

EXHIBIT D

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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 Certificates of Public Convenience and) Docket No. 20-2618-01
Necessity to Provide Facilities-Based Local)
Exchange Service and Be Designated as Carriers)
Of Last Resort in Certain Rural Exchanges)

**RESPONSES OF E FIBER MOAB, LLC AND E FIBER SAN JUAN, LLC TO THE
DIVISION OF PUBLIC UTILITIES' FIRST SET OF DATA REQUESTS**

1.1 Please state the difference between the service E Fiber intends to offer and VoIP.

Response: E Fiber objects to this data request as vague and ambiguous. Subject to, and without waiving the foregoing objection, there are several types of voice over Internet protocol service (VoIP). At issue in this case is whether E Fiber's proposed service is a VoIP service that is preempted from regulation by state or federal law.

- Voice Over Internet Protocol Service is defined by State law as “any service that: (a) enables real time, two-way voice communication originating from or terminating at the user’s location in Internet protocol or a successor protocol; (b) uses a broadband connection from the user’s location; and (c) permits a user to receive a telephone call that originates on the public switched telephone network and to terminate a call to the public switched telephone network. See U.C.A. §54-19-102(2). Under §54-19-103 the state is only prohibited from regulating voice over Internet protocol service that meets the definition contained in §54-19-102.
- Interconnected VoIP is defined by Federal Law as “a service that:
 - (i) Enables real-time, two-way voice communications;
 - (ii) Requires a broadband connection from the user's location;
 - (iii) Requires internet protocol-compatible customer premises equipment (CPE);
 - and

(iv) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network. See 47 C.F.R. §9.3.

- Carrier grade VoIP, as that term is used by E Fiber in its Applications, Pre-filed Testimony, Declaration, and Memorandum in Opposition to Frontier’s Motion for Summary Judgment is traditional local exchange service that uses Internet Protocol technology in the transport portion of E Fiber’s network. This means that E Fiber’s customers connect to the E Fiber network at a fixed location, in their home or business, using a traditional analog telephone which is plugged into an RJ-11 telephone jack.

E Fiber’s service differs from VoIP service as defined by state law in at least two ways:

1. The real time, two-way voice communication for E Fiber’s customers originates or terminates at their location in analog form, not in Internet protocol, as required by U.C.A. §54-19-102(2)(a). Voice traffic is provided through E Fiber’s optical network terminal (ONT) using the registered jack-11 (RJ-11) ports and these ports cannot accept Internet Protocol traffic; and
2. E Fiber’s voice telephone service does not use a broadband connection from the end user’s location. A voice only customer would not have a broadband connection at their location.

Similarly, E Fiber’s service differs from interconnected VoIP service as defined by federal law in at least two ways:

1. E Fiber’s voice service does not require a broadband connection from the user’s location; and
2. E Fiber’s voice service does not require internet protocol-compatible customer premises equipment. The ONT that is placed at the user’s location is E Fiber’s network equipment which is owned, controlled, managed, repaired, and replaced by E Fiber at no cost to the customer. The ONT RJ-11 voice ports are not compatible with Internet Protocol-compatible customer premises equipment.

1.2 Please give a full and detailed list of the services E Fiber plans to offer and how they will be provided.

Response: E Fiber will provide all services identified in the Emery Telephone Local Exchange Tariff which is found at <https://emerytelcom.com/support/tariffs/Emery-Local-Tariff.pdf>. The services will be provided utilizing Carbon/Emery Telcom, Inc.’s existing Metaswitch softswitch through a sharing agreement. See also CONFIDENTIAL FTR DR1 1.19 – E Fiber Switching Interconnect Topology.pdf previously provided.

1.3 What customer premises equipment (CPE) does E Fiber intend to use (make, model, etc)?

Response: The E Fiber network will be designed to interface with any analog telephone the customer chooses to use. E Fiber does not provide any CPE unless the customer specifically requests it, so we cannot provide a response on the make, model, etc. which each customer may use. For E Fiber voice only customers, the only port that is activated on the ONT is the RJ-11 port, which will not interface with any Internet Protocol-compatible customer premises equipment. Therefore, only devices that can interface with a RJ-11 port may be used by the customer as customer premises equipment.

1.4 What functionality does the CPE for voice customers provide?

Response: The CPE for voice customers would be a standard telephone plugged into a RJ-11 port. The telephone provides an analog voice signal.

1.5 Does an internet customer require different CPE than voice only customers? If so, please explain what different equipment is used.

Response: E Fiber will be deploying fiber to the home. This fiber will be used for voice service and wholesale broadband Internet access service as permitted by U.C.A. §54-8b-15. As part of its fiber network, it will install an ONT at the customer's location so the fiber can interface with the customer's in-home wiring and telephones. The ONT is E Fiber network equipment, not CPE. The E Fiber ONT is configured differently depending on the service to which the customer subscribes.

- With a voice only customer, the ONT will be configured so that only the RJ-11 port or jack is activated. There will be no broadband connection at the customer's location. The RJ-11 port on the ONT will be the point of demarcation, meaning it is the interface between E Fiber's fiber network and the customer's inside wiring.
- If a customer elects to have voice and broadband Internet service,¹ the ONT will be configured so that the RJ-45 ethernet ports and the RJ-11 ports are activated. The voice traffic will be transported through the RJ-11 ports of the ONT to the public switched telephone network (PSTN) by private IP addressing on one data link across a virtual local area network (VLAN); and the Internet traffic will be transported through the RJ-45 ethernet ports of the ONT to the public Internet by public IP addressing on a completely separate data link across a separate VLAN. In the home the voice traffic and broadband Internet service will be kept separate on different wired (or wireless in the case of broadband) networks with the voice traffic interfacing with the RJ-11 ports and the broadband Internet service interfacing with the RJ-45 ethernet ports of the ONT.
- If E Fiber were to offer stand-alone, consumer, broadband internet access service, the ONT would be configured so that the RJ-45 ethernet ports were activated but the RJ-11 ports would be inactive.

¹ E Fiber will provide wholesale broadband Internet access service. The retail broadband Internet access service will be provided by E Fiber's affiliate.

1.6 Does the voice only service offering utilize a broadband internet connection between the CPE and E fiber switch? Please explain

Response: No. As indicated above in E Fiber's voice only installations, the only CPE is the customer's analog telephone and inside wiring. The RJ-45 ethernet ports on the ONT are not activated and there is no broadband Internet connection at the customer's location. In fact, Internet Protocol-compatible customer premises equipment cannot interface with the activated RJ-11 port. In a voice only service, the ONT is not connected to the public Internet. Rather, the voice traffic is transported to the E Fiber switch via private IP addressing across a VLAN for delivery to the PSTN.

1.7

(a) Does E Fiber or its affiliates offer current voice service in the Moab exchange area?

Response: E Fiber's affiliate Emery Telecommunications & Video, Inc. (ET&V) offers competitive local exchange service in the Moab exchange.

(b) If so, is the technology currently deployed by E Fiber or its affiliates in the Moab exchange different from what E fiber will offer if granted a CPCN? If so, how does it differ?

Response: ET&V provides voice service in Moab using two different technologies/systems:

- Fiber facilities; and
- Data over cable service interface specification (DOCSIS) system. DOCSIS allows the addition of high-bandwidth data transfer to an existing cable television system.

A smaller portion of the Moab ET&V customers are currently served by fiber facilities. For these fiber customers, the technology that will be deployed by E Fiber is exactly the same as the technology currently deployed by ET&V. As shown in the diagram attached hereto as Exhibit DPU DR 1.7 – Service Over Fiber, the company installs its network proprietary ONT at the customer home. The ONT is connected to the company's fiber and has two RJ-11 ports and several RJ-45 ports (activation of which will depend on the service subscribed to). The RJ-11 port of the ONT is attached to the copper Network Interface Device (NID) by Cat 3 or 5 wiring (if the ONT is inside the home, the customer's inside wiring is used to connect to the copper NID). The Internet traffic is connected to the ONT by the RJ-45 ports and uses separate Cat 5 wiring in the customer's home. The Internet traffic is connected to the ONT by the RJ-45 ports and uses separate Cat 5 wiring in the customer's home. Voice traffic and Internet traffic (if a broadband connection is subscribed to) are transported from the ONT to the Optical Line Terminal over separate dedicated data links across distinct VLANs. The voice traffic VLAN has a private IP address and stays within the company's network. The Internet traffic VLAN has a public IP address. From the OLT, the voice traffic and Internet traffic are transported on dedicated data links and separate VLANs to a router. The router then routes the voice traffic to

the Metaswitch for delivery to the PSTN and routes the Internet traffic to the public Internet.

However, the majority of customers being served by ET&V in Moab are being served by DOCSIS 3.1 technology. This technology is different from the technology that will be deployed by E Fiber if it is granted its CPCN. The DOCSIS 3.1 service is provided over ET&V's existing hybrid fiber-coaxial infrastructure. As shown in the diagram attached here to as Exhibit DPU DR 1.7 – Service Over DOCSIS 3.1, a cable modem which can be provided by the company or by the customer, is located inside the customer's premises on the customer's side of the cable NID which serves as the point of demarcation. The RJ-11 ports on the cable modem are attached to the copper NID by customer inside wiring. The RJ-45 ports on the cable modem are used to connect customer devices to the Internet via the customers inside Cat 5 wiring. Internet traffic and voice traffic are transported from the cable modem to the cable NID, and then to the cable modem termination system (CMTS) over the same data link, with the voice service getting private IP addressing and priority over Internet traffic which gets public IP addressing. The CMTS separates the traffic and assigns the Internet traffic and the voice traffic each to their own dedicated data links across separate VLANs for transport to a router. The router then routes the voice traffic to the Metaswitch for delivery to the PSTN and routes the Internet traffic to the public Internet. On voice only customers using the DOCSIS 3.1 plant the RJ-11 ports are active, and a small data link is maintained for configuration and maintenance of the cable modem.

The Moab customers currently being served by ET&V using DOCSIS 3 technology will not be transferred to E Fiber until fiber facilities have been constructed to replace the aging DOCSIS 3 infrastructure to such customers. All E Fiber Moab customers will be served by fiber facilities.

1.8 Will E Fiber offer wholesale unbundled local loop service to a non-regulated affiliate?

Response: No.

1.9 Will E Fiber offer wholesale unbundled local loop service to non-affiliates at the same cost and under similar terms to non-affiliates?

Response: No. Under 47 USC §251(c), E Fiber will have no obligation to provide unbundled local loop service to any third party.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2020, I served a true and correct copy of Applicant's Responses to the DPU's First Set of Data Requests via e-mail transmission to following persons at the e-mail addresses listed below:

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