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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of Qwest Communications Company, LLC to Amend its Certificate of Public Convenience and Necessity No. 2204	Docket No. 13-2204-01 CARBON/EMERY TELCOM, INC.'S PETITION TO INTERVENE
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Carbon/Emery Telcom, Inc. (“Carbon/Emery”) hereby petitions the Public Service Commission (“Commission”) for intervention in the above-entitled matter pursuant to Utah Code Ann. § 63G-04-207 and Utah Admin. Code R746-100-7. Although Carbon/Emery acknowledges that the amendment the Qwest Communications Company, LLC (“QCC”) seeks is consistent with the certificates of public convenience and necessity (“CPCNs”) granted by the Utah Public Service Commission in other instances, Carbon/Emery believes that the unique circumstances in this instance could have repercussions on the State Universal Service Fund, and it appears from the Comments filed by the Division of Public Utilities on April 12, 2013 that such repercussions may not have been properly considered. Carbon/Emery requests that it be permitted to intervene and that a technical conference be scheduled to address these concerns:

In support of this Petition Carbon/Emery states as follows:

1. Carbon/Emery is the incumbent local exchange provider providing public

telecommunications services in Carbon County, Utah, pursuant to certificates of public convenience and necessity issued by this Commission.

2. QCC has petitioned to amend its CPCN to permit it to provide local exchange services within any exchange in the State of Utah except for those exchanges with fewer than 5,000 access lines that are owned or controlled by an incumbent local exchange corporation with fewer than 30,000 access lines in the state.

3. Carbon/Emery provides local exchange service to the Price, Utah Exchange, which is an exchange with more than 5,000 access lines. However, to date there has not been any competitive local exchange provider who provides service to Price, Utah.

4. Carbon/Emery currently receives Utah Universal Service Fund support.

5. Although the Petition filed by QCC seeks to have its CPCN mirror the other competitive local exchange carrier (“CLEC”) CPCN’s that have been granted in the State, Carbon/Emery suggests that this application is unique in that QCC already has facilities in Price, Utah, whereas other CLEC CPCN applicants have not had facilities in the traditionally rural areas of the State. As a result of this, it is likely that QCC, unlike other CLECs, could actually provide local exchange service in Price, Utah.

6. If QCC is permitted to provide local exchange services in Price, Utah, it will not be bound to provide services at the Commission set “affordable base rate.” Thus, it is conceivable, and even probable, that QCC will offer local exchange services at a lower rate than Carbon/Emery, who is required to charge the affordable base rate. Without remedial actions by Carbon/Emery, this will likely result in a loss of access lines by Carbon/Emery, without any significant reduction in costs. As a result, in the face of losing access lines to a lower priced competitor, Carbon/Emery will likely be entitled to additional UUSF disbursements.

7. In the alternative, if QCC's petition is granted and it is permitted to compete in the Price Exchange, Carbon/Emery's non-regulated affiliate, Emery Telecommunications & Video, Inc., also a certificated CLEC, could also begin to provide local exchange services in Price, Utah at a rate competitive with QCC's rate, which will undoubtedly be less than the affordable base rate. Heretofore, although ET&V's CPCN currently permits it to provide local exchange services throughout the state excluding exchanges with fewer than 5,000 access lines that are owned or controlled by an incumbent local exchange corporation with fewer than 30,000 access lines in the state, ET&V has not provided competitive services in Price, Utah because it has been sensitive to the negative impact on the UUSF that competitive entry into its regulated affiliate's exchange could have. However, if QCC's petition is granted and there is another competitor in the exchange, the impact to the UUSF will not be avoided, and ET&V's competition will not be the cause of such impact.

8. As is evident from the unique circumstances of the Price Exchange, there are considerable issues to be considered prior to the granting of QCC's Petition to Amend. The interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing Carbon/Emery to intervene.

9. Carbon/Emery requests that copies of all notices, pleadings, filings, correspondence and discovery requests and responses in this docket be served on:

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Please serve notices and filings electronically whenever possible.

NOW THEREFORE, QCC has asked that its petition be converted to an informal request if there is no opposition to the request. Carbon/Emery seeks to intervene in this matter for the purpose of ensuring that the Division of Public Utilities, and the Utah Public Service Commission have considered the potential effect of this Petition on the Utah Universal Service Fund, and the affordable base rate in competitive areas. Carbon/Emery would suggest that the Public Service Commission schedule a technical conference so the parties can discuss these matters, and respectfully requests that the Commission enter an Order granting Carbon/Emery's petition to intervene in this docket allowing Carbon/Emery to participate to the fullest extent allowed by law.

Dated this 22<sup>nd</sup> day of April 2013.

BLACKBURN & STOLL, LC

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Kira M. Slawson  
Attorneys for Carbon/Emery Telcom, Inc.

## CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the Petition to Intervene was sent to the following individuals by regular or electronic mail, as noted below, this 22<sup>nd</sup> day of April, 2013:

Torry R. Somers  
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