



State of Utah
Department of Commerce
Division of Public Utilities

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November 25, 2013

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES

Chris Parker, Director
Bill Duncan, Manager, Telecommunications and Water
Paul M. Anderson, Utility Technical Consultant

Re: Utah Docket No. 13-999-06, In the Matter of State Certification of Rural Carriers' Compliance with 47 U.S.C. Section 254(e)
CC Docket No. 96-45, In the Matter of Federal-State Joint Board on Universal Service
Annual State Certification Pursuant to 47 C.F.R. §54.314

ISSUE:

Pursuant to 47 C.F.R. Paragraph 54.314, the Public Service Commission (Commission) is required to certify that all rural carriers within its jurisdiction will use federal USF "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended," as required by 47 U.S.C. 254(e). This certification may be in the form of a letter to the FCC regarding the carriers' compliance and is due to the Federal Communications Commission (FCC) and Universal Service Administrative Company (USAC) by December 16, 2013 clearly referencing **WC Docket No. 10-90**.

RECOMMENDATION:

Consistent with the Division of Public Utilities' (Division's) prior year recommendation, the Division recommends the Commission support Utah's rural incumbent local exchange carriers' (companies) requests for certification of eligibility to receive federal high-cost support by submitting a timely certification letter to the FCC and USAC stating all federal high-cost support provided to such carriers within Utah was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Exceptions to this certification are CenturyTel of Eagle, Inc. (CenturyTel), a subsidiary of CenturyLink, Inc., Farmers Telephone Company (Farmers), and Albion Telephone Company (Albion) as described below.

Mailing addresses:

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BACKGROUND:

Exceptions to Certification:

CenturyTel provides local exchange service to approximately 6 to 8 Utah customers on the border of Colorado via facilities located in Colorado. Farmers provides local exchange service to approximately 8 Utah customers on the border of Colorado via facilities located in Colorado. Albion provides local exchange service to approximately 27 Utah customers on the border of Idaho via facilities located in Idaho. All ratemaking procedures for these companies have historically been deferred to the Colorado Public Utilities Commission or Idaho Public Utilities Commission accordingly.

Due to this Commission's limited oversight, the Division recommends the certification for CenturyTel, Farmers, and Albion defer to Colorado and Idaho consistent with the ratemaking process for these companies.

Certification:

As of October 1, 2013, the Commission has received an FCC Form 481 and self-certification cover letter from each of the following companies:

Company Name (Exchange Carrier Study Area Code)

All West Communications, Inc. (502288)
Bear Lake Communications (503032)
Beehive Telephone Company, Inc. (502284)
Carbon/Emery Telecom, Inc. (502278)
Central Utah Telephone (502277)
Citizens Telecommunications Company of Utah (504429)
Direct Communications Cedar Valley, LLC (500758)
Emery Telecom (502278)
Gunnison Telephone Company (502279)
Manti Telephone Company (502282)

Navajo Communications Company, Inc. (504449)
Skyline Telecom (502283)
South Central Utah Telephone Association (502286)
UBTA-UBET Communications, Inc. (502287)
Union Telephone Company, Inc. (512297 – Utah segment only)

In conducting this investigation, the Division has reviewed the information contained in the Form 481 and each of the companies' Annual Reports to the Commission. The five-year plan information has been delayed until next year's certification, making on-site visits unnecessary and therefore, the Division has relied on desk audits.

In reviewing the Form 481, emphasis was placed on compliance to the following three requirements:

1. Service Quality Standards (Line 510)

The Companies certified that they comply with the service quality standards set forth in Utah Public Service Commission rules Utah Admn. Code R746-340-7, End User Service Standards for All Telecommunications Corporations.

2. Consumer Protection Rules (Line 510)

The Companies certified that they comply with the following consumer protection laws and rules as enacted by the Utah Legislature and promulgated by the FCC and Federal Trade Commission:

- A. FCC rules regarding verification of orders for telecommunications service as required of submitting carriers (CFR §64.1100)
- B. Utah Code Ann. § 54-8b-18 Unauthorized change of telecommunications provider—Unauthorized charges—Procedures for verification
- C. The FCC's Truth-In-Billing Requirements (47 CFR §64 Subpart U, Customer Proprietary Network Information and Federal Trade Commission 16 CFR § 681, Identity Theft Red Flags

3. Functionality in Emergency Situations (Line 610)

The Companies certified that they make reasonable provisions to meet emergencies resulting from power failures; sudden and prolonged increases in traffic; staff shortages; and fire, storm, and acts of God. These provisions include, but are not limited to, installing adequate battery reserve capacity and electrical generators where needed, training personnel in appropriate emergency procedures and rerouting traffic around damaged facilities. (47 CFR §54.202(a) and Utah Admn. Code R746-340-4 (Emergency Operation).

The Division has also completed desk audits of the Companies annual reports submitted to the Commission and financial information submitted with in the Form 481.

cc: Jenny Prescott, Vice President of Support Services, All West Communications, Inc.
Eddie L. Cox, President, Bear Lake Communications/Central Utah Telephone/Skyline Telecom
Arthur Brothers, CEO, Beehive Telephone Company, Inc.
R. Kirk Lee, Manager, Government and External Affairs, Citizens and Navajo Communications
Kip Wilson, General Manager, Direct Communications Cedar Valley, LLC
Brock Johansen, CEO, Emery Telecom/Carbon-Emery Telecom, Inc. /Hanksville Telecom
Kent B. Sanders, Gunnison
Paul Cox, General Manager, Manti Telephone Company
Michael R. East, CEO/General Manager, South Central Utah Telephone Association
Bruce H. Todd, CEO/General Manager, UBTA-UBET Communications, Inc.
James H. Woody, Executive VP/Dir of R&D, Union Telephone Company, Inc