

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the  
Application to Transfer Case No. 15-2452-01  
Customers of Impact Telecom,  
Inc. to Matrix Telecom, Inc.

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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: Friday, April 17, 2015

TIME: 9:14 a.m.

REPORTER: 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

INDEX OF EXAMINATION

WITNESS	PAGE
THOMAS FORTE	5
PAUL HICKEN EXAMINATION BY-MR. JETTER	6

1 PROCEEDINGS

2 THE HEARING OFFICER: We're on the record  
3 and I'm Melanie Reif. I'm the administrative law  
4 judge for the Utah Public Service Commission. And  
5 thank you very much for being here this morning.  
6 Let's start by taking appearances starting with  
7 you, Mr. Forte.

8 MR. FORTE: Yes. Hi. This is Thomas M.  
9 Forte, Consultant for Matrix Telecom, AmericaTel  
10 Corporation, and Impact Telecom. And I work for  
11 Technologies Management, Inc.

12 THE HEARING OFFICER: Thank you,  
13 Mr. Forte. And, just for clarification, do you  
14 have anybody on the line with you?

15 MR. FORTE: No. I'm just--you know,  
16 normally I provide testimony for the Company.

17 THE HEARING OFFICER: Okay, excellent.  
18 Great. Thank you for that clarification.

19 MR. JETTER: And I'm Justin Jetter. I'm  
20 an assistant attorney general for the State of  
21 Utah and I represent the Utah Division of Public  
22 Utilities. And with me at counsel table here is  
23 Paul Hicken, the witness for the Utah Division of  
24 Public Utilities.

25 THE HEARING OFFICER: Thank you very

1 much. Welcome this morning. Just for  
2 clarification, we're holding this hearing in  
3 Docket 15-2452-01. This is a hearing to address  
4 the application to transfer customers of Impact  
5 Telecom, Inc. to Matrix Telecom, Inc.

6 Mr. Forte, typically, we start with the  
7 applicant, so would you like to give us some  
8 background? And I don't know if you have a copy  
9 of the notice of hearing with you, but one of the  
10 important elements that we need to cover this  
11 morning is the issue of whether the proposed  
12 transfer of customers from Impact to Matrix will  
13 be in the public interest. And inasmuch as you  
14 are planning to testify on behalf of the  
15 applicant, I would like to swear you in. So if  
16 that's the case, please let me know.

17 MR. FORTE: Yes, I can testify.

18 THE HEARING OFFICER: Okay. Would you  
19 kindly raise your right hand, please? And do you  
20 swear that the testimony that you're about to give  
21 will be the truth?

22 MR. FORTE: I do.

23 THOMAS M. FORTE,  
24 having been first duly sworn, was  
25 examined and testified as follows:

1 THE HEARING OFFICER: Thank you. You may  
2 proceed, sir.

3 MR. FORTE: Yes. The merger that we're  
4 talking about here between Impact and Matrix is  
5 definitely in the public interest in the fact  
6 that, currently, Matrix is a subsidiary of Impact.  
7 And all this is is a pro forma corporate  
8 reorganization. And so now Matrix will be the  
9 only company providing telecom services to the  
10 industry, to customers. Impact will turn into a  
11 holding company and, therefore, customers will not  
12 be harmed because customers will still get the  
13 same service because it's still under the same  
14 corporate governance.

15 THE HEARING OFFICER: Thank you, sir.  
16 Are there any questions for Mr. Forte?

17 MR. JETTER: I have no questions.

18 THE HEARING OFFICER: Okay. Mr. Forte,  
19 just one question of you, please. Are you aware  
20 of any concerns that have been raised by customers  
21 as a result of this request?

22 MR. FORTE: No. I am not aware of any  
23 concerns. All customers were provided with notice  
24 of the potential change. And from all my dealings  
25 with the company, I have not heard any issues with

1 customer complaints or customer worries.

2 THE HEARING OFFICER: Okay. Thank you  
3 very much. Mr. Forte, if you have the ability to  
4 mute your end of the line, it could help us on our  
5 end. But if you don't, don't worry about it. I'm  
6 now going to turn to Mr. Jetter for his  
7 presentation. Mr. Jetter.

8 MR. JETTER: Thank you, Your Honor. The  
9 Division would like to have sworn in Paul Hicken.

10 THE HEARING OFFICER: Good morning,  
11 Mr. Hicken.

12 MR. HICKEN: Good morning.

13 THE HEARING OFFICER: Would you please  
14 raise your right hand? And do you swear the  
15 testimony you're about to give will be the truth?

16 MR. HICKEN: Yes.

17 THE HEARING OFFICER: Thank you.

18 PAUL HICKEN,  
19 having been first duly sworn, was  
20 examined and testified as follows:

21 EXAMINATION

22 BY-MR.JETTER:

23 Q. Would you please state your name and  
24 occupation for the record.

25 A. My name is Paul Hicken. I work as a

1 utility analyst for the Division of Public  
2 Utilities.

3 Q. Thank you. And have you reviewed the  
4 application filed by the two companies, Impact  
5 Telecom and Matrix Telecom, in this docket?

6 A. Yes.

7 Q. And has the Division reached a conclusion  
8 on whether or not it recommends approval of this  
9 application?

10 A. Yes, it has.

11 Q. Would you please go ahead and--

12 A. Read that?

13 Q. --read that.

14 A. Thank you. The Division of Public  
15 Utilities has reviewed the joint application  
16 between Impact Telecom, Inc. and Matrix Telecom,  
17 Inc. and believes that the public interest will be  
18 promoted by recommending that the Public Service  
19 Commission allow this transfer of customers.

20 Following the transfer, Impact will no  
21 longer operate as a telecommunications provider  
22 and a request to cancel their certificate of  
23 public convenience and necessity will be filed  
24 with the Commission at that time. The Division  
25 expects that based on history, that a filing of

1 this type and with the information submitted by  
2 the Company, there will be no objections or  
3 opposition to this recommendation.

4 Q. Thank you. And that memorandum was  
5 provided to the Commission in which that language  
6 is found on March 26, 2015; is that correct?

7 A. That's right.

8 Q. And since that time, are you aware of any  
9 other objections that have been raised in this  
10 application?

11 A. No, I'm not.

12 Q. And do you believe that approval of the  
13 application as it's been submitted would be in the  
14 public interest as well as just and reasonable?

15 A. Yes, it would.

16 MR. JETTER: Thank you. I have no  
17 further questions. Our witness is available for  
18 cross or questions from--

19 THE HEARING OFFICER: Mr. Forte, do you  
20 have any questions for the witness, Mr. Hicken?

21 MR. FORTE: No, I do not.

22 THE HEARING OFFICER: Okay. Thank you.  
23 Thank you for your testimony today, Mr. Hicken.

24 For the record, I want to take care of a  
25 couple of administrative matters. And that is



1 that the Commission takes notice of the applicant,  
2 which was--excuse me--the application, which was  
3 filed on March 10, 2015, as well as the Division's  
4 memorandum, which was filed on March 26, 2015.

5 And, lastly, I wish to ask whether  
6 there's anyone present who wishes to address the  
7 Commission who has not already done so. Hearing  
8 no interest, this matter will be under advisement  
9 and an order will be issued shortly. Thank you  
10 very much for being here today and we'll be  
11 adjourned. Thank you.

12 MR. JETTER: Thank you.  
13 (Hearing concluded at 9:25 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 A. Fullmer*  
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Nancy Fullmer, RMR