

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Contract Agreement )  
#U24305 Between US WEST )  
COMMUNICATIONS and the )  
FLYING J COMPANY to Provide )  
Guaranteed Rate Calling Connection )  
Rate Pricing )

DOCKET NO. 99-049-42

REPORT AND ORDER

ISSUED: November 1, 1999

SYNOPSIS

No detriment to the public interest appearing, the Commission approved the proposed contract.

By the Commission:

PROCEDURAL HISTORY

On August 18, 1999, Petitioner US West Communications, Inc., submitted a proposed contract with Flying J Company to provide guaranteed calling connection rate pricing. The matter was referred for review to the Division of Public Utilities, Utah Department of Commerce (DPU), which filed a memorandum October 6, 1999, recommending approval. No opposition having emerged, nor any appearing likely, on our own motion we have determined to dispose of the matter without hearing or 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. US West Communications (USWC), Petitioner herein is a telephone corporation certificated by this Commission.
2. The prices set in the proposed contract exceed the price floor for large customer calling volumes calculated by USWC and likewise exceed the imputed average USWC switched access charges related to intrastate toll services provided by other interexchange carriers.

DISCUSSION

Since the prices set forth in the proposed contract do not appear to be anti-competitive, there does not appear to be any prospective detriment to the public interest.

CONCLUSIONS OF LAW

The contract should be approved.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The contract for guaranteed rate calling connection service between USWC and Flying J Company, be, and it is, approved.

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 1<sup>st</sup> day of November, 1999.

/s/ A. Robert Thurman, Administrative Law Judge

Approved and Confirmed this 1<sup>st</sup> day of November, 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