09</u>
In the Matter of the EAS Petition Between ) Alta and Salt Lake City. ) )	<u>DOCKET NO. 96-049-21</u>
In the Matter of the Petition for EAS From ) Brigham City to Ogden, Clearfield, and ) Kaysville. ) )	<u>DOCKET NO. 96-049-22</u>
In the Matter of the EAS Petition Between ) Leeds and Hurricane. ) )	<u>DOCKET NO. 96-049-26</u>
In the Matter of EAS Between Brian Head- ) Cedar City/Parowan. ) )	<u>DOCKET NO. 97-049-03</u>
In the Matter of EAS for Tooele. ) )	<u>DOCKET NO. 97-049-07</u>
In the Matter of the Petition for EAS From ) Richfield and the Junction Utah Area to Salt ) Lake City. ) )	<u>DOCKET NO. 97-049-19</u>
In the Matter of EAS for Nephi to Goshen, ) Payson, Provo, Orem, Salem, Santaquin, ) Spanish Fork, and Springville Exchanges. ) )	<u>DOCKET NO. 97-049-28</u>
In the Matter of the Petition for Extended ) Area Service (EAS) for the ) Coalville-Henefer Area ) )	<u>DOCKET NO. 99-049-02</u>
In the Matter of the Petition for Extended ) Area Service (EAS) for the Roosevelt Area ) Filed by Shar Benson. )	<u>DOCKET NO. 99-049-03</u>

DOCKET NO. 91-049-15 et all

-2-

In the Matter of the Request for EAS of the Citizens of Leeds, Utah.	) ) )	<u>DOCKET NO. 00-049-80</u>
In the Matter of the EAS Request for Box Elder County	) ) ) )	<u>DOCKET NO. 00-2354-01</u>
	)	<u>REPORT AND ORDER</u>

ISSUED: December 6, 2005

SYNOPSIS

The Commission, having concluded it lacks jurisdiction to require Qwest Communications to establish new Extended Area Service calling plans, closes all of the outstanding Qwest Extended Area Service Dockets, as well as Docket No. 00-2354-01, which would incorporate a Qwest exchange as part of the proposed area.

By The Commission:

HISTORY

In 1995 the Utah Legislature passed an amendment to Utah Code Annotated Title 54-8b that fundamentally changed telecommunication regulation for US West. The legislation directed that prices for retail telecommunications services provided by US West would be subject to one final rate case (concluded in 1997) and that for a period of three years following that final rate case US West's retail prices would be frozen, with no changes allowed to retail rates. Following the rate freeze, US West's prices would be adjusted annually according to a price cap formula based upon productivity and inflation. At the time of the bill's passage, Docket No. 91-

049-15 was pending. During the period of the rate freeze, from 1997 to 2001, the other Dockets that are the subject of this Order were established.

On September 14, 1998, the Commission issued an Order that found it could not Order the creation of new EAS calling plans in the US West service territory during the price freeze period, and accordingly it stayed the US West Extended Area Service (EAS) Dockets that were in process at that time until the end of the three year price freeze, which was February 18, 2001. After the stay expired in 2001 the Commission directed the Division of Public Utilities (Division) and Qwest, formerly US West, to investigate the merits of the proposed EAS calling plans.

Effective May 2005, Utah Code Annotated Title 54-8b was further modified, eliminating the Commission's authority to order the creation of additional Extended Area Service calling plans. Under the current law the Commission has authority over the rate for basic residential service, but the definition of basic residential service in the statute, UCA Title 54-8b-2(2)(c), specifically excludes EAS.

On October 25, 2005, the Division recommended closing all of the Dockets referenced in this Order except Docket Number 96-049-02, stating its belief that the:

“. . . Lehi/Salt Lake, Docket No. 96-049-02, could still be plausible and may still be desirable by its residents. Qwest, however, did not provide traffic studies on this configuration, citing concerns that approval could lead to EAS arbitrage. Since there is no factual information that demerits the

necessity of EAS between these areas, the Division cannot conclude that the public would not benefit from such a policy.”

DISCUSSION

The Commission is sympathetic to the residents of the areas covered by these EAS petitions. However, the Commission lacks the authority to order the requested actions under current State law. Qwest, however, is able to grant the requested relief as there is nothing in State law that forbids Qwest from offering new EAS calling plans to its customers. Qwest already effectively offers a nationwide local calling plan to any of its Utah customers for \$20 plus their current local EAS charge. The communities affected by this Order may contact Qwest directly to obtain the requested relief.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Docket Numbers 91-049-15, 96-049-02, 96-049-09, 96-049-21, 96-049-22, 96-049-26, 97-049-03, 97-049-07, 97-049-19, 97-049-28, 99-049-02, 99-049-03, 00-049-80, 00-2354-01 are closed.
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

DOCKET NO. 91-049-15 et all

-5-

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 6<sup>th</sup> day of December, 2005.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#46744 Docket No. 91-049-15  
G#46745 Docket No. 96-049-02  
G#46746 Docket No. 96-049-09  
G#46747 Docket No. 96-049-21  
G#46748 Docket No. 96-049-22  
G#46749 Docket No. 96-049-26  
G#46750 Docket No. 96-049-03  
G#46751 Docket No. 97-049-07  
G#46752 Docket No. 97-049-19  
G#46753 Docket No. 97-049-28  
G#46754 Docket No. 99-049-02  
G#46755 Docket No. 99-049-03  
G#46756 Docket No. 00-049-80  
G#46757 Docket No. 00-2354-01