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| 2019 Annual Report of Emery Telephone d/b/a Emery Telcom | <u>DOCKET NO. 20-042-01</u> <u>ORDER APPROVING 2021 DISTRIBUTION</u> |
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ISSUED: November 19, 2020

BACKGROUND

On April 15, 2020, Emery Telephone d/b/a Emery Telcom (“Emery”) filed its Annual Report for Calendar Year 2019 (“Report”) with the Public Service Commission (PSC). On September 25, 2020, the Division of Public Utilities (DPU) filed its recommendation for the 2021 Utah Universal Public Telecommunications Support Fund (“UUSF”) calendar year distribution for Emery. On September 28, 2020, the PSC issued a Notice of Filing and Comment Period, seeking comments on the DPU’s recommendation by October 26, 2020, and reply comments by November 10, 2020. The PSC received no comments.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

PSC R746-8-401 requires the DPU to make annual recommendations to the PSC for adjustments to the monthly UUSF distribution to each provider based on an established Federal Communications Commission rate of return and the provider’s most recent financial information reflected in its annual report filed with the PSC. The DPU recommends a change from the prior year’s distribution amount to the UUSF distribution for Emery. Specifically, in calculating Emery’s eligibility for the UUSF distribution, the DPU reviewed its rate of return, state and federal income taxes, depreciation, federal USF excluded costs, UUSF eligibility, accumulated deferred income taxes and federal USF assistance. The DPU recommends a 2021 UUSF calendar

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year distribution for Emery in the amount of \$1,535,885, to be distributed in twelve monthly payments of \$127,990.42.

Based on the Report and on DPU's uncontested recommendation, and there being no comments or reply comments filed, we find and conclude that Emery is eligible to receive DPU's recommended 2021 UUSF calendar year distribution in the amount of \$1,535,885, pursuant to Utah Code Ann. § 54-8b-15.

ORDER

The PSC approves a 2021 UUSF calendar year distribution of \$1,535,885 for Emery, to be disbursed in twelve equal monthly payments in the amount of \$127,990.42.

DATED at Salt Lake City, Utah, November 19, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#316465

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this written Order by filing a written request with the PSC within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC does not grant a request for review or rehearing within 30 days after the filing of the request, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on November 19, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

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