

Applicants state that neither the statute nor the rule was promulgated to address a transfer of customers between companies wholly owned by the same corporate parent. Applicants also cite previous orders by this Commission in which we reached a similar conclusion as support for their requested waiver.

We find that, based upon the representations of Applicants, for hearing enforcement of *Utah Code Ann.* §54-8b-18 and waiving Commission Rule R746-349-5 are appropriate and in the public interest in this case. Preauthorization of the transfer by customer will not be required. If any representations of Applicants are not fulfilled, however, including the commitment that no customers will be switched to higher-priced plans, the anti-slamming statute and rules will apply.

Good cause exists to shorten the 20-day period before which orders issued under Utah Admin. Code R746-110 become effective and to make the Order effective on April 15, 2002, absent meritorious protest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The Application of AT&T Communications of the Mountain States, Inc., and AT&T Broadband Phone of Utah, LLC, is approved.
2. This Order is issued pursuant to Utah Admin. Code R746-110. The Commission having found good cause to waive the 20-day tentative period, this Order shall become effective automatically on April 15, 2002, absent meritorious protest.
3. Any person aggrieved by this Order should file a protest on or before April 15, 2002, stating the reasons why this Order should not become effective. If the Commission finds merit in such a protest or wishes to further consider such protest, it may delay the effectiveness of this Order.
4. Any person aggrieved by this Order after it becomes effective may file a written request for review or reconsideration in accordance with Utah Code Ann. §§ 54-7-15, 63-46b-12 and 63-46b-13, and the Utah Rules of Appellate Procedure. Failure to do so, may deprive the party of the right to seek judicial review of this Order.

DATED at Salt Lake City, Utah, this 9th day of April, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard,
Commission Secretary

G#28924