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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH	
In the Matter of the Petition of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for purposes of Receiving Rural Digital Opportunity Support	UTAH RURAL TELECOM ASSOCIATION’S PETITION FOR LEAVE TO INTERVENE AND PETITION TO INTERVENE DOCKET NO. 21-2624-01

PETITION FOR LEAVE TO INTERVENE

The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Gunnison Telephone Company, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications, Inc. dba Strata Networks, and Union Telephone Company (“Members” or “URTA Members”) hereby Petition the Utah Public Service Commission (“Commission”) for leave to intervene in the above referenced docket.

As the Commission is aware, URTA participated in the Scheduling Conference in this matter on January 19, 2021 and indicated it would likely seek intervention in the Docket. Unfortunately, Counsel for URTA, Kira M. Slawson, did not properly docket and calendar this deadline, and believed the deadline for intervention to be March 5, 2021. As a result, counsel for URTA did not file the Petition for Intervention on Monday, March 1, 2021, and seeks leave to file the Petition for Intervention below. Due to the short interval between the filing deadline and this Petition, it is unlikely that granting the Petition

for Leave to Intervene will delay the proceedings or prejudice any party in this proceeding, particularly where URTA had previously participated in the Scheduling Conference and indicated its likely intervention. Counsel for URTA has contacted the attorneys of record for the Division of Public Utilities (“DPU”), the Office of Consumer Services (“OCS”), and Applicant informing them of the error. Counsel for OCS indicated URTA could represent that the OCS does not oppose URTA’s Petition for Leave to Intervene. URTA did not receive any response from the DPU or Applicant prior to the filing of this Petition.

Counsel for URTA seeks leave to intervene for good cause shown, based on Counsel for URTA’s error in docketing, and based on the fact that intervention two days after the Commission imposed deadline will not result in delay or prejudice to any party.

PETITION TO INTERVENE

The Utah Rural Telecom Association (“URTA”), on behalf of itself and URTA members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Gunnison Telephone Company, Hanksville Telcom, Inc., Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications, Inc. dba Strata Networks, and Union Telephone Company (“Members” or “URTA Members”) hereby petition the Utah Public Service Commission (“Commission”) for intervention in the above referenced docket.

PROCEDURAL HISTORY

On January 4, 2021, Starlink Service, LLC (“Starlink”) filed an Application with the Utah Public Service Commission (“Commission”) for designation as an eligible telecommunications carrier (“ETC”) in Utah for purposes of receiving Rural Digital Opportunity Fund Support. On January 19, 2021, the Commission issued a Scheduling Order that required Starlink to file its direct testimony on or before February 5, 2021 and set the intervention deadline on March 1, 2021. On February 5, 2021, Starlink filed

the Direct Testimony of Matt Johnson in support of its Petition for Designation as an Eligible Telecommunications Carrier (“Application”).

REQUEST FOR INTERVENTION

1. URTA is a Utah non-profit corporation. The URTA members are local exchange carriers providing public telecommunications services in Utah pursuant to certificates of public convenience and necessity (“CPCN”) issued by the Commission. URTA members are also ETCs, and pursuant to Utah Code Section 54-8b-15 and Utah Administrative Code R746-8-200, URTA’s members are rate-of-return regulated carriers of last resort who provide access lines and connections in the State of Utah.

2. Starlink’s Application seeks designation as an ETC for the purpose of receiving support from the Rural Digital Opportunity Fund.

3. Under the terms of the RDOF Award, Starlink is required to provide voice service and broadband internet access service. Starlink’s service for both voice and broadband will be provided using low earth orbit satellites, a non-terrestrial method of service. While the testimony offered by Mr. Johnson concludes that Starlink will provide the requisite voice service, the testimony states that “Starlink is exploring avenues for the provision of voice services consistent with the requirements and goals of RDOF, including using a white-label managed service provider (“MSP”) voice platform that Starlink has certified to meet quality and performance standards exceeding those required by RDOF.” Direct Testimony of Matt Johnson, lines 277-280. It does not appear from the testimony that Starlink has engaged an MSP, and the details of the provision of service are scant. Mr. Johnson indicates that Starlink will continue to assess alternative voice applications.

4. As ETCs and carriers of last resort throughout rural Utah, the URTA members are concerned that the record is lacking on the specifics of Starlink’s voice service. Starlink concludes that granting its ETC Application is in the public interest because it will promote the rapid deployment of advanced services to unserved and underserved areas in Utah in an efficient manner and will provide

customers in the Service Area a choice of service that is not currently available, and not likely to be available absent the grant of Starlink's Application. URTA would like to have the opportunity to engage in some discovery related to the technical provision of voice service.

5. The URTA members are concerned that granting Starlink's Application is not in the public interest. With the award of RDOF funds to Starlink, the areas that are the subject of the award are no longer eligible for other federal funding, such as ReConnect Grants. This has the effect of eliminating all of the Starlink areas from ever receiving federal funding to provide wireline fiber service. Effectively, by granting Starlink's Application, the Public Service Commission will be saying that non-terrestrial low earth orbit satellite service is good enough for these unserved and underserved areas of the state, and that the state of Utah is willing to forego the availability of other federal funds that could be used to deploy wireline fiber networks. URTA's members can offer the rural wireline carrier of last resort perspective on public interest.

6. As a result, pursuant to Utah Admin. Rule R746-1-108, and in compliance with Utah Code Section 63G-4-207, URTA seeks to intervene in this proceeding for the purpose of protecting its members' interests, as they may appear, as contributors to, and recipients of, the UUSF, and as rural providers of wireline Lifeline service.

7. The interests of justice and the orderly and prompt consideration of this proceeding will not be materially impaired by allowing URTA to intervene. As demonstrated above, URTA is filing this petition two days after the intervention deadline due to counsel's error, but its intervention will not delay the proceedings.

8. URTA requests that copies of all notices, pleadings, filings, correspondence and discovery requests and responses in this docket be served on:

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NOW THEREFORE, URТА respectfully requests that the Commission enter an Order granting URТА's Petition to Intervene in this docket, allowing URТА to participate to the fullest extent allowed by law.

DATED this 3rd day of March, 2021.

BLACKBURN & STOLL, LC



Kira M. Slawson
Attorneys for Utah Rural Telecom Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of URTA's Petition for Intervention, Docket 21-2624-01, was served the 3rd day of March, 2021 as follows:

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