

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petitioner
of Global Connection Inc. Of
America dba STAND UP WIRELESS
for Designation as an Eligible
Telecommunications Carrier in
the State of Utah

Docket No. 13-2432-01

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HEARING PROCEEDINGS  
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TAKEN AT: Public Service Commission
Hearing Room 451
160 East 300 South
Salt Lake City, Utah

DATE: Wednesday, February 19, 2014

TIME: 8:33 a.m.

REPORTED BY: Nancy A. Fullmer, RMR

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APPEARANCES

ADMINISTRATIVE LAW JUDGE: MELANIE A. REIF

FOR DIVISION OF PUBLIC UTILITIES:

JUSTIN C. JETTER

ASSISTANT ATTORNEY GENERAL

160 East 300 South, Fifth Floor

Salt Lake City, Utah 84114

FOR OFFICE OF CONSUMER SERVICES:

BRENT COLEMAN

ASSISTANT ATTORNEY GENERAL

160 East 300 South, Fifth Floor

Salt Lake City, Utah 84114

VIA TELEPHONE:

FOR GLOBAL CONNECTION INC. OF AMERICA

LANCE STEINHART

ATTORNEY AT LAW

1725 Windward Concourse, Suite 150

Alpharetta, GA 30005

Also Present:

Heather Kirby, Paralegal

Hearing Proceedings

February 19, 2014

PROCEEDINGS

THE HEARING OFFICER: Good morning, everyone. I'm Melanie Reif and I am the Administrative Law Judge for the Utah Public Service Commission. And this morning is the hearing in the matter of the petition of Global Connection, Inc. of America dba StandUp Wireless for designation as an eligible telecommunications carrier in the State of Utah.

As noted in the notice that was issued by the Commission on February 10, 2014, the purpose for this hearing is to consider the settlement stipulation that was filed in this docket on February 7, 2014. Let's start by taking appearances and we'll start with you, Mr. Steinhart.

MR. STEINHART: Thank you. Good morning. This is Lance Steinhart, the attorney for Global Connections. I also have with my office Heather Kirby. And appearing for the company is Ed Smith, Global Connection's chief financial officer.

THE HEARING OFFICER: Thank you, Mr. Steinhart.

MR. STEINHART: You're welcome.

MR. JETTER: And I am Justin Jetter with the Utah Attorney General's Office representing Utah Division of Public

1 Utilities. And with me is Casey Coleman with the Division of
2 Public Utilities.

3 MR. BRENT COLEMAN: Brent Coleman with the
4 Utah Attorney General's Office representing the office of
5 Consumer Services. With me is Cheryl Murray.

6 THE HEARING OFFICER: Thank you. And
7 welcome, everyone.

8 Mr. Steinhart, this is your application. And in order
9 to make things a little more simple and expedited this morning,
10 the Commission takes notice of the application that was filed in
11 this docket, as well as the stipulation that was filed most
12 recently giving rise to this hearing. If there are other documents
13 or comments or anything that the parties wish to have entered,
14 please indicate so.

15 Also, I wish to note that the Commission is waiving
16 its general requirement, in this docket only, to have you be
17 admitted Pro Hoc Vice due to the relatively simple matter that's
18 involved.

19 MR. STEINHART: Thank you.

20 THE HEARING OFFICER: You're welcome, sir.
21 And with that, I would like to go ahead and let you take over at
22 this point to address any issues that you would like to address,
23 address the stipulation, and if you wish to call a witness, I would
24 like to swear that person in.

25 MR. STEINHART: Okay. Thank you. At this time,

1 we--we're fully behind the settlement stipulation and don't have
2 any questions or issues at this time and would leave that for the
3 other parties to see if there's any other issues from them. But
4 we're--at this time, we don't have anything further to present.

5 THE HEARING OFFICER: Okay. Do you intend to
6 call Mr. Smith?

7 MR. STEINHART: If necessary, yes. But we don't
8 anticipate that we'll need him to testify, but we may call him.

9 THE HEARING OFFICER: Okay. I would like to
10 address him if you don't intend to do so, sir. And I would like to
11 give the opportunity for the parties to do so as well if they
12 choose to do so.

13 But there's some important information that we
14 need to have in the record concerning the stipulations. So if
15 you don't intend to do that--
16 generally speaking, counsel will give an overview of the
17 stipulation and call a witness to testify as to what's outlined in
18 the notice, which is that--I specifically ask that the parties come
19 prepared to testify on whether the proposed settlement
20 stipulation is just and reasonable, ruled and revoked, and in the
21 public interest.

22 MR. STEINHART: Exactly. Well, Mr. Smith is the
23 (inaudible) and we may make some comments. Questions will
24 provide information also. But if you would like to proceed, that
25 would be great with us. Thank you.

1 THE HEARING OFFICER: Okay. So it's your--it's
2 your desire not to ask any questions or any outline of the
3 application or stipulation? You just want me to ask him; is that
4 correct, sir?

5 MR. STEINHART: Yeah. Yes. Yes.

6 THE HEARING OFFICER: Okay. That's a little--a
7 little bit different than what we usually do. But, Mr. Smith, are
8 you on the line?

9 MR. SMITH: Yes, I'm here.

10 THE HEARING OFFICER: Okay. Thank you.
11 Would you raise your right hand, please, sir?

12 THE WITNESS: Great.

13 THE HEARING OFFICER: And do you swear that
14 the testimony you're about to give is the truth?

15 MR. SMITH: I do.

16 ED SMITH, having been first duly sworn, was
17 examined and testified as follows:

18 EXAMINATION

19 BY-THE HEARING OFFICER:

20 Q. Okay. Thank you. Mr. Smith, did you participate in
21 the settlement stipulation that was filed with the Commission on
22 February 7, 2014 on behalf of Global Connection, Inc. of
23 America dba StandUp Wireless?

24 A. I did not personally participate. Dave Skogen, the
25 CEO, did.

1 Q. Okay. And are you aware of--of what the
2 stipulation represents?

3 A. Yes, I am. I've read it and am familiar with it.

4 Q. Okay. So it was your counsel that actually signed
5 on behalf of the company, as I see, but you didn't actually
6 participate or actually sign the document; is that correct?

7 A. That's correct.

8 Q. Okay. Is it your opinion, sir, that this--
9 have you read the document?

10 A. Yes. I have read the document.

11 Q. Okay. And is it your testimony that the settlement
12 proposal is just and reasonable in result and in the public
13 interest?

14 A. It is.

15 Q. Okay. And is it correct that the ETC designation
16 that the company is seeking is for purposes of Federal USF only
17 and not any Utah USF?

18 A. That's correct.

19 Q. Okay. Is there anything further that you would like
20 to add, sir?

21 A. Not at this time, no.

22 THE HEARING OFFICER: Okay. Mr. Steinhart, is
23 there anything else you would like to add given that you actually
24 signed the document on behalf of the company?

25 MR. STEINHART: Only that the (inaudible) officer

1 did review it and acknowledged that everything in there was
2 true, correct, and represented a fair and reasonable judgment of
3 the matter, petition for ETC Federal only designation in Utah.

4 THE HEARING OFFICER: Okay. And is it your
5 belief that this settlement stipulation represents a settlement
6 proposal that is just, reasonable, and in the public interest?

7 MR. STEINHART: Yes, it is. Thank you.

8 THE HEARING OFFICER: Okay. Thank you. Are
9 there any questions for Mr. Steinhart or Mr. Smith?

10 Okay. Thank you very much, gentlemen.

11 MR. STEINHART: You're welcome.

12 THE HEARING OFFICER: If you would hold the
13 line and mute your end, please, we will continue with the
14 presentations from the Division and from the Office. Mr. Jetter?

15 MR. STEINHART: Great. Thank you very much.

16 MR. JETTER: Thank you. Division would like to
17 call Casey Coleman as a witness and have him sworn in.

18 THE HEARING OFFICER: Good morning, Mr.
19 Coleman. Would you please raise your right hand? And do you
20 swear that the testimony you're about to give is the truth?

21 MR. CASEY COLEMAN: Yes.

22 THE HEARING OFFICER: Thank you.

23 CASEY COLEMAN, having been first duly sworn,
24 was examined and testified as follows:

25 EXAMINATION

1 BY-MR.JETTER:

2 Q. Mr. Coleman, would you please state your name
3 and occupation for the record.

4 A. My name is Casey J. Coleman. I'm the Utility
5 Technical Consultant with the Division of Public Utilities.

6 Q. Thank you. And have you read both the
7 application, looked through the exhibits as well as the other
8 filings in this docket, and the stipulation and settlement
9 agreement?

10 A. Yes, I have.

11 Q. Does the stipulation and settlement agreement and
12 the terms included therein result in a just and reasonable
13 stipulation and settlement that's also in the public interest?

14 A. Yes.

15 Q. And do you recommend that the Commission
16 approve the stipulation and settlement agreement as it's been
17 provided?

18 A. Yes.

19 Q. Is there any corrections that you think should be
20 made to it?

21 A. None that I'm aware of.

22 Q. Okay. And, finally, are you aware of any opposition
23 from any party to this stipulation?

24 A. No. I'm not aware of any opposition.

25 MR. JETTER: Thank you. I have no further

1 questions.

2 THE HEARING OFFICER: Thank you. Any
3 questions for Mr. Casey? Mr. Steinhart, I'll ask you first.

4 MR. STEINHART: No, thank you.

5 THE HEARING OFFICER: Any questions from the
6 Office?

7 MR. BRENT COLEMAN: No, nothing from the
8 Office. Thank you.

9 THE HEARING OFFICER: Thank you. Thank you
10 for your testimony, Mr. Coleman.

11 Office?

12 MR. BRENT COLEMAN: The Office will call Ms.
13 Cheryl Murray.

14 THE HEARING OFFICER: Good morning, Ms.
15 Murray. Would you please raise your right hand? And do you
16 swear that the testimony you're about to give is the truth?

17 MS. MURRAY: Yes.

18 THE HEARING OFFICER: Thank you.

19 CHERYL MURRAY, having been first duly sworn,
20 was examined and testified as follows:

21 EXAMINATION

22 BY-MR. BRENT COLEMAN:

23 Q. Ms. Murray, would you state your name and job title
24 for the record.

25 A. Cheryl Murray, Utility Analyst for the Office of

1 Consumer Services.

2 Q. Do you have a summary testimony to present with
3 respect to the proposal before the Commission today?

4 A. Yes, I do.

5 Q. Please proceed.

6 A. The Office of Consumer Services is responsible for
7 assessing the impact of utility rate changes and regulatory
8 actions upon residential and small commercial customers. And
9 it is in that capacity that we've analyzed StandUp Wireless's
10 request for a limited designation as an eligible
11 telecommunications carrier for the purpose of providing lifeline
12 service to residential customers in Utah.

13 We have reviewed and read the application, the
14 testimony, issued data requests, and the responses to those
15 data requests. Our consideration of the request are both with
16 the benefits that will be provided to low income customers
17 through wireless ATCs and also the funds that are collected
18 from telecommunications customers to fund the lifeline program.
19 The Office recognizes the need for low income persons to have
20 access to telephone service and in general supports the ability
21 to receive that access through wireless telephone services.

22 The stipulation that is being presented today
23 incorporates conditions that the Office asserts are necessary to
24 that public interest. Development and use of a Utah specific
25 information sheet, payment of appropriate taxes and fees, and

1 any future requests for State USFs would be subject to a
2 separate filing and a hearing.

3 In conclusion, in the Office's judgment, the
4 settlement is just and reasonable in result and is in the public
5 interest and we recommend the Commission approve it. That
6 concludes my testimony.

7 MR. COLEMAN: At this time the Office has nothing
8 further with Ms. Murray available for any questions.

9 THE HEARING OFFICER: Thank you.

10 Mr. Steinhart, do you have any questions for Ms.
11 Murray?

12 MR. STEINHART: No, I don't. Thank you, Your
13 Honor.

14 THE HEARING OFFICER: Mr. Jetter?

15 MR. JETTER: I have no questions. Thank you.

16 THE HEARING OFFICER: Ms. Murray, thank you
17 for your testimony today.

18 Just a couple of questions. Is the Office aware of
19 any objections filed in this matter or raised concerning this
20 application?

21 MS. MURRAY: None that we're aware of.

22 THE HEARING OFFICER: Okay. Thank you. That's
23 all I have. Thank you very much.

24 MS. MURRAY: You're welcome.

25 THE HEARING OFFICER: Mr. Steinhart, I want to

1 go back to you. And pardon me for circling back a little bit.
2 When I used the--earlier, I think I used the word testimony.
3 However, I didn't actually swear you in, and I know that that's
4 typically not the rule of an attorney. However, given that you
5 have signed the document and you've indicated that--if I
6 remember what I asked you correctly--that it would be your
7 testimony that the agreement is just and reasonable in result
8 and in the public interest, are you comfortable that you be sworn
9 in or do you have a preference that would be something
10 different than that, say that you would be proffering that on
11 behalf of your client?

12 MR. STEINHART: I mean, I don't generally get
13 sworn in when I'm representing my client. I would proffer that
14 for them preferably.

15 THE HEARING OFFICER: Okay.

16 MR. STEINHART: I mean, we prepared the
17 document. They review it and we sign it on behalf of the
18 company.

19 THE HEARING OFFICER: Okay.

20 MR. STEINHART: I don't think it's--I really don't
21 think it's appropriate for me to testify.

22 THE HEARING OFFICER: Okay. And we do have
23 the testimony of Mr. Smith. I just wanted to clarify that because
24 I didn't want the record to misstate something since I hadn't
25 actually sworn you in.

1 The other thing I want to address is with Mr. Smith.
2 Mr. Smith, were you able to hear Ms. Murray's testimony?

3 MR. SMITH: Yes, I could.

4 THE HEARING OFFICER: Okay. Ms. Murray, in
5 part, outlined the stipulation and, in particular, the requirement
6 for the company, if it chooses to do so, to seek Utah USF in the
7 future that it's required to go through a separate application
8 process.

9 Are you aware of that, sir, that that's part of this
10 agreement that this is simply for Federal USF only, and if Utah
11 USF becomes involved in the future, it's something you will need
12 to seek separately from this docket?

13 MR. SMITH: Yes, I am aware. Yes. That will
14 require an additional application.

15 THE HEARING OFFICER: Okay. And are you in
16 agreement with that, sir?

17 MR. SMITH: Yes.

18 THE HEARING OFFICER: Okay. Very good.

19 Mr. Steinhart, the other parties have indicated that
20 they are aware of no opposition to this stipulation. Is the
21 company aware of any opposition?

22 MR. STEINHART: No. We are not.

23 THE HEARING OFFICER: Okay. Is there anyone
24 here who wishes to address the Commission who has not
25 already done so?

1 There being no further comment in this case, the
2 matter will be adjourned and an order will be issued. As noted
3 under 5471, stipulations are encouraged at any course in the
4 matter. And so long as the standard is met that the proposed
5 settlement is just and reasonable in result and in the public
6 interest, the Commission will grant that. So an order will be
7 issued as quickly as we're able to do that for you.

8 Are there any questions? All right.

9 MR. STEINHART: No. Thank you, Your Honor. I
10 would just like to thank all the parties this morning for their
11 testimony because I'm happy to (inaudible). Thank you for your
12 time.

13 THE HEARING OFFICER: Thank you. Have a good
14 day. Thank you for joining us, everyone.

15 MR. STEINHART: You're welcome.

16 MR. SMITH: Thank you very much.

17 THE HEARING OFFICER: Bye-bye.

18 (Hearing concluded at 8:49 a.m.)

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CERTIFICATE

This is to certify that the foregoing proceedings were taken before me, NANCY A. FULLMER, a Registered Merit Reporter and Notary Public in and for the State of Utah;

That the proceeding was reported by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true, and correct transcription of said testimony so taken and transcribed is set forth in the foregoing pages;

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

Nancy Fullmer, RMR

My Commission Expires:

June 28, 2016