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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>In the Consolidated Matter of:</p> <p>The Applications of E Fiber Moab, LLC and E Fiber San Juan, LLC for Certificates of Public Convenience and Necessity to Provide Facilities Based Local Exchange Service and be Designated as a Carrier of Last Resort in Certain Rural Exchanges</p>	<p>Docket 20-2618-01</p> <p>UTAH RURAL TELECOM ASSOCIATION'S PETITION TO INTERVENE</p>
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The Utah Rural Telecom Association (“URTA”) on behalf of its members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telecom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Gunnison Telephone Company, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications Inc. (dba Strata Networks), and Union Telephone Company, hereby petitions the Utah Public Service Commission (“Commission”) for intervention in this Docket.

PETITION TO INTERVENE

1. The URTA Members are incumbent local exchange carriers providing public telecommunications services in rural Utah pursuant to certificates of public convenience and necessity (“CPCN”) issued by the Commission.

2. On April 14, 2020, E Fiber Moab, LLC (“E Fiber Moab”) and E Fiber San Juan,

LLC (“E Fiber San Juan”) (E Fiber Moab and E Fiber San Juan are jointly referred to as the “Applicants”) filed Applications for Certificates of Public Convenience and Necessity to Provide Resold and Facilities Based Local Exchange Services (the “Applications”) within the Thompson, Moab, LaSal, Monticello, Blanding, Bluff, and Mexican Hat Exchanges in Utah (the “Local Exchanges”).

3. All of the Local Exchanges, except for the Moab exchange have fewer than 5,000 access lines which are served by an incumbent carrier with fewer than 30,000 access lines in the state (“Small Rural Exchanges”).

4. Under Utah Code Section 54-8b-2.1, the Commission must determine it is in the public interest to permit Applicants’ competitive entry into the Local Exchanges. Additionally, Utah Code Section 54-8b-2.1(4) requires that if the Commission issues a CPCN to a competitor in a Small Rural Exchange, the Commission is required to impose an obligation on the applicant to provide public telecommunications services to any customer or class of customers who requests it. The Applicants, consistent with this requirement, have applied for carrier of last resort (“COLR”) status in the Local Exchanges, meaning the Applicants will be required to provide service to any customer or class of customers in the Small Rural Exchanges who requests it.

5. If the Applicants are granted CPCN as requested, they will be COLRs in the Local Exchanges. Pursuant to Utah Code Section 54-8b-15 and R746-8-401, the Applicants will be eligible for support from the Utah Public Telecommunications Support Fund (“UUSF”) if their costs to provide service exceed their revenues.

6. 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 since the Applicants are seeking competitive entry into Small Rural Exchanges in the State. The issues to be considered by the Commission have the potential to impact competitive entry into other Small Rural Exchanges. As indicated in the Comments filed by URTA on May 20, 2020 (“URTA Comments”), URTA believes that the Commission should identify factors that it will use to determine if Applicants’ requests for COLR CPCNs are in the public interest. URTA’s Comments identified 10 factors that the Commission should consider when deciding whether a competitive application for CPCN is in the public interest. URTA would like the opportunity to provide testimony on these public interest factors as needed. Additionally, URTA believes that it is in the public interest that only one COLR be entitled to UUSF in each area. URTA would like the opportunity to present testimony on this issue as needed. URTA and its Members are interested parties and should be granted intervenor status in this proceeding.

7. The interests of justice and the orderly conduct of these proceedings will not be impaired by allowing URTA and its Members’ participation. URTA has previously filed timely the URTA Comments in this proceeding, and the Scheduling Order issued by the Commission permits Petitions for Intervention to be filed through June 30, 2020. Therefore, URTA and its Members’ Petition for Intervention is prompt and timely, and their intervention and participation will not delay the proceedings in any way.

8. 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, URТА 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, including submission of testimony and calling of witnesses.

DATED this 30th day of June, 2020.

UTAH RURAL TELECOM ASSOCIATION



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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June, I served a true and correct copy of URTA's Petition to Intervene in Docket 20-2618-01, via e-mail transmission to following persons at the e-mail addresses listed below:

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