

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

IN THE MATTER OF Applications of E Fiber
Moab, LLC and E Fiber San Juan, LLC 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.

DOCKET NO. 20-2618-01
Exhibit No. DPU 1.0 R

FOR THE DIVISION OF PUBLIC UTILITIES
DEPARTMENT OF COMMERCE
STATE OF UTAH

Rebuttal Testimony of

Ronald Slusher

October 16, 2020

1 **INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND TITLE.**

3 A. My name is Ronald Slusher (Ron). My business address is Heber M. Wells Building,
4 160 East 300 South, 4th Floor, Salt Lake City, Utah. I am a Utility Technical Consultant
5 with the Division of Public Utilities (Division or DPU).

6 **Q. ARE YOU TESTIFYING ON BEHALF OF THE DIVISION?**

7 A. Yes.

8 **Q. ARE YOU THE RONALD SLUSHER THAT FILED DIRECT TESTIMONY IN**
9 **THIS DOCKET?**

10 A. Yes.

11 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

12 A. My rebuttal testimony has two parts; first, I respond to the objections made by Frontier
13 Communication's ("Frontier") Mr. Carl E. Erhart. In his testimony (lines 265-269) he
14 states that E Fiber should not be issued Carrier of Last Resort (COLR) status based on E
15 Fiber inability to offer service to all customers immediately following the issuance of a
16 Certificate of Public Convenience and Necessity ("CPCN"). It is the Division's position
17 that it is unreasonable to ask or force a company to have facilities in place to service
18 every customer once a utility is granted a CPCN. The granting of a CPCN does not
19 require the immediate service to customers and this is not a requirement for designation
20 as a COLR. To do so would make competitive entry effectively impossible for any utility
21 to enter the market. Many phone companies as well as Rocky Mountain Power and
22 Dominion Energy Utah do not serve everyone in the certificated areas. However, both
23 stand ready to do so and have line extension policies in place that help govern how costs
24 of doing so would be allocated among ratepayers.

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Second, to respond to Frontier’s general objections to E Fiber’s use of “Carrier Grade VoIP” service. The Division agrees with the description provided in the testimony filed by Douglas Meredith for URTA (lines 158-164) and (lines 179-185) and the Exhibit DDM01 NECA Reporting Guideline 8.11 Providing Local Exchange Telephone Service Using VoIP Technology. Furthermore, as described in the Division’s Memorandum Opposing Frontier’s Motion for Partial Summary Judgment, dated August 25, 2020. As the Division understands it, E Fiber’s VoIP service does not meet §54-19-102(2) definition of VoIP.

- (2) "Voice over Internet protocol service" means 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.

Q. DOES ANY OF THE TESTIMONY GIVEN IN THIS CASE CHANGE THE DIVISION’S POSITION THAT WAS PREVIOUSLY FILED?

A. No. The Division still believes that the issuance of a CPCN and COLR to the E Fiber companies, as it was filed in its recommendations to the Commission on May 12, 2020, is in the public interest.

CONCLUSION

Q. DOES THIS COMPLETE YOUR REBUTTAL TESTIMONY?

A. Yes, it does.