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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Utah Administrative Code R746-8)	Docket No. 21-R008-04
)	
)	COMMENTS OF UTAH RURAL
)	TELECOM IN RESPONSE TO THE
)	REVISED R746-8 PUBLISHED IN
)	THE UTAH STATE BULLETIN ON
)	NOVEMBER 15, 2021

Utah Rural Telecom Association (“URTA”) on behalf of its 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, Gunnison Telephone Company, Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications Inc. (dba Strata Networks), and Union Telephone Company, hereby files these Comments in support of the revised R746-8 that were attached as Exhibit A, to the Utah Public Service Commission’s (“Commission”) Revised Notice of Proposed Rule Amendment issued on November 10, 20221 in this docket and the revised rules that were published in the State Bulletin on November 15, 2021. These revised rules propose to revise R746-8-100, R746-8-200, R746-8-301, R746-8-401, R746-8-403, R746-8-404, and R746-8-405.

URTA, on behalf of its members, supports the administrative rule revisions contained in R746-8, which were published in the Utah State Bulletin on November 15, 2021.

I. PROCEDURAL HISTORY

On July 2, 2021, the Division of Public Utilities (the “Division”) filed with the Utah Public Service Commission (“Commission”) a Request for Agency Action (“Request”), asking the Commission to update and modify the rules related to the Utah Public Telecommunications Service Fund (“UUSF”). The Division’s Request asked the Commission to:

- Codify current operating procedures in rule;
- Establish a standard amount that would be imputed to rate-of-return regulated carriers of last resort for the use of their local loops for broadband only service; and
- Establish a reduced wholesale rate for broadband only service for qualifying low-income customers.

The Commission established a Comment cycle which permitted stakeholder comments and discussion. The Division, the Office of Consumer Services, and URTA provided Comments and Reply Comments. After review of the Comments, the Commission published the proposed Rule R746-8 (“Proposed Rule”) in the Utah State Bulletin on November 15, 2018. Public Comments on the Proposed Rule are due December 15, 2021.

URTA COMMENTS

As indicated above and as the Commission is aware, URTA previously provided two rounds of Comments to the Commission prior to the Commission’s publication of the Proposed Rule in the Utah State Bulletin. URTA supports the Proposed Rule as drafted. The proposed

changes to R746-8-200 modify and add specificity to the defined terms which are used in R746-8-401. Specifically, the modifications add detail to the depreciation process and approved methods of depreciation. These modifications codify the current operating procedures used by the Division and the Commission in reviewing the annual reports of rate-of-return regulated carriers of last resort and determination of UUSF eligibility and disbursements. The proposed modifications provide regulatory certainty, transparency, and consistency to the application of Utah Code 54-8b-15 and Utah Admin. Code R746-8. URTA supports these modifications and the language published in the Utah State Bulletin.

Additionally, the modifications to R746-8-401, subsection (2), establish that the Commission will generally impute \$25 per line per month to the rate-of-return regulated carrier of last resorts for use of their local loops for broadband service by an internet service provider (“ISP”). Establishment of this imputation ensures consistency amongst the rate-of-return regulated carriers of last resort and helps to preserve the UUSF by ensuring that regulated rate-of-return carriers of last resort will receive a minimum amount from ISPs for use of the local loops for broadband only service. URTA supports this rule change and the language published in the Utah State Bulletin.

Finally, URTA supports the modifications to R746-8-401, subsection (4). This new provision establishes a way for rate-of-return regulated carriers of last resort’s networks to be utilized to provide a low-cost broadband essentials service offering for low-income qualifying households. Affordability continues to be an impediment to broadband adoption and URTA believes this rule change will have a significant positive impact on the affordability of broadband in rural Utah. URTA supports this rule change and the language published in the Utah State Bulletin.

CONCLUSION

URTA appreciates the opportunity to work with the Division, the Office, the Commission and the stakeholders on these rules. URTA fully supports the Proposed Rule as published.

Dated this 15th day of December, 2021.

BLACKBURN & STOLL, LC



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Association

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 2021, I served a true and correct copy of URTA Comments in Response to UURS R746-8 Rule Published in the State Bulletin, In the Matter of the Utah Administrative Code R746-8, Docket No. 21-R008-04 via e-mail transmission to following persons at the e-mail addresses listed below:

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