

- 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 AND NOTICE OF SCHEDULING CONFERENCE

ISSUED: September 1, 2020

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. On July 30, 2020, E Fiber Moab LLC and E Fiber San Juan (together, “E Fiber”), Frontier, the Office of Consumer Services (OCS), and the Division of Public Utilities (DPU) 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 PSC entered an Order Approving Joint Stipulation to Vacate Scheduling Order. On August 25, 2020, E-Fiber, the Utah Rural Telecom Association (“URTA”), DPU, and 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 Rules of Civil Procedure 56(d) requesting additional time to conduct discovery related to the subject matter of Frontier’s Motion for Partial Summary Judgment (“OCS Rule 56(d) Motion”). On the same date, DPU filed a memorandum in support of the OCS Rule 56(d) Motion. On September 1, 2020, E Fiber, Frontier, DPU, OCS, and URTA (collectively, the “Parties”) filed a joint stipulation regarding discovery and briefing related to Frontier’s Motion for Summary Judgment (“September 2020 Stipulation”).

Good cause appearing, and based on Frontier's representation that the Parties agree to the terms in the September 2020 Stipulation, the September 2020 Stipulation is approved.

Accordingly, the PSC grants the OCS Rule 56(d) Motion and notices a scheduling conference for **Thursday, September 3, 2020 at 9:00 a.m.**, where the PSC will set a schedule for deadlines related to discovery, direct testimony for non-applicant parties, rebuttal testimony and sur-rebuttal testimony for all parties, and a hearing. The PSC will also set a briefing schedule related to Frontier's Motion for Partial Summary Judgment. Any deadline related to Frontier's Motion for Partial Summary Judgment that would otherwise apply under the Utah Rules of Civil Procedure is vacated.

Pursuant to Utah Code Ann. § 52-4-207, on this September 1, 2020, the chair of the PSC makes this written determination that, due to the COVID-19 pandemic and the continued risks of transmission in Utah, the scheduling conference scheduled for September 3, 2020 will be conducted as an electronic meeting without an anchor location. An anchor location would provide a substantial risk to the health and safety of those who may be present at the anchor location. Participants should use the following **bridge number: 720-279-0026** or **877-820-7831**, and the following **passcode: 249364**, to participate.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this conference should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, as soon as possible.

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DATED at Salt Lake City, Utah, September 1, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#315229

CERTIFICATE OF SERVICE

I CERTIFY that on September 1, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

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