

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of )  
 )  
Qwest Corporation DBA CenturyLink QC ) Docket No. 23-049-01  
Petition for Statewide Exemption from Carrier )  
Of Last Resort Obligations )

**SURREBUTTAL TESTIMONY OF DOUGLAS DUNCAN MEREDITH  
ON BEHALF OF THE  
UTAH RURAL TELECOM ASSOCIATION**

January 24, 2024

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1       **I. Witness Qualification**

2       **Q: Please state your full name.**

3       A: My full name is Douglas Duncan Meredith.

4       **Q: Are you the same Mr. Meredith that filed Direct Testimony on October 19,**  
5       **2023, and Rebuttal Testimony on November 16, 2023, in this proceeding?**

6       A: Yes.

7       **Q: Was this Surrebuttal Testimony prepared by you or under your direct**  
8       **supervision?**

9       A: Yes.

10      **Q: What is the purpose of your Pre-filed Surrebuttal Testimony?**

11      A: I address the items raised in the rebuttal testimony of Alan Lubeck on behalf of  
12      Qwest Corporation dba CenturyLink QC (“CenturyLink”).

13      **II. General Response to CenturyLink Rebuttal Testimony**

14      **Q: Does Mr. Lubeck raise any issue that motivates you to change your**  
15      **recommendation in this proceeding?**

16      A: No. No issue raised by Mr. Lubeck changes my recommendation that the  
17      Commission should require a replacement COLR for any CenturyLink areas where  
18      the Commission might grant the petitioned relief. Residential and business locations  
19      in CenturyLink exchange areas should not be left without a COLR while  
20      CenturyLink seeks to offer more profitable service elsewhere.

21      The CenturyLink request for COLR relief in Utah is a case of first impression.  
22      Although, as Mr. Lubeck points out, CenturyLink is not applying to be relieved of

23 federal Eligible Telecommunications Carrier (“ETC”) requirements, federal ETC  
24 designation is similar to the state COLR designation. Both designations provide  
25 important safeguards for consumers by requiring that designated carriers offer  
26 essential consumer services throughout the designated service area. For state  
27 COLRs, these services are public telecommunications services, and for ETCs, these  
28 services are all services that are supported by Federal universal service support  
29 mechanisms.<sup>1</sup>

30 Because this is an issue of first impression in Utah, and because the ETC and COLR  
31 designations share similarities, I recommend the Utah Public Service Commission  
32 (“Commission”) take guidance from Congress on how it directed all State  
33 Commissions to grant carrier relief from ETC designation.

34 **Q. Mr. Lubeck states that if URTA thinks the Utah legislature erred by enacting**  
35 **laws allowing COLR to be exempted, URTA should take that up with the**  
36 **legislature. Is that a fair assessment of URTA’s position?**

37 A. No. Mr. Lubeck misstates URTA’s concerns and mischaracterizes my testimony.  
38 URTA doesn’t think the legislature erred in enacting Utah Code Section 54-8b-3  
39 which grants the Commission the authority to exempt a telecommunications  
40 corporation from any requirement of Title 54. Rather, URTA just wants to ensure  
41 that CenturyLink, in seeking exemption from its COLR obligations, meets the  
42 requirements of Utah Code 54-8b-3. Specifically, Utah Code 54-8b-3(4) provides  
43 that the Commission may issue an order for an exemption only if it finds that the  
44 telecommunications corporation or service is subject to effective competition and  
45 the exemption is in the public interest. The public interest in ensuring that all  
46 residents and business in Utah have access to a provider is met if the Commission  
47 requires a replacement COLR to be designated in an area before it grants  
48 CenturyLink exemption from its COLR obligations in that area. Nothing stated in

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<sup>1</sup> See Utah Code §54-8b-15(1)(b)(ii)(B) and 47 U.S.C. §214(e)(1).

49 CenturyLink’s Rebuttal Testimony persuades me to not recommend the  
50 Commission use this established process for COLR relief in Utah.

51 I recommend the Commission specify in its order the requirement that another  
52 COLR replace CenturyLink prior to granting CenturyLink its requested relief. This  
53 is consistent with Utah Code § 54-8b-3(2) that the Utah Legislature adopted in the  
54 exemption requirements. My recommendation allows the Commission to harmonize  
55 its COLR relief process with federal ETC relinquishment requirements that it must  
56 apply when addressing ETC relinquishment. This process is fully consistent with  
57 the provisions adopted by the Utah Legislature.

58 **Q: Has the Commission addressed a similar situation when allowing two COLRs**  
59 **to operate in the same designated area?**

60 A: Yes. The Commission has recognized the importance of a COLR in all designated  
61 areas. The Commission has recently established a proceeding, like an ETC  
62 proceeding, when there are two COLRs serving an area. In this case, one of the  
63 COLRs may petition for COLR relief of its COLR obligations, thereby ensuring  
64 that the other COLR will remain to serve the area.<sup>2</sup>

### 65 **III. Response to the Term “Captive Customers”**

66 **Q: CenturyLink explains that only current customers are captive customers.<sup>3</sup>**  
67 **Does the ETC designation process inform the Commission on how to determine**  
68 **what customers or locations are served by a COLR?**

69 A: Yes. The established public policy for an ETC is like the duties for a COLR to serve  
70 all customer locations throughout a designated service area. The Commission has  
71 approved allowances for a COLR to apply line extension tariff charges to customer

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<sup>2</sup> Utah Administrative Rule 746-349-10(12).

<sup>3</sup> Rebuttal Testimony of Alan Lubeck (“Lubeck Rebuttal”), page 7 lines 5-7 (hereafter I use page:line references).

72 location requests in limited situations where the location is remote and distant from  
73 the exiting network; nonetheless, a COLR is required to serve any customer or class  
74 of customer who requests service in the local exchange<sup>4</sup> - in other words, all current  
75 and potential customer locations. Some residents may not subscribe to a COLR  
76 service, yet this act of not subscribing does not indicate that the customer is not  
77 served by the COLR. For purposes of public policy, I recommend the Commission  
78 determine that all customer locations in a service area have a COLR that is obligated  
79 to provide public telecommunications services, subject to line extension tariff for  
80 high-cost locations.

81 Similarly, ETC obligations require that all customer locations be served whether  
82 they are current subscribers, or potential subscribers to universal service. This  
83 reasoning is consistent with Section 214(e)(1) where Congress directs ETCs to  
84 “offer the services that are supported by Federal universal service support  
85 mechanisms” throughout the service area for which the designation is received and  
86 advertise these services to all potential customers.<sup>5</sup> I recommend the Commission  
87 take guidance for this COLR case from the Congressionally defined ETC process  
88 the Commission must follow for ETC designation relinquishment.

89 The FCC also recently adopted its regulations on digital discrimination and  
90 confirmed that consumers are current a prospective consumers for a service. In its  
91 order addressing broadband service, it states that the term “consumer” means  
92 “current and prospective subscribers to broadband internet access service, including  
93 individuals, groups of individuals, organizations, and groups of organizations.”<sup>6</sup>

94 Section 214(e)(4) also addresses the case where an ETC is abandoning its service

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<sup>4</sup> Utah Code Section 54-8b-15(1)(b)(ii)(B).

<sup>5</sup> 47 U.S.C. §214(e)(1).

<sup>6</sup> Federal Communications Commission, *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, Report and Order, GN Docket No. 22-69, FCC 23-100, Nov. 20, 2023, at 3, 90-91 (Emphasis Supplied).

95 area. This provision does not apply to the current circumstance where CenturyLink  
96 asserts that existing customers at existing locations will continue to be served  
97 universal service.<sup>7</sup> Nonetheless, the basic process of having another ETC, or, in the  
98 state COLR case, another COLR, accept the obligation to serve all customer  
99 locations throughout the designated service area is sound public policy. CenturyLink  
100 should not be permitted to relinquish COLR duties in an area until another COLR  
101 has been designated in that area.

#### 102 **IV. Functionally Equivalent Services**

103 **Q: CenturyLink alleges that since the Utah Universal Service Fund (“UUSF”)**  
104 **supports access lines, connections, or broadband service that these “must be**  
105 **considered functionally equivalent.”<sup>8</sup> Do you agree with CenturyLink that**  
106 **voice service access lines are functionally equivalent to broadband service?**

107 **A:** No. CenturyLink assumes all services eligible for UUSF support qualification meet  
108 a functionally equivalent service standard. This defies common sense. The  
109 equivalency CenturyLink identifies is that each of these services qualify for UUSF  
110 support. This has nothing to do with the functional equivalency of the services. The  
111 fact that a service is eligible for UUSF support purposes does not address the  
112 functional equivalence standard the Commission should use in this proceeding.

113 Traditional voice services, for example identified by the term “access lines”, allow  
114 a customer to send and receive telephone messages using the Public Switched  
115 Telephone Network (“PSTN”). Broadband service allows a customer to send and  
116 receive data over the Internet.<sup>9</sup> There is not a functional equivalence between the

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<sup>7</sup> As discussed in earlier testimony, this commitment does not hold when an existing customer moves from, and a new resident moves into the former customer’s location—here CenturyLink seeks permission to claim it has no COLR obligation to offer public telecommunications services, including voice service, to this new resident.

<sup>8</sup> Lubeck Rebuttal, 2:17-3:5.

<sup>9</sup> 47 CFR 8.2 was removed from the Code of Federal Regulations on Feb 22, 2018, as part of the FCC’s

117 traditional voice service and broadband service even though both are eligible for  
118 UUSF support. The FCC reinforces this concept in its definition of broadband  
119 service. It states that broadband service is functionally equivalent to services that do  
120 the same thing as broadband service.<sup>10</sup> The Commission should determine that voice  
121 service is not functionally equivalent to broadband service.

122 I recommend the Commission use a functional equivalence standard for the service  
123 that is being offered rather than the tortured standard of UUSF eligibility proposed  
124 by CenturyLink. This approach is consistent with Utah Legislative understanding of  
125 functional equivalence—and stands for the comparability of two services that are  
126 generally substitutable for their function.

127 Moreover, in addition to reviewing the functional equivalence of the competing  
128 services the Utah legislature directs the Commission to determine whether the  
129 “functionally equivalent services” also be “reasonably available at comparable  
130 prices, terms, quality and conditions.”<sup>11</sup> These metrics are required for all incumbent  
131 carriers. CenturyLink has offered no evidence regarding comparable prices, terms,  
132 quality, or conditions.

133 **Q: Do the terms, quality, and conditions of a service matter when comparing**  
134 **services?**

135 A: Yes. Service quality, terms, and conditions are important to determine whether two  
136 services are comparable. This is illustrated by the Commission’s recently  
137 implemented rule R746-349-10(13). In this rule the Commission recognized that

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Restore Internet Freedom Order. The prior definition states in part: “(a) Broadband Internet access service. A mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence, or that is used to evade the protections set forth in this part.”

<sup>10</sup> Id.

<sup>11</sup> Utah Code 54-8b-3(5)(b).



138 any functionally equivalent comparison includes a quality-of-service component.  
139 CenturyLink argues that quality of service should not apply if it is exempted.<sup>12</sup> I  
140 recommend the Commission require ongoing quality and maintenance of their  
141 facilities.

142 **Q: Do the Utah COLR obligations include voice service?**

143 A: Yes. Utah requires COLRs to offer public telecommunications services in their  
144 designated areas. Basic local exchange voice service is a public telecommunications  
145 service.

146 **Q: Can a COLR use broadband service to fulfill its COLR obligations as alleged  
147 by CenturyLink?**<sup>13</sup>

148 A: Since COLR obligations relate to public telecommunications services, including  
149 voice service, broadband service by itself, or standalone broadband that is not  
150 bundled with a voice service such as iVoIP, cannot satisfy Utah’s COLR duty to  
151 offer basic local exchange service in a defined service area.

## 152 **V. Voice Service Requirements and the Public Interest**

153 **Q: Is CenturyLink correct that the plain English reading of 47 U.S.C. §214(e)(1)  
154 states that ETC “should ‘offer the services that are supported by Federal  
155 universal service support mechanisms.’”**<sup>14</sup>

156 A: No. CenturyLink errs in claiming the obligation to offer services is a suggestion  
157 rather than a requirement. The requirement to offer, and advertise to potential  
158 customers, the services that are supported by Federal universal service support  
159 mechanisms... is preceded by **shall** and not by should.<sup>15</sup> This is confirmed by the

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<sup>12</sup> Lubeck Rebuttal, 9:6-20.

<sup>13</sup> Lubeck Rebuttal 4:9.

<sup>14</sup> Lubeck Rebuttal, 11:23, (Emphasis Supplied).

<sup>15</sup> 47 U.S.C. §214(e)(1).

160 complete citation of the 47 U.S.C. §214(e)(1) requirement:

161 (e)Provision of universal service

162 (1)Eligible telecommunications carriers – A common carrier designated as  
163 an eligible telecommunications carrier under paragraph (2), (3), or (6) shall  
164 be eligible to receive universal service support in accordance with section  
165 254 of this title **and shall, throughout the service area** for which the  
166 designation is received—

167 (A) **offer the services that are supported by Federal universal service**  
168 **support mechanisms** under section 254(c) of this title, either using its own  
169 facilities or a combination of its own facilities and resale of  
170 another carrier’s services (including the services offered by another  
171 eligible telecommunications carrier); and

172 (B) **advertise the availability of such services** and the charges therefor  
173 using media of general distribution.<sup>16</sup>

174 There is no situation where the plain English reading suggests that the requirement  
175 to both offer services and advertise services is a suggestion and not a requirement.  
176 This is why I have stated previously that the COLR relief CenturyLink seeks does  
177 not remove its ETC existing requirement to offer and advertise voice services  
178 throughout its service area. If CenturyLink is operating on the premise that offering  
179 and advertising federally designated universal services throughout its service area  
180 is optional, I strongly encourage the Commission to notify through the order in this  
181 proceeding that CenturyLink’s ETC designation requires the offering and  
182 advertising of federally designated universal services—including voice service.  
183 This not a suggestion, nor is it optional. If CenturyLink wants relief from this  
184 requirement to offer and advertise voice services, then it should seek ETC  
185 relinquishment—which, as I have discussed, requires another ETC to accept the  
186 duties for the protection of all residents and businesses and for the public interest.

187 I note that looking at the ETC statute also informs the Commission on the

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<sup>16</sup> Id. (Emphasis Supplied).

188 requirement that ETCs advertise services to all potential customers as well as offer  
189 services subscribed by customers. This may be helpful to the Commission in support  
190 of the proposition that ETC designated carriers are required to offer designated  
191 services to all locations thought the service area. I recommend the Commission, in  
192 this case of first impression, apply the same rigor Congress requires the Commission  
193 apply for ETC designation to the state COLR designation.

194 **Q: Did Congress intend “that ETC designation should be accompanied by a**  
195 **funding mechanism.”<sup>17</sup>**

196 A: CenturyLink does not provide any evidence of the Congressional intent surrounding  
197 the role of ETC designation and the receipt of funds. The FCC, as the expert agency  
198 interpreting the Telecommunications Act of 1996, does not agree with  
199 CenturyLink’s claim. It flatly rejects the proposition that ETC designation is tied  
200 to receipt of funds:

201 ...[W]e find that requiring price cap carriers to maintain their ETC  
202 designations and obligations in all census blocks where they do not receive  
203 high-cost support is consistent with section 214(e)(1). Likewise, we decline  
204 a request that we reinterpret section 214(e)(1) to require that price cap  
205 carriers only provide voice services in areas where they are *receiving*  
206 support.”<sup>18</sup>

207 This FCC position rejects CenturyLink’s claim by stating that ETC designation and  
208 its attending obligations are independent from the receipt of support. I recommend  
209 the Commission reject CenturyLink’s assertion and instead rely on the FCC’s view  
210 of universal service obligations.

211 **Q: What is the established process to relinquish ETC designation in Utah that you**  
212 **recommended the Commission follow for COLR relief?**

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<sup>17</sup> Lubeck Rebuttal, 11:2-3.

<sup>18</sup> USTelecom Order at 138.

213 A: There is a very specific process designed to balance the interest of the carriers and  
214 the customers. The Commission is directed to follow a defined process for the  
215 relinquishment of ETC designation. This is described in Section 214(e)(4), which  
216 states:

217 A State commission (or the Commission in the case of a common carrier  
218 designated under paragraph (6)) **shall permit an eligible**  
219 **telecommunications carrier to relinquish its designation as such a**  
220 **carrier in any area served by more than one eligible**  
221 **telecommunications carrier.** An eligible telecommunications carrier that  
222 **seeks to relinquish its eligible telecommunications carrier designation**  
223 **for an area served by more than one eligible telecommunications**  
224 **carrier** shall give advance notice to the State commission (or the  
225 Commission in the case of a common carrier designated under paragraph  
226 (6)) of such relinquishment. Prior to permitting a telecommunications  
227 carrier designated as an eligible telecommunications carrier to cease  
228 providing universal service in an area served by more than one eligible  
229 telecommunications carrier, the State commission (or the Commission in  
230 the case of a common carrier designated under paragraph (6)) shall require  
231 the remaining eligible telecommunications carrier or carriers to ensure that  
232 all customers served by the relinquishing carrier will continue to be served,  
233 and shall require sufficient notice to permit the purchase or construction of  
234 adequate facilities by any remaining eligible telecommunications carrier.  
235 The State commission (or the Commission in the case of a common carrier  
236 designated under paragraph (6)) shall establish a time, not to exceed one  
237 year after the State commission (or the Commission in the case of a  
238 common carrier designated under paragraph (6)) approves such  
239 relinquishment under this paragraph, within which such purchase or  
240 construction shall be completed.<sup>19</sup>

241 The designation of an ETC at the federal level requires a carrier to serve all customer  
242 locations in the designated area. The negative inference of this statute is that a sole  
243 ETC in an area cannot relinquish its designation until another ETC is designated.

244 This is confirmed by the FCC's actions in its 2020 Rural Digital Opportunity Fund

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<sup>19</sup> 47 U.S.C. §214(e)(4) (Emphasis Supplied).

245 order.<sup>20</sup> In this order, the FCC granted limited forbearance of ETC obligations. The  
246 FCC required that the existing ETC continue to provide voice service to ensure there  
247 was no gap in ETC service obligations. The FCC determined that existing “carriers  
248 will be relieved of their federal high-cost ETC obligation to offer voice telephony  
249 in specific census blocks on the first day of the month after a new ETC is authorized  
250 to receive Rural Digital Opportunity Fund support in those blocks. Thus, the new  
251 provider receiving Rural Digital Opportunity Fund support should be prepared to  
252 provide voice service throughout its service areas, either through its own facilities  
253 or a combination of its own and other ETC’s facilities, on the first day of that  
254 month.”<sup>21</sup>

255 As this is a case of first impression for the Commission regarding COLR  
256 relinquishment, I submit that the federal ETC guidance can be helpful to inform the  
257 Commission on the importance of retaining a COLR in all currently covered COLR  
258 areas. Since the effects of COLR relief parallel those of ETC relinquishment, the  
259 process states must follow for ETC relinquishment works very well for COLR relief.

260 In the absence of a defined COLR relinquishment process adopted by the Utah  
261 Legislature, I recommend the Commission determine that the path established for  
262 ETC relinquishment in Utah shall also be the path for COLR relief in Utah.<sup>22</sup> In  
263 other words, CenturyLink should not be relieved of its COLR designation unless  
264 and until a replacement COLR is designated in the areas where relief is granted.

## 265 **VI. COLR Policies and Broadband Equity Access and** 266 **Deployment (“BEAD”) Funds**

267 **Q: CenturyLink conflates long-standing COLR obligations with grant programs**

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<sup>20</sup> Federal Communications Commission, *Rural Digital Opportunity Fund*, Report and Order, WC Docket 19-126, FCC 20-5, Feb. 7, 2020.

<sup>21</sup> *Id.* at 139.

<sup>22</sup> I note the Utah Legislature provided clear requirements for the Commission but did not provide a detailed process to determine effective competition nor public interest when addressing COLRs.

268 **designed to deploy broadband services to locations where there is insufficient**  
269 **broadband service.<sup>23</sup> What is your response?**

270 A: It is obvious that CenturyLink disparages COLR policies by stating they are  
271 antiquated.<sup>24</sup> I recommend the Commission give these statements little weight in its  
272 deliberation over whether COLR relinquishment should occur in Utah.

273 **Q: Does the NTIA BEAD program require BEAD subgrantees offer voice service**  
274 **to its customers?**

275 A: No. BEAD obligations for subgrantees only require they offer broadband service  
276 for awarded unserved and underserved locations. The BEAD program has no voice  
277 service requirement.

278 **Q: CenturyLink states its COLR relief petition is “consistent with the explicit**  
279 **legislative policy of the State to ‘encourage new technologies and modify**  
280 **regulatory policy to allow greater competition in the telecommunications**  
281 **industry.’ Utah Code § 54-8b-1.1(8).”<sup>25</sup> What is your response?**

282 A: CenturyLink is taking extreme liberties when it suggests that the Legislature, by  
283 encouraging new technology and modifying regulatory policy to allow greater  
284 competition in the industry, is authorizing the removal of COLR obligations. As  
285 stated above COLR obligations provide important consumer safeguards that the  
286 Legislature itself established to ensure that voice service is offered to all  
287 customers—safeguards that are listed independent of the technology provision  
288 CenturyLink cites.

289 This position taken by CenturyLink, as a price-cap regulated carrier in Utah, is  
290 particularly offensive in light of the fact that the legislation that permitted

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<sup>23</sup> Lubeck Rebuttal, 5:7-6:3.

<sup>24</sup> Lubeck Rebuttal, 5:7-8.

<sup>25</sup> Lubeck Rebuttal, 6:1-3.

291 CenturyLink to move to price-cap regulation specifically required that CenturyLink  
292 continue to offer basic residential voice service.<sup>26</sup>

293 Furthermore, I note the first two Legislative policy declarations in the same section  
294 cited by CenturyLink are for the state to “endeavor to achieve the universal service  
295 objectives of the state as set forth in Section 54-8b-11; and facilitate access to high  
296 quality, affordable public telecommunications services to all residents and  
297 businesses in the state.”<sup>27</sup> Both of these objectives are achieved by ensuring a COLR  
298 has the obligation to serve all residents and businesses in their COLR designated  
299 area. I do not recommend the Commission interpret the provision to provide for  
300 alternative technologies to negate or diminish the stated objectives to ensure all  
301 residents and business in the state have access to public telecommunications  
302 services.

303 **Q: CenturyLink submits that “the purpose, in part, of this enormous amount of**  
304 **BEAD funding is to expand competing telecommunications services available**  
305 **from alternative providers.”<sup>28</sup> What is your response?**

306 A: CenturyLink misstates the purpose of BEAD funding by suggesting it is related to  
307 expanding competition. The primary purpose of BEAD funding is to provide  
308 broadband access and deployment to locations in the nation where there is no  
309 competition and no broadband. Secondary to this purpose is to ensure that  
310 community anchor institutions have access to gigabit broadband service. The  
311 tertiary purpose is to fund projects that enhance digital equity for broadband  
312 services. The BEAD program is not a telecommunications service program and was  
313 not passed to “expand competing telecommunications services.” Support for this

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<sup>26</sup> Utah Code § 54-8b-2.3(2)(b)(ii). Upon the grant of price flexibility, “[t]he incumbent telephone corporation shall offer basic residential service throughout the area in which the incumbent telephone corporation is authorized by certificate to provide basic residential service.”

<sup>27</sup> Utah Code § 54-8b-1.1(1) and (2).

<sup>28</sup> Lubeck Rebuttal, 6:15-16.

314 position is found in recognizing that broadband service is not a regulated  
315 telecommunications service. Instead, BEAD is a broadband equity, access, and  
316 deployment program—hence the name BEAD.

317 The Commission should not consider BEAD as a modern substitute for strong  
318 COLR provisions. Nor should the Commission accept the CenturyLink proposition  
319 that BEAD funds will be distributed to telecommunications providers,<sup>29</sup> since  
320 BEAD recipients are in fact NOT required to be telecommunications providers.<sup>30</sup>

321 **Q: When is BEAD-supported deployment expected to occur?**

322 A: The majority of BEAD support—80 percent of the total allocated to the state—will  
323 be disbursed after the National Telecommunications and Information  
324 Administration (NTIA) approves the state’s Final Proposal. The state is required to  
325 submit its Final Proposal by the end of 2024. Broadband infrastructure deployments  
326 to unserved and underserved areas should begin later this year or in early 2025.  
327 NTIA expects all deployments to occur by the end of 2028.

328 The Commission should be cautious in assuming the ultimate effect of BEAD  
329 program support in the state. While Utah’s BEAD allocation is sizable, the State is  
330 required to serve all unserved locations in the state with 100/20/Mbps service before  
331 addressing underserved locations. I observe that the BEAD support is not likely to  
332 be adequate to provide 100/20 Mbps service to all underserved locations after all  
333 unserved locations are served. Thus, the claim made by CenturyLink that BEAD  
334 will solve the issues arising in this docket is misplaced.

335 Instead, if the Commission were to consider that BEAD broadband support

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<sup>29</sup> Lubeck Rebuttal, 6:22.

<sup>30</sup> NTIA, BEAD FAQ, p.47, [https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29\\_Version-2.0.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29_Version-2.0.pdf). (“The Eligible Entity [State] may not exclude, as a class, cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility as a subgrantee.”)



336 somehow adequately provides voice services in the state, which it doesn't, the more  
337 prudent course would be to deny CenturyLink's petition pending the actual outcome  
338 of BEAD. This still does not address my principal recommendation that ETC duties,  
339 and by extension COLR duties, should be passed to another provider that is required,  
340 not suggested, to offer voice service and advertise voice service to all residences  
341 and businesses throughout the designated service area.

## 342 **VII. Alternative Services for Utah Citizens**

343 **Q: Is StarLink service functionally equivalent to CentruyLink voice service?**<sup>31</sup>

344 A: No. StarLink service is a broadband service. It does not allow a customer to access  
345 the PSTN to send and receive telephone calls. To access the PSTN, another service  
346 using StarLink service, or any other broadband service with sufficient technical  
347 capability, must be purchased by the end-user to attain the same functionality as  
348 CenturyLink's voice service. An example of this is where iVoIP service is  
349 subscribed to attain the same functionality.

350 **Q: CenturyLink alleges "there are numerous other services available to Utah  
351 citizens at comparable prices."<sup>32</sup> Do you agree?**

352 A: No. CenturyLink has not shown that all Utah citizens have alternative comparable  
353 voice services at comparable prices. There is no dispute that some Utah citizens  
354 have options, the issue in this proceeding that was forcefully covered by the  
355 Department of Public Utilities and the Office of Consumer Services is that the claim  
356 that effective competition for functionally equivalent services is not in fact available  
357 for all Utah citizens. This is why COLR designation and the requirement to  
358 offerservices throughout a service area is an important safety net that protects

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<sup>31</sup> Lubeck Rebuttal, 13:19-21.

<sup>32</sup> Lubeck Rebuttal, 14:1-2.

359 consumers and is in the public interest.

## 360 **VIII. Conclusion**

361 **Q: What is your recommendation to the Commission based on the testimony in**  
362 **this proceeding?**

363 **A:** I recommend the Commission conclude the following based on the testimony  
364 presented in this proceeding:

365 • Effective competition for functionally equivalent voice services is not  
366 universal throughout CenturyLink’s service area.

367 • The term “captive customer” is a term used to describe an existing or  
368 potential customer that has no alternative for universal services at its  
369 location.

370 • All Utah residents and businesses benefit with the assurance that a  
371 telecommunications carrier is required to provide to any customer or class of  
372 customers that requests service within the local exchange all public  
373 telecommunications services offered as part of its carrier of last resort  
374 (COLR) duty.

375 • The public interest is protected and advanced with carriers performing their  
376 COLR duties.

377 • If a COLR seeks relief from its duties, the process the Commission is  
378 required to use for ETC relinquishment will be used for COLR relief by  
379 placing terms, conditions, or requirements on the granted relief. Specifically,  
380 no COLR relief will be granted unless and until another carrier is designated  
381 as a COLR for the area or areas where relief is sought.

382 • Granting COLR exemption for CenturyLink does not remove its ETC

383 obligation to offer and advertise federally designated universal services,  
384 including voice service, throughout its service area.

385 **Q: Does this end your Pre-filed Surrebuttal Testimony?**

386 A: Yes. I request the opportunity to revise and/or supplement this testimony as new  
387 information becomes available or issues arise.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Surrebuttal Testimony of Douglas Meredith on behalf of URTA, Docket 23-049-01, was served the 24<sup>th</sup> day of January, 2024 as follows:

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