

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

)
In the Matter of Bear Lake Communications,) DOCKET NO. 13-2201-T01
Inc. Filing to Revise its Emergency Line)
Service Tariff Provision)
)
)
In the Matter of Central Utah Telephone, Inc.) DOCKET NO. 13-040-T01
Filing to Revise its Emergency Line Service)
Tariff Provision)
)
)
In the Matter of Skyline Telecom Filing to) DOCKET NO. 13-576-T01
Revise its Emergency Line Service Tariff)
Provision) ORDER GRANTING MOTION FOR
) CLARIFICATION OF COMMISSION
) ORDERS DATED MAY 30, 2013 AND
) JUNE 14, 2013
)

ISSUED: August 8, 2013

By The Commission:

BACKGROUND

1. On April 29, 2013, Bear Lake Communications, Inc., Central Utah Telephone, Inc., and Skyline Telecom (collectively, the “Companies”) each filed separate requests to revise their respective “emergency line service” tariff provisions. In part, the Companies sought to discontinue offering emergency line service to new customers, grandfather emergency line service to existing customers, and to discontinue emergency line service to grandfathered customers “at its sole discretion.”¹

¹ Bear Lake Revised Sheet No. 29.1, available at: <http://www.psc.utah.gov/utilities/telecom/13docs/132201T01/244620Amended%20Tariff%20Sheet.docx>; Central Utah Revised Sheet No. 29.1, available at: <http://www.psc.utah.gov/utilities/telecom/13docs/13040T01/244617Amended%20Tariff%20Sheet.docx>; and Skyline Revised Sheet No. 29.1, available at: <http://www.psc.utah.gov/utilities/telecom/13docs/13576T01/244622Amended%20Tariff%20Sheet.docx>.

2. On April 30, 2013, the Commission requested the Division of Public Utilities (“Division”) investigate the proposed tariff changes.
3. On May 15, 2013, the Division filed its review and recommendation to approve the proposed tariff changes.
4. On May 30, 2013, the Commission issued an order suspending the proposed tariff changes and noticing the matter for hearing. The order states, in part:

We have reviewed the Companies’ proposed changes to the emergency line service, the Division’s recommendation, and we note further discussion is needed regarding the Companies’ request to discontinue emergency line service at its sole discretion. We, therefore, determine it would be in the public interest to further examine these dockets by noticing these matters for hearing. Accordingly, consistent with Utah Code Ann. § 54-7-12(5)(b), we suspend the proposed modification to emergency line service pending further proceedings noticed below.

(Emphasis added).

5. On May 31, 2013, the Companies each filed a revised proposed tariff sheet. Each revised tariff sheet removes the explicit reference that would otherwise allow each Company to discontinue emergency line service to grandfathered customers “at its sole discretion.”² The proposed tariff now reads, in relevant part:

² See Bear Lake 2nd Revised Sheet No. 29.1, available at: <http://www.psc.utah.gov/utilities/telecom/telecomindx/2013/132201T01indx.html>; Central Utah 2nd Revised Sheet No. 29.1, available at: <http://www.psc.utah.gov/utilities/telecom/telecomindx/2013/13040T01indx.html>; Skyline 2nd Revised Sheet No. 29.1, available at: <http://www.psc.utah.gov/utilities/telecom/telecomindx/2013/13576T01indx.html>.

As of the Effective Date of this tariff revision, Emergency Line Service is a Grandfathered Service pursuant to the General Rules and Regulations, Sheet No. 23.1. Existing customers who subscribe to Emergency Line Service as of May 31, 2013, will be allowed to retain their Emergency Line Service in the same quantity and at the same rates listed below until such time as the Company discontinues Emergency Line Service. Once the grandfathered Emergency Line Service is terminated by the Subscriber, the service will no longer be available to that Subscriber.

Grandfathered Emergency Line Service is limited to the Subscriber locations in service prior to the Effective Date of this tariff revision. Grandfathered Emergency Line Service may not be moved to a different location. If a Subscriber wishes to move his Emergency Line Service to a different location, he must discontinue the grandfathered Emergency Line Service at the existing location and obtain a currently offered service at the new location.

6. On June 7, 2013, the Commission requested the Division to review and investigate the Companies' revised proposed tariff sheets.
7. On June 13, 2013, the Division submitted its responses recommending the Commission approve the tariffs retroactively, effective June 1, 2013, and cancel the previously scheduled hearing.
8. On June 14, 2013, the Commission issued an order suspending the revised proposed tariff pending further proceedings and a final order of the Commission. In doing so, the Commission explained:

We have reviewed the Companies' proposed changes to the emergency line service, the Division's recommendation, and we note further evaluation is needed. We, therefore, determine it would be in the public interest to further examine these dockets by noticing these matters for hearing. Accordingly, consistent with Utah Code Ann. §

54-7-12(5)(b), we suspend the revised tariff sheets pending further proceedings [noticed for Tuesday, June 25, 2013, at 1:30 p.m. (MDT)].

9. On June 19, 2013, the Companies filed a motion for continuance of the hearing scheduled for June 25, 2013, citing the Companies' need to address their National Exchange Carrier Association, Inc. and Federal Universal Service Fund July 31, 2013, filing deadlines. The Companies requested the hearing be rescheduled to August 29, 2013, if possible, or in any event after August 23, 2013.

10. On July 1, 2013, the Commission granted the Companies' request for a continuance and rescheduled the hearing for Thursday, August 29, 2013, at 9:00 a.m. (MDT).

11. On July 29, 2013, the Companies filed a motion for clarification of the Commission's May 30, 2013, and June 14, 2013, orders.

DISCUSSION AND CLARIFICATION

I. COMPANIES' APRIL 29, 2013, PROPOSED TARIFF FILING, AND COMMISSION'S MAY 30, 2013, ORDER

As noted above, on April 29, 2013, the Companies each filed separate requests to revise their respective "emergency line service" tariff provisions. The proposed tariff language reads as follows:

- A. As of the Effective Date of this tariff revision, Emergency Line Service is a Grandfathered Service pursuant to the General Rules and Regulations, Sheet No. 23.1. Existing customers who subscribe to Emergency Line Service as of May 31, 2013, will be allowed to retain their Emergency Line Service in the same quantity and at the same rates listed below until such time as the Company discontinues Emergency Line Service at its sole discretion. Once the

grandfathered Emergency Line Service is terminated by the Subscriber, the service will no longer be available to that Subscriber.

Grandfathered Emergency Line Service is limited to the Subscriber locations in service prior to the Effective Date of this tariff revision. Grandfathered Emergency Line Service may not be moved to a different location. If a Subscriber wishes to move his Emergency Line Service to a different location, he must discontinue the grandfathered Emergency Line Service at the existing location and obtain a currently offered service at the new location.

See supra n.1 (emphasis added).

Upon review of the Companies' proposed tariff changes, and the Division's recommendation, the Commission noted further discussion is needed regarding the proposed tariff language empowering the Companies to discontinue emergency line service at their sole discretion. This language raised concerns particularly because the service at issue is "emergency line service." The Commission wanted to ensure such service would not be discontinued to any customer without prior Company notice and Commission oversight. Thus, in its May 30, 2013, order, the Commission suspended the tariff and noticed the matter for hearing.

II. COMPANIES' MAY 31, 2013, REVISED PROPOSED TARIFF FILING, AND COMMISSION'S JUNE 14, 2013, ORDER

As also noted above, on May 31, 2013, the Companies each filed separate requests to revise their proposed tariff filings. The revised proposed tariff language reads as follows:

- A. As of the Effective Date of this tariff revision, Emergency Line Service is a Grandfathered Service pursuant to the General Rules and Regulations, Sheet No. 23.1. Existing customers who subscribe to

Emergency Line Service as of May 31, 2013, will be allowed to retain their Emergency Line Service in the same quantity and at the same rates listed below until such time as the Company discontinues Emergency Line Service. Once the grandfathered Emergency Line Service is terminated by the Subscriber, the service will no longer be available to that Subscriber.

Grandfathered Emergency Line Service is limited to the Subscriber locations in service prior to the Effective Date of this tariff revision. Grandfathered Emergency Line Service may not be moved to a different location. If a Subscriber wishes to move his Emergency Line Service to a different location, he must discontinue the grandfathered Emergency Line Service at the existing location and obtain a currently offered service at the new location.

See supra n.2 (emphasis added).

Upon review of the Companies' revised proposed tariff filings, and the Division's recommendation, the Commission noted further evaluation is needed because the proposed language can still be interpreted to allow the Companies to discontinue service unilaterally. Additionally, the May 31, 2013, date reference appears to be an oversight and should have been amended or deleted. Finally, the Commission is concerned that it may not be just, reasonable, or in the public interest to prohibit an existing emergency line customer from moving his or her service to a different location. For these reasons, the Commission determined further evaluation is needed and noticed these matters for hearing.

CONCLUSION

Ultimately, the Commission wants to ensure that if the Companies desire to discontinue emergency line service, the issue will be brought before the Commission before such action is taken. Both the Companies' proposed tariffs and revised proposed tariffs left this issue

uncertain and appear to give the Companies unilateral authority. It is for the reasons explained above that the Companies' proposed tariffs and revised proposed tariffs were suspended.

DATED at Salt Lake City, Utah this 8th day of August, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and confirmed this 8th day of August, 2013, as the Order Granting Motion for Clarification of Commission Orders Dated May 30, 2013 and June 14, 2013 of the Utah Public Service Commission.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

D#246128

CERTIFICATE OF SERVICE

I CERTIFY that on the 8th day of August, 2013, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Kira M. Slawson (kslawson@blackburn-stoll.com)

Blackburn & Stoll, LC

Counsel for Bear Lake Communications, Inc., Central Utah Telephone, Inc., and Skyline Telecom

Patricia Schmid (pschmid@utah.gov)

Justin Jetter (jjetter@utah.gov)

Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant