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Attorneys for Utah Rural Telecom Association

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH	
In the Matter of Overpayment of New Cingular Wireless PCS, LLC Into the Utah Universal Services Support Fund	UTAH RURAL TELECOM ASSOCIATION'S PETITION TO INTERVENE  DOCKET NO. 24-087-02

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, E Fiber Moab, LLC, E Fiber San Juan, 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 petitions the Utah Public Service Commission (“Commission”) for intervention in the above referenced docket.

**PROCEDURAL HISTORY**

On April 10, 2024, New Cingular Wireless PCS, LLC (“New Cingular”) filed a Verified Request for Recovery of Overpayment to UUSF. The Commission requested briefing on two issues which URTA participated in. On May 14, 2024, the Commission issued a Scheduling Order that required New Cingular to file its direct testimony on or before May 24, 2024; direct testimony of non-applicants was due by June 21, 2024; and the intervention deadline was set for June 28, 2024. URTA has reviewed the Verified Petition, the Direct Testimonies of Janet Tolley and Randy E. Phoenix on behalf of New Cingular, and the Direct Testimony of Gary Smith for the Division of Public Utilities.

## 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. 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. As rate of return regulated carriers of last resort, URTA’s members are eligible to participate in the Utah Public Telecommunications Service Support Fund (“UUSF”) pursuant to Utah Code Section 454-8b-15. All of the URTA members contribute to the UUSF, and many receive distributions from the UUSF.

3. New Cingular’s Petition claims that for a period of July 2021 through July of 2023, AT&T inadvertently collected and remitted more than the explicit UUSF surcharge set by the Commission under Utah Code Section 54-8b-15(90) and Utah Admin. Code R.746-8-301(1)(a)(2021). New Cingular seeks a refund of \$2,263,407.04 from the UUSF.

4. As set forth in URTA’s Legal Brief filed May 30, 2024, URTA believes the Commission has jurisdiction and the legal authority to hear and resolve this petition, and to order a refund to New Cingular in the event New Cingular is able to prove it has overpaid into the UUSF. However, based on the Direct Testimony filed to date, URTA is concerned whether New Cingular has complied with Utah Admin. Code R746-8-308 in remitting its payments to the UUSF; and whether New Cingular has provided data sufficient to enable the Commission to determine whether it is entitled to a refund from the UUSF. Specifically, New Cingular’s method of dividing the UUSF amount collected from customers and remitted by New Cingular by the amount of the surcharge to determine the reportable access lines in the state is not consistent with Utah rules. The Commission rule regarding remittance of the UUSF surcharge requires providers to remit to the Commission the UUSF surcharge per month per access line that, as of the last day of the month, has a place of primary use in Utah. Amounts collected from customers are

irrelevant to the number of access lines inquiry. While pass-through of the UUSF surcharge to customers is permitted, it is not required, and whether the surcharge is passed-through to customer or not does not affect the amount the provider owes to the UUSF. New Cingular's method for reporting access lines calls into question the accuracy of the number of access lines reported, and ultimately, the amount of the UUSF surcharge owed.

5. Because URTA's members are payers into the UUSF and recipients of distributions from the UUSF, URTA members have a vested interest in ensuring the continued viability and reliability of the UUSF and its administration.

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 rate of return regulated carriers of last resort in the State of Utah.

7. The interests of justice and the orderly and prompt consideration of this proceeding will not be materially impaired by allowing URTA to intervene.

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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257 East 200 South, Suite 800  
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NOW THEREFORE, URTA respectfully requests that the Commission enter an Order granting URTA's Petition to Intervene in this docket, allowing URTA to participate to the fullest extent allowed by law. Attached to this Petition is Appendix A which contains the Confidential Information Certificates of Kira M. Slawson and Douglas Meredith.

DATED this 28<sup>th</sup> day of June, 2024.

BLACKBURN & STOLL, LC



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Kira M. Slawson  
Attorneys for Utah Rural Telecom Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of UTAH RURAL TELECOM ASSOCIATION'S PETITION TO INTERVENE, Docket 24-087-02, was served the 28<sup>th</sup> day of June, 2024 as follows:

DIVISION OF PUBLIC UTILITIES (by email)

Patricia Schmid  
[pschmid@agutah.gov](mailto:pschmid@agutah.gov)

Patrick Greco  
[pgreco@agutah.gov](mailto:pgreco@agutah.gov)

Chris Parker  
[chrisparker@utah.gov](mailto:chrisparker@utah.gov)

Brenda Salter  
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New Cingular Wireless PCS, LLC

Trey LaMair  
[lamair@att.com](mailto:lamair@att.com)

Phillip J. Russell  
[prussell@jdrslaw.com](mailto:prussell@jdrslaw.com)



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Kira M. Slawson

**APPENDIX A**  
**CONFIDENTIAL INFORMATION CERTIFICATE**  
**DOCKET NO. 24-087-02**

I have reviewed the Public Service Commission of Utah Rule R746-1-603 with respect to the review and use of confidential information and agreed to comply with the terms and conditions of said rule in Docket No. 24-087-02.

Dated this 28<sup>th</sup> day of June, 2024



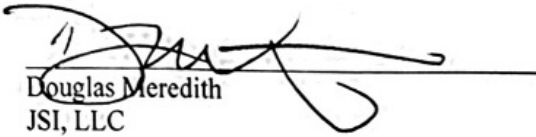
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Dated this 28<sup>th</sup> day of June, 2024

  
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Douglas Meredith  
JSI, LLC  
6404 Ivy Lane  
Greenbelt, MD 20770