

Kira M. Slawson (7081)
BLACKBURN & STOLL, LC
257 East 200 South, Suite 800
Salt Lake City, Utah 84111
Telephone (801) 521-7900

Attorneys for Utah Rural Telecom Association

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
Neighborhood Networks, Inc. for a Certificate
of Public Convenience and Necessity to
Provide Resold and Facilities Based Local
Exchange Services within the State of Utah

**COMMENTS OF UTAH RURAL
TELECOM ASSOCIATION AND
PETITION TO INTERVENE**

DOCKET NO. 16-2587-01

The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc. and Union Telephone Company (“Members” or “URTA Members”) hereby files Comments in the above-entitled matter, and Petitions the Utah Public Service Commission (“Commission”) for intervention.

COMMENTS OF URTA

AND REQUEST FOR INTERVENTION

1. The URTA Members are local exchange carriers providing public telecommunications services in Utah pursuant to certificates of public convenience and necessity (“CPCN”) issued by the Commission.

2. On February 18, 2016 Neighborhood Networks, Inc. (“Neighborhood Networks”) filed an Application for Certificate of Public Convenience and Necessity to Provide Resold and Facilities Based Local Exchange Services within the State of Utah (the “Application”).

3. In paragraph 4 of its Application, Neighborhood Networks states:

“4. R746-349-3(A)(4). *Services to be offered. See 4.(c) below.*

4.(a) R746-349-3(A)(4)(a). *Classes of customers. The Applicant’s customer base will be residential and business customers in the State of Utah.*

4.(b) R746-349-3(A)(4)(b). Location of service. *Neighborhood Networks primarily will provide service in locations which are within the CenturyLink service areas in the State of Utah, but may also provide service within the state in other ILEC service areas if the demand arises. Therefore, the Applicant seeks statewide authority.*

4.(c) R746-349-3(A)(4)(c). Types of services to be offered. *The Applicant intends to offer local exchange and interexchange services through VoIP and will also offer fiber Internet and IPTV. Neighborhood Networks’ communications services will be available on a full-time basis, twenty-four (24) hours a day, seven (7) days a week.*

3. Sections 4(b) and 4(c) of the Application quoted indicate that Neighborhood Networks seeks statewide authority to provide local exchange and interexchange telecommunications services. While Neighborhood Networks states that it will primarily provide service in locations that are within the CenturyLink service areas of the State of Utah, Neighborhood Networks also states that it may provide service within the state in other ILEC service areas if the demand arises. Therefore, Neighborhood Networks is requesting “statewide authority” which would include all small rural exchanges within the State of Utah.

4. Subject to Utah Code Annotated Section 54-8b-2.1, competition within a local exchange with fewer than 5,000 access lines that is owned or controlled by an incumbent local exchange carrier serving fewer than 30,000 access lines, may be excluded if such exclusion is

found to be in the public interest.

5. Further, pursuant to Utah Code Annotated Section 54-8b-2.1 (3)(b), “each telecommunications corporation holding a certificate to provide public telecommunications service within the geographic area where the application is seeking to provide telecommunications service shall be provided notice of the application and granted automatic status as an intervenor.”

6. URTA and its Members do not believe it is in the public interest to grant Neighborhood Networks a CPCN to provide service in exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in the State of Utah.

7. URTA and its Members, as the incumbent local exchange providers in the rural areas of the State of Utah, have a substantial interest in this proceeding if Neighborhood Networks’ Application does not specifically exclude authority to provide service within the small rural exchanges. The issues to be considered by the Commission impact URTA’s Members’ business interests, operations, as well as the interests of the subscribers, residential and commercial, that the URTA Members serve in the rural exchanges. Those issues may also impact the URTA Members’ continued ability to provide enhanced telecommunications services to the subscribers the rural Utah exchanges.

8. Because Neighborhood Networks’ Application is, in fact, seeking statewide authorization including exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines, URTA and its Members are interested parties and should be granted intervenor status in this proceeding.

9. The interests of justice and the orderly conduct of these proceedings will not be

impaired by allowing URTA and its Members' participation. Neighborhood Networks' Application was recently filed February 18, 2016, and the Comment period as set by the Commission runs through March 18, 2016. Therefore, URTA and its Members' Comments are prompt and timely, and their intervention and participation will not delay the proceedings in any way.

10. Neighborhood Networks' Application should not include a request for authority to provide telecommunications services in exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines. Further, its CPCN, if otherwise granted by the Commission, should include limiting language so that Neighborhood Networks is **not permitted** to provide services in exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines.

11. URTA and its Members request that copies of all notices and filings in this docket should be served on the following:

Kira M. Slawson
BLACKBURN & STOLL, L.C.
Attorneys for URTA and its Members
257 East 200 South, Suite 800
Salt Lake City, UT 84111
Telephone: (801) 521-7900
Facsimile: (801) 521-7965

NOW THEREFORE, URTA and its Members respectfully request that the Commission enter an Order granting this Petition to Intervene in this docket and to participate to the full extent as allowed by law, including submission of testimony and calling of witnesses. URTA and its Members further respectfully request that the Commission limit any CPCN that may be granted in this matter to exclude exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines.

DATED this 4th day of March, 2016.

BLACKBURN & STOLL, L.C.

Kira M. Slawson
Attorneys for Utah Rural Telecom Association and
Its Members

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of March, 2016, I caused to be mailed a true and correct copy of the foregoing COMMENTS AND PETITION TO INTERVENE OF UTAH RURAL TELECOM ASSOCIATION AND ITS MEMBERS by email to:

Justin Jetter
Assistant Attorney General
Division of Public Utilities
jjetter@utah.gov

William Duncan
Division of Public Utilities
wduncan@utah.gov

Michele Beck
Office of Consumer Services
mbeck@utah.gov

Rex Olsen
Assistant Attorney General
Office of Consumer Services
rolsen@utah.gov

Danny A.C. Martinez
Utah Office of Consumer Services
dannymartinez@utah.gov

Johnathan Penberthy
Neighborhood Networks, Inc.
P.O. Box 970968
Orem, UT 84097
jp@neighborhoodnetworks.co

Carol Lisowski
Incompass Consulting Group, LLC
clisowski@incompasscg.com

s/Kira M. Slawson
Kira M. Slawson