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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION FOR CREATION OF A TELECOM WORKING GROUP TO ADDRESS POSSIBLE STREAMLINED PROCEDURES FOR APPROVING CHANGES MANDATED BY THE FCC	UTAH RURAL TELECOM ASSOCIATION'S REQUEST FOR CLARIFICATION OF PSC ORDER AND NOTICE OF SCHEDULING CONFERENCE DATED JULY 11,2012 DOCKET NO. 12-999-05
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The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members, All West Communications, Inc., Bear Lake Communications, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, Emery Telcom, Inc., Gunnison Telephone, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications, Inc., and Union Telephone (“URTA members”) requests clarification on the Order Dated July 11, 2012 from the Utah Public Service Commission (“Commission”).

BACKGROUND

On May 18, 2012 the Division of Public Utilities filed a Request for Agency Action seeking a technical conference to address the new requirements imposed by the Federal

Communications Commission (FCC) Report and Order (the “Transformation Order”) reforming the Universal Service Fund and Intercarrier Compensation regulatory schemes. According to the Notice of Technical Conference, the proposed docket “would also provide a venue for interested parties to make recommendations regarding possible streamlined procedures for implementing FCC mandated changes, requests for increased disbursements from the state Universal Public Telecommunications Service Support Fund, as well as other items submitted in comments from interested parties.”

On June 21, 2012, the Office of Consumer Services (“OCS”) filed a response to the Division’s Request for Agency Action. The OCS response suggested the Division’s Request for Agency Action did not comply with the Utah Administrative Procedures Act because it failed to explain the purpose of the adjudication, stating facts and reasons forming the basis of the relief or action sought from the Commission. (*OCS Response*, p.2). The OCS suggested that the Request for Agency Action, and the Order granting the Technical Conference “set the stage for an uncertain process by which to resolve issues yet to be defined.” (*OCS Request*, p.4).

The OCS, in its Request, further suggests that an investigation or study group to look into matters raised in the Transformation Order would be a better approach. The OCS requests that the Commission direct the Division to revise and refile the Request to initiate an investigation or study of the issues posed in the Transformation Order, and that the Division should serve notice of the investigation on all parties known to have an interest in these issues. The OCS further suggests that the Commission should take no further action on the Division’s Request “*except for the receipt of comments which parties may but need not file and would in any event be considered preliminary.*”

In response to the OCS' Request, the Division withdrew its Request for Agency Action on July 5, 2012. Thus, as the matter currently stands procedurally, the Request for Agency Action has been withdrawn. However, on July 11, 2012, the Commission issued an Order indicating that the Technical Conference scheduled for July 19, 2012, will not be a Scheduling Conference to discuss "the initial written comments of the parties filed on July 11, 2012, and to hold a preliminary discussion of what, if any, action the Commission should take in response to the FCC Transformation Order."

REQUEST FOR CLARIFICATION

As a result of the withdrawal of the Division's Request for Agency Action, and in light of the OCS's Request for Dismissal URTA requests clarification regarding the following:

1. Precisely what this docket/proceeding is intended to accomplish? Will this be a formal adjudicative proceeding? Will it be a study or investigation?
2. The Commission's July 11, 2012 Order suggests that "initial written comments of the parties filed on July 11, 2012," will be discussed at the Scheduling Conference, as will "what, if any, action the Commission should take in response to the FCC Transformation Order", please clarify the following regarding the Comments and the Scheduling Conference:
 - a. Is the purpose of the comments to identify actions required by the Commission in the Transformation Order? Clearly the FCC Transformation Order contains mandates to the State Commissions. Is the purpose of this docket for the parties to identify those requirements for the Commission?

b. Or, should the comments address actions that the parties would like the Commission to take in light of the Transformation Order, but which are not required specifically by the Transformation Order?

c. If an issue is not raised in the “initial comments” will parties have an opportunity to raise such issue at a later date in another comment period after the Scheduling Conference? In other words, is filing of initial comments required for participating in this docket?

CONCLUSION

As a result of the initial Request for Agency Action being withdrawn by the Division and the Request filed by the OCS, clarification by the Commission of the purpose of this docket and the comments expected would be helpful to URTA.

Respectfully submitted this 11th day of July, 2012.

BLACKBURN & STOLL, LC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request for Clarification was provided by electronic mail on July 11, 2012 to the following parties believed to have an interest in the proceeding:

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