

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of Emery Telephone's  
Application for an Increase in Utah  
Universal Service Fund Support

DOCKET NO. 15-042-01  
SCHEDULING ORDER ON  
PETITION FOR INTERVENTION

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ISSUED: August 25, 2015

On July 27, 2015, AT&T Companies (AT&T) petitioned for leave to intervene in this docket. The petition for intervention was timely.<sup>1</sup> In its petition, AT&T claimed an interest in this matter as a contributor to the Utah Universal Service Fund (UUSF), arguing that a disbursement to Emery Telephone (Emery) might ultimately increase the surcharge that AT&T is required to collect from its customers and contribute to the fund.

On August 12, 2015, both Emery and the Division of Public Utilities (Division) opposed intervention, arguing that AT&T has no direct financial responsibility to the UUSF and that intervention by a direct competitor would inevitably complicate the proceeding.

In responding to the opposition, AT&T claimed a further interest as a competitor of Emery. Specifically, AT&T stated that it seeks to ensure that disbursements from the UUSF are not used to subsidize Emery's non-basic services or to facilitate operations of its unregulated affiliates, thus allowing Emery to undercut rates charged by competitors that do not have access to the UUSF.

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<sup>1</sup> Pursuant to the May 11, 2015 amended scheduling order issued in this matter, the intervention deadline is August 28, 2015.

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AT&T should have raised its interest as a competitor in its petition for intervention. Where it failed to do so, the Commission finds it necessary to allow the parties of record an additional period of time to respond to the intervention request.

ORDER

If the Division, Emery, or the Office of Consumer Services wishes to respond to AT&T's claimed competitive interest in this matter, it shall do so by **Monday, August 31, 2015**. No further briefing will be allowed.

DATED at Salt Lake City, Utah, this 25<sup>th</sup> day of August, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary

DW#268733

CERTIFICATE OF SERVICE

I CERTIFY that on the 25<sup>th</sup> day of August, 2015, a true and correct copy of the foregoing, was served upon the following as indicated below:

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