

IN THE UTAH COURT OF APPEALS

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SBS Telecommunications, Inc.,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner,)		
)	Case No. 20050692-CA	
v.)		
)	F I L E D	
Public Service Commission,)	(March 2, 2006)	
)		
Respondent.)	<table border="1"><tr><td>2006 UT App 81</td></tr></table>	2006 UT App 81
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Original Proceeding in this Court

Attorneys: Kevin M. McDonough, Salt Lake City, for Petitioner
Sandy J. Mooy, Salt Lake City, for Respondent

Before Judges Billings, Davis, and Thorne.

PER CURIAM:

SBS Telecommunications, Inc. petitions for judicial review of the decision of the Public Service Commission of Utah. SBS Telecommunications originally asserted several issues for review; however, in its brief, it waived all but one of its claims. SBS Telecommunications's sole remaining issue on appeal is whether the Public Service Commission is an unconstitutional entity.

The Public Service Commission contends that because SBS Telecommunications has failed to analyze or adequately brief the issue, we should refuse to address SBS Telecommunications's argument. We agree. If an appellant fails to adequately brief an issue on appeal, the appellate court may decline to consider the argument. See Phillips v. Hatfield, 904 P.2d 1108, 1110 (Utah Ct. App. 1995); Koulis v. Standard Oil Co., 746 P.2d 1182, 1185 (Utah Ct. App. 1987). SBS Telecommunications's brief fails to properly address or analyze the issue before this court. With the exception of one citation to the Utah Constitution, the brief offers no analysis of relevant statutory or case law.¹ See Smith v. Smith, 1999 UT App 370, ¶8, 995 P.2d 14 ("An issue is inadequately briefed when the overall analysis is so lacking as to shift the burden of research and analysis to the reviewing

¹The reply brief offers only minor additional information.

court."). This failure to adequately analyze the issue is exacerbated by the fact that similar arguments concerning the constitutionality of other administrative agencies and their actions have been rejected in the past. See, e.g., Robinson v. Utah Dep't of Transp., 2001 UT 21, ¶¶11-17, 20 P.3d 396 (discussing constitutionality of rule-making authority of administrative agency). Accordingly, because SBS Telecommunications has failed to adequately brief its issue on appeal, we refuse to address it and affirm the order of the Public Service Commission.

Affirmed.

Judith M. Billings, Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge