

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of JATO)
OPERATING COMPANY for Transfer of)
a Certificate of Convenience and Necessity to)
Provide Local Exchange Telecommunications)
and Competitive Telecommunications)
Services on a Resold Basis)

DOCKET NO. 98-2261-01

SECOND REPORT AND ORDER

ISSUED: August 16, 1999

SYNOPSIS

No detriment to the public interest appearing, the Commission approves the transfer of operating authority.

By The Commission:

PROCEDURAL HISTORY

On June 24, 1999, the Applicant's parent affiliate, JATO COMMUNICATIONS CORPORATION, of which Applicant is a wholly-owned subsidiary, petitioned the Commission for transfer of its operating authority to Applicant. The matter was referred to the Division of Public Utilities, Utah Department of Commerce, for review, which filed its recommendation for approval July 19, 1999. There appearing to be no reason to convene a hearing, and no opposition to the transfer having emerged, we have determined to dispose of the matter without further proceedings. 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. The same personnel will be active in managing Applicant as are active in managing its parent. Since we have already found the parent fit, we must also find the subsidiary fit. The same reasoning applies to Applicant's financial and regulatory fitness.

CONCLUSIONS OF LAW

The application should be granted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

Certificate of Convenience and Necessity No. 2261 be, and it is, transferred from JATO COMMUNICATIONS CORPORATION to JATO OPERATING COMPANY.

The records of the Commission be amended accordingly to reflect JATO OPERATING COMPANY as the certificate holder.

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 16th day of August, 1999.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary