

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Petition of Tempo Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah )  
)  
) DOCKET NO. 13-2569-01  
) ORDER APPROVING SETTLEMENT  
) STIPULATION AND APPLICATION FOR  
) DESIGNATION AS AN ELIGIBLE  
) TELECOMMUNICATIONS CARRIER  
)  
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ISSUED: April 23, 2014

BACKGROUND

On December 12, 2013, Tempo Telecom, LLC (“Tempo”) filed an application for designation as an eligible telecommunications carrier.<sup>1</sup> On December 16, 2013, the Commission issued a notice of filing and comment period, requesting comments be filed no later than January 13, 2014, on the above application.<sup>2</sup> On January 17, 2014, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission establish a schedule for the filing of testimony, intervention of interested parties, and a hearing date for this docket.<sup>3</sup> No other comments were filed.

On January 29, 2014, the Commission held a scheduling conference<sup>4</sup> and set the schedule for this docket.<sup>5</sup> On February 12, 2014, Tempo filed its direct testimony.<sup>6</sup> On April 7,

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<sup>1</sup> See Petition of Tempo Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah, filed December 12, 2013. Tempo filed supplemental exhibits to its petition on December 16, 2013, January 21, 2014, and March 20, 2014.

<sup>2</sup> See Notice of Filing and Comment Period, issued December 16, 2013.

<sup>3</sup> See Division Memorandum, filed January 17, 2014. This filing was preceded by another Division filing on January 6, 2014, requesting the Commission suspend this docket until the FCC approves Tempo Telecom’s compliance plan. On January 21, 2014, Tempo filed a supplemental exhibit, see supra n.1, confirming its compliance plan was approved by the FCC on August 8, 2012.

<sup>4</sup> See Notice of Scheduling Conference, issued January 22, 2014.

<sup>5</sup> See Scheduling Order and Notice of Hearing, issued January 29, 2014. The scheduling order set February 21, 2014, as the deadline for intervention. See id. However, no requests for intervention were filed.

<sup>6</sup> See Direct Testimony of Gregory Corwin on Behalf of Tempo Telecom, LLC, filed February 12, 2014.

DOCKET NO. 13-2569-01

-2-

2014, Tempo filed both a request to suspend the schedule and hearing in this docket,<sup>7</sup> and an executed stipulation and settlement agreement (“Settlement Stipulation” or “Stipulation”),<sup>8</sup> a copy of which is attached hereto as Exhibit #1.<sup>9</sup> The Settlement Stipulation clarifies that “Tempo seeks ETC designation for the limited purpose of providing universal service low-income Lifeline service in Utah. Tempo will not be seeking universal service high-cost support in its service area, nor will Tempo seek to provide universal service low-income Link Up service.”<sup>10</sup> “Tempo is not currently seeking any Utah USF funding. If Tempo seeks Utah USF funding in the future, Tempo will file a separate application requesting such state support.”<sup>11</sup> The Settlement Stipulation is signed by counsel for Tempo, the Division, and the Office of Consumer Services (“Office”).

On April 15, 2014, the Commission held a hearing on the Stipulation. At the hearing, William J. Evans and Joseph M. Stultz, counsel for Tempo appeared, along with James Sark (“Mr. Sark”) of Tempo, who appeared telephonically. Justin Jetter, assistant attorney general, appeared on behalf of the Division and was accompanied by Casey J. Coleman. Brent Coleman, assistant attorney general, appeared on behalf of the Office and was accompanied by Cheryl Murray. Mr. Sark, senior project manager, testified the Stipulation is just and reasonable in result.<sup>12</sup> Mr. Coleman, utility technical consultant with the Division, testified the Stipulation is

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<sup>7</sup> See Request for Suspension of Schedule and for Hearing on Stipulation, filed April 7, 2014.

<sup>8</sup> See Tempo Telecom, LLC Stipulation and Settlement Agreement, filed April 7, 2014.

<sup>9</sup> See attached Exhibit #1.

<sup>10</sup> *Id.* at 4, ¶ 2.

<sup>11</sup> *Id.* at 7, ¶ 19(B).

<sup>12</sup> See Transcript of April 15, 2014, Hearing at 11, lines 18-22; 14, lines 3-6.

DOCKET NO. 13-2569-01

-3-

just, reasonable, and in the public interest.<sup>13</sup> Ms. Murray, utility analyst with the Office, testified the Settlement Stipulation is in the public interest and recommended Commission approval of it.<sup>14</sup> “[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.”<sup>15</sup> 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>16</sup> The Commission may approve a settlement proposal after considering the interests of the public and other affected persons, if it finds the settlement proposal in the public interest.<sup>17</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 Tempo’s application for designation as an eligible telecommunications carrier, subject to the terms of the Stipulation.

Tempo is subject to all applicable Utah administrative rules, as set forth in the Utah Admin. Code. We note the Commission has recently opened a docket (Docket No. 14-999-

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<sup>13</sup> See *id.* at 16, lines 5-8.

<sup>14</sup> See *id.* at 19, lines 6-8.

<sup>15</sup> Exhibit #1 at 8, ¶ 2.

<sup>16</sup> See Utah Code Ann. § 54-7-1 (LexisNexis 2010). See also *In the Matter of the Application of Rocky Mountain Power*, Docket No. 11-035-200 (Report and Order; Sept. 19, 2012), at 26.

<sup>17</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).

DOCKET NO. 13-2569-01

-4-

06) to review and modify the Lifeline program rules. Also, as stated in the Stipulation, “Tempo agrees to adopt any changes to the certification and verification process developed within Docket No. 10-2528-01.”<sup>18</sup>

DATED at Salt Lake City, Utah, this 23<sup>rd</sup> day of April, 2014.

/s/ Melanie A. Reif  
Administrative Law Judge

Approved and confirmed this 23<sup>rd</sup> day of April, 2014, as the Report and Order 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  
DW#253667

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<sup>18</sup> Exhibit #1 at 7, ¶ 19(F). Docket No. 10-2528-01 is an investigatory docket, which resulted in the rule-making docket, Docket No. 14-999-06. Docket No. 14-999-06 will decide the Lifeline regulatory requirements that state and federal ETCs will need to meet to operate in the state of Utah. Docket No. 10-2528-01 can be viewed at <http://www.psc.utah.gov/utilities/telecom/telecomindx/2010/10252801indx.html>. Docket No. 14-999-06 is available at <http://www.psc.utah.gov/utilities/misc/miscindx/1499906indx.html>.

DOCKET NO. 13-2569-01

-5-

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 23<sup>rd</sup> day of April, 2014, a true and correct copy of the foregoing, was served upon the following as indicated below:

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DOCKET NO. 13-2569-01

-7-

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DOCKET NO. 13-2569-01

-8-

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DOCKET NO. 13-2569-01

-9-

# **Exhibit #1**

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**BEFORE THE UTAH PUBLIC SERVICE COMMISSION**

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In the Matter of the Petition of Tempo Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah.

Docket No. 13-2569-01

**TEMPO TELECOM, LLC  
STIPULATION AND SETTLEMENT  
AGREEMENT**

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**STIPULATION AND SETTLEMENT AGREEMENT**

Tempo Telecom, LLC (“Tempo” or the “Company”), the Division of Public Utilities (“DPU”), and the Office of Consumer Services (“OCS”) (collectively the “Stipulating Parties” or the “Parties”), through their undersigned representatives, enter into this Stipulation and Settlement Agreement (“Stipulation”) regarding the Petition filed by Tempo in the instant docket. The Parties submit this Stipulation for approval by the Public Service Commission of Utah (the “Commission” or the “PSC”) pursuant to the Commission’s Rules of Practice and Procedure, Utah Admin. Code r.746-100-10.

**PRELIMINARY STATEMENT**

1. On May 8, 1997, the Federal Communications Commission (“FCC”) issued its Universal Service Report and Order, 12 FCC Rcd 8776 (1997) (“Universal Service Order”) implementing the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the “Federal Act”). The FCC provided further guidance on Eligible Telecommunications Carrier (“ETC”) designation in its Lifeline and Link Up Reform Order released February 6, 2012, Federal-State Joint Board on Universal Service, WC Docket No. 11-42, WC Docket No.

03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11.<sup>19</sup>

2. The Universal Service Order provides that only ETCs designated by a state public utilities commission (“State Commission”) shall receive federal universal service support. Under 47 U.S.C. § 214(e), a State Commission shall, upon its own motion or upon request, designate a common carrier that meets the requirements set forth by the FCC as an ETC for a service area designated by the State Commission. The FCC defines a service area as a geographic area established by a State Commission for the purpose of determining universal service obligations and support mechanisms.

3. To be designated as a federal ETC under the Federal Act, a carrier must: (1) be a common carrier; (2) demonstrate an intent and ability to provide the supported services set forth in 47 C.F.R. § 54.101(a) throughout its designated service areas; and (3) demonstrate an intent and ability to advertise its universal service offerings and the charges therefore, using media of general distribution. 47 U.S.C. § 214(e); Universal Service Order, 12 FCC Rcd at 8791.

4. The FCC’s supported services set forth in 47 C.F.R. § 54.101(a) are:
- a. voice grade access to the public switched telephone network or its functional equivalent;
  - b. minutes of use for local service provided at no additional charge to end users;

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<sup>19</sup> See *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, CC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“Lifeline and Link Up Reform Order”).

- c. access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and
- d. toll limitation services to qualifying low-income consumers.

5. In areas served by a rural telephone company, the provision at 47 U.S.C. § 214(e)(2) further requires the Commission to determine that the designation of an additional ETC is in the public interest.

6. On December 12, 2013, Tempo filed a Petition seeking Designation as an ETC in the State of Utah ("Petition"), Docket Number 13-2569-01. Tempo's Application states that it seeks designation throughout Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the exchanges set forth on Exhibit 7 to the Petition. Petition at 5. On March 20, 2014, Tempo filed its Amended Exhibit 7, revising the list of Sprint exchanges in which Tempo initially seeks designation.

7. Other than the DPU and the OCS, which are afforded participation by Rule, no party has sought to participate in this docket and the deadline for filing a petition to intervene has expired.

9. The Parties have now reached agreement on the issues raised in this docket, as set forth herein. The Parties agree this Stipulation should have no legal effect outside of the instant docket.

## AGREEMENT

WHEREFORE, based on their review of all discovery, testimony and exhibits submitted and upon their settlement discussions, the Parties hereby stipulate and agree as follows:

1. Tempo is a wireless reseller of the Sprint networks.
2. Tempo seeks ETC designation for the limited purpose of providing universal service low-income Lifeline service in Utah. Tempo will not be seeking universal service high-cost support in its service area, nor will Tempo seek to provide universal service low-income Link Up service.
3. Tempo's Lifeline program furthers the statutory goal that basic service be available and affordable to all citizens of the state of Utah.
4. Tempo's Lifeline product offering will offer an additional choice of providers offering service for low-income consumers, which represents a benefit for those consumers and is in the public interest.
5. Tempo is a commercial mobile radio service ("CMRS") provider, and a common carrier as defined by 47 U.S.C. § 332(c)(1)(A).
6. Tempo provides each of the supported services set forth in 47 C.F.R. § 54.101(a) and it has shown an intent and ability to offer those services once designated throughout its requested service areas.<sup>20</sup>

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<sup>20</sup> With respect to toll limitation, in its Lifeline and Link Up Reform Order, the FCC stated that toll limitation would no longer be deemed a supported service in the case of ETCs. See Lifeline and Link Up Reform Order at ¶¶ 49 and 367. Nonetheless, Tempo's offerings inherently allow Lifeline subscribers to control their usage because of the prepaid nature of Tempo's Lifeline plans. Tempo's service is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same. The nature of Tempo's service and plans act as a toll limitation. Tempo will not seek reimbursement for toll limitation service.

7. Tempo meets the requirements for Federal ETC designation.
8. In August 2012, Birch Communications, Inc. (“Birch”) received approval from the FCC of its Compliance Plan (the “Compliance Plan”) for the provision of prepaid Lifeline wireless service.
9. On December 18, 2012, Birch notified the FCC that the prepaid wireless Lifeline service would be provided by a separate legal entity known as Now Communications, LLC (“Now Comm”). A copy of that filing is attached as Exhibit 2 (without attachments) of the Petition. (“December, 2012 FCC Filing”).
10. In that filing, Now Comm committed to implement and comply with the Compliance Plan, and notified the FCC that it adopted the Compliance Plan as its own. The FCC acknowledged these changes in corporate structure on December 20, 2012, in a public notice attached as Exhibit 3 of the Petition. The FCC indicated that the Compliance Plan would apply to Now Comm.
11. Now Comm has since changed its name to Tempo Telecom, LLC. Therefore, the statements in the December, 2012 FCC Filing apply to Tempo.
12. On May 13, 2013, Tempo notified FCC staff of its name change, and filed with the FCC an amended petition for ETC designation in the states for which the FCC handles such designations (“May 13 FCC Amendment”). All changes made via the May 13 FCC Amendment are incorporated by reference into the Compliance Plan.
13. Tempo also updated the Compliance Plan to reflect Tempo’s adoption of the plan, which is attached as Exhibit 4 to the Petition.

14. On September 17, 2013, Tempo filed a letter with the FCC to formally notify the FCC that Tempo will comply with and adopt as its own the Compliance Plan. This letter is attached as Exhibit 5 of the Petition (without attachments).

15. Tempo will employ the same procedures and operations set forth in the Compliance Plan for its provision of prepaid wireless Lifeline service. Except as modified in Tempo's Petition filed in Utah and by the May 13 FCC Amendment, Tempo will offer the same prepaid wireless Lifeline service plan set forth in the Compliance Plan, and will market and advertise its prepaid wireless Lifeline service in the same manner as described in the Compliance Plan.

16. Tempo will make available Lifeline service to qualifying low-income consumers. Tempo will not offer Link Up to qualifying low-income consumers.

17. Tempo will make available two (2) different Lifeline plans at no cost, equivalent to 150 free minutes (with text messages charged at one minute per three (3) incoming or outgoing texts and Web/Internet access charged at two minutes per 1 Megabyte (MB) of Web/Internet usage), or 250 free minutes (with text messages charged at one minute per three (3) incoming or outgoing texts and Web/Internet access charged at two minutes per 1 Megabyte (MB) of Web/Internet usage). Tempo also will offer additional minutes for purchase at the rate of \$5.95 for 60 minutes, \$9.95 for 100 minutes, and \$14.95 for 200 minutes. Additional minutes purchased by the Lifeline customer will be available for voice, text, or Web/Internet usage as described in this paragraph. Tempo agrees that it will seek federal reimbursement from the Universal Service Administrative Company ("USAC").

18. The Parties stipulate and agree that designating Tempo as an ETC in the wire centers set forth in Amended Exhibit 7 to the Petition serves the public interest, convenience and necessity, as defined in 47 U.S.C. § 214(e)(2).

19. The Parties stipulate and agree that Tempo shall provide its ETC Lifeline universal service offerings in Utah pursuant to this Stipulation (including attachments). The Parties recommend that Tempo's provision of its universal service offering as an ETC be governed by the following additional requirements:

A. Tempo will use a Utah-specific fact sheet that provides customers concise and complete information about the services they will receive. Such fact sheet is attached hereto as **Attachment 1**. Tempo agrees to promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.

B. Tempo is not currently seeking any Utah USF funding. If Tempo seeks Utah USF funding in the future, Tempo will file a separate application requesting such state support.

D. Tempo will comply with all state service quality and consumer protection requirements.

E. Tempo acknowledges that approval of the Petition will be conditioned upon the verified payment of all applicable state and local regulatory fees, including, but not limited to, universal service fees, emergency services, and relay services.

F. Tempo agrees to adopt any changes to the certification and verification process developed within Docket No. 10-2528-01.



G. Upon implementing any changes to its Lifeline offerings, Tempo will timely file a notice with the DPU and OCS describing the changed plans.

H. If Tempo intends to expand the area in which it offers Lifeline services in Utah, Tempo will timely file a notice with the Commission, DPU and OCS identifying the expanded service area.

### **GENERAL PROVISIONS**

1. The Parties stipulate to the admission into evidence in this docket of Tempo's Petition and pre-filed Testimony, Exhibits and its Supplemental and Amended Exhibits. This stipulation to the admission of the Testimony does not represent an agreement by the Parties as to any positions taken in such Testimony.

2. Not all Parties agree that each aspect of this Stipulation is warranted or supportable in isolation. Utah Code Ann. § 54-7-1 (2013) authorizes the Commission to approve a settlement so long as the settlement is just and reasonable in result. While the Parties may not be able to agree that each specific component of this Stipulation is just and reasonable in isolation, all of the Parties agree that this Stipulation as a whole is just and reasonable in result and in the public interest.

3. All negotiations related to this Stipulation are confidential, and no Party shall be bound by any position asserted in negotiations. Except as expressly provided in this Stipulation, and in accordance with Utah Admin. Code r.746-100-10.F.5, neither the execution of this Stipulation nor the order adopting it shall be deemed to constitute an admission or acknowledgment by any Party of the validity or invalidity of any principle; nor shall they be construed to constitute the basis of an estoppel or waiver by any Party; nor shall they be introduced

or used as evidence for any other purpose in a future proceeding by any Party except in a proceeding to enforce this Stipulation.

4. The Parties agree that no part of this Stipulation or the formulae and methods used in developing the same or a Commission order approving the same shall in any manner be argued or considered as precedential in any future case except with regard to issues expressly called-out and resolved by this Stipulation. This Stipulation does not resolve and does not provide any inferences regarding, and the Parties are free to take any position with respect to, any issues not specifically called-out and settled herein.

5. The Parties request that the Commission hold a hearing on this Stipulation. The Parties will support the Commission's approval of this Stipulation. As applied to the DPU and the OCS, the explanation and support shall be consistent with their statutory authority and responsibility.

6. The Parties agree that if any person challenges the approval of this Stipulation or requests rehearing or reconsideration of any order of the Commission approving this Stipulation, each Party will use its best reasonable efforts to support the terms and conditions of this Stipulation. As applied to the DPU and the OCS, the phrase "use its best reasonable efforts" means that they shall do so in a manner consistent with their statutory authority and responsibility. In the event any person seeks judicial review of a Commission order approving this Stipulation, no Party shall take a position in that judicial review proceeding in opposition to the Stipulation.

7. Except with regard to the obligations of the Parties under the four (4) immediately preceding paragraphs of this Stipulation, this Stipulation shall not be final and binding on the Parties until it has been approved without material change or condition by the Commission.

8. This Stipulation is an integrated whole, and any Party may withdraw from it if it is not approved without material change or condition by the Commission or if the Commission's approval is rejected or materially conditioned by a reviewing court. If the Commission rejects any part of this Stipulation or imposes any material change or condition on approval of this Stipulation or if the Commission's approval of this Stipulation is rejected or materially conditioned by a reviewing court, the Parties agree to meet and discuss the applicable Commission or court order within five (5) business days of its issuance and to attempt in good faith to determine if they are willing to modify the Stipulation consistent with the order. No Party shall withdraw from the Stipulation prior to complying with the foregoing sentence. If any Party withdraws from the Stipulation, any Party retains the right to seek additional procedures before the Commission, including presentation of testimony and cross-examination of witnesses, with respect to issues resolved by the Stipulation, and no party shall be bound or prejudiced by the terms and conditions of the Stipulation.

9. This Stipulation may be executed by individual Parties through two (2) or more separate, conformed copies, the aggregate of which will be considered as an integrated instrument.

WHEREFORE, the Parties respectfully submit this Stipulation and Settlement Agreement for approval by the Commission and request that the Commission grant such approval.

Dated this 7th day of April, 2014.

FOR TEMPO TELECOM, LLC

/s/ William J. Evans

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**ATTACHMENT 1**

Utah-specific Fact Sheet

## IMPORTANT INFORMATION ABOUT YOUR TEMPO TELECOM WIRELESS LIFELINE SERVICE

TEMPO wireless Lifeline Service is brought to you by TEMPO TELECOM, LLC and includes the provision of a free E911 compliant wireless handset with voicemail and custom calling features such as call waiting, call forwarding, and caller ID. This government sponsored Lifeline telephone service is subject to your continuing eligibility and annual recertification. Only one Lifeline subsidy per household is allowed; your participation in this program requires that you or anyone in your household do not receive a Lifeline subsidy on any other phone, either wireless or wireline. If you no longer participate in the low-income assistance program under which you originally qualified or if your income exceeds the qualifying amount, you must notify TEMPO immediately. As a recipient of Lifeline service you may not give away or sell this phone; Lifeline service is non-transferrable.

- Your enrollment in the program will be for 12 months, unless your eligibility status changes, you select a different carrier, or there is no activity on your phone for 60 consecutive days. Your enrollment may be renewed based on your yearly re-certification of Lifeline eligibility.
- You will receive a minimum of either 150 or 250 free nationwide minutes each month, at no charge, depending on the Plan you choose. This offer may increase but will not decrease. Tempo Telecom will inform you of any changes. (You must follow the procedures provided to you by TEMPO to receive free minutes and elect a Plan.)
- You may choose to purchase an upgraded handset at any time.
- If you choose Plan Option 2, which allows 150 free nationwide minutes each month, unused free minutes will carry over to the following month. If you elect the 250 Monthly Minute Plan (Plan Option 1), then unused minutes do not carry over.
- Minutes will be charged for both outgoing and incoming calls. Available minutes can be used for voice, text, or data as set forth below.
  - Calls to directory assistance and time you are on hold will also count as minutes used.
  - Emergency calls to 911 will not count against your minutes and CAN be made even if you have NO remaining minutes
  - Calls to Tempo customer service using 611 will not count against your minutes.
  - Partial minute usage is rounded up.
  - All available minutes are nationwide minutes - there is no additional charge for toll calls.
  - Text messages are charged at one minute per three (3) incoming or outgoing texts.
  - Web/Internet usage, with 1 megabyte (MB) counting as two (2) minutes of use (Web/Internet access dependent on handset).
- To contact a Tempo Telecom customer service representative, please dial 611 from your Tempo handset or dial Tempo Telecom's toll-free number 1-888-565-1011. You can also contact a Tempo Telecom customer service representative via the "Support" link on Tempo's website, [www.mytempo.com](http://www.mytempo.com).
- Additional minutes can be added by calling Tempo customer service, visiting a local Utah retailer, or via Tempo's website. Additional minutes are available for thirty (30) days from purchase, and will carry over into the next month. Additional minutes can be used for voice, text, or data as set forth above.
  - Purchase 60 additional minutes for \$5.95
  - Purchase 100 additional minutes for \$9.95
  - Purchase 200 additional minutes for \$14.95
- At the end of 12 months Tempo will contact you to verify that you are still eligible for Lifeline support to continue to receive free minutes monthly. You must respond to Tempo or you will automatically be de-enrolled from the Lifeline program.
- If you have purchased additional airtime and have remaining minutes and days of service at the end of your Lifeline eligibility, you will be subject to the Terms and Conditions of Tempo's retail wireless services, which are available at: <http://www.mytempo.com/footer/Terms-and-Conditions.aspx>.
- Your wireless Lifeline service from Tempo is governed by Tempo's Lifeline Terms and Conditions of Service, which will be provided to you upon service initiation, and are available at: <http://www.mytempo.com/footer/Lifeline-Terms-and-Conditions.aspx>.

**YOU ARE ENCOURAGED TO READ ALL MATERIALS PROVIDED TO YOU CAREFULLY FOR COMPLETE DETAILS REGARDING YOUR TEMPO WIRELESS LIFELINE SERVICE.**

**Tempo Telecom**  
**CERTIFICATE OF SERVICE**

(Docket No. 13-2569-01)

I HEREBY CERTIFY that on the \_\_\_\_ day of April, 2014, a true and correct copy of the foregoing **Tempo Telecom, LLC Stipulation and Settlement Agreement** in the above-referenced docket, was electronically served upon the following:

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/s/ Colette V. Dubois