In the Matter of the Request of U.S. WEST COMMUNICATIONS, INC., and ALL WEST COMMUNICATIONS, INC., for Approval of the Transfer of Service Territory in the Coalville Exchange (Rockport Dam Area) DOCKET NO. 99-049-40

REPORT AND ORDER

ISSUED: October 28, 1999

SYNOPSIS

No detriment to the public interest appearing, the Commission approved the transfer of service territory.

Appearances:

Gregory B. Monson For U.S. West Communications, Inc.

Jerry D. Fenn " All West Communications, Inc.

By The Commission:

PROCEDURAL HISTORY

On August 17, 1999, Petitioners above-named, filed their joint petition seeking Commission approval of the transfer of service territory from U.S. West Communications, Inc., (USWC) to All West Communications, Inc. (AWCI) The matter was referred to the Division of Public Utilities, Utah Department of Commerce (DPU), for review and analysis. On October 6, 1999, the DPU filed a memorandum recommending summary approval of the transfer with certain conditions. No opposition to the transfer has emerged, nor does there appear to be any likelihood such will emerge. An evidentiary hearing on the matter appearing to be neither necessary nor helpful in the disposition of this matter, we have determined to dispose of it 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

- Both USWC and AWCI are telephone corporations certificated by this Commission.

- Both USWC and AWCI perceive the transfer to be economical, efficient, and in the best interest of the ratepayers. AWCI has stated that it is willing and able to meet the upcoming service demands in the area, which will encompass a portion of the Rockport Dam area of Summit County, Utah.

- Based on information gathered by the DPU, it believes that AWCI will be responsive and expedient in satisfying current service demand from customers in the area affected. AWCI plans to place fiber between the service area
being transferred and AWCI's Kamas switch. The construction is not slated to be completed until late November or early December 1999. Current customers have Extended Area Service (EAS) with Coalville, Utah, which AWCI has undertaken to continue.

DISCUSSION

It appears that the transfer of service territory to AWCI will be in the best interest of those consumers located in the proposed service area. There appears to be no legal impediment to the proposed transfer.

CONCLUSIONS OF LAW

The joint petition should be granted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Certificate of Convenience and Necessity of U.S. West Communications, Inc., be, and it is, amended by deleting therefrom the following described area in Summit County, State of Utah, to wit:

Commencing at the point of intersection of Sections 11, 12, 13 and 14, Township 1 South, Range 4 East, Salt Lake Meridian; thence east to the corner common to Sections 10, 11, 14 and 15, Township 1 South, Range 5 East; thence north to 1760 feet north of the southeastern corner of Section 27, Township 1 North, Range 5 East, Salt Lake Meridian; thence west to the western boundary of Section 25, 1760 feet north of the southwestern corner, Township 1 North, Range 4 East; thence south to the point of beginning.

- The Certificate of Convenience and Necessity of All West Communications, Inc., be, and it is, amended by adding thereto the aforesaid area.

- The transfer herein effected be, and it is, effective the date of this Order.

- Notwithstanding any other provision of this order, U.S. West Communications, Inc., be, and it is, directed to continue to furnish telephone service in the area until All West Communications, Inc., has completed constructing its facilities to serve the area.

- 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 28th day of October, 1999.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 28th day of October, 1999, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman
/s/ Constance B. White, Commissioner
/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary