

In the Matter of the Petition of the)
DIVISION OF PUBLIC UTILITIES for a)
Declaratory Order to Cancel the Certificate)
of Public Convenience and Necessity of)
U.S. TELCO, INC.)

DOCKET NO. 99-2242-01

REPORT AND ORDER

ISSUED: May 7, 1999

SYNOPSIS

Petitioner having sought cancellation of its operating authority, and the Division of Public Utilities, Utah Department of Commerce, having concurred, the Commission granted the petition.

By The Commission:

PROCEDURAL HISTORY

On April 21, 1999, by letter directed to Carl Mower, Chief Auditor, Division of Public Utilities, Utah Department of Commerce (DPU), U.S. TELCO, INC. (Petitioner), petitioned for cancellation of its Certificate of Convenience and Necessity from this Commission. On April 23, 1999, DPU filed its own petition echoing that of Petitioner. Since Petitioner has never extended telephone service within Utah, we do not anticipate any opposition to the petition, nor do we deem the taking of further evidence necessary or helpful. Accordingly, 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. Petitioner was certificated by this Commission January 26, 1998.
2. Petitioner has never conducted telephone operations or extended service to customers in Utah..

DISCUSSION

We take administrative notice that there are ample alternative providers, or potential providers, of telephone service in Utah. Accordingly, we do not foresee any detriment to the public interest by the withdrawal of this carrier.

CONCLUSIONS OF LAW

The petition should be granted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

Certificate of Convenience and Necessity No. 2242, issued to U.S. TELCO, INC., be, and it is, canceled and annulled 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 7th day of May, 1999.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 7th day of May, 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