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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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DIRECT TESTIMONY OF JOHN H. HANSEN

Citizens Telecommunications Company of Utah d/b/a Frontier Communications (“Frontier”) hereby submits the pre-filed Direct Testimony of John __. Hansen in this docket.

DATED this 26th day of October, 2020.

JAMES DODGE RUSSELL & STEPHENS, P.C.



Phillip J. Russell
Attorneys for 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 26th day of October, 2020, on the following:

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/s/ Phillip J. Russell

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Be Designated as a Carrier of Last Resort in
Certain Rural Exchanges

Docket No. 20-2618-01

Surrebuttal Testimony of John H. Hansen

On Behalf of

Citizens Telecommunications Company of Utah d/b/a Frontier Communications

October 26, 2020

INTRODUCTION

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Q. PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.

A. My name is John H. Hansen. I am Vice President of Network Engineering for Frontier Communications Corporation, of which Citizens Telecommunications Company of Utah d/b/a Frontier Communications (“Frontier”) is a wholly owned subsidiary. My business address is 805 S. Central Expressway, Allen, TX 75013.

Q. ARE YOU THE SAME JOHN H. HANSEN WHO OFFERED PRE-FILED DIRECT TESTIMONY ON BEHALF OF FRONTIER IN THIS SAME PROCEEDING?

A. Yes.

Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY IN THIS DOCKET?

A. The purpose of my testimony is to address issues raised by the rebuttal testimony of Brock Johansen and Douglas Meredith concerning whether the proposed voice services of E Fiber Moab LLC and E Fiber San Juan LLC are Internet protocol-enabled services (“IP-enabled services”). In my testimony, I’ll refer to E Fiber Moab, LLC and E Fiber San Juan, LLC collectively as the “Applicants.”

18 **Q. BOTH MR. JOHANSEN AND MR. MEREDITH TESTIFIED IN THEIR**
19 **REBUTTAL TESTIMONY THAT TO BE AN IP-ENABLED SERVICE UNDER**
20 **STATE AND FEDERAL LAW A VOICE SERVICE MUST UTILIZE A**
21 **BROADBAND CONNECTION AND OFFER ENHANCED SERVICES.¹ DO YOU**
22 **AGREE?**

23 A. No. While I am not an attorney, I understand that Utah Code § 42-19-102(1) defines IP-
24 enable service as “any service, functionality, or application that uses Internet protocol or
25 a successor protocol that enables an end-user to send or receive voice, data, or video
26 communications.” As a layman, this definition is unambiguous, and its plain language
27 contains no reference to any requirement that an IP-enabled service utilize either a
28 broadband connection or offer any enhanced features. And without offering a legal
29 opinion, I can easily contrast the definition of IP-enabled service with the definition of
30 VoIP service in Utah Code § 42-19-102(2), which does expressly require a broadband
31 connection.

32 Likewise, the FCC has actually defined the term “IP-enabled service” much more
33 broadly than either Mr. Johansen or Mr. Meredith suggest. According to the FCC, the
34 term simply “includes services and applications relying on the Internet Protocol family.”²
35 Moreover, the FCC does not require that IP-enabled services be provisioned utilizing a
36 broadband connection.³

¹ Rebuttal Testimony of Mr. Johansen, lines 570 to 582; Rebuttal Testimony of Mr. Meredith, lines 225 to 248.

² *In the Matter of IP-Enabled Services*, Opinion, WC Docket No. 04-36, 19 FCC Rcd 4863, ¶ 1, n. 1 (FCC 2004).

³ *Id.* at ¶ 2, n. 2. (noting that IP-enabled services “are typically provided over broadband facilities, but could ride on narrowband facilities”).

37 **Q. MR. JOHANSEN AND MR. MEREDITH ALSO TESTIFY THAT IP-ENABLED**
38 **SERVICES UNDER UTAH LAW DO NOT INCLUDE SERVICES THAT JUST**
39 **UTILIZE IP AS A TRANSPORT METHOD.⁴ DO YOU AGREE?**

40 A. No. Again, I am not an attorney, but I can contrast the plain language of Utah Code § 54-
41 19-102(1) and (2). Relevant to this issue, the definition of VoIP service in Utah Code §
42 54-19-102 (2) requires that the customer’s voice, data, or video communications originate
43 from or terminate at her location in IP, but this requirement that does not exist in the
44 statutory definition of IP-enabled service. Instead, a service offering is an IP-enabled
45 service under Utah Code § 54-19-102(1) so long as it uses IP at some point in the
46 pathway to enable the customer to send or receive voice, data, or video communications.

47 **Q. THE TESTIMONY OF MR. JOHANSEN AND MR. MEREDITH ALSO**
48 **REFERENCES THE REPORTING GUIDELINE 8.11 PROMULGATED BY THE**
49 **NATIONAL EXCHANGE CARRIERS ASSOCIATION (“NECA”) ENTITLED**
50 **“PROVIDING LOCAL EXCHANGE TELEPHONE SERVICE USING VOICE**
51 **OVER INTERNET (“VOIP”) TECHNOLOGY.”⁵ ARE YOU FAMILIAR WITH**
52 **NECA GUIDELINE 8.11?**

53 A. Yes. As Mr. Johansen testifies, NECA provides interpretations of FCC regulations and
54 orders (but not state law),⁶ and NECA Guideline 8.11 provides the organization’s
55 interpretation of when certain services are “information services” and when they are
56 “telecommunications services” under the federal Telecommunications Act (the “Act”).

⁴ Rebuttal Testimony of Mr. Johansen, lines 577 to 582; Rebuttal Testimony of Mr. Meredith, lines 216 to 224.

⁵ Rebuttal testimony of Mr. Johansen, lines 468 to 502 (citing NECA Reporting Guideline 8.11); Rebuttal Testimony of Mr. Meredith, lines 216 to 220 (citing NECA Reporting Guideline 8.11).

⁶ Rebuttal Testimony of Mr. Johansen, lines 359 to 362.

57 **Q. DOES NECA GUIDELINE 8.11 ADDRESS WHETHER A PARTICULAR**
58 **SERVICE IS AN “IP-ENABLED SERVICE” OR A “VOIP SERVICE” UNDER**
59 **UTAH LAW?**

60 A. No. NECA Guideline 8.11 does not address whether a service is an IP-enabled service or
61 a VoIP service under Utah law.

62 **Q. MR. MEREDITH FURTHER TESTIFIES THAT THE FCC IN “THE AT&T IP**
63 **IN THE MIDDLE ORDER ... RESOLVED THAT WHEN IP IS USED AS**
64 **TRANSPORT IN THE MIDDLE OF A CALL PATH, THIS USE DOES NOT**
65 **MAKE THE SERVICE IP-ENABLED SERVICE.”⁷ IS MR. MEREDITH’S**
66 **DESCRIPTION OF THE FCC’S DECISION CORRECT?**

67 A. No. In that case, the FCC addressed whether a voice service that used IP in the transport
68 section of the call was a “telecommunications service” or an “information service” under
69 the federal Telecommunications Act (the “Act”).⁸ The FCC ruled that such a service was
70 a telecommunications service under the Act and, therefore, subject to various interstate
71 access charges.⁹ Critically, however, the FCC also recognized that the service at issue
72 was an “IP-enabled voice service” in addition to being a telecommunications service
73 under the Act.¹⁰

74 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

75 A. Yes.

⁷ Rebuttal Testimony of Mr. Meredith, lines 220 to 224.

⁸ *In the Matter of Petition for Declaratory Ruling that AT&T’s Phone-to-Phone IP Telephony Services Are Exempt from Access Charges*, WC Docket No. 02-361, Order, FCC 04-97, ¶ 1 (FCC 2004).

⁹ *Id.*, ¶¶ 12-14.

¹⁰ *Id.*, ¶ 19.