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d/b/a Frontier Communications*

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 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</p>	<p>Docket No. 20-2618-01</p>
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**JOINT STIPULATION AND REQUEST FOR SCHEDULING CONFERENCE AND
REQUEST FOR EXPEDITED TREATMENT**

Citizens Telecommunications Company of Utah d/b/a Frontier Communications (“Frontier”), the Division of Public Utilities (“DPU”), the Office of Consumer Services (“OCS”), E Fiber Moab, LLC and E Fiber San Juan, LLC (together, “E Fiber”), and the Utah Rural Telecom Association (“URTA”) (collectively, the “Parties”) hereby submit this joint Stipulation regarding discovery and briefing related to Frontier’s Motion for Partial Summary Judgment.

BACKGROUND

Frontier filed a Motion for Partial Summary Judgment on July 27, 2020. On July 29, 2020, Frontier filed a Motion to Vacate Scheduling Order, Stay Discovery, and for a Scheduling Conference and Request for Expedited Treatment. On July 30, 2020, 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. On July 31, 2020, the Public Service Commission of Utah ("Commission") entered an Order Approving Joint Stipulation to Vacate Scheduling Order. Among other things, the Order prohibits the parties from submitting additional discovery requests until further Order of the Commission. On August 25, 2020, E Fiber, URTA, DPU, OCS each filed a memorandum in response to Frontier's Motion for Partial Summary Judgment. On August 25, 2020, OCS also filed a motion pursuant to Utah Rule of Civil Procedure 56(d) requesting additional time to conduct discovery related to the subject matter of Frontier's Motion for Partial Summary Judgment. In its memorandum filed August 25, 2020, DPU supports OCS's request for additional discovery.

STIPULATION

Each of the Parties either supports or does not oppose the motion filed by OCS pursuant to Utah Rule of Civil Procedure 56(d). The Parties have conferred in an effort to determine a procedural schedule for discovery and briefing that will enable the Parties to submit complete and timely briefing to the Commission in the most efficient manner possible. As such, the Parties stipulate as follows:

1. The Parties request that the Commission enter an order granting OCS's motion pursuant to Rule 56(d) that will allow all Parties to conduct discovery related to the subject matter of Frontier's Motion for Partial Summary Judgment.

2. The Parties request that the Commission set a Scheduling Conference to set dates and deadlines related to:

- a. discovery;
- b. briefing associated with Frontier's Motion for Partial Summary Judgment;
- c. direct testimony for non-applicant parties;
- d. rebuttal and surrebuttal testimony for all parties; and
- e. hearing.

3. The Parties agree that the deadline for Frontier's Reply in support of its Motion for Partial Summary Judgment that would otherwise be set pursuant to Utah Rule of Civil Procedure 7 is stricken and that Frontier's Reply will be due as set at a Scheduling Conference.

The Parties respectfully request that the Commission approve the Stipulation and set a Scheduling Conference as soon as the Commission's schedule allows. The Parties also request that the Commission consider this Stipulation on an expedited basis. Due to time constraints, the undersigned has been authorized to make these representations on behalf of the Parties, without the requirement that each party sign the Stipulation.

Dated: September 1, 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 1st day of September, 2020, on the following:

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/s/ Phillip J. Russell