



State of Utah

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February 16, 2022

Hon. Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Jefferson Drive, S.W.
Washington, D.C. 20250-0001

Re: *Emery Telcom's Request related to its Application for funding under the United States Department of Agriculture's Round 3 ReConnect Funding Opportunity Announcement*

Dear Secretary Vilsack,

On February 7, 2022, the Public Service Commission of Utah ("UPSC") received a request from Emery Telcom and its subsidiaries, E Fiber Moab, LLC and E Fiber San Juan, LLC (collectively, "Emery") related to its application for funding for broadband projects under the USDA Round 3 ReConnect Funding Opportunity Announcement (FOA). Emery requests that the UPSC certify that no other telecommunications carrier, municipality, business organization, or individual is receiving disbursements from the Utah Universal Service Fund (UUSF) inside the proposed funding service area (PFSA) designated in Emery's application. Under Utah law, a local exchange carrier may receive funding from the UUSF to provide broadband services only where the local exchange carrier is both a provider of last resort and a provider of wholesale broadband infrastructure. The UUSF is also the funding source for Utah's lifeline program for low-income consumers, which nevertheless functions as a separate program.

Along with its request, Emery also submitted maps to the UPSC showing the location of Emery's proposed projects. The UPSC presumes the maps' accuracy. The maps propose projects within non-tribal areas of Grand and San Juan Counties, including Thompson Springs, Dewey, outlying areas near Monticello, outlying areas of North Blanding, the Needles District of Canyonlands National Park, and areas along Utah State Road 212. These projects are completely contained within the Utah service territory of Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah ("Frontier").

Frontier does not receive UUSF broadband support, nor has it received UUSF broadband support during the past five years. Emery currently receives UUSF broadband support, and this support is restricted to offsetting costs it has already incurred within its own Utah service

territory. Both Emery and Frontier receive payments on behalf of qualifying customers under the separate Utah lifeline program that is funded through the UUSF.

Based on those statements, and on the USPC's review of Emery's request and its supplied PFSA maps, the UPSC certifies that no UUSF broadband support currently exists for Emery's designated PFSAs.

Sincerely,

/s/ Gary L. Widerburg

PSC Secretary

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