

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**Petition of TAG Mobile, LLC
For Designation as an Eligible
Telecommunications Carrier for the
Purpose of Offering Lifeline Service
on a Wireless Basis**

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Docket No. _____
Petition

February 5, 2015

TABLE OF CONTENTS

I.	OVERVIEW OF PETITIONER AND SERVICE OFFERINGS	2
II.	TAG Mobile SATISFIES THE COMMISSION’S AND THE FCC’S REQUIREMENTS FOR ETC DESIGNATION.	3
	1. TAG Mobile Will Operate as a Common Carrier.	3
	2. TAG Mobile Will Provide the Services Designated for Lifeline Support.	3
	3. TAG Mobile Will Advertise its Lifeline Service Offerings.	6
	4. TAG Mobile Complies with the Commission’s and the FCC’s Additional Obligations for ETCs.	8
III.	DESIGNATED CONTACT INFORMATION.	11
IV.	GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST.	11
V.	CONCLUSION	13

Exhibit A TAG Mobile, LLC FCC Compliance Plan (filed March 6, 2012; revised July 26, 2012)

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PETITION OF TAG MOBILE, LLC

TAG Mobile, LLC (“TAG Mobile” or the “Company”), by its counsel, respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”), Section 54.201 *et seq.* of the Rules of the Federal Communications Commission (“FCC”), and the rules and regulations of the Public Service Commission of Utah (“Commission”), hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Utah. TAG Mobile seeks ETC designation as a non-rural wireless Eligible Telecommunications Carrier for the purpose of receiving support from the federal Universal Service Fund to provide wireless service under its Low-Income section for Lifeline Assistance (“Lifeline”) services. TAG Mobile seeks only to provide service in the territories covered by the attached wire center list, minus tribal areas, and not into any other territory. TAG Mobile will not seek access to funds from USF for the purpose of providing service to high cost areas. TAG Mobile does not request ETC status for the purpose of receiving support from any of the other Universal Service Funds (“USF”), including Utah USF.¹

As discussed in more detail below, TAG Mobile meets the statutory and regulatory requirements for designation as an ETC and is able and prepared to offer Lifeline-supported services throughout its designated service area in Utah. Granting ETC status to TAG Mobile will benefit the public interest by making the Company’s services available to a broad range of low-income consumers. Because the availability of TAG Mobile’s services so

¹ If support from state USF becomes available to wireless carriers such as TAG Mobile and TAG Mobile desires to receive such support, TAG Mobile will file a separate application with the Commission to request such support.

clearly serves the interests of Utah consumers, TAG Mobile respectfully requests that the Commission grant this Petition expeditiously. In support of this Petition, TAG Mobile provides the following information:

I. OVERVIEW OF PETITIONER AND SERVICE OFFERINGS.

TAG Mobile is a Texas limited liability company with principal offices at 1330 Capital Parkway, Carrollton, TX 75006.

TAG Mobile will operate as a common carrier, providing wireless mobile phone services to consumers in many states, including those in the State of Utah. TAG Mobile will provide domestic and international voice and data services, primarily to low-income consumers. As a reseller of wireless services, TAG Mobile will purchase wireless network infrastructure and wireless transmission facilities from Sprint and Verizon Wireless on a wholesale basis and resell these services to its customers.² TAG Mobile will provide affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets and high quality customer service. TAG Mobile's products and plans will be specially geared toward serving lower income communities, and its service models and pricing plans will reflect this mission. The Company will not require service contracts from its customers and it will always ensure competitive low pricing for its services and products. By providing affordable service, TAG Mobile can reach out to those who are often ignored by traditional carriers.

TAG Mobile will manage all aspects of the customer experience, including setting service pricing, handset selection, marketing materials and live customer service. The Company's prepaid, budget-friendly pricing will give many low-income consumers the option of having basic mobile phone service without the burden of hidden costs, varying monthly charges or contractual commitments.

TAG Mobile's customer base likely will be low-income consumers and the majority are unlikely to have phone service of any kind prior to enrollment. TAG Mobile's customers will depend on and benefit greatly from TAG Mobile's inexpensive and flexible pricing plans. TAG Mobile will not impose credit checks nor will it require any deposits or contractual commitments. TAG Mobile will affirmatively reach out to the low-income sector of the consumer base to offer attractive and affordable communications options. As such, TAG Mobile will contribute to the expansion of mobile wireless services for low-income consumers and intends to seek ETC designation in states and territories so that it may continue to expand the service options for low-income consumers.

² TAG Mobile will purchase the services of Sprint, T-Mobile and Verizon Wireless\

II. TAG Mobile SATISFIES THE COMMISSION'S AND THE FCC'S REQUIREMENTS FOR ETC DESIGNATION.

Per the Commission's Rules, petitioners seeking ETC designation in Utah are evaluated under the standards set by the FCC.³ Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest, convenience and necessity, the Commission may designate more than one common carrier as an ETC in areas served by a rural telephone company and shall do so with respect to all other areas, provided that the requesting carrier (i) offers services that are supported by federal universal service support mechanisms and (ii) advertises the availability of such services.⁴ FCC rules impose additional requirements on a carrier requesting ETC designation. As demonstrated below, TAG Mobile more than satisfies each of these requirements.

1. TAG Mobile Will Operate as a Common Carrier.

TAG Mobile will operate as a common carrier as defined in 47 U.S.C. § 153(10) and thus is eligible for designation as an ETC. The FCC has consistently held that providers of wireless services are to be treated as common carriers for regulatory purposes. Moreover, TAG Mobile is a commercial mobile radio service ("CMRS") provider. Section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.⁵

2. TAG Mobile Will Provide the Services Designated for Lifeline Support.

The FCC has determined that "voice telephony services" shall be supported by the federal USF program.⁶ Eligible voice telephony services must provide:

- voice grade access to the public switched network;
- local usage;
- access to emergency services; and
- toll limitation for qualifying low-income consumers.

Upon receiving the requested designation as an ETC, TAG Mobile will provide each of these required services throughout its designated service area, as described in more detail below. TAG Mobile's Lifeline service offerings

³ See Utah Admin. Code R746-341-1.

⁴ 47 U.S.C. §214(e)(2); *see also* 47 C.F.R. § 54.201(d).

⁵ See 47 U.S.C. § 332(c)(1)(A).

⁶ 47 C.F.R. § 54.101(a).

will be provided pursuant to the Company's established rates, as provided in this Petition, and its terms and conditions of service, which are available at TAG Mobile's website at <http://www.tagmobile.com>. TAG Mobile will offer Lifeline subscribers attractive voice telephony service plans. The Company's Lifeline subscribers will be eligible to receive the same service plans that TAG Mobile generally will make available to the public.

A. *Means of providing Lifeline service.*

The Company will provide service via resale of underlying carrier services provided by Sprint, T-Mobile, and Verizon Wireless. Section 214(e)(1)(A) of the Act provides that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”⁷ Pursuant to the FCC’s *Lifeline Reform Order*, however, resellers are granted blanket forbearance from this facilities requirement, subject to conditions, in connection with limited ETC designation to participate in the Lifeline program.⁸ The FCC conditioned blanket forbearance on the reseller’s compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and prepaid minutes available, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer.⁹ In addition, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the reseller’s service offerings and that outlines the measures that the reseller will take to implement the obligations established in the *Lifeline Reform Order*.¹⁰

TAG Mobile commits to compliance with all of these conditions. To this end, on July 26, 2012, the Company submitted to the FCC a compliance plan that meets the requirements of the *Lifeline Reform Order*. On August 8 2012, TAG Mobile’s compliance plan was approved with the FCC. A copy of the approved (“Compliance Plan”) is appended as **Exhibit A**, and the Public Notice announcing the approval is appended as **Exhibit B**. TAG Mobile will not be required to meet the “own facilities” requirement of Section 214(e)(1)(A). Consequently, the Company’s proposal to operate as an ETC in Utah using resold services will be entirely compliant with FCC requirements.

⁷ 47 U.S.C. § 214(e)(1)(A).

⁸ *See 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, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, 27 FCC Rcd 6656, ¶ 368 (2012) (“*Lifeline Reform Order*”).

⁹ *Id.*, at ¶ 373.

¹⁰ *Id.*, at ¶ 368.

Additional information regarding the Company's plans, rates and services can be found on its website, <http://www.tagmobile.com>.

3. TAG Mobile Will Advertise its Lifeline Service Offerings.

TAG Mobile will advertise the availability of its services and charges in a manner reasonably designed to reach Lifeline-eligible consumers.¹¹ The Company intends to advertise its Lifeline services using media of general distribution.¹² TAG Mobile will expand its initial advertising efforts as necessary to ensure that Lifeline-eligible customers are aware of the Company's service offerings.¹³

In addition, TAG Mobile will comply with the FCC's revised rules regarding information to be included in marketing materials, including FCC revised rule section 54.405(c) once that rule as revised takes effect. Specifically, TAG Mobile's marketing materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) TAG Mobile is the provider of the services. Moreover, TAG Mobile's Lifeline application/certification form¹⁴ will state that Lifeline is a federal benefit and that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

Finally, TAG Mobile will develop a Utah-specific information sheet and use this document in marketing its Lifeline services. Information to be provided in the Utah-specific information sheet will include the following: (i) a statement that any subsidization for landline service will be foregone; (ii) a statement that a free E911-compliant wireless handset will be provided; (iii) a listing of the free options associated with the handset and the options that require payment; (iv) the amount of free airtime that will be provided monthly; (v) a statement that

¹¹ 47 C.F.R. §§ 54.201(d)(2), 54.405(b).

¹² See 47 C.F.R. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2).

¹³ See 47 C.F.R. § 54.405(b).

¹⁴ See *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, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Erratum, ¶ 63 (rel. May 16, 2012).

all incoming and outgoing calls will count against free minutes, excluding 911 calls and customer service (611) calls; (vi) a statement that calls to customer service are free, and directions on how to contact customer service through the handset; (vii) directions on how additional minutes can be purchased, and the available increment choices; (viii) a statement of how text messages and data are billed; (ix) the charge for directory assistance calls and minutes deducted; (x) the requirement to recertify annually; and (xi) the requirement to contact TA if the customer's eligibility status changes.

TAG Mobile's Compliance Plan contains an example of the type of advertising materials that TAG Mobile typically uses. The Company understands that it will need to ensure that any advertising directed to Utah consumers conforms to the State's Lifeline regulations.

4. TAG Mobile Complies with the Commission's and the FCC's Additional Obligations for ETCs.

A. TAG Mobile certifies that it will comply with the applicable FCC service requirements.

Per the requirements of 47 CFR § 54.202(a)(1)(i), TAG Mobile certifies that it will comply with the service requirements applicable to the low-income support it receives as a result of designation as an ETC for the purposes of receiving Lifeline.

B. TAG Mobile has the ability to remain functional in emergency situations.¹⁵

TAG Mobile's Lifeline services will remain functional in emergency situations. As discussed herein, TAG Mobile will utilize the extensive and well-established Sprint and Verizon Wireless networks and facilities to provide TAG Mobile's mobile services. The Company believes that the Sprint and Verizon Wireless networks are capable of managing traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. TAG Mobile also understands that each carrier has sufficient back-up power to ensure functionality if its external power supply is unavailable. Indeed, both companies have repeatedly certified to the FCC that their networks function in emergency situations.¹⁶ Sprint and Verizon Wireless will provide the same

¹⁵ See, e.g., 47 C.F.R. § 54.202(a)(2).

¹⁶ See, e.g., *Sprint Nextel Corporation Verified Filing in Compliance with 47 C.F.R. § 54.209*, CC Docket No. 96-45, at 6 (filed Sept. 30, 2011); *Alltel Communications, LLC d/b/a Verizon Wireless 2011 Eligible*

functionality to TAG Mobile and TAG Mobile's customers as these carriers provide to themselves and their own customers.

C. TAG Mobile will satisfy applicable consumer protection and service quality standards.

The FCC's rules require the petitioner to demonstrate that it satisfies applicable consumer protection and service quality standards. The FCC has stated that a wireless petitioner's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this requirement. TAG Mobile commits to comply with the CTIA Consumer Code to ensure that the Company offers its subscribers the highest level of protection and quality service.¹⁷ In addition, TAG Mobile will comply with all applicable Utah laws, rules and regulations relating to consumer and billing requirements.

TAG Mobile's pledge to provide quality service and to comply with the CTIA Consumer Code and applicable provisions of the UCSPA evidences TAG Mobile's commitment to satisfy all of the applicable consumer protection and service quality standards. The Company will make every effort to resolve expeditiously complaints received by the Commission and will designate a specific contact person to work with Commission staff to resolve any complaints or other compliance issues.

D. TAG Mobile is financially and technically capable of providing Lifeline services in compliance with the FCC's rules.

The FCC's rules, as revised,¹⁸ require ETC petitioners to demonstrate financial and technical capability to comply with the FCC's Lifeline service requirements.¹⁹ Among the factors to be considered are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate, whether the carrier receives revenues from other sources; and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding.

Telecommunications Carrier Certification and Annual Report for the State of Georgia / Study Area Code (SAC) 229004, WC Docket No. 09-197, at 7-9 (filed Sept. 30, 2011).

¹⁷ See, e.g., 47 C.F.R. § 54.202(a)(3).

¹⁸ See, e.g., revised 47 C.F.R. § 54.202(a)(4).

¹⁹ *Lifeline Reform Order*, ¶¶ 387-388 (revising 47 C.F.R. § 54.202(a)(4)).

E. TAG Mobile will comply with Commission and FCC requirements on certification and verification.

TAG Mobile is aware of the FCC's current requirements regarding certification and verification of a customer's qualification for Lifeline service and has implemented procedures to ensure the requirements are met. As described in TAG Mobile's Compliance Plan, TAG Mobile has detailed and comprehensive procedures in place to address customer certification and verification requirements as well as requirements concerning de-enrollment and duplication of service. These procedures comply with the FCC's recently-revised customer certification and verification requirements and, in fact, go beyond those requirements.²⁰ TAG Mobile also will comply with the FCC's annual certification and reporting requirements as well as with the FCC's measures to prevent waste, fraud and abuse of Lifeline services.²¹ In particular, Section I.E. of TAG Mobile's Compliance Plan discusses steps that the Company will take to ensure activation of service and to implement de-enrollment in the event of inactivity for a period of 60 days. Finally, TAG Mobile will comply with the Commission's requirements regarding duplicate avoidance and eligibility verification, as they presently exist and as they may be amended by Commission decisions in Docket No. 10-2528-01. These requirements include, but are not limited to, (i) responsibility for the costs associated with verification and (ii) use of the Department of Community and Culture's knowledge and databases (or such provider of verification services as may in future be designated by the Commission through Docket No. 10-2528-01) to ensure as accurately as possible that only one individual per household is receiving the Lifeline subsidy.²²

F. TAG Mobile will comply with Commission and FCC requirements on fees, charges, and reports.

²⁰ 47 C.F.R. § 54.410.

²¹ 47 C.F.R. §§ 54.416, 54.422; *See also In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, 25 FCC Rcd 17797, ¶ 24 (2010).

²² As the Commission is aware, the FCC has placed renewed emphasis upon duplicate avoidance and the Company is committed to full collaboration in this effort. In addition to such procedures as the Commission may prescribe, TAG Mobile's marketing and enrollment procedures are designed to identify possible duplications. The Company's advertising materials expressly flag the "one-household" requirement. In the course of the enrollment process, applicants must certify that they are not already receiving Lifeline benefits. Further, applicant names and addresses will be checked against both an internal TAG Mobile database and an external pooled de-duplication database established by CGM, LLC to avoid duplicate benefits among participating ETCs until the FCC's duplicate database goes online. Finally, customers are required to again certify that they are not receiving more than one Lifeline benefit per household as part of the eligibility recertification process.

TAG Mobile will comply with all applicable Commission and FCC requirements on fees, charges, and reports. The Company will not collect service deposits for its plans, and will not charge a number-portability fee for Lifeline accounts.²³

TAG Mobile will timely pay all applicable federal, state, and local regulatory fees, including applicable universal service fees, telecommunications relay service fees, and “the funding of emergency services addressed in Utah Code Ann. §§ 69-2-5, 69-2-5.5, and 69-2-5.6 (911 emergency telecommunications services, the Poison Control Center, and statewide unified E-911 emergency service).”²⁴ Furthermore, TAG Mobile will comply with the FCC’s annual reporting requirements for ETCs as set forth in Section 54.422 of the FCC’s Rules.²⁵

G. TAG Mobile will comply with FCC and Commission requirements on relinquishment of ETC designation.

If at some point in the future, TAG Mobile seeks to relinquish its ETC designation, TAG Mobile will comply with the requirements of 47 C.F.R. § 54.205 as well as any applicable Commission requirements.

III. DESIGNATED CONTACT INFORMATION.

The legal name, address and telephone number of the Company and its designated contact person is:

TAG Mobile, LLC
1330 Capital Parkway
Carrollton, TX 75006
(214) 390-9280

Designated contact person: Charles L. Schneider, Jr., Chief Executive Officer

The name, address, telephone number and email of the Company’s attorneys is:

David J. Shaw
Kirton McConkie
2600 W. Executive Parkway
Suite 400

²³ See 47 C.F.R. § 54.401(c), (e).

²⁴ *In the Matter of Virgin Mobile USA, L.P., Petition for Limited Designation as an Eligible Telecommunications Carrier*, Public Service Commission of Utah, Order on Reconsideration, Docket No. 10-2521-01 (July 13, 2011), at 2.

²⁵ See 47 C.F.R. § 54.422.

Lehi, UT 84043
801-426-2108
dshaw@kmclaw.com

IV. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST.

Designation of TAG Mobile as an ETC for Lifeline purposes will further the Commission's universal service goals and thus benefit Utah consumers. Specifically, the Company will offer prepaid low cost wireless service to low-income consumers, thereby increasing consumer choice. In addition, increasing customer choice will spur wireless ETC providers to compete for eligible customers by providing the highest value (e.g., higher quality handsets, customer service). Further, grant of the Petition will provide consumers with access to high quality service and the benefits of a mobile service.²⁶ The mobility of the service will be particularly attractive to Lifeline-eligible consumers who may frequently change residences or work in migratory jobs. Wireless service offers a stable contact method where traditional landline service would be unavailable or not a viable option. TAG Mobile's prepaid wireless service is an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long term contract issues.

Many consumers in Utah are faced with making difficult choices about how to allocate and spend their limited resources. The ability to meet their communications needs while at the same time anticipating and controlling the associated costs is critical.

In short, TAG Mobile's Lifeline program will:

- Offer an easy-to-use, competitive and highly-affordable wireless telecommunications service to qualified consumers who have either no other service alternatives or who choose a wireless prepaid solution instead of traditional services.
- Announce and advertise telecommunications services as an ETC in its service area and publicize the availability of Lifeline services in a manner reasonably designed to reach those likely to qualify for such services – making more low-income residents in Utah aware of opportunities afforded to them under the Lifeline program that they can take advantage of.
- Provide important benefits especially needed by low-income residents in times of economic

²⁶ As discussed above, TAG Mobile will comply with the Consumer Code for Wireless Service of CTIA – The Wireless Association.

uncertainty, and especially critical to the unemployed as they search for employment opportunities. TAG Mobile's Lifeline services are available without any credit check, deposit requirement, minimum service periods, or early termination fees – and are an attractive and affordable alternative to all consumers regardless of age, residency, or creditworthiness.

- Enable thousands of residents to obtain wireless service that would otherwise be unavailable to them, which will be of great benefit to them in emergency situations, job-search efforts, and to maintain contact with family members (for example, children being able to reach their parents).

Finally, designation of TAG Mobile as a wireless ETC will serve the public interest by furthering the extensive role that TAG Mobile believes it will play in providing communications service to low-income consumers, transient users, and other consumers without a viable alternative (due to restrictive credit criteria, deposit requirements, and long-term commitments required by other service providers). TAG Mobile's availability in Utah benefits all consumers, but especially low-income consumers. Thus, TAG Mobile submits it is in the public interest to designate it as an ETC in Utah.

V. CONCLUSION

TAG Mobile respectfully requests that the Commission expeditiously issue an order designating the Company as an ETC in Utah throughout the service area specified above for the purpose of receiving federal support and reimbursement for provision of low-income communications services on a wireless basis to qualified low-income customers.

TAG Mobile, LLC

By /s/ David J. Shaw

David J. Shaw
KIRTON McCONKIE
Thanksgiving Park Four
2600 West Executive Parkway, Suite 400
Lehi, Utah 84043
Telephone: (801) 426-2100
Facsimile: (801) 426-2101
Email: dshaw@kmclaw.com

Attorneys for TAG Mobile, LLC

February 5, 2015

VERIFICATION

STATE OF TEXAS)
) ss.
County of Dallas)

I, Charles L. Schneider being first duly sworn upon oath, depose and say that I am the Chief Executive Officer of TAG Mobile, LLC, and as such am authorized to make this verification on its behalf; that I have read the foregoing Petition; that I know the contents thereof; and that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.


/s/ Charles L. Schneider, Jr.

Subscribed and sworn to before me this 30th day of December, 2014.



Notary Public

My Commission expires: 9/15/2015

(A notarized version of this Verification is provided with the hard-copy filing.)

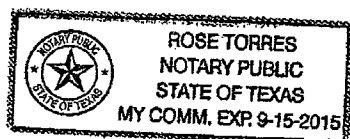


Exhibit A

TAG Wireless, LLC
FCC Compliance Plan

(filed March 6, 2012; revised July 26, 2012)

(Word copy of Exhibit provided in separate file.)

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of Feb, 2015, an original and five true and correct copies of *Petition of TAG Mobile, LLC For Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis* are being committed to overnight courier for delivery to the following party:

Mr. Gary Widerburg
Commission Administrator
Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84111

And, further, that an electronic copy of the same document, in Word format, is this day being submitted to the designated email for filings with the Public Service Commission of Utah (psc@utah.gov).

/s/ 