
2021 Annual Report of Emery Telephone d/b/a Emery Telcom	<u>DOCKET NO. 22-042-01</u> <u>ORDER APPROVING 2023 DISTRIBUTION</u>
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ISSUED: November 28, 2022

BACKGROUND

On April 18, 2022, Emery Telephone d/b/a Emery Telcom (“Emery”) filed its Annual Report for Calendar Year 2021 (“Report”) with the Public Service Commission (PSC). On September 1, 2022, the Division of Public Utilities (DPU) filed its recommendation for the 2023 Utah Universal Public Telecommunications Support Fund (“UUSF”) calendar year distribution for Emery and on September 2, 2022, the PSC issued a Notice of Filing and Comment Period (“Notice”), seeking comments on DPU’s recommendation on or before October 3, 2022. The PSC received no comments.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Utah Admin. Code R746-8-401 requires DPU to make annual recommendations to the PSC for adjustments to the monthly UUSF distribution to each provider based on an established Federal Communications Commission rate of return and the provider’s most recent financial information reflected in its annual report filed with the PSC. DPU recommends an increase of \$411,076.90 to the prior year’s UUSF distribution for Emery (\$1,288,964.10). Specifically, in calculating Emery’s eligibility for the UUSF distribution, DPU reviewed its rate of return, state and federal income taxes, depreciation, federal USF excluded costs, UUSF eligibility, accumulated deferred income taxes, and federal USF assistance. DPU recommends a 2023

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UUSF calendar year distribution for Emery in the amount of \$1,700,041.00, to be distributed in twelve monthly payments of \$141,670.08.

Based on the Report and on DPU's uncontested recommendation, and there being no comments filed, we find and conclude that Emery is eligible to receive DPU's recommended 2023 UUSF calendar year distribution in the amount of \$1,700,041.00, pursuant to Utah Code Ann. § 54-8b-15.

ORDER

The PSC approves a 2023 UUSF calendar year distribution of \$1,700,041.00 for Emery, to be disbursed in twelve equal monthly payments in the amount of \$141,670.08.

DATED at Salt Lake City, Utah, November 28, 2022.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#326249

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on November 28, 2022, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Brock Johansen (bjohansen@emerytelcom.com)
Emery Telephone

Patricia Schmid (pschmid@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Alyson Anderson (akanderson@utah.gov)
Bela Vastag (bvastag@utah.gov)
Alex Ware (aware@utah.gov)
(ocs@utah.gov)
Office of Consumer Services

Administrative Assistant