

SUPPLEMENTAL ACTION REQUEST

Date: September 29, 2023

FROM: Public Service Commission

Due: October 6, 2023*

SUBJECT: Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah – 2022 Annual Report, Docket No. 23-041-01; E Fiber Moab, LLC – 2022 Annual Report, Docket No. 23-2618-01; and E Fiber San Juan, LLC – 2022 Annual Report, Docket No. 23-2619-01
(Company Name, Case Number, etc.)

This is a request for the Division of Public Utilities (DPU) to provide analysis, evaluation results, and the basis for conclusions and recommendations regarding the following:

- Review for Compliance and Make Recommendations
- Review Application and Make Recommendations
- Review the Complaint and Indicate whether the DPU has a Recommendation
- Review Notice and Make Recommendations
- Review Request for Agency Action and Make Recommendations
- Respond in Accordance with the Notice of Filing and Request for Comments
- Investigate
- Other – Explanation and Statement of Issues to be Addressed (See Below):

Citizens Telecommunications Company of Utah d/b/a Frontier Communications of Utah (“Frontier”), and E Fiber Moab, LLC and E Fiber San Juan, LLC (“E Fiber”) are all subject to the requirements of R746-8-401. Regarding DPU's amended action request response dated September 26, 2023, about Docket No. 23-041-01, and DPU's action request responses dated September 1, 2023, about Docket Nos. 23-2618-01 and 23-2619-01 (“DPU's Responses”), please address the following issues:

*In the event the PSC issues an order or notice providing dates for comments and/or testimony in this docket:

- The DPU shall respond consistent with the order or notice;
- The order or notice, including any deadlines, shall supersede and replace this action request; and
- This action request shall be deemed withdrawn.

(1) Did Frontier's filing fully comply with the Rules' requirements (including R746-8-401(1)(b) which requires the provider to be compliant with PSC orders and rules (including R746-349-10(9)(a)(iv)) to be eligible for UUSF support);

(2) identify specifically where the claimed ambiguity lies in support of the statement in DPU's September 26, 2023 amended action request response in Docket No. 23-041-01 that the amended "rule is still ambiguous[]" and it does not clearly determine whether both COLRs should receive full USF support, or limited support and on what basis" in light of R746-8-401(1)(b) and R746-349-10(9)(a)(iv);

(3) articulate how DPU reconciled this claimed ambiguity to arrive at its recommended conditional approval amount to Frontier and adjusted distribution amounts to E Fiber, i.e., explain the analysis DPU used to determine what facilities were eligible for UUSF support; and

(4) given the application of the requirements in R746-8-401(1) to Frontier and E Fiber, did DPU's Responses expressly analyze and apply R746-349-10, including specifically (9)(a), as it relates to those entities?

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