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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Applications of E Fiber Moab LLC and E
Fiber San Juan LLC for Certificates of Public
Convenience and Necessity to Provide
Facility—Based Local Exchange Service and
be Designated as a Carrier of Last Resort in
Certain Rural Exchanges

Docket No. 20-2618-01

The Office of Consumer Service’s Reply in
Support of Frontier’s Motion to Vacate
Scheduling Order and Expedited Treatment
and in Opposition to E Fibers’ Response to
the Motion

Pursuant to Utah Code § 54-10a-301, UTAH ADMIN. CODE r. 746-1-101 through 801 the Office of Consumer Services (“OCS”) files this Reply in Support of Frontier’s Motion to Vacate Scheduling Order and Expedited Treatment (“Motion to Vacate”) and in Opposition to E Fibers’ Response to the Motion.

As stated in the Motion to Vacate, the OCS supports the Motion as written and now expressly opposes E Fibers’ Response, which argues that the granting of the Motion to Vacate be contingent on the non-applicant testimony being scheduled for one week after the Public Service Commission’s (“PSC”) order on Frontier’s Motion for Summary Judgment (“Summary Judgment Motion”). One week may be considerably insufficient time to prepare testimony given

that the date of the PSC's order is unknown and might be issued at a time when the OCS is taxed with work in other dockets. Moreover, the Summary Judgement Motion raises several important and complex legal issues that go to issues at the heart of E Fibers Applications and the order on the Motion could raise factual issues requiring additional discovery. Given this, work done on the testimony prior to the PSC's order is likely to be of little use if the order results in removing central issues from the case or results in a full denial of the Applications. Nothing in this case would justify such unnecessary inefficiencies.

The OCS is sensitive that this is a time limited docket and is not suggesting that non-applicants' testimony be scheduled several weeks after the Order on Summary Judgment. Rather, the OCS would agree that the order vacating the Scheduling Order provide that, if necessary, a new scheduling conference be set promptly and the due date for non-applicant testimony be scheduled as soon as feasible, given the contingencies facing non-applicants.

Finally, as noted in the Motion to Vacate, non-applicant testimony is due August 5th and as mentioned above, working on the testimony prior to the resolution of the Summary Judgment Motion creates significant inefficiencies. Accordingly, the OCS restates Frontier's request that the PSC act on this Motion to Vacate in an expedited manner.

Respectfully submitted, July 30, 2020

/s/ Robert J. Moore
Robert J. Moore
Attorney for the Office of Consumer Services

CERTIFICATE OF SERVICE

Docket Nos. 20-2618-01 & 20-2619-01

I CERTIFY that on July 30, 2020, a true and correct copy of the foregoing Reply Motion by the Office of Consumer Services was served by electronic mail to the following:

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