

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Cancellation of the
Certificate of JATO OPERATING CORP.)
)
)

DOCKET NO. 98-2261-01

REPORT AND ORDER
Certificate No. 2261

ISSUED: September 21, 2001

SYNOPSIS

The utility having unilaterally ceased business, thus presenting the Commission with a *fait accompli*, and having failed to file its required annual report and regulatory fee, the Commission canceled its certificate.

By The Commission:

PROCEDURAL HISTORY

On January 8, 2001, JATO OPERATING CORP., fka Jato Communications Corp., (JATO) a certificated telephone corporation, filed a letter stating its intent to cease business in Utah. Thereafter, despite contacts from the Division of Public Utilities, Utah Department of Commerce (DPU), JATO failed to file its required annual report and failed to pay the required minimum regulatory fee. On July 17, 2001, DPU filed a memorandum recommending cancellation of JATO=s certificate of convenience and necessity. JATO has presented the Commission with a *fait acompli* and left the Commission with no means even of contacting it. Accordingly, we have determined, on our own motion, to cancel JATO=s certificate.

Since a hearing in the matter appears to be entirely superfluous, we have determined to dispose of the matter summarily and, accordingly, issue the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- Certificate of Convenience and Necessity No. 2261, issued to JATO OPERATING CORP., be, and it is, canceled and annulled effective the date of this Order.
- Should JATO, or any successor entity apply for a new certificate, it shall be a condition of said certificate that the delinquent regulatory fee be paid.
- 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 21st day of September, 2001.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G# 26146