

In the Matter of the Application of MANTI )

DOCKET NO. 98-046-01

TELEPHONE COMPANY, INC., for )

Waiver of IntraLATA Equal Access Toll )

REPORT AND ORDER

Calling Implementation Plan )

ISSUED: June 1, 1998

SYNOPSIS

Applicant in this matter having requested a waiver until September, 1999, of the Commission's requirement for submitting a "1+" toll call equal access plan, and Applicant having justified its request on a current lack of capable equipment and a prospective change in ownership, and said justification appearing to the Commission to be adequate, the Commission granted the waiver.

By the Commission:

PROCEDURAL HISTORY MANTI TELEPHONE COMPANY, INC. (hereafter "Applicant"), a local exchange telephone carrier, filed its application March 3, 1998, seeking a waiver of the requirement to submit 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 provides no intraLATA and interLATA toll service; intraLATA toll service is provided by U S West Communications, Inc., and interLATA service is provided by various carriers; however such carriers can be accessed only by dialing non-equal access prefix codes. Applicant requests a waiver until September, 1999, of the Commission's requirement that it submit a plan for providing equal access "1+" dialing for all toll carriers. The requested waiver will not change subscribers' present service in any way.
2. Applicant justifies the waiver on grounds that its present equipment and software is incapable of providing equal access, and that, owing to the imminent retirement of the former majority shareholder, and disagreement among the present shareholders regarding sale of the company, the ownership situation is so fluid as to render prudent deferral of major investment decisions pending resolution of the ownership question.
3. DPU recommends approval of the waiver.

CONCLUSIONS OF LAW

The requested waiver appears to be justified and in the public interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

MANTI TELEPHONE COMPANY, INC., be, and it is granted a waiver, until September 1, 1999, for submitting a plan to implement equal access "1+" dialing.

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 1st day of June, 1998.

/s/ A. Robert Thurman

Administrative Law Judge

Approved and Confirmed this 1st 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

