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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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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 )

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**CONFIDENTIAL RESPONSES OF E FIBER MOAB, LLC AND E FIBER SAN JUAN,  
LLC TO FRONTIER COMMUNICATIONS' FIRST SET OF DATA REQUESTS**

**SUBJECT TO PSC R746-1-602 AND 603**

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- 1.1 Other Data Responses. Please provide copies of all past and future formal and informal data requests and data responses received by E Fiber or sent by E Fiber to any other party in this docket. Please include both formal and informal responses.**

**Response:** E Fiber Moab, LLC (“E Fiber Moab”) and E Fiber San Juan, LLC (“E Fiber San Juan”) (collectively the “Applicants”) have not received any other data requests in this docket. The Applicants will provide copies of any such responses in the future.

- 1.2 Data Responses in Other Jurisdictions. To the extent not already provided, please provide copies of all past and future formal and informal data requests and data responses received by E Fiber or sent by E Fiber to any other party in ongoing dockets in other jurisdictions regarding the same or similar subject matter. Please include both formal and informal responses.**

**Response:** Applicants are not involved in ongoing dockets in other jurisdictions and have no responsive documents.

- 1.3 Workpapers/Filing Requirements. To the extent not already provided, please provide all worksheets, workpapers, spreadsheets, models and other documents or**

**information that comprise or that were used or relied upon in preparing or provided as part of E Fiber’s Applications, testimony, exhibits or filing requirements.**

**Response:** See [20-2618-01 Confidential D Woolsey Exhibit 1](#) filed in this docket on June 24, 2020 (“Confidential DW Exhibit 1”) and [Confidential FTR DR1 1.3 Emery CAM 2019.pdf](#) attached.

- 1.4 Confidential Information. To the extent not already provided, please provide all proprietary or confidential information used or relied upon in preparing or provided as part of Frontier’s Applications, testimony, exhibits or filing requirements.**

**Response:** Applicants object to this data request on the grounds that it is overly burdensome and vague. Applicants have no knowledge of any of “Frontier’s Applications.” Assuming “Frontier’s Applications” was intended to refer to the E Fiber Applications, subject, to and without waiving the foregoing objection, Applicants refer to [Confidential DW Exhibit 1](#).

- 1.5 Please provide a complete list of all Emery Telcom HC, Inc. (“Emery”) affiliated companies, the markets where each currently operate and list of the services provided.**

**Response:** Applicants object to this request on the basis that “affiliated” is not defined. Subject to, and without waiving the foregoing objections, see attached corporate structure diagram file: [FTR DR1 1.5 Corporate Structure.pdf](#) and a list of affiliates of Emery Telcom, HC, Inc. for Utah operations as requested [FTR DR1 1.5 Affiliate List.docx](#).

- 1.6 Please provide all existing affiliate contracts between all Emery companies and those that will be applicable for the E Fiber applicants.**

**Response:** Applicants object to this data request as vague and ambiguous, and to the extent this request seeks all affiliate contracts between all Emery companies, whether or not related to the subject of these Applications, the request is overly burdensome. Subject to, and without waiving the foregoing objection, Applicants state that they have not entered into any affiliate contracts with any Emery companies and have no plans to do so. At such time as the Applications for CPCN and designations as carrier of last resort are granted, and the E Fiber entities are identified as being eligible for UUSF in the Local Exchanges, the Applicants will allocate costs between the Applicants and the Emery companies as required by the FCC Part 32 affiliate transaction rules.

- 1.7 Please provide the number of voice, broadband and video customer’s connections provided by Emery Telecommunications & Video, Inc. (“ET&V) in each of the Frontier exchanges in which it offers service.**

**Response:** The Applicants included the phone and fiber internet customers in the Confidential DW Exhibit 1 on the “FS Data” tab rows 41, 42, and 45. Video customers are as follows: Moab 1410; Blanding 66; and Monticello 56.

**1.8 Please provide a copy of the Cost Allocation Manual utilized by all Emery affiliated entities.**

**Response:** See Response to DR 1.3

**1.9 Please provide a list of all Emery employee job titles that will support or charge time to the new E Fiber companies.**

**Response:** See attached [FTR DR1 1.9 Employee Job Titles List.pdf](#).

**1.10 Please provide the Income statement, balance sheet and cash flow statements for each of the Emery companies for the past 5 years.**

**Response:** Applicants object to this data request as being highly confidential, competitively sensitive, overly broad, and unnecessary for Frontier’s participation in this docket. Emery Telecom provides its Confidential Audited financial statements to the Division of Public Utilities every year. The Applicants do not believe they should be required to provide this highly confidential information to Frontier in the context of the Applications, as the information is not needed by Frontier.

**1.11 Please reference the Direct Testimony of Brock Johansen at page 23, lines 492-494. Please identify the relevant docket number and provide a copy of any order providing ET&V authority to provide voice service across the coaxial network of Emery Telecom Video, LLC.**

**Response:** ET&V’s CPCN is attached hereto as E Fiber Response to [FTR DR 1.11 – ET&V CPCN.pdf](#).

**1.12 Please explain the services offered by ET&V and Emery Telecom Video, LLC and network assets owned by each of these companies.**

**Response:** The Services offered by ET&V and Emery Telecom Video, LLC are explained in Response to DR 1.5 above. The network assets owned by the companies are:

- Outside Plant
- General Plant
- Fleet Asset
- Land
- Central Office Equipment

**1.13 Please provide the affiliated service agreements between ET&V and Emery Telecom Video, LLC.**

**Response:** There are no affiliated service agreements between ET&V and Emery Telecom Video, LLC.

**1.14 Provide a copy of each of the federal Community Connect and ReConnect grant applications and approvals for the \$7.2M of grants referenced in the testimony.**

**Response:** Applicants object to this request. Grant applications are voluminous, contain detailed trade secret and highly confidential information, and are irrelevant and beyond the scope of this docket. To the extent the awarded grants will be used for broadband capital projects in the Applicants' proposed serving area these funds are shown in the **Confidential DW Exhibit 1, specifically identified on the "Grants" tab.**

Subject to the foregoing objection, see attached grant award documents:

FTR DR1 1.14 UT 1404-A23 ET&V-Mexican Hat  
FTR DR1 1.14 UT 1404-B23 ET&V LaSal  
FTR DR1 1.14 UT 1404-C23 ET&V Castle Valley  
FTR DR1 1.14 UT 1404-D51 ET&V-Old LaSal/Wilson Arch  
FTR DR1 1.14 UT 1701-A61 ET&V-Dove Creek

See also Response to 1.15b below.

**1.15 Please reference the Direct Testimony of Brock Johansen at page 3-4, lines 66-74. Please provide the following information regarding the federal grant funds received by ET&V that "are designed to provide broadband in unserved areas of Grand and San Juan Counties, Utah and Dolores County, Colorado."**

**a. Please state how ET&V's receipt of federal grant funds to provide broadband in Grand and San Juan Counties will "dramatically reduce" the UUSF support necessary for E Fiber to serve the local exchanges.**

**Response:** Grant proceeds are treated by the Applicants as a reduction in network costs (i.e., aid to construction and reducing rate base) resulting in decreased and non-duplicative rate of return funding on the investment, as well as a dollar for dollar reduction of depreciation expense over time equal to the grant amount. The reduction in rate base and depreciation "dramatically reduces" the amount of state rate of return support necessary for the Applicants to meet their service obligations.

**b. How does ET&V intend to utilize the federal grant funds in the local exchanges?**

**Response:** All grant proceeds will be used for broadband infrastructure projects.

- c. **Does ET&V intend to transfer to E Fiber those assets that are constructed or installed using federal grant funds and, if so, please identify the proposed price for the proposed transfer(s)?**

**Response:** ET&V intends to transfer the assets to the Applicant entities at their net book value at the time of transfer. In the event the asset cannot be transferred due to grant restrictions, cost allocation to the Applicants will be utilized to reflect the shared use of the assets, similar to the treatment of other shared assets in Utah.

- d. **Do the federal grants impose any limitations on the transfer of assets built using the funds? If so, please identify those limitations.**

**Response:** The Grant Agreements speak for themselves. See Grant Agreements provided in response to DR 1.14.

- e. **Do the federal grants impose any limitations on the use of assets built using the funds? If so, please identify those limitations.**

**Response:** See Response to DR 1.15(d).

- f. **Are there any limitations on the use of federal grant funds in the exchanges at issue in this consolidated docket?**

**Response:** See Response to DR 1.15(d).

- g. **Please state the amount of federal grant funds ET&V expects to expend to provide broadband in the local exchanges relevant to this consolidated docket.**

**Response:** See **Confidential DW Exhibit 1, Grants Tab.**

- 1.16 **Please provide a copy of any pending federal or state grants for any Emery company that include any area in the proposed E Fiber service areas.**

**Response:** Applicants' object to this request as containing trade secrets, confidential and irrelevant to the issues in this docket. As indicated in the testimony, Emery has one pending USDA ReConnect grant application with potential impact on the Applicants' proposed service areas. The impacts of that pending grant are not included in this analysis. Since the grant has not been awarded, it cannot be provided and has not been included in the analysis.

- 1.17 **Please provide a copy of the build out plan for E Fiber.**

**Response:** Applicants object to this request as seeking proprietary trade secrets,

competitively sensitive, and highly confidential information that is not relevant to the issues to be determined in this docket. Subject to and without waiving the foregoing objection, Applicants' high level build out timeline is contained in **Confidential DW Exhibit 1**. Precise timelines and build out designs/plans are not yet available.

- 1.18 Please provide a detailed map of the existing infrastructure currently in place by each of the affiliated entities that the new E Fiber companies will utilize to provide "local exchange services" for each of the Frontier exchanges proposed in the CPCN applications.**

**Response:** Applicants object to this request as asking for proprietary trade secrets, competitively sensitive, and confidential information that is not relevant to the issues to be determined in this docket. Subject to and without waiving the foregoing objection, Applicants state that the information regarding the type of existing infrastructure related to the Applicants' proposed service is included in **Confidential DW Exhibit 1**. Additionally, attached hereto is **Confidential FTR DR1 1.18 – E Fiber Overview**.

- 1.19 Please provide a diagram of the E Fiber switching architecture and describe the technology that will be utilized and the ownership of the assets?**

**Response:** Applicants will utilize an existing Metaswitch softswitch owned by Carbon/Emery Telcom, Inc. See attached **Confidential FTR DR1 1.19 – E Fiber Switching Interconnect Topology.pdf**.

- 1.20 Please describe and list each of the residential and business local exchange services the two E Fiber companies plan to offer throughout each of the exchanges included in its CPCN application request?**

**Response:** Applicants plan to offer similar services to those listed in the Carbon/Emery Telcom Local Tariff and the Emery Telephone Local Tariff found at <https://emerytelcom.com/support/tariffs.html>.

- 1.21 If the applications are granted, please describe the form of regulation that E Fiber expects the Utah Public Service Commission to have over E Fiber's retail rates.**

**Response:** As indicated on lines 557-561 of the Direct Testimony of Brock Johansen, the Applicants will be subject to rate of return regulation for its telephone service and wholesale broadband service.

- 1.22 If the applications are granted, please describe the form of regulation that E Fiber expects the Utah Public Service Commission to have over E Fiber's wholesale rates.**

**Response:** See Response to DR 1.21.

**1.23 If the applications are granted, please describe the form of regulation that E Fiber expects the Utah Public Service Commission to have over E Fiber's terms and conditions.**

**Response:** See Response to 1.21.

**1.24 If the applications are granted, please identify the service quality regulations that E Fiber understands will apply to E Fiber's voice service in the local exchanges.**

**Response:** The Applicants will be subject to the same service quality regulations as any other incumbent local exchange carrier in the state of Utah.

**1.25 If the applications are granted, does E Fiber intend to file a tariff for approval of E Fiber's retail and wholesale services? Provide a copy of all proposed rates, terms and conditions, including tariffs and or price guides, for all E Fiber retail and wholesale products and services.**

**Response:** Yes. The Applicants anticipate the tariff terms, conditions, and rates will be similar, to the tariffs on file for Emery. See Response to DR 1.20.

**1.26 If the applications are granted, will E Fiber file a rate case with the Utah Public Service Commission to set its initial retail and wholesale rates, terms and conditions? If so, what is the anticipated filing of the rate case?**

**Response:** Applicants will file a rate case if the PSC requires it.

**1.27 Fully describe E Fiber's line extension rates, terms and conditions referenced in the testimony.**

**Response:** See response to DR 1.20.

**1.28 Provide in detail the line extension policy used by ET&V.**

**Response:** ET&V does not have a line extension policy.

**1.29 Describe in detail whether E Fiber will make any of its services or network available for wholesale purchase by other telecom providers.**

**Response:** The Applicants will follow all applicable Federal and State requirements related to service or network availability.

**1.30 Please provide a list of all services proposed to be provided by E Fiber that will be subject to regulation by the Public Service Commission of Utah ("Commission") for its rates, terms and conditions and those that will not be subject to state regulation.**

**Response:** See Response to DR 1.20. No non-regulated services will be offered by Applicants.

**1.31 Is E Fiber also seeking federal and state ETC status and will it offer lifeline services? If so, please provide the rates, terms and conditions of its lifeline offering?**

**Response:** Pending approval of these Applications Applicants will seek federal and state ETC status. Applicants anticipate offering Lifeline similar to Emery Telephone's existing offerings. See Response to DR 1.20

**1.32 Please describe in detail E Fiber's voice services (residential and business) including whether they will be circuit switched or exclusively VoIP?**

**Response:** Applicants will provide voice service utilizing circuit switched connections that use Internet protocol or a functionally equivalent technology standard that enables an end-user to initiate or receive calls from the public switched network. The Applicants' voice services will be carrier grade Voice over Internet Protocol ("VoIP").

**1.33 Describe in detail what if any of E Fiber's affiliated companies will provide any services over the new fiber network E Fiber is proposing to build out? If so, describe all such services and provide a copy of the terms of service between the affiliated companies.**

**Response:** ET&V will provide retail internet service and Emery Telcom Video, LLC will provide retail video service using Applicants' fiber. The retail providers will pay for use of the network according to FCC regulations.

**1.34 Please provide all workpapers containing or supporting all calculations that support E Fiber's testimony regarding UUSF support for the E Fiber companies by year and by company**

**Response:** See Response to DR 1.3.

**1.35 Please refer to the Direct Testimony of Darren Woolsey at page 10, line 208. Please provide all workpapers containing or supporting all calculations that support the estimate that UUSF support to E Fiber's Affiliated Regulated Companies will be reduced by \$1.9 M per year if the applications in this consolidated docket are approved. If the workpapers themselves do not contain this information, please identify the amount of the reduction per year and per Affiliated Regulated Company.**

**Response:** See Confidential DW Exhibit 1, "FS Data" tab.



**1.36 Given that the Affiliated Regulated Companies will see a substantial cost savings as a result of the savings in various cost drivers, please provide a 5 year estimate of the cost savings in the cost drivers for each of Emery’s non-regulated Affiliated Regulated Companies.**

**Response:** Applicants object to this request as vague, ambiguous and confusing as Applicants are not aware of what is meant by “Emery’s non-regulated Affiliated Regulated Companies.” Subject to, and without waiving the foregoing objections, see **Confidential DW Exhibit 1, “ReAllocators” tab.**

**1.37 In Emery’s proposed “transfer” of existing customers of ET&V to E Fiber, will those customers continue to receive any voice, broadband or video service of any type from ET&V?**

**Response:** Yes. See Response to DR 1.33.

**1.38 Please refer to the Direct Testimony of Brock Johansen on page 22, lines 457 to 467, regarding the plan to switch customers of ET&V in Moab to E Fiber. Regarding this testimony, please provide the following information:**

**a. If the applications are approved, how quickly will existing ET&V customers who are currently served by fiber facilities installed by ET&V be moved to E Fiber?**

**Response:** See Direct Testimony of Brock Johansen, Line 462.

**b. Will ET&V continue to offer any services to those customers?**

**Response:** See Response to DR 1.33.

**c. What is the estimated cost to build fiber facilities to those customers of ET&V who currently receive services through coaxial facilities of ET&V?**

**Response:** Applicants object to the question’s premise as coaxial customers belong to Emery Telecom Video, LLC, not ET&V. See **Confidential DW Exhibit 1, “HFC Overbuild” tab, cells E28 and E30 and “FS Data” tab, cells AZ 15, BA15.**

**d. If the applications are approved, how quickly will E Fiber build the fiber facilities to those customers that currently receive service through coaxial facilities and how quickly will those customers be migrated to E Fiber?**

**Response:** Precise timelines are not yet available.

**e. The testimony indicates that E Fiber intends to migrate customers of ET&V in the exchanges to E Fiber. Is E Fiber willing to make this**

**customer migration a condition of the approval of its applications?**

**Response:** Applicants object to the phrasing of this question as confusing and ambiguous. Subject to and without waiving the foregoing objection, Applicants commit to following the procedures outlined in the Direct Testimony of Brock Johansen, Lines 487-515.

**1.39 Please refer to the Direct Testimony of Brock Johansen on page 25, lines 538 to 544, regarding E Fiber seeking an interconnection agreement with Frontier. Please identify all arrangements for services and network elements E Fiber will seek from Frontier.**

**Response:** Applicants will seek an agreement similar to the Traffic Exchange Agreement between ET&V and Frontier that permits local traffic exchange and porting. See Response to DR 1.19.

**1.40 Does E Fiber intend to use any of Frontier's network or services other than those associated with the exchange of local traffic? If so, please identify those network elements or services.**

**Response:** No. Applicants will only seek local traffic exchange and porting.

**1.41 How does E Fiber intend to interconnect with Frontier for the exchange of local traffic?**

**Response:** Applicants will seek to interconnect with Frontier similar to the current interconnection between ET&V and Frontier. See Response to DR 1.19.

## CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of July, 2020, I served a true and correct copy of Applicant's Responses to Frontier's First Set of Data Requests via e-mail transmission to following persons at the e-mail addresses listed below:

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