



SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

## UTAH DEPARTMENT OF COMMERCE

### Division of Public Utilities

MARGARET W. BUSSE  
Executive Director

CHRIS PARKER  
Division Director

## Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director  
Brenda Salter, Assistant Director  
Doug Wheelwright, Utility Technical Consultant Supervisor  
Casey J. Coleman, Utility Technical Consultant

**Date:** November 8, 2023

**Re:** **Docket No. 18-576-01**, 2019 Utah Universal Service Fund Preliminary Recommendation for Skyline Telecom.  
**Docket No. 19-040-01**, 2018 Annual Report of Central Utah Telephone, Inc. d/b/a CentraCom.  
**Docket No. 19-576-01**, 2018 Annual Report of Skyline Telecom d/b/a CentraCom.  
**Docket No. 20-040-01**, 2019 Annual Report of Central Utah Telephone, Inc. d/b/a CentraCom.  
**Docket No. 20-576-01**, 2019 Annual Report of Skyline Telecom d/b/a CentraCom.  
**Docket No. 21-040-01**, 2020 Annual Report of Central Utah Telephone, Inc. d/b/a CentraCom.  
**Docket No. 21-576-01**, 2020 Annual Report of Skyline Telecom d/b/a CentraCom.  
**Docket No. 22-040-01**, 2021 Annual Report of Central Utah Telephone, Inc. d/b/a CentraCom.  
**Docket No. 22-576-01**, 2021 Annual Report of Skyline Telecom d/b/a CentraCom.  
**Docket No. 23-040-01**, 2022 Annual Report of Central Utah Telephone, Inc. d/b/a CentraCom.  
**Docket No. 23-576-01**, 2022 Annual Report of Skyline Telecom d/b/a CentraCom.

Division of Public Utilities

Heber M. Wells Building • 160 East 300 South • P.O. Box 146751 Salt Lake City, UT 84114-6741  
[www.dpu.utah.gov](http://www.dpu.utah.gov) • telephone (801) 530-7622 • toll-free in Utah (877) 874-0904 • fax (801) 530-6512

## Recommendation

The Division of Public Utilities (“Division”) is providing the requested feedback regarding the classification of documents in each of the dockets listed above. The Public Service Commission (“Commission”) should classify each of the documents as confidential and protected.

## Discussion

On November 2, 2023, the Commission issued an Action Request to the Division requesting feedback regarding how certain documents should be categorized according to Utah Code Title 63G Chapter 2, Government Records Access and Management Act (“GRAMA”). The Action Request was issued in response to a GRAMA request received by the Commission from the Salt Lake Tribune.

For guidance with this request, the Division looked at Utah Code Title 63G Chapter 2, Part 3 Classification, Section 305 Protected Records that is effective as of July 1, 2023. There are two specific areas of the code that apply to these documents:

- (2) commercial information or nonindividual financial information obtained from a person if:
  - (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
  - (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
  - (c) the person submitting the information has provided the governmental entity with the information specified in Section [63G-2-309](#);
- (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
  - (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

The annual reports of the regulated telecommunications companies received by the Division are marked confidential and are also treated as commercially sensitive information.

Because of this fact, the Division believes each of the documents would be protected according to section 2 shown above.

Additionally, the annual reports of the regulated telecommunications companies received by the Division are provided in accordance with Utah Code Annotated 54-3-22 and Rule R746-400. The Division incorporates the annual report into its audit of the companies to determine the appropriate Utah Universal Service Fund (“UUSF”) support for each company. Disclosure of the annual report information could result in an unfair competitive advantage. Also, if the annual report information was not determined to be protected and classified, it could have an impact on the Division’s ability in the future to get all of the necessary information needed to complete the annual audits as required by statute. One of the functions of the Division is to act as the administrator of the UUSF. Because sharing this information could impact future audits, the Division believes the requested documents are protected under section 10 (b) as shown above.

To verify that each classified document requested in the Dockets above met the criteria of Title 63G, the Division reviewed each document to verify that each document was filed as confidential. Starting in 2019, each document was filed confidentially and marked Confidential according to the Commission’s rule R746-1-602 and R746-1-603. The attached spreadsheet shows each docket, the documents that were classified in each specific docket, which sections of Title 63G apply as well as which Commission rules apply.

## **Conclusion**

The Division has reviewed each of the requested documents and recommends the Commission classify each document as protected and classified. Because the documents are classified and protected the records request cannot be provided.

cc: Kira Slawson, Counsel for URTA  
Patricia Schmid, Assistant Attorney General, State of Utah  
Patrick Greco, Assistant Attorney General, State of Utah