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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Vitcom,
LLC for a Certificate of Public Convenience
and Necessity to Provide Telecommunications
Services in the State of Utah

**COMMENTS OF UTAH RURAL
TELECOM ASSOCIATION AND
PETITION TO INTERVENE**

DOCKET NO. 15-2576-01

The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc. and Union Telephone Company (“Members” or “URTA Members”) hereby files Comments in the above-entitled matter, and Petitions the Utah Public Service Commission (“Commission”) for intervention.

COMMENTS OF URTA

AND REQUEST FOR INTERVENTION

1. The URTA Members are local exchange carriers providing public telecommunications services in Utah pursuant to certificates of public convenience and necessity (“CPCN”) issued by the Commission.
2. On February 3, 2015, Vitcom, LLC (“Vitcom”) filed an Application for Certificate

of Public Convenience and Necessity to Telecommunications Services in the State of Utah (the “Application”).

3. In paragraph 4 of its Application, Vitcom states:

“4. R746-349-3(A)(4). *Services to be offered.*

(a) R746-349-3(A)(4)(a). *Classes of customers.*

Vitcom intends to offer its services to business customers. Vitcom does not plan to serve residential customers, but may do so in the future as market conditions warrant.

(b) R746-349-3(A)(4)(b). *Location of service.*

Vitcom seeks authority to offer interexchange telecommunications statewide. To the extent Vitcom provides basic local exchange service, it will initially do so in the areas served by Qwest and does not plan to provide service in areas of any small or rural local exchange carriers having fewer than 5,000 access lines.¹ However, Vitcom does seek statewide authority so that it may expand into other services as market conditions warrant and as additional service areas become open to competition.

(c) R746-349-3(A)(4)(c). *Services offered.*

Vitcom seeks authority to provide all forms of facilities-based and resold local exchange, access, and interexchange telecommunications services to and from all points in Utah that are currently or become open to competition.

Vitcom seeks the full range of resold and facilities-based local exchange, access and interexchange authority so that it can have flexibility in provisioning services in the future.

3. Section 4(b) of the Application quoted indicates that Vitcom seeks statewide authority to provide interexchange telecommunications services. While Vitcom represents that it will initially only provide services in the areas served by Qwest [sic], and does not plan, at this time, to provide service in the areas of any small or rural local exchange carriers having fewer than 5,000 access lines, the Application, in fact, seeks “statewide authority” which would include

all small rural exchanges within the State of Utah.

4. Subject to Utah Code Annotated Section 54-8b-2.1, competition within a local exchange with fewer than 5,000 access lines that is owned or controlled by an incumbent local exchange carrier serving fewer than 30,000 access lines, may be excluded if such exclusion is found to be in the public interest.

5. Further, pursuant to Utah Code Annotated Section 54-8b-2.1 (3)(b), “each telecommunications corporation holding a certificate to provide public telecommunications service within the geographic area where the application is seeking to provide telecommunications service shall be provided notice of the application and granted automatic status as an intervenor.”

6. URTA and its Members do not believe it is in the public interest to grant Vitcom a CPCN to provide service in exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in the State of Utah.

7. URTA and its Members, as the incumbent local exchange providers in the rural areas of the State of Utah, have a substantial interest in this proceeding if Vitcom’s Application does not specifically exclude authority to provide service within the small rural exchanges. The issues to be considered by the Commission impact URTA’s Members’ business interests, operations, as well as the interests of the subscribers, residential and commercial, that the URTA Members serve in the rural exchanges. Those issues may also impact the URTA Members’ continued ability to provide enhanced telecommunications services to the subscribers the rural Utah exchanges.

8. Because Vitcom’s Application is, in fact, seeking statewide authorization

¹ At this time, Applicant does not seek to terminat any exemption held by a rural telephone company pursuant to 47

including exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines, URTA and its Members are interested parties and should be granted intervenor status in this proceeding.

9. The interests of justice and the orderly conduct of these proceedings will not be impaired by allowing URTA and its Members' participation. Vitcom's Application was recently filed February 2, 2015, and the Comment period as set by the Commission runs through March 5, 2015. Therefore, URTA and its Members' Comments are prompt and timely, and their intervention and participation will not delay the proceedings in any way.

10. Vitcom's Application should not include a request for authority to provide telecommunications services in exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines. Further, its CPCN, if otherwise granted by the Commission, should include limiting language so that Vitcom is **not permitted** to provide services in exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines.

11. URTA and its Members request that copies of all notices and filings in this docket should be served on the following:

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NOW THEREFORE, URTA and its Members respectfully request that the Commission enter an Order granting this Petition to Intervene in this docket and to participate to the full

extent as allowed by law. URTA and its Members further respectfully request that the Commission limit any CPCN that may be granted in this matter to exclude exchanges with fewer than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines.

DATED this 5th day of March, 2015.

BLACKBURN & STOLL, L.C.

Kira M. Slawson
Attorneys for Utah Rural Telecom Association and
Its Members

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of March, 2015, I caused to be mailed a true and correct copy of the foregoing COMMENTS AND PETITION TO INTERVENE OF UTAH RURAL TELECOM ASSOCIATION AND ITS MEMBERS by email to:

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