

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Virgin Mobile USA, L.P.)	Docket No. 18-2521-02
)	
Petition for Limited Designation as an Eligible Telecommunications Carrier)	Virgin Mobile’s Motion to Amend Hearing Date and Request Leave for Witness and Counsel to Appear Telephonically

Pursuant to Utah Admin. Code R746-1, Virgin Mobile USA, L.P. (“Virgin Mobile”) files this motion (“Motion”) requesting that the Utah Public Service Commission (“Commission”) amend the Scheduling Order issued by the Commission in this docket on April 23, 2018. Virgin Mobile requests that the hearing be rescheduled for October 22, 2018, beginning at 9:00 a.m., and represents to the Commission that the Utah Division of Public Utilities (“DPU”) and the Utah Office of Consumer Services (“OCS”) support this Motion. The Utah Rural Telecom Association (“URTA”) has been provided notice of the Motion and has no objection to moving the hearing to that date. In addition, Virgin Mobile files this motion requesting leave for its witness and counsel to appear telephonically at the hearing in the above-captioned matter.

In support of the Motion, Virgin Mobile states as follows:

1. On March 16, 2018, Virgin Mobile filed with the Commission a Petition to amend its designation as an Eligible Telecommunications Carrier (“ETC”) to include authorization to receive support from the Utah Universal Public Telecommunications Service Support Fund (“Utah USF”) for Lifeline service to eligible low-income consumers in the State of Utah pursuant to Utah Code § 54-8b-15 and Utah Administrative Code R746-8-403.¹

¹ On May 25, 2011, Docket No. 10-2521-01, the Commission designated Virgin Mobile as a wireless ETC pursuant to 47 U.S.C. § 214(e)(2), making Virgin Mobile eligible to receive support by the federal Universal Service Fund (“USF”) Lifeline program in Utah. Since 2011, Virgin Mobile has operated as an ETC in Utah in good standing.

2. Following a scheduling conference on April 23, 2018, the parties stipulated to a schedule in this docket and the Commission approved the schedule. On April 23, 2018, the Commission issued a Scheduling Order and Notice of Hearing, setting the hearing for December 11, 2018.

3. On June 7, 2018, Virgin Mobile filed an Amended Petition to amend its designation as an ETC to receive Utah USF support (“Amended Petition”). On the same date, Virgin Mobile filed the Direct Testimony of James A. Appleby in support of its Amended Petition.

4. On June 29, 2018, the URTA filed a petition to intervene in this docket, and the Commission issued an order granting intervention on July 20, 2018.

5. On September 11, 2018, the DPU filed a motion to amend the Commission’s April 23, 2018 Scheduling Order to postpone the deadline for direct testimony of the parties other than Virgin Mobile because some of the parties to this docket had been involved in ongoing settlement discussions and the DPU requested additional time to pursue a settlement prior to filing its direct testimony. Specifically, the DPU moved to amend the September 11, 2018 testimony deadline until October 1, 2018. On September 11, 2018, the Commission issued an order granting the DPU’s motion to amend the Scheduling Order.

6. On October 1, 2018, the amended deadline for direct testimony of the parties other than Virgin Mobile, the OCS filed a motion to amend the October 1, 2018 testimony deadline until October 22, 2018, if needed, because the parties to this docket had continued discussions toward settlement. On October 2, 2018, the Commission issued an order granting the motion filed by OCS to further amend the Scheduling Order, making the direct testimony for parties other than Virgin Mobile due on October 22, 2018, and stated that “[o]ther deadlines will be reset, if necessary, after that date.”

7. Virgin Mobile, the DPU, and the OCS reached an agreement on the issues raised in this docket and on October 3, 2018, filed a Stipulation and Settlement Agreement (“Stipulation”) regarding the Amended Petition filed by Virgin Mobile pursuant to Utah Admin. Code R746-1. The URTA is not a party to the Stipulation but has represented that the URTA does not oppose the Stipulation.

8. The DPU and the OCS support this Motion. The URTA has been provided notice of this Motion and does not object to rescheduling the hearing for October 22, 2018.

Accordingly, by this Motion, Virgin Mobile respectfully requests that the Commission vacate the currently established hearing date of December 11, 2018, and reschedule the hearing in this docket for October 22, 2018, beginning at 9:00 a.m. An earlier hearing date will allow Virgin Mobile to begin offering enhanced Lifeline service as soon as possible, and allow eligible low-income consumers in Utah to benefit sooner. Virgin Mobile further requests that the Commission allow its witness, James A. Appleby, and counsel, Diane C. Browning, to appear telephonically at the hearing. Given the uncontroverted nature of this matter and the expense of travel, Virgin Mobile moves for leave to have Mr. Appleby and Ms. Browning appear telephonically to respond to any questions the Commission or the parties may have regarding the direct testimony or the Amended Petition.

Respectfully submitted this 10th day of October, 2018.

VIRGIN MOBILE USA, L.P.

/s/ Diane C. Browning

Diane C. Browning
Counsel, State Regulatory
Sprint Corporation
6450 Sprint Parkway
Overland Park, KS 66251
Tel: (913) 315-9284
diane.c.browning@sprint.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the filing was served by electronic mail the 10th day of October, 2018, on the following:

Utah Office of the Attorney General:

Patricia Schmid	pschmid@agutah.gov
Justin Jetter	jjetter@agutah.gov
Steven Snarr	stevensnarr@agutah.gov
Robert Moore	rmoore@agutah.gov

Division of Public Utilities:

Chris Parker	chrisparker@utah.gov
William Duncan	wduncan@utah.gov
Casey Coleman	ccoleman@utah.gov
Shauna Benvengnu-Springer	sbenvegn@utah.gov
Erica Tedder	etedder@utah.gov

Office of Consumer Services:

Michele Beck	mbeck@utah.gov
Cheryl Murray	cmurray@utah.gov

Utah Rural Telecom Association:

Kira Slawson	kiram@blackburn-stoll.com
--------------	---------------------------

/s/ Sharon M. Bertelsen