

Phillip J. Russell (10445)
JAMES DODGE RUSSELL & STEPHENS P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Email: prussell@jdrsllaw.com

Gregory C. Brubaker
Associate General Counsel
Frontier Communications
Telephone: (260) 241-3606
Email: gregory.c.brubaker@ftr.com

*Attorneys for Citizens Telecommunications Company of Utah
d/b/a Frontier Communications*

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Consolidated Matter of:

The Applications of E Fiber Moab, LLC and
E Fiber San Juan, LLC for a Certificate 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

Docket No. 20-2618-01

**MOTION TO VACATE SCHEDULING ORDER, STAY DISCOVERY, AND FOR
A SCHEDULING CONFERENCE AND REQUEST FOR EXPEDITED TREATMENT**

Citizens Telecommunications Company of Utah d/b/a Frontier Communications (“Frontier”) respectfully moves the Public Service Commission of Utah (“Commission”) to vacate the remaining dates set forth in the Scheduling Order in this docket, to temporarily stay any discovery in this matter, and, if appropriate, issue a Notice of Scheduling Conference after issuance of the Commission’s order addressing Frontier’s motion for partial summary judgment (“Motion”) filed July 27, 2020 in this docket. Frontier brings this motion based on the following:

Frontier's Motion raises the question of whether E Fiber is entitled to the relief it seeks—either based on the facts presented in E Fiber's testimony or based on the Commission's legal authority to grant that relief. A ruling on the Motion may obviate the need for further proceedings in this matter and may affect the scope of testimony and/or discovery.

Due to the pendency of the Motion, and uncertainty regarding when a decision on the Motion will be issued, Frontier wishes to ensure that the schedule in the matter affords adequate time both to resolve the threshold legal issues raised in the Motion and to make certain that the parties have an appropriate opportunity to file testimony in response to the Commission's ruling on the Motion. The current schedule does not provide adequate time to address both of these issues.

Therefore, Frontier proposes that the Commission vacate the remaining dates set forth in the Scheduling Order and temporarily stay any new discovery until after orders are issued on the Motion. Frontier proposes that, for any discovery currently outstanding at the time of the filing of this motion, timely responses be provided consistent with the current Scheduling Order. However, Frontier proposes that the Commission stay any new discovery issued after this motion is filed until after the Commission issues orders on the Motion. Frontier further proposes that the Commission issue a Notice of Scheduling Conference, if appropriate, promptly after issuing orders on the Motion to set dates for further proceedings.

Finally, Frontier requests that the Commission expedite treatment of this procedural motion. The current scheduling order requires all parties other than E Fiber to submit direct testimony by August 5, 2020. Frontier requests that the Commission expedite treatment of this motion so that parties will know whether they need to file testimony by that date.

Prior to filing this motion, Frontier reached out to counsel for the Office of Consumer Services (“OCS”), Division of Public Utilities (“DPU”), Utah Rural Telecom Association (“URTA”) and the E Fiber entities. Of the parties that responded to Frontier’s outreach, OCS has indicated that it supports this motion and DPU has indicated that it does not oppose this motion. URTA and E Fiber had not yet responded by the time Frontier filed this motion.

Dated: July 28, 2020

JAMES DODGE RUSSELL & STEPHENS



By:

Phillip J. Russell

*Counsel for Citizens Telecommunications Company
of Utah d/b/a Frontier Communications*

Certificate of Service
Docket No. 20-2618-01

I hereby certify that a true and correct copy of the foregoing was served by email this 28th day of July, 2020, on the following:

DIVISION OF PUBLIC UTILITIES

Chris Parker	chrisparker@utah.gov
Artie Powell	wpowell@utah.gov
Brenda Salter	bsalter@utah.gov
Ron Slusher	rslusher@utah.gov
Patricia Schmid	pschmid@agutah.gov
Justin Jetter	jjetter@agutah.gov
	dpudatarequest@utah.gov

OFFICE OF CONSUMER SERVICES

Michele Beck	mbeck@utah.gov
Alyson Anderson	akanderson@utah.gov
Robert Moore	rmoore@agutah.gov
Steven Snarr	stevensnarr@agutah.gov

E FIBER MOAB & E FIBER SAN JUAN

Kira M. Slawson	KiraM@blackburn-stoll.com
Brock Johansen	bjohansen@emerytelcom.com

URTA

Kira M. Slawson	KiraM@blackburn-stoll.com
Brett Anderson	BrettA@blackburn-stoll.com

/s/ Phillip J. Russell