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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**Applications of E Fiber Moab, LLC)
and E Fiber San Juan, LLC for Certificates)
of Public Convenience and Necessity) Docket No. 20-2618-01
to Provide Facilities-Based Local)
Exchange Service and Be Designated as Carriers)
Of Last Resort in Certain Rural Exchanges)**

**DECLARATION OF BROCK JOHANSEN IN OPPOSITION TO FRONTIER'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Brock Johansen, hereby declare as follows:

1. I am the Chief Executive Officer of Emery Telephone, Carbon/Emery Telcom, Inc., Hanksville Telcom, Inc., and Emery Telcom HC, Inc., the sole member of E Fiber Moab, LLC and E Fiber San Juan, LLC.
2. In my role a Chief Executive Officer since 2005, I have become familiar with the telecommunications industry and the evolution of telephone technology.
3. I have personal knowledge of the facts set forth herein and could testify to these facts if I were called to do so.
4. E Fiber plans to offer the same voice service that is offered to all the customers in the exchanges of Emery, Carbon, and Wayne counties by Emery Telephone, Carbon/Emery Telcom, Inc., and Hanksville Telcom, Inc.

5. We have defined this service as “carrier grade VoIP” for purposes of these Applications, but that just means that the service uses internet protocol, packet based technology at some points in the network to transmit or transport the voice signals.

6. Historically, telephone voice service was provided over copper wires using traditional circuit switched architecture. Traditional phones use an analog signal that originally required a continuous circuit between the calling and called party. With the advent of time-division multiplexing (TDM), individual channels could be derived on a common transmission facility and the use of circuit switching could establish temporary connections between TDM channels on different facilities. This allowed for more efficiency in the public switched telephone network.

7. Emery and its affiliates adopted TDM technology in its transport network.

8. TDM and circuit switching transport are now evolving to include packet-based internet protocol transport technology together with TDM technology.

9. We have found engineering and cost efficiencies can be recognized when offering voice services using IP technology in the transport portion of the network, but the service provided by Emery Telecom, and to be provided by E Fiber is not an interconnected voice over internet protocol service. It does not rely on, require, or utilize a broadband connection at the customer’s location.

10. Emery Telecom provides traditional telephone service across a state-of-the-art network. Customers connect to the network at a fixed location in their home using a network powered and battery backed up traditional telephone connected into a RJ11 jack. For those customers on copper facilities, this analog signal travels across twisted pair copper to access equipment in Emery Telecom offices or remote cabinets. The access equipment is connected to a

telephone Class 5 switch via fiber, across a dedicated private IP transport network. For customers on fiber facilities, the analog signal travels across the copper wire in the home to an Optical Network Terminal (“ONT”) that can be installed on the side of the home or placed inside the outer wall of the home to take advantage of the customer’s power and climate control. The ONT communicates with the switch through access equipment across a dedicated private IP transport network. Emery Telcom’s voice services are not dependent upon an Internet connection in the customer’s home.

11. If a call originates and terminates inside the Emery Telcom network, then the call never leaves the Emery Telcom network. For calls originating or terminating outside the Emery Telcom network, the Emery Telcom switch is connected to a designated tandem switch via one of two redundant transport systems: (a) a TDM transport system; or (b) an IP over a private peering connection transport system.

12. As a regular Class 5 switch, the Emery Telcom switch also has TDM direct trunks and IP dedicated direct trunks to other carriers. The switch also provides other Class 5 legacy phone services such as integrated service digital networks (“ISDN”), primary rate interface (“PRI”), or traditional direct inward dialing (“DID”) service over TDM. Emery Telcom delivers these other traditional telecommunication services over ports on the access equipment. This access equipment provides service between T1 endpoints, by taking the physical connection to the T1 signals and packetizing the T1s for transport over Ethernet. In addition to supporting IP protocols, Emery’s switch is compatible with traditional digital loop carrier (“DLC”) TDM signaling protocols.

13. The services to be provided by E Fiber will utilize the Emery Telcom switch and be provided exactly the same as the services provide by Emery Telephone, Carbon/Emery Telcom, Inc., and Hanksville Telcom, Inc.

14. Internet traffic on the Emery Telcom network is different. It is provided by a non-regulated affiliate and it originates on a customer's device connected directly to a home router through a residential gateway port or via WIFI. If the customer owns the home router it is connected to the ONT through a bridged ethernet port and receives a public IP address. In some models of the ONT there is a built in WIFI home router, and customers can connect to this router via WIFI or directly through the ethernet port and receive a private IP address. The ONT is connected to a core router that has peering directly to the public Internet.

15. A customer who has a broadband connection at her location could connect a VoIP phone to the home router and receive voice service from any provider connected to the public Internet, but in that instance would have a public IP or a private IP translated to a public IP for that voice device. This would be VoIP service that requires a broadband connection, but this is not the voice service the E Fiber entities will provide.

16. I have reviewed Frontier's Local Tariff filed with the Utah Public Service Commission and which was found on Frontier's website:

http://carrier.frontiercorp.com/crtf/tariffs/u/46/UT/local/Local_Tariff_UT.pdf

17. Frontier's Local Tariff includes a line extension policy in Schedule No. A-2, Sheets 2 and 3 which, are attached hereto as Exhibit 1, and provide, in pertinent part:

- C1 Cost Coverage Allowance
The utility will construct at its expense up to \$500.00 of outside plant facilities per applicant.
- C2 Applicants may, at the option of the utility, be required to execute a termination agreement in an amount equal to 12 months' exchange service in cases where no outside plant facilities are applicable.

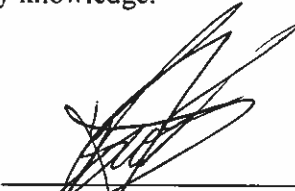
- C3 Outside plant facilities exceeding cost coverage allowance
 - D1 All outside plant facilities in excess of the cost coverage allowance is based upon the utility's actual costs
- C4 The utility may charge the applicant for any cost incurred in acquiring a suitable right-of-way when constructing plant on private property.
- C5 The utility may charge the applicant for any cost incurred when acquiring special permits to construct plant.
- B3 In those circumstances where extension to outside plant facilities exceeds \$2,500.00, in addition to any material or labor to be furnished by the customer, the customer will pay in advance one-half of the estimated total cost of the utility's construction as prescribed in R746-360-9(B) and as may be set forth in a contract executed between the utility and the customer. If costs exceed twice the state wide loop investment, as set forth annually by the Division of Public Utilities, pursuant to R746-360-9(B)(1), the customer must bear all remaining costs, except as ordered by the Commission.

18. The Frontier line extension policy is similar to the Emery Telephone line extension policy which is found at <https://emerytel.com/support/tariffs/Emery-Local-Tariff.pdf>, Sheets No. 17 and 49, and attached hereto as Exhibit 2.

19. By way of summary, Emery will extend lines at no charge if the cost of construction is less than 3 times the annual primary service revenue. If the total construction costs exceed 3 times the annual primary service revenue, the cost to the customer will be total costs less 3 times the total annual primary service revenue. This is the same line extension policy that E Fiber will adopt in its tariff.

20. I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct to the best of my knowledge.

Dated: August 25, 2020.



Brock Johansen
Chief Executive Officer Emery Telephone, and its
affiliates including Applicants

Exhibit 1
Frontier's Line Extension Tariff Sheets

SCHEDULE NO. A-2

OUTSIDE PLANT FACILITIES (continued)

APPLICABILITY

Applicable to services offered involving outside plant facility charges within exchange areas.

TERRITORY

Within the exchange areas of all exchanges as said areas are defined on maps filed as part of the tariff schedules.

RATES

| | | Nonrecurring Charge | (D) (D) |
|----|---|------------------------|------------|
| A1 | Nonrecurring facility charges | | |
| B1 | Aerial, or at utility's option, under-ground reinforcements ¹ to outside plant facilities along existing exchange circuits of this utility. | No charge ² | (T) (T) |
| B2 | Aerial, or at utility's option, under-ground outside plant facilities beyond existing exchange circuits of this utility | | |
| C1 | Cost Coverage Allowance | | |
| | The utility will construct at its expense up to \$500.00 of outside plant facilities per applicant. | | |
| C2 | Applicants may, at the option of the utility, be required to execute a termination agreement in an amount equal to 12 months' exchange service in cases where no outside plant facility charges are applicable. | | |

¹ See Condition A1 B3.

² Except as shown in Schedule A-2, Condition A1, B11.

(T)
(T)

SCHEDULE NO. A-2

OUTSIDE PLANT FACILITIES (continued)

RATES (continued)

A1 Nonrecurring facility charges (continued)

B2 (continued)

C3 Outside plant facilities exceeding cost coverage allowance

D1 All outside plant facilities in excess of the cost coverage allowance is based upon the utility's actual cost.

C4 The utility may charge the applicant for any cost incurred in acquiring a suitable right-of-way when constructing plant on private property.

C5 The utility may charge the applicant for any cost incurred when acquiring special permits to construct plant.

B3 In those circumstances where extension to outside plant facilities exceeds \$2,500.00, in addition to any material or labor to be furnished by the customer, the customer will pay in advance one-half of the estimated total cost of the utility's construction as prescribed in R746-360-9(B) and as may be set forth in a contract executed between the utility and the customer. If costs exceed twice the state wide loop investment, as set forth annually by the Division of Public Utilities, pursuant to R746-360-9(B)(1), the customer must bear all remaining costs, except as ordered by the Commission.

(N)
|
(N)

Exhibit 2
Emery Telephone's Line Extension Tariff Sheets

**EMERY TELEPHONE
P.S.C. UTAH NO. 2**

GENERAL RULES AND REGULATIONS (Cont'd)

E. ESTABLISHMENT AND FURNISHING OF SERVICE (Cont'd)

5. Maintenance and Repairs

The Company shall bear the expense of all repair and maintenance of its facilities, except where damage or destruction of its facilities is due to the gross negligence of the subscriber. In which case, the Company will bill the party(ies) responsible for damage to the Company's cable facilities at a rate of Fifty Dollars (\$50.00) per incident for cable sizes up to and including 6 pair. Cable sizes in excess of 6 pair will be billed at the Company's recorded time and materials. (T)
(N)

If in any calendar year an individual or entity is billed for cable damages in excess of three times; the Company may at its discretion impose an additional 50% penalty per occurrence. (N)

The subscriber may not rearrange, remove, or disconnect any Company facilities without consent of the Company.

6. Line Extensions

Lines will be extended to permanent customers in accordance with the guidelines established in the Construction Charge section.

Where required by the conditions, applicants may be required to provide to the Company suitable private right-of-way parallel to the public highway.

7. Unusual Installation Costs

When special conditions or special requirements of the subscriber involve unusual construction or installation costs, the subscriber may be required to pay a reasonably proportionate share of such cost.

Title to all facilities constructed and paid for wholly or in part by the subscriber is vested in the Company.

F. TELEPHONE DIRECTORIES

The Company will furnish to its subscribers, without charge, only such directories as it deems necessary for the efficient use of the service. Other directories will be furnished at the discretion of the Company at a reasonable charge.

**EMERY TELEPHONE
P.S.C. UTAH NO. 2**

CONSTRUCTION CHARGES (Cont'd)

2. LINE EXTENSIONS

Applicant at any premises receives only a single line extension to provide primary telephone service.

RATES

A. Line Extensions, Upgrades and Additions within the Base Rate Area:

1. Extensions necessary to provide Basic telephone service

No Charge

2. Additional Line Extensions and Upgrades

1. If the cost of construction is less than 3 times the annual primary service revenue.

No Charge

2. If cost of construction exceeds 3 times the annual primary service revenue

Total cost less 3 times the total annual primary service revenue.

3. The Telephone Company may require the applicant(s) to sign a minimum revenue guarantee for the cost of construction or three years local service revenue, whichever is less, in addition to the Line Extension Contract, if any.

B. Line Extensions and Upgrades outside the Base Rate Area:

1. If the cost of construction is less than 3 times the annual primary service revenue.

No Charge

2. If cost of construction exceeds 3 times the annual primary service revenue

Total cost less 3 times the total annual primary service revenue.

3. The Telephone Company may require the applicant(s) to sign a minimum revenue guarantee for the cost of construction or three years local service revenue, whichever is less, in addition to the Line Extension Contract, if any.

**Issued Date: 04/30/96
Advice No. 96-02
Docket# 96-042-T02**

Effective Date: June 01, 1996

By Gregory Killpack, Manager