

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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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  
AMENDED 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

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ISSUED: October 26, 2015

This amended order is issued pursuant to a joint request of the parties for clarification of the Commission's September 25, 2015 order.

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On September 11, 2015, Carbon/Emery Telcom (Carbon/Emery) filed a motion for partial summary judgment regarding the Office of Consumer Services' (Office) proposed adjustment as to the proper allocation of fiber and internet-related costs between regulated and non-regulated services; i.e., "Adjustment BCO-1." 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 raised by the motion. As such, on September 18, 2015, Carbon/Emery, the Office, and the Division of Public Utilities<sup>1</sup> jointly filed the instant motion so as to accomplish the following:

- to withdraw the September 11, 2015 motion for summary judgment;

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<sup>1</sup> 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 withdraw the September 11, 2015 motion for an expedited briefing schedule on the motion for summary judgment; and
- to strike all parties' testimony regarding "Adjustment BCO-1."

**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. All parties' testimony regarding "Adjustment BCO-1" is stricken.

DATED at Salt Lake City, Utah, this 26<sup>th</sup> day of October, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
DW#270166

CERTIFICATE OF SERVICE

I CERTIFY that on the 26<sup>th</sup> day of October, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

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