

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Request of U.S.
WEST COMMUNICATIONS, INC., and
EMERY TELEPHONE, INC., for
Approval of the Transfer of Service
Territory in the East Carbon Exchange
(West Ridge Mine Area)

)
)
)
)
)
)

DOCKET NO. 99-049-45

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	"	Emery Telephone, Inc.

By The Commission:

PROCEDURAL HISTORY

On September 16, 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 Emery Telephone, Inc. (ETI) The matter was referred to the Division of Public Utilities, Utah Department of Commerce (DPU), for review and analysis. On October 6, 1999, DPU filed a memorandum recommending summary approval of the transfer. 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

1. Both USWC and ETI are telephone corporations certificated by this Commission.
2. Both USWC and ETI perceive the transfer to be economical, efficient, and in the best interest of the ratepayers. ETI has stated that it is willing and able to meet the upcoming service demands in the area, which will mainly be telecommunication services to the West Ridge Mine.
3. Based on information gathered by DPU, it believes that ETI will be responsive and expedient in satisfying current service demand from the West Ridge Mine.

DISCUSSION

It appears that the transfer of service territory to Emery 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 Carbon County, State of Utah, to wit:

Commencing at a point common to the corner of Sections 3, 4, 9, and 10, Township 14 South, Range 13 East; thence east to the corner common with Sections 1, 2, 11, and 12, said Township and Range; thence south to the corner common with Sections 13, 14, 23, and 24, Township 14 South, Range 13 East; thence west to the corner common with Sections 15, 16, 21 and 22, said Township and Range; thence north to the point of beginning.

- The Certificate of Convenience and Necessity of Emery Telephone, 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.
- 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