

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----  
In the Matter of the Petition of Telrite )  
Corporation d/b/a Life Wireless for Limited ) DOCKET NO. 12-2553-01  
Designation as an Eligible )  
Telecommunications Carrier ) ORDER APPROVING SETTLEMENT  
 ) STIPULATION AND PETITION FOR  
 ) LIMITED DESIGNATION AS AN  
 ) ELIGIBLE TELECOMMUNICATIONS  
 ) CARRIER  
 )  
-----

ISSUED: June 14, 2013

By The Commission:

BACKGROUND

On June 20, 2012, Telrite Corporation d/b/a Life Wireless (“Telrite”) filed an application for designation as an eligible telecommunications carrier. On January 15, 2013, Telrite filed an amended application. On February 6, 2013, the Commission held a duly-noticed scheduling conference and set the schedule for this docket, including an intervention deadline. Utah Rural Telecom Association (“URTA”) requested and was granted permission to intervene. Thereafter, the parties held a settlement conference and, on April 5, 2013, the Commission entered an order suspending the scheduling order in this docket pending filing of a settlement agreement.

On May 24, 2013, Telrite filed an executed settlement stipulation (“Settlement Stipulation” or “Stipulation”), a copy which is attached hereto as Exhibit #1. See Exhibit #1. The Settlement Stipulation clarifies that “Telrite seeks ETC designation for the limited purpose of providing universal service low-income Lifeline service in Utah. Telrite will not be seeking universal service high-cost support in its service area, nor will Telrite seek to provide universal service low-income Link Up service.” Id. at 3, ¶ 2. “Telrite is not currently seeking any Utah USF funding. If Telrite seeks Utah USF funding in the future, Telrite will file a separate

application requesting such state support.” Id. at 5, ¶¶ 12(A)-(B). The Settlement Stipulation is signed by Telrite, the Division of Public Utilities (“Division”), and the Office of Consumer Services (“Office”).

On May 29, 2013, the Commission held a duly-noticed hearing. At the hearing, Telrite offered into evidence an e-mail from URTA regarding the Stipulation, which states, in part: “URTA will not be signing the Stipulation, but you may represent that [URTA] ha[s] no objections.” See Telrite Exhibit #1 (E-mail from Kira Slawson, to David Shaw (May 28, 2013; 4:04 PM)). URTA did not appear at the hearing. The Administrative Law Judge for the Commission took judicial notice of the Stipulation. David J. Shaw, counsel for Telrite, represented the Stipulation is just and reasonable in result. See Transcript of Hearing at 6, lines 24-25. Both the Division and Office testified the Stipulation is just and reasonable in result, and they each recommended the Commission approve it. See id. at 10, lines 6-7; id. at 11, lines 20-22. “[A]ll of the [p]arties [to the Stipulation] agree that this Stipulation as a whole is just and reasonable in result and in the public interest.” Exhibit #1 at 6, ¶ 2. No one opposed the Stipulation.

#### FINDINGS, CONCLUSIONS AND ORDER

As set forth by statute and as previously noted by the Commission in other orders, settlements of matters before the Commission are encouraged at any stage of the proceedings.<sup>1</sup> The Commission may approve a settlement proposal after considering the interests of the public

---

<sup>1</sup> See Utah Code Ann. § 54-7-1 (2010). See also *In the Matter of the Notice of Rocky Mountain Power of Intent to File a General Rate Case*, Docket No. 11-035-200 (Report and Order; Sept. 19, 2012), at 26; and *In the Matter of the Application of Questar Gas Company to Adjust Rates for Natural Gas Service in Utah*, Docket No. 04-057-04 (Report and Order; Feb. 6, 2006), at 26.

DOCKET NO. 12-2553-01

-3-

and other affected persons, if it finds the settlement proposal in the public interest.<sup>2</sup> With this background in mind, and based on our consideration of the evidence before us, the testimony and recommendations of the parties, and the applicable legal standards, we find approval of the Settlement Stipulation to be in the public interest. Accordingly, the Commission approves the Stipulation.

Further, we approve Telrite's petition for limited designation as an eligible telecommunications carrier, subject to the terms of the Stipulation.

DATED at Salt Lake City, Utah, this 14<sup>th</sup> day of June, 2013.

/s/ Melanie A. Reif  
Administrative Law Judge

Approved and confirmed this 14<sup>th</sup> day of June, 2013, as the Order Approving Settlement Stipulation and Petition for Limited Designation as an Eligible Telecommunications Carrier of the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
D#244787

---

<sup>2</sup> See Utah Code Ann. § 54-7-1(2)(a). See also *Utah Dept. of Admin. Services v. Public Service Comm'n*, 658 P.2d 601, 613-14 (Utah 1983).

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 order by filing a request for review or rehearing with the Commission 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 Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission'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. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on the 14<sup>th</sup> day of June, 2013, a true and correct copy of the foregoing, was served upon the following as indicated below:

By Electronic-Mail:

David J. Shaw ([dshaw@kmclaw.com](mailto:dshaw@kmclaw.com))  
Alexander Pearson ([apearson@kmclaw.com](mailto:apearson@kmclaw.com))  
Kirton McConkie

J. Andrew Gibson ([agibson@joneswalker.com](mailto:agibson@joneswalker.com))  
Margaret A. Johnson ([mjohnson@joneswalker.com](mailto:mjohnson@joneswalker.com))  
Jones, Walker, Waechter, Poitevent, Carrere & Denegre L.L.P.

Brian Lisle ([brian.lisle@telrite.com](mailto:brian.lisle@telrite.com))  
Telrite Corporation

Kira Slawson ([kslawson@blackburn-stoll.com](mailto:kslawson@blackburn-stoll.com))  
Utah Rural Telecom Association

Patricia E. Schmid ([pschmid@utah.gov](mailto:pschmid@utah.gov))  
Justin Jetter ([jjetter@utah.gov](mailto:jjetter@utah.gov))  
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111

Office of Consumer Services  
160 East 300 South, 2<sup>nd</sup> Floor  
Salt Lake City, Utah 84111

---

Administrative Assistant

# **Exhibit #1**