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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH	
In the Matter of the Application of BARR TELL USA INC. for Certificate of Public Necessity and Convenience to Provide Facilities-Based and Resold Local Exchange, Access, and Interexchange Telecommunications Services in the State of Utah	UTAH RURAL TELECOM ASSOCIATION’S COMMENTS DOCKET NO. 24-2650-01

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 file the following comments in the above-referenced docket.

PROCEDURAL HISTORY

On July 10, 2024, Barr Tell USA, Inc. (“Barr Tell”) filed an application seeking a certificate of public convenience and necessity (“CPCN”) for authority to operate as a provider of facilities-based and resold local exchange, access, and interexchange telecommunications services (the “Application”). The Utah Public Service Commission (“Commission”) issued an action request to the Division of Public Utilities (the “Division”) on July 10, 2024. On July 15, 2024, Barr Tell filed a Revised Application (“Revised Application”). The Commission issued an Action Request to the Division on July 15, 2024

requesting that the Division review the Revised Application and make recommendations to the Commission. On July 16, 2024, the Commission issued a Notice of Filing and Comment Period (“Notice”) which invited any interested person to submit comments on the Revised Application no later than August 15, 2024, with reply comments due by September 3, 2024. In the Notice, the Commission indicated that if no comments opposing the Revised Application are filed, the Commission may adjudicate this docket informally and without a hearing, in accordance with Utah Code Ann. §54-8b-3.

COMMENTS

URTA has reviewed the Revised Application. Barr Tell has indicated generally in its application that it is seeking authority to provide facilities-based and resold local exchange, access, and interexchange telecommunications service in the State of Utah. However, Barr Tell specifically states that it will be offering its services exclusively to business customers and any other **non-residential** customers.¹ Barr Tell states that it seeks authority to offer telecommunications services that will be concentrated in the metro areas that have the highest populations. “Specifically, the services will be offered in the cities or metro areas of Salt Lake City, West Valley City, West Jordan, and Provo.”²

The Revised Application does not specifically seek authority to provide local exchange service in any area with fewer than 5,000 access lines that is served by an incumbent local exchange carrier that has fewer than 30,000 total access lines (the “Rural Exchanges”). However, out of an abundance of caution URTA and its members, pursuant to Utah Code §54-8b-2.1 specifically request that the Rural Exchanges be exempted from Barr Tell’s CPCN, and that Barr Tell not be permitted to provide local exchange services in the Rural Exchanges. URTA and its Members request that the CPCN, if granted, include language as follows:

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-Bb- 2.1, issues a Certificate of Public Convenience and Necessity authorizing [provider] to provide public telecommunications services within the State of Utah. [provider] may not provide local exchange

¹ Revised Application, p. 4.

² *Id.*

service in any area with fewer than 5,000 access lines that is served by an incumbent local exchange carrier that has fewer than 30,000 total access lines.

If Barr Tell clarifies that it is not seeking to provide service in the Rural Exchanges, and the CPCN ultimately issued by the Commission contains limiting language similar to that set forth above, URTA and its Members do not oppose the CPCN or informal adjudication.

On the other hand, if Barr Tell is seeking authority to provide local exchange service in the Rural Exchanges, or if the Commission is disinclined to include the limiting language similar to that contained above, URTA opposes the Revised Application and requests that the matter be formally adjudicated so that URTA and its Members can intervene and participate in the hearing where Barr Tell will be required to demonstrate it will meet the requirements of Utah Code §54-8b-2.1.

CONCLUSION

URTA and its Members request that Barr Tell's CPCN specifically exclude the Rural Exchanges if this docket is to be adjudicated informally; or, in the alternative, that this matter be adjudicated formally so that URTA and its Members may intervene as incumbent telephone corporations pursuant to Utah Code §54-8b-2.1(3).

DATED this 1st day of August, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of UTAH RURAL TELECOM ASSOCIATION'S COMMENTS, Docket 24-2650-01, was served the 1st day of August, 2024 as follows:

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