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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**IN THE MATTER OF THE UTAH
DIVISION OF PUBLIC UTILITIES’
PETITION FOR INCREASED USE
DISTRIBUTIONS TO HANKSVILLE
TELCOM, INC.**

Docket No. 14-2303-01

COMMENTS OF
UTAH RURAL TELECOM ASSOCIATION
AND CONDITIONAL PETITION TO
INTERVENE

The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members, All West Communications, Inc., Bear Lake Communications, Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, Emery Telcom, Inc., Hanksville Telcom, Inc., Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications, Inc., and Union Telephone (“URTA members”)¹ hereby files these comments in the above-entitled matter and conditionally petitions the Public Service Commission (“Commission”) for intervention pursuant to Utah Code Ann. § 63G-04-207 and Utah Admin. Code R746-100-7. As grounds for such intervention, URTA states that its members have legal rights or interests that are or may be substantially affected by these proceedings, that there are facts which support this position detailed below, and that URTA

¹ Manti Telephone Company is a member of URTA, but it is the Petitioner in this docket and is therefore not included on this list.

requests that it be allowed intervention on behalf of its members in the event the Commission determines to consider the Office's request to define a standard expedited application process.

COMMENTS

On May 21, 2014, the Utah Division of Public Utilities ("Division"), pursuant to Utah Code Ann. §§ 54-8b-15, 63G-4-201, and Utah Admin. Code R746-100, submitted to the Public Service Commission of Utah ("Commission"), a Petition requesting approval of increased Utah Universal Telecommunication Service Support Fund ("USF") distribution to Hanksville Telcom, Inc. ("Hanksville"). On June 10, 2014, the Commission issued a Scheduling Order and Notice of Hearing which provided that initial comments would be due on or before July 21, 2014, with reply comments due August 5, 2014. The intervention deadline in this case is July 25, 2014.

On July 18, 2014, Hanksville filed comments in support of the Division's Petition. On July 21, 2014, the Office of Consumer Services filed its comments on the Division's Petition. URTA and its Members have reviewed the Comments filed in this matter. URTA and its Members have no concerns with the Division's Petition and Hanksville's comments thereon. However, URTA and its Members are concerned with the Comments filed by the Office in this matter. While the Office supports the Petition filed by the Division in this matter and does not oppose the requested USF Distribution for Hanksville, the Office, in its Comments appears to request that the Commission consider establishing a standard expedited application process for expedited USF Distribution cases.

Specifically, the Office has outlined several "parameters and criteria" that it believes should be required for expedited UUSF filings, including:

- 1) Filing Frequency;
- 2) Revenue Requirement Templates;
- 3) Supporting Documentation;
- 4) Historical Test Period;

- 5) Impute Revenues for Affordable Base Rate;
- 6) Generic ROR Criteria;
- 7) Fiber/Broadband/DSL Compensatory Treatment;
- 8) No (or Limited Dollar Amount) Recovery of Consulting Fees Related to Expedited Application;
- 9) Disclosure of Affiliate Transactions;
- 10) Detailed Depreciation Information;
- 11) Public and Transparent Data.

URTA and its Members do not believe that it is necessary for the Commission to adopt any separate rules and or procedure for consideration of expedited USF distributions and/or rate case petitions. It would appear that the Division has conducted a detailed and thorough review of the Hanksville operations and has recommended an increase in USF based on such review and audit procedure. Therefore, it would not appear that any separate process, rules, or procedure is necessary or required under the current Utah Code and/or Administrative Rules.

If, however, the Commission is, in fact, going to consider adopting any rules regarding an expedited process and/or procedure for USF distribution or rate case petitions, there are significant issues that need to be discussed, considered and briefed with regard to the Office's substantial list of "process requirements" as set forth above. URTA and its Members believe it would be more appropriate to address those issues in a separate rulemaking docket, rather than in this Docket, to afford all interested parties the opportunity to participate in such rulemaking activities and fully address each "process requirement" suggested by the Office. URTA and its Members have significant concerns with some of the suggested requirements and would like the opportunity to fully address such concerns. If the Commission is going to consider these issues, the Commission should establish a separate schedule to allow a full, fair and comprehensive evaluation of the issues at hand, permitting the interested parties to thoroughly participate in the process. URTA and its Members do not believe that this Hanksville Docket 14-2303-01 is the appropriate docket to

address these matters. If, however, the Commission does consider these procedural issues in this Docket, URTA and its Members request intervention, and request a Scheduling Conference, in this matter so that they can fully participate in such rulemaking process.

CONDITIONAL PETITION TO INTERVENE

In the event that the Commission determines to address the process and/or procedure for expedited USF distribution and/or rate case petitions as suggested by the Office, URTA and its Members Petition the Commission for Intervention in this Docket 14-2303-01.

1. URTA is a Utah non-profit corporation. URTA members are local exchange carriers providing public interstate and intrastate telecommunications services in Utah pursuant to certificates of public convenience and necessity issued by this Commission. URTA members' rates for intrastate service are regulated by this Commission. Additionally, the URTA Members' eligibility for Utah Universal Service Fund distributions is regulated by this Commission.

2. Any consideration of establishing uniform rules and/or procedures regarding USF disbursement and/or rate case petitions will have a direct effect on the URTA members, and could have a substantial impact on the URTA members. Therefore, if the Commission decides to address these process and/or procedure considerations in this Docket, URTA and URTA members will have a significant interest in this matter and their legal rights or interests may be substantially affected by the outcome of the issues in this docket.

3. The interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing URTA to intervene.

4. URTA requests that copies of all notices and filings in this docket be served on:

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Please serve notices and filings electronically whenever possible.

NOW THEREFORE, URTA and its Members do not believe that a uniform process or procedure is required, or that new rules should be promulgated. with regard to USF Distribution and/or rate case petitions. Rather URTA and its Members believe that the current rules permit the Division to work with each company, including review of each company's books, records, and operations, as needed, and to petition the Commission for any necessary changes to USF Distribution and/or rates. URTA and its Members certainly do not believe that this Docket is the appropriate docket to promulgate such rules. However, in the event that the Commission determines to consider the Office's request to establish a uniform process and/or procedure for expedited USF distribution and/or rate cases, URTA respectfully requests that the Commission enter an Order granting URTA's petition to intervene in this docket allowing URTA and URTA members to participate to the fullest extent allowed by law. In such event, URTA and its Members further request that the Commission have a Scheduling Conference to set a schedule for consideration of these issues.

Dated this 25th day of July, 2014.

BLACKBURN & STOLL, LC



Kira M. Slawson
Attorneys for Utah Rural Telecom Association

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Utah Rural Telecom Association's Comments and Conditional Petition to Intervene was transmitted electronically (email) on this the 25th day of July, 2014, to the following:

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