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## UTAH DEPARTMENT OF COMMERCE

### Division of Public Utilities

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## Amended Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director  
Artie Powell, Manager  
Brenda Salter, Utility Technical Consultant Supervisor  
Shauna Benvegna-Springer, Utility Technical Consultant

**Date:** September 14, 2022

**Re:** **Docket No. 22-2201-01** 2021 Annual Report of Bear Lake Communications  
d/b/a CentraCom

## Recommendation (Approval)

Utah Public Service Commission of Utah ("Commission") is currently not making payments from the Utah Universal Service Fund ("UUSF") assistance to Bear Lake Communications d/b/a as CentraCom ("Company"). Based on the Company's 2021 Annual Report, the Company does not qualify for UUSF payment in the 2023 calendar year.

## Issue

On April 18, 2022, the Company filed its 2021 Annual Report for UUSF assistance. On the same day, the Commission issued an Action Request to the Division to provide analysis, evaluation results, and the basis for conclusions and recommendations regarding the Company's report. Under Commission Rule R746-8-401, the Division has reviewed the annual report, and the information complies with the Commission's rule for reporting requirements. The Division calculated the amount of UUSF eligibility to be zero (\$0.00) annually.

Division of Public Utilities

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## Background

Commission Rule R746-8-401 requires the Division to make annual recommendations to the Commission for adjustments to the monthly UUSF distribution to each provider based on an established Federal Communications Commission (“FCC”) rate of return (“ROR”) and the provider’s financial information from its last annual report filed with the Commission. This memorandum details the Division’s review of the UUSF distribution for the Company.

## Discussion

In calculating the UUSF eligibility for the Company, the Division noted the following:

- 1) Rate of Return – The FCC prescribed ROR effective July 1, 2021, to be 9.75%. This is the ROR the Division used for the revenue requirement calculation in this model.
- 2) State and Federal Income Tax – The Division used a federal tax rate of 21% and a Utah tax rate of 4.95% to estimate future income taxes included in the UUSF calculation.
- 3) Depreciation - The Company utilizes a group asset depreciation method. Depreciation expense could be affected by current or future rule changes regarding asset depreciation methodologies.
- 4) Federal USF Excluded Costs – The Company had no excluded costs from its FCC expenditures reported for 2021.
- 5) Excess Accumulated Deferred Income Tax (ADIT) – The Company utilized accelerated depreciation and has accumulated deferred income taxes. The change in the federal tax rate resulted in the Company accruing excess deferred income taxes (EDIT). EDIT is a deferred regulatory liability and should be returned to UUSF. Legislation that reduced federal taxes requires that a normalization method of accounting be used to amortize EDIT over the original life of the underlying assets for public utility property. The primary method provided in the legislation is the average rate assumption method (ARAM). The legislation further advised that EDIT should be returned no sooner than calculated utilizing ARAM, or the Company would be assessed federal penalties. Any penalties associated with the Company's treatment of EDIT would be an

excluded expense that could not be recaptured through UUSF. Please refer to the ARAM calculation tab on Exhibit 1 for the calculation and amortization amounts.

- 6) Wholesale Broadband – The Company discontinued using the NECA tariff in 2020. The Company provided wholesale broadband bundled access to its affiliate based on a rate above \$25 plus an access recovery charge (ARC).
- 7) Consumer Broadband – The Company provides Consumer Broadband Only Loop (CBOL). The CBOL rate is above the \$25 plus the ARC rate.
- 8) Reasons for Failure to Qualify -The revenue and expenses of the Company provided its operations with a substantial net income for 2021. The Annual Report Model projects the Company would be over-earning. Please refer to the Annual Report Revenue Requirement Tab.

## Conclusion

The Division recommends no change to the 2023 UUSF distribution for the Company to zero (\$0.00) annually, effective January 1, 2023.

cc: Chad Wray, Central Utah Telephone Company  
Mike Plows, Central Utah Telephone Company  
Brad Welch, Central Utah Telephone Company  
Eddie Cox, Central Utah Telephone Company