

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of
Carbon/Emery Telcom, Inc. for an Increase
in Utah Universal Service Fund Support

DOCKET NO. 15-2302-01

ORDER ON THE JOINT MOTION OF
CARBON/EMERY TELCOM, INC.,
THE OFFICE OF CONSUMER
SERVICES, AND THE DIVISION OF
PUBLIC UTILITIES TO WITHDRAW
MOTION FOR PARTIAL SUMMARY
JUDGMENT, MOTION FOR
EXPEDITED BRIEFING SCHEDULE,
AND RELATED TESTIMONY

ISSUED: September 21, 2015

On September 11, 2015, Carbon/Emery Telcom, Inc. (Carbon/Emery) filed a motion for partial summary judgment regarding the proper allocation of shared resources between regulated and non-regulated services. Carbon/Emery's motion disputed, and requested dispositive treatment of, certain testimony filed by witnesses for the Office of Consumer Services (Office). Carbon/Emery also filed a motion for an expedited briefing schedule on its motion for summary judgment.

Thereafter, the parties succeeded in resolving the dispute. As such, on September 18, 2015, Carbon/Emery, the Office, and the Division of Public Utilities¹ jointly filed the instant motion so as to accomplish the following:

- to withdraw the September 11, 2015 motion for summary judgment;
- to withdraw the September 11, 2015 motion for an expedited briefing schedule on the motion for summary judgment; and

¹ On September 18, 2015, The Utah Rural Telecom Association (URTA) was granted leave to intervene in this docket. However, URTA did not participate in the joint motion under review in this order.

- to strike the Office's recommendation that Carbon/Emery be required to allocate a larger percentage of its fiber and internet-related costs to its nonregulated affiliates.

ORDER

Based on the foregoing, the Commission grants the parties' joint motion.

Carbon/Emery's September 11, 2015 motion for summary judgment is dismissed.

Carbon/Emery's September 11, 2015 motion for an expedited briefing schedule on the September 11, 2015 motion for summary judgment is dismissed. The Office's testimony headed "Adjustment BCO-1: Allocate Fiber/Internet-Related Costs from Carbon to Nonregulated Operations" is stricken.

DATED at Salt Lake City, Utah, this 21st day of September, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#269421

CERTIFICATE OF SERVICE

I CERTIFY that on the 21st day of September, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

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