

JUSTIN C. JETTER (#13257)
PATRICIA E. SCHMID (#4908)
Assistant Attorney Generals
Counsel for the DIVISION OF PUBLIC UTILITIES
SEAN D. REYES (#7969)
Attorney General of Utah
160 E 300 S, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-0857
Telephone (801) 366-0335
jjetter@utah.gov

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**IN THE MATTER OF THE
APPLICATION OF CARBON/EMERY
TELCOM FOR AN INCREASE IN UTAH
UNIVERSAL SERVICE FUND SUPPORT**

**IN THE MATTER OF UBTA-UBET
COMMUNICATIONS, INC.'S (DBA
STRATA NETWORKS) APPLICATION
FOR UTAH UNIVERSAL SERVICE
FUND SUPPORT**

DOCKET NO. 15-2302-01

DOCKET NO. 15-053-01

**DIVISION POSITION STATEMENT
REGARDING APPLICATION OF
SECTION 54-7-12(3) TO UUSF
APPLICATIONS**

Pursuant to Utah Code Ann. § 54-4a-1 and Utah Admin. Code r746-100 the Utah Division of Public Utilities (“Division”), hereby submits this Position Statement addressing the question of whether Utah Code § 54-7-12(3) applies to applications for Utah universal service fund (“UUSF”) Support.

On September 23, 2014 the Public Service Commission of Utah (“Commission”) requested position statements from parties addressing whether Section 54-7-12(3) applies to applications for UUSF support. The Division’s position on this issue is that the 240 day deadline does not apply to UUSF applications.

Section 54-7-12 sets forth the procedure for utility rate increases for public utilities. It starts by defining “base rates” as “charges included in a public utility’s generally applicable rate tariffs.” Those

include fares, rates, rentals, tolls, or other charges generally applicable. In short “rates” are what public utilities charge customers for the provision of public utility service. Rate increases or decreases are therefore changes in tariff based charges to customers for service.¹

The 240 day deadline in § 54-7-12(3) applies only to increases or decreases in rates. Section 54-12-7(3)(a) states in relevant part that “[w]ithin 240 days after... a complete filing.. the commission shall issue a final order to” act on “the proposed general rate increase or decrease.” §54-7-12(b) provides a default position in the event that the Commission does not issue an order in 240 days that the “proposed rate increase or decrease is final.”

UUSF applications are not requests for increases or decreases in rates and therefore the §54-7-12(3) 240 day deadline does not apply. UUSF applications are requests for state subsidies to defray the costs of providing access to basic telephone service. In the instant case neither UBTA-UBET Communications, Inc., dba STRATA Networks or Carbon/Emery Telecom have made requests for general rate increases or decreases nor has either submitted a complete filing for such a request. Passing of the 240 day deadline would not trigger acceptance of the applications.

For these reasons the 240 day deadline does not apply in either docket and the Commission may extend the schedules without triggering the deadline.

Submitted this 24th day September, 2015.

/s/ Justin C. Jetter
Justin C. Jetter
Assistant Attorney General
Utah Division of Public Utilities

¹ Not all charges to customers are inherently “rates.”