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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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Supplemental 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
Justin Christensen, Utility Analyst

Date: September 15, 2022

Re: **Docket No. 22-999-13, ELIGIBLE TELECOMMUNICATIONS CARRIERS' CERTIFICATION INFORMATION** Annual 47 CFR § 54.314 Certification of Eligible Telecommunications Carriers to the Federal Communications Commission and the Universal Service Administrative Company

Recommendation (Approve)

Consistent with the Division of Public Utilities' (Division) prior year recommendation, the Division recommends the Public Service Commission of Utah (Commission) support E Fiber Moab LLC and E Fiber San Juan LLC's request for certification of eligibility to receive federal high-cost support by submitting a timely certification letter to the Federal Communication Commission (FCC) and Universal Service Administration Company (USAC).

Issue

Pursuant to 47 C.F.R § 54.314, the Commission is required to certify that all rural carriers within its jurisdiction will use Federal Universal Service Funds (USF) "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended," as required by 47 U.S.C. 254(e). This certification may be in the form of a letter to the FCC

Division of Public Utilities

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regarding the carriers' compliance and is due to the FCC and USAC by October 1, 2022, clearly referencing **WC Docket 10-90**.

Discussion

Certification

As of September 14, 2022, the Commission has received comparability statements from both companies regarding Broadband and Voice services. Statements on functionality in emergency situations was provided as well. A copy of an email was provided to the Division that USAC confirmed that E Fiber Moab and E Fiber San Juan are not obligated to file an FCC Form 481 until 2023. The companies stated they will file one next year.

ILEC Companies: Company Name (Exchange Carrier Study Area Code)

E Fiber Moab, LLC (509025)

E Fiber San Juan, LLC (509027)

In conducting this investigation, the Division has reviewed the information provided by the companies. For the ILEC companies each of their Annual Reports to the Commission was also reviewed.

In the Division's review, emphasis was placed on compliance to the following three requirements:

1. **Broadband Services Rate Comparability (Line 1030)**

Pursuant to 47 C.F.R § 54.3139(a)(3) the companies outlined in the report that the rates charged for Broadband services are no higher than the most recent applicable benchmark announced by the Wireline Competition Bureau.

2. **Voice Services Rate Comparability (Line 1010)**

Pursuant to 47 C.F.R. § 54.313(a)(6) and 47 C.F.R. § 54.202(a)(2) companies must indicate its services meet the requirement to provide voice services at rates no more than two standard deviations above the national average urban rate for voice service.

3. **Functionality in Emergency Situations (Line 610)**

Pursuant to 47 C.F.R. § 54.313(a)(6) and 47 C.F.R. § 54.22(b)(4) as set forth in 47 C.F.R. § 54.202(a)(2) companies must indicate it meets the requirements to remain functional in emergency situations.

Based on its review, the Division concludes the companies are in compliance with these three requirements.

Conclusion

The Division recommends the Commission support E Fiber Moab LLC and E Fiber San Juan LLC's request for certification of eligibility to receive federal high-cost support by submitting a timely certification letter to the FCC and USAC.

cc: Brock Johansen, CEO, Carbon Emery Telcom/Emery Telcom, Inc./Hanksville Telecom