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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>Petition of E Fiber Moab, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Purpose of Receiving Rural Digital Opportunity Fund and Lifeline Support</p> <p>Petition of E Fiber San Juan, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Purpose of Receiving Rural Digital Opportunity Fund and Lifeline Support</p>	<p>DOCKET Nos.</p> <p>21-2618-01</p> <p>21-2619-01</p> <p>COMMENTS</p>
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On June 3, 2021 the Public Service Commission of Utah (Commission) issued a Notices of Filing and Comment Period seeking comments related to the E Fiber Moab, LLC and E Fiber San Juan, LLC (together “E Fiber”) Petitions for Designation as an Eligible Telecommunications Carriers (ETC) in Utah. The Commission informed interested parties that they may file comments by June 28, 2021 and if no comments are filed in opposition to the Petition, the Commission will adjudicate the dockets informally.

The Division files these Comments in support of the ETC designations but does so with the recommendation that the Commission include similar conditions on the granting of the ETC designation that have been commonly agreed to by other ETCs. Specifically, the Division

recommends that the Commission include the requirements from paragraphs 10 and 11 from the “AGREEMENT” section on page 4 of the settlement stipulation between Emery Telecommunications and Video, Inc. and the Division filed in Docket No. 21-2272-01 except for paragraph 10(C) which would be superfluous because E Fiber has been granted a CPCN for the service territories. A copy of the stipulation is attached.

The petition for ETC status filed by E Fiber results from the combination of two prior Commission dockets and a federal Rural Digital Opportunity Fund (RDOF) award. As explained in E Fiber’s Petition, E Fiber was awarded RDOF funds for deployment of broadband and voice service in a number of service areas, however E Fiber had not yet been granted a CPCN to serve in those areas. As a result, it transferred the RDOF awards to its affiliate ET&V who would provide qualifying service. ET&V sought the necessary state ETC designation in Docket No. 21-2272-01. The Division and ET&V signed and submitted a settlement stipulation in that docket recommending approval of ET&V’s petition for ETC designation on April 8, 2021.

After the settlement stipulation was filed in that docket, but before the hearing on the stipulation the Commission granted E Fiber’s CPCNs on May 10, 2021 in Docket Nos. 20-2618-01 and 20-2619-01. E Fiber preferred to accept the RDOF support through the E Fiber companies rather than the ET&V affiliate and withdrew its petition in Docket No. 21-2272-01 on May 25, 2021. E Fiber subsequently filed its petition in this docket for ETC status.

The management, facilities, and operations will remain effectively the same as between the two affiliates with common ownership and management personnel. Therefore, the Division is comfortable supporting approval of the petitions for ETC status from E Fiber without additional need for discovery or further review. The Division supports the efficient process of

an informal review given the circumstances. However, the Division recommends that the Commission include as a condition of approval the terms that had been agreed to in the ET&V docket. They are primarily obligations that E Fiber would generally be expected to meet as a regulated telecom in Utah and are commonly agreed to by other ETCs in the state. The Division has discussed this with E Fiber and E Fiber does not object to meeting the same terms as those agreed to by ET&V.

For these reasons, the Division supports granting E Fiber's ETC status with the above identified conditions.

Submitted this 28th day of June 2021.

/s/ Justin C. Jetter
Justin C. Jetter
Assistant Attorney General
Utah Division of Public Utilities

CERTIFICATE OF SERVICE

I certify that on June 28, 2021, I caused a true and correct copy of the foregoing to be filed with the Public Service Commission and served by the Utah Division of Public Utilities to the following in Utah Dockets 21-2618-01 & 21-2619-01 as indicated below:

BY Electronic-Mail:

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