

In the Matter of the Application of )  
BEEHIVE TELEPHONE COMPANY, INC., )  
for Waiver of IntraLATA Equal Access Toll )  
Calling Implementation Plan )

DOCKET NO. 98-051-01

REPORT AND ORDER

ISSUED: June 8, 1998

SYNOPSIS

Applicant in this matter having requested a waiver until December, 2001, 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 no pending request for such service, and said justification appearing to the Commission to be adequate, the Commission granted the waiver.

By the Commission:

PROCEDURAL HISTORY BEEHIVE TELEPHONE COMPANY, INC. (hereafter "Applicant"), a local exchange telephone carrier, filed its application February 11, 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. No interexchange carrier has 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; interLATA "1+" dialing service is provided by AT&T, and customers can use other interexchange carriers by dialing 1-800 and 1-888 numbers. Applicant requests a waiver until December, 2001, 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 upgrading its plant would entail an investment approximating \$1,000 per customer, or approximately \$600,000 total. No interexchange carrier has requested equal access service from Applicant.
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:

BEEHIVE TELEPHONE COMPANY, INC., be, and it is granted a conditional waiver until December 31, 2001, for submitting a plan to implement equal access "1+" dialing.

- If BEEHIVE TELEPHONE COMPANY, INC. receives a bona fide request before that date, its network capabilities and financial abilities can be re-assessed.

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 8th day of June, 1998.

/s/ A. Robert Thurman  
Administrative Law Judge

Approved and Confirmed this 8th 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