

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Application 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 Carriers of Last Resort in Certain Rural Exchanges

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DOCKET NO. 20-2618-01  
ORDER APPROVING JOINT  
STIPULATION TO VACATE  
SCHEDULING ORDER

ISSUED: July 31, 2020

On April 20, 2020, E Fiber Moab, LLC and E Fiber San Juan, LLC (collectively, “Applicants”) filed applications with the Public Service Commission (PSC) for certificates of public convenience and necessity to provide facilities-based local exchange service and be designated as carriers of last resort in certain rural exchanges in the State of Utah. These applications were docketed under Docket No. 20-2618-01 and Docket No. 20-2619-01, respectively. A consolidated scheduling conference was held on June 2, 2020, and on June 3, 2020, the PSC issued a Scheduling Order, Notice of Hearing, and Notice of Consolidation (“Scheduling Order”), establishing filing and discovery deadlines and consolidating the two dockets into Docket No. 20-2618-01.

On July 27, 2020, Citizens Telecommunications Company of Utah d/b/a Frontier Communications (“Frontier”) filed a Motion for Partial Summary Judgment. On July 29, 2020, Frontier filed a Motion to Vacate Scheduling Order, Stay Discovery, and for a Scheduling Conference and Request for Expedited Treatment (“Motion”). Frontier states “[a] ruling on the [Motion for Partial Summary Judgment] may obviate the need for further proceedings in this matter and may affect the scope of testimony and/or discovery.”<sup>1</sup>

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<sup>1</sup> Motion at 2.

On July 29, 2020, the Applicants filed a response to the Motion stating they “are not opposed to suspending the Scheduling Order pending [PSC] determination of the Motion for Summary Judgment,”<sup>2</sup> requesting a due date for non-applicant direct testimony of one week after the PSC issues its order on the Motion for Summary Judgment, and that “all other dates should follow in reasonable order from that date on the same or similar intervals”<sup>3</sup> as established in the Scheduling Order.

On July 30, 2020, the Applicants, Frontier, the Office of Consumer Services, and the Division of Public Utilities (collectively, the “Parties”) filed a Joint Stipulation to Vacate Scheduling Order and Extend the Date for Responsive Pleadings to Frontier’s Motion for Partial Summary Judgment (“Stipulation”). The Stipulation states, “Applicants will withdraw their response to the Motion to Vacate and will support the Motion as presented. All parties agree that the deadline for responding to Frontier’s Motion for Partial Summary Judgment will be extended to August 25, 2020.”<sup>4</sup> The Applicants state that they have been authorized to make the representations contained in the Stipulation on behalf of the Parties.

Good cause appearing, and based on the Applicants’ representation that the Parties agree to the terms in the Stipulation, the Stipulation is approved. Accordingly, all remaining deadlines in the Scheduling Order are vacated, any new discovery is stayed until after the PSC issues its order on the Motion for Summary Judgment, and the deadline for responses to Frontier’s Motion for Partial Summary Judgment is extended to **Tuesday, August 25, 2020**.

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<sup>2</sup> Applicants’ Response at 1.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> Joint Stipulation at 2.

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DATED at Salt Lake City, Utah, July 31, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#314852

CERTIFICATE OF SERVICE

I CERTIFY that on July 31, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

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Office of Consumer Services

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