

In the Matter of the Application of EMERY )  
TELEPHONE for Approval of an IntraLATA )  
Equal Access Toll Calling Implementation )  
Plan )

DOCKET NO. 98-042-01

REPORT AND ORDER

ISSUED: June 3, 1998

SYNOPSIS

Applicant in this matter having submitted an acceptable "1+" toll call equal access plan, and having justified two waivers of the requirements of §§ R746-356-3 and -5, Utah Administrative Code, said plan is approved with the requested waivers.

By the Commission:

PROCEDURAL HISTORY EMERY TELEPHONE (hereafter "Applicant"), a local exchange telephone carrier, filed its application February 17, 1998, seeking approval of a plan to implement "1+" toll calling equal access for all long distance carriers serving Applicant's subscribers. AT & T had applied to Applicant for such access. The application has been reviewed by the Division of Public Utilities, Utah Department of Commerce (hereafter "DPU"), and no opposition to the application has appeared. Since no evidentiary hearing on the matter appears to be necessary or helpful in its disposition, the Administrative Law Judge, having been fully advised in the matter, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Applicant is a telephone corporation certificated by this Commission providing local exchange telephone service. Applicant has an affiliate which currently provides intraLATA and interLATA toll service, which subscribers are automatically connected to when they dial "1+" the long distance number they wish to reach.
2. Commission rules require Applicant to submit a plan for modifying its system to allow equal access to such "1+" dialing for all toll carriers wishing to serve Applicant's customers. AT&T has requested such access.
3. Applicant requests two waivers of Commission requirements: first a cut over date of November 1, 1998, instead of July 30, 1998, and second permission to inform customers of their right to choose a long distance carrier by "bill insert" rather than a special mailing. The later date is justified by technical considerations, and the notification method is economically justified.
4. DPU recommends approval of Applicant's plan and granting the waivers requested, with the proviso that the equal access should apply to "0+" dialing as well as "1+" dialing. Applicant is agreeable with this modification.

CONCLUSIONS OF LAW

The plan appears to meet Commission requirements, and the requested waivers are justified. The plan should be approved with the requested waivers.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The equal access plan of EMERY TELEPHONE is approved, with the proviso that it shall encompass "0+" as well as "1+" customer dialing, and with the further provisos that the cut over date is extended to November 1, 1998, and that Applicant may inform its subscribers of their right to choose long distance carriers by "bill insert" rather than a special mailing.

Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 3rd day of June, 1998.

/s/ A. Robert Thurman  
Administrative Law Judge

Approved and Confirmed this 3rd day of June, 1998, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

(SEAL) /s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary