
In the Matter of the Application of)
FARMERS TELEPHONE COMPANY,)
INC. for a Certificate Authorizing it to)
Provide Local Exchange Service as a)
Telecommunications Provider in the State)
of Utah)

DOCKET NO. 99-2276-01

REPORT AND ORDER

ISSUED: July 20, 1999

SYNOPSIS

By this Report and Order, the Public Service Commission of Utah (the "Commission") grants the request of FARMERS TELEPHONE COMPANY, INC. ("Applicant"), for a Certificate of Public Convenience and Necessity ("Certificate") authorizing Applicant to provide local exchange services within the State of Utah, except within any local exchange with fewer than 5,000 access lines that is owned or controlled by an incumbent telephone corporation with fewer than 30,000 access lines within the State. The Commission, having considered the record in this proceeding and the applicable law, hereby makes, adopts, and enters the following Report and Order.

By the Commission:

PROCEDURAL HISTORY

FARMERS TELEPHONE COMPANY, INC. ("Applicant"), filed its Application for Authority to Provide Local Exchange Service on May 12, 1999, pursuant to Utah Code Annotated § 54-8b-1.1 *et. seq.*, and Title 63, Chapter 46b of the Utah Administrative Procedures Act. Since there appears to be no opposition, and Applicant has made out its *prima facie* case in support of the application, there appears to be no reason to convene an evidentiary hearing on the matter. Accordingly, the Administrative Law Judge, having been fully advised in the premises, enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Applicant is a corporation domiciled in the State of Colorado.
2. Applicant has requested that the Commission grant a Certificate of Public Convenience and Necessity authorizing it to provide local exchange service within Hovenweep National Monument in the State of Utah. The area to be served is close to the Colorado border, and Applicant is the closest telephone utility. Although US West Communications, Inc. is certified to serve the area, it has no nearby facilities and has indicated is has no objection to Applicant's certification. At present, it appears there will be only six subscribers in the service area.
3. Applicant is proposing to provide facilities-based service.
4. Applicant will utilize its managerial and technical expertise to support its Utah operations.
5. Applicant has sufficient technical resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.

6. Applicant has sufficient managerial resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.
7. Applicant has secure and sufficient source of funding for its Utah operations that will enable it to meet projected capital and operating expenses and to implement its business plans.
8. Applicant has sufficient financial resources and abilities to provide the public telecommunications services for which it has applied for a Certificate.
9. The issuance of a Certificate to Applicant to provide public telecommunications services is in the public interest.
10. The reporting requirements in Exhibit B attached hereto are in the public interest and should be binding upon Applicant until modified by the Commission.
11. Applicant has applied for exemptions from the requirements of various procedures of the Utah Code and the Commission's Rules and Regulations.
12. The grant of exemptions from the provisions of the Utah Code and the Commission's Rules and Regulations, as set forth in Exhibit B, is in the public interest.

CONCLUSIONS OF LAW

1. It is in the public interest to convert this matter to an informal proceeding, pursuant to § 63-46b-4(3), UCA 1953, as amended.
2. Applicant meets each of the statutory requirements (§§ 54-8b-2.1, *et. seq.* UCA 1953, as amended) for issuance of a Certificate as a telecommunications corporation.
3. Applicant meets each of the statutory requirements (§§ 54-8b-2.1, *et. seq.*, UCA 1953, as amended) for authorization to provide the public telecommunications services for which it seeks a Certificate.
4. The issuance of a Certificate to Applicant to provide the telecommunications services for which it has applied is in accord with the legislative policy declarations set forth in Utah Code § 54-8b-1.1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

This matter be, and it is, converted to an informal proceeding pursuant to § 63-46b-4(3), UCA 1953, as amended.

The Commission hereby grants to FARMERS TELEPHONE COMPANY, INC., the Certificate that is attached hereto as Exhibit A and by this reference made a part of this Report and Order.

Inasmuch as FARMERS TELEPHONE COMPANY, INC., is subject to regulation by the Colorado Public Service Commission, and the subscriber base in Utah is minuscule, said Grantee shall be exempt from the reporting provisions of the Commission rules.

Before commencing operations under the certificate herein granted, Grantee shall qualify to do business as a foreign corporation in Utah with the Utah Division of Corporations and Uniform Commercial Code according to applicable law.

FARMERS TELEPHONE COMPANY, INC is exempt from certain provisions of the Utah Code and the Commission's Rules and Regulations, as set forth in Exhibit B.

DATED at Salt Lake City, Utah, this 20th of July, 1999.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 20th day of July, 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

EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)	
FARMERS TELEPHONE COMPANY,)	<u>DOCKET NO. 99-2276-01</u>
INC., for a Certificate Authorizing it to)	
Provide Local Exchange Service as a)	<u>CERTIFICATE</u>
Telecommunications Provider in the State)	
of Utah)	

ISSUED: July 20, 1999

By the Commission:

The Public Service Commission of Utah, pursuant to the Utah Code Ann. §§ 54-8b-2.1, *et. seq.*, hereby issues a Certificate of Public Convenience and Necessity authorizing FARMERS TELEPHONE COMPANY, INC., to provide local and interexchange services and other public telecommunications services within Hovenweep National Monument, Utah., 1999, as the Report and Order of the Public Service Commission of Utah.

Dated at Salt Lake City, Utah, this 20th day of July, 1999.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

EXHIBIT B

FARMERS TELEPHONE COMPANY, INC. shall be exempted from the following statutory provisions and regulations:

A. Exemptions from Title 54

54-3-8, 54-3-19 -- Provisions of discrimination

54-7-12 -- Rate increases or decreases

54-4-21 -- Establishment of property values

54-4-24 -- Depreciation rates

54-4-26 -- Approval of expenditures

B. Waivers of Regulations

R746-340-2(D) -- Uniform System of Accounts

(47 C.F.R. 32)

R746-340-2(E)(1) -- Tariff filings required

R746-340-2(E)(2) -- Exchange Maps

R746-341 -- Lifeline⁽¹⁾

R746-344 -- Rate case filing requirements

R746-401 -- Reporting of construction,
acquisition and disposition of assets

R746-405 -- Tariff formats

R746-600 -- Accounting for post-retirement
benefits

1. This regulation would be waived only until the Commission establishes Lifeline rules that may include FARMERS TELEPHONE COMPANY, INC.