



State of Utah  
Department of Commerce  
Division of Public Utilities

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**MEMORANDUM**

**To:** Public Service Commission

**From:** Division of Public Utilities  
Chris Parker, Director  
Bill Duncan, Telecommunications / Water Manager  
Casey J. Coleman, Utility Technical Consultant

**Date:** November 21, 2012

**Re:** In the Matter of the Petition of Blue Jay Wireless, LLC for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis per Docket No. 12-2559-01.

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**RECOMMENDATION:**

The Division recommends that the Commission suspend this Docket until the FCC approves the Compliance Plan.

**ISSUES:**

On October 23, 2012 Blue Jay Wireless (“Blue Jay”) filed a petition with the Commission asking to be considered an Eligible Telecommunications Carrier (“ETC”). As of the date of this memo, Blue Jay has not received approval of their compliance plan from the Federal Communications Commission. Because the FCC will not provide any subsidies to companies before a compliance plan is approved the Division feels moving forward in this docket is premature. The Division recommends suspending this Docket until Blue Jay receives approval from the FCC of their compliance plan. Once approval from the FCC is obtained the Division recommends Blue Jay notify the Commission of the approval and a scheduling conference can be established once notice is provided by Blue Jay.

cc: Justin Jetter, Assistant Attorney General  
John J. Heitman, Attorney for Blue Jay Wireless, LLC  
Joshua T. Guyan, Attorney for Blue Jay Wireless, LLC  
David A Wareikis, CEO Blue Jay Wireless, LLC