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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**Investigation Re: Utah Universal Public
Telecommunications Support Fund
Disbursements**

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Docket No. 24-999-10

**URTA’S STATEMENT REGARDING CONFIDENTIALITY OF REQUESTED
INFORMATION**

The Utah Rural Telecom Association ("URTA"), on behalf of its member companies, All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telcom, Inc. Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, E Fiber Moab, LLC, E Fiber San Juan, LLC, Emery Telephone, Gunnison Telephone Company, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telcom, Inc., South Central Utah Telephone Association, Inc., and UBTA-UBET Communications Inc. dba Strata Networks¹ (the "URTA Members"), submits this Statement Regarding Confidentiality of Requested Information in response to the Utah Public Service Commission's ("Commission") Notice of Partial Postponement of Technical Conference issued June 16, 2026 ("Notice of Partial Postponement").

I. INTRODUCTION

In its June 16, 2026 Notice of Partial Postponement, the Commission directed URTA to provide a more detailed explanation as to why certain non-BEAD-related information identified in the Commission's May 21, 2026 Notice of Technical Conference ("May 21 Notice") should be considered confidential and excluded from the public record. URTA appreciates the opportunity to provide additional explanation.

As explained in URTA's previously filed Statement and Request for Clarification filed June 2, 2026, URTA and the URTA Members remain uncertain regarding the precise information

¹ Union Telephone Company has withdrawn as a member of URTA.

the Commission ultimately seeks because several questions contained in the May 21 Notice appear to assume accounting and operational constructs that may not correspond to the existing statutory and regulatory framework governing the Utah Universal Public Telecommunications Service Support Fund ("UUSF"). Nevertheless, URTA understands that the Commission's questions may implicate company-specific information including Annual Report information, revenues, expenses, customer counts, network deployment plans, future investment plans, and similar operational and financial information. To the extent such information is requested, URTA submits that the information may constitute protected trade secret information, commercial information, and nonindividual financial information under Utah law and should be treated by the Commission as confidential.

II. APPLICABLE LEGAL STANDARDS

Utah Code § 63G-2-305 identifies several categories of protected records relevant to the information potentially impacted by the May 21 Notice. First, Utah Code Section 63G-2-305(1) protects trade secrets. Utah Code Section 13-24-2 defines "trade secrets" as "information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- (a) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Depending upon the scope of the information sought, as demonstrated below, the RILEC's responses may involve trade secret which should be protected by the Commission under Utah Code §13-24-2 and §63G-2-305(1).

Second, Utah Code § 63G-2-305(2) protects commercial information and nonindividual financial information where disclosure could reasonably be expected to result in unfair competitive injury to the person submitting the information; or impair the ability of a governmental entity to obtain necessary information in the future. As demonstrated below, several of the categories of information constitute commercial information and nonindividual financial information that warrants protection under Utah Code § 63G-2-305(2).

III. CATEGORIES OF INFORMATION

URTA and the URTA Members do not contend that every category of information identified in the May 21 Notice will necessarily qualify under every protected-record classification. Rather, because the precise scope of the requested information remains unclear,

URTA seeks to identify the bases upon which responsive information may qualify for confidential treatment.

A. Revenue, Expense, and Annual Report Information

Company-specific revenues, capital expenditures, operating expenses, maintenance expenses, depreciation, plant investment information, and similar financial information provide a detailed picture of a carrier's business operations, cost structure, financial condition, operating practices, investment priorities, and network economics. Public disclosure of this information would provide valuable information to competitors,² vendors, transport providers, contractors, lenders, potential acquirers, wholesale customers, and other third parties concerning the carrier's business operations and financial condition. Such parties could use the information in commercial negotiations, pricing decisions, acquisition evaluations, investment decisions, network planning, or other business activities to the detriment of the RILECs. Additionally, disclosure of carrier-specific financial, operational, and network information may provide valuable intelligence to existing or prospective communications providers evaluating service offerings, expansion opportunities, infrastructure investments, or competitive strategies within or near a carrier's service territory. The RILECs do not publicly disclose this information, and it is maintained as confidential business information in the ordinary course of business. Accordingly, this information constitutes commercial information and nonindividual financial information under Utah Code § 63G-2-305(2) and should be protected from public disclosure.

Additionally, for many years, rural telecommunications providers have submitted detailed annual reports containing company-specific revenues, expenses, plant investment information, depreciation, customer information, and other financial and operational data to the DPU and Commission as part of the UUSF disbursement process under Utah Code §54-8b-15, Utah Administrative Code R746-1-401, and R746-400. The Annual Report is not merely a collection of individual data points. Rather, it is a comprehensive compilation of financial, operational, plant, revenue, expense, customer, and investment information submitted for regulatory purposes. Disclosure of the report as a whole would reveal substantially more about a carrier's business operations and financial condition than any individual data element viewed in isolation. For this reason, the Annual Reporting forms utilized by the DPU expressly identify such information as confidential, and such information is treated confidentially in Data Requests and hearings before the Commission. While the designation contained in the reporting forms or the Data Requests is not itself dispositive, it reflects the longstanding regulatory understanding that company-specific UUSF reporting information constitutes confidential business information that is not intended for public dissemination.

B. Customer Information

Similarly, Customer counts and take rates, particularly when reported at the exchange level, service-area level, or by service category, reveal commercially sensitive information

² While RILECs historically operated as monopoly providers of traditional wireline voice service within their certificated service areas, today's communications marketplace includes a variety of communications providers utilizing different technologies, including mobile wireless, fixed wireless, satellite, cable, and other wireline networks.

regarding customer penetration, service adoption, customer concentration, and market characteristics. Many URTA Members serve relatively small rural service territories. In such circumstances, disclosure of customer information can reveal very granular operational and market information that is not otherwise publicly available. Again, the URTA Members have historically considered this information confidential and proprietary and have taken steps to protect this type of customer information. Because customer counts and take-rate information are not publicly disclosed and are maintained as confidential business information in the ordinary course of business, they constitute commercial information and nonindividual financial information under Utah Code § 63G-2-305(2) and should be protected from public disclosure.

C. Network Deployment, Broadband Infrastructure Information, and Future Investment Information

Finally, information concerning network deployment plans, broadband infrastructure investments, anticipated capital expenditures, projected maintenance activities, planned infrastructure/network upgrades, engineering analyses, construction priorities, and future investment plans is among the most commercially sensitive categories of information maintained by the URTA Members. To the extent responsive information includes engineering analyses, deployment strategies, construction plans, network expansion priorities, investment methodologies, forecasting models, or similar proprietary planning information, such information may constitute trade secret information protected under Utah Code § 63G-2-305(1). Such information derives independent economic value from not being generally known and is maintained by the companies as confidential and proprietary business information.

In addition, network deployment information constitutes commercial information within the meaning of Utah Code § 63G-2-305(2). A telecommunications provider's deployment plans reflect management's assessment of existing network capabilities, anticipated customer demand, infrastructure deficiencies, construction priorities, available capital, and long-term business strategy. Disclosure of this information would provide third parties with insight into how an RILEC intends to allocate its capital resources, prioritize its network investments, expand its facilities, and generally respond to market conditions. Public disclosure of this information can reasonably be expected to result in unfair competitive injury to the RILEC and competitive advantage to the third party. Existing or prospective competitors could use such information to identify areas targeted for future investment, assess perceived market opportunities, anticipate network expansion activities, and strategically direct their own deployment efforts. Likewise, vendors, contractors, wholesale customers, transport providers, lenders, grant applicants, and other market participants could utilize the information to gain insight into the RILEC's anticipated construction activities, infrastructure needs, capital spending priorities, and operational plans.

The potential for competitive injury is particularly significant in the context of broadband deployment. Information concerning planned network expansions, upgrade schedules, fiber deployment priorities, and future infrastructure investments may reveal where a carrier intends to deploy facilities, improve service capabilities, or commit capital resources in the future. Such information is not generally available to the public and is protected by the carriers because public disclosure of such information would provide valuable insight into the carrier's strategic business

planning and long-term operational objectives. Moreover, disclosure of network deployment information may reveal substantially more than the location of planned facilities. When considered together with publicly available information, deployment plans can reveal management's assessment of market demand, anticipated customer growth, expected service adoption, infrastructure constraints, projected returns on investment, and other proprietary business judgments that are central to the carrier's competitive position and long-term business strategy.

As a result, network deployment plans, broadband infrastructure information, and future investment plans constitute protected trade secret information, commercial information, and nonindividual financial information under Utah Code § 63G-2-305 and should be afforded confidential treatment by the Commission.

D. Impairment of the Commission's and DPU's Ability to Obtain Information

Utah Code § 63G-2-305(2) also recognizes that certain information may be protected where disclosure would impair the ability of a governmental entity to obtain necessary information in the future. The Commission and the DPU have historically received detailed company-specific financial and operational information from rural telecommunications providers in connection with UUSF administration and oversight. To the extent RILECs reasonably believe that sensitive business information submitted for regulatory purposes may become publicly available, companies may be less willing to voluntarily provide supplemental information beyond that expressly required by statute, rule, or Commission order. URTA respectfully submits that preserving appropriate protections for company-specific commercial, financial, and planning information serves the public interest by facilitating the Commission's and DPU's continued access to complete and candid information necessary to perform their regulatory responsibilities.

IV. CONCLUSION

For the reasons set forth above, URTA respectfully submits that company-specific Annual Report information, revenues, expenses, customer counts, network deployment plans, future investment plans, and similar operational and financial information potentially implicated by the May 21 Notice constitutes protected commercial information, nonindividual financial information, proprietary business information, and, where applicable, trade secret information under Utah Code §§ 63G-2-305 and 13-24-2. The RILECs customarily maintain this information as confidential and do not publicly disclose it. Accordingly, the information should be afforded protected treatment and withheld from public inspection pursuant to Utah Code § 63G-2-305 and Rules R746-1-602 and R746-1-603 of the Utah Administrative Code.

Respectfully submitted this 24th day of June, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of UTAH RURAL TELECOM ASSOCIATION'S STATEMENT OF CONFIDENTIALITY, Docket 24-999-10, was served the 24th day of June, 2026 as follows:

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