

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of Assist Wireless, LLC to Amend its Designation as an Eligible Telecommunications Carrier to Receive Utah Universal Service Fund Support for Lifeline Service	<p style="text-align: center;"><u>DOCKET NO. 18-2597-01</u></p> <p style="text-align: center;"><u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u></p>
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ISSUED: January 2, 2019

On May 7, 2018, Assist Wireless, LLC (“Assist”) filed a Petition to Amend its Designation as an Eligible Telecommunications Carrier to Receive Utah Universal Service Fund Support for Lifeline Service (“Petition”). In the Petition, Assist seeks an amendment to its existing eligible telecommunications carrier (“ETC”) designation, authorizing it to obtain Utah Universal Service Funds (“State USF”) for Lifeline service to eligible low-income consumers throughout the State of Utah in the same wire centers as its existing ETC designation.

On November 13, 2018, the parties filed a Stipulation and Settlement Agreement (“Settlement”), signed by the Division of Public Utilities (“DPU”), the Office of Consumer Services (“OCS”), and Assist (collectively, the “Parties”). On December 12, 2018, the PSC held a hearing to consider the Settlement, during which Assist, the DPU, and the OCS provided testimony.

In the Settlement, the Parties stipulate and agree Assist’s Lifeline product offering will offer an enhanced service to Utah customers that exceeds the Federal Communications Commission’s Lifeline requirements. The Parties further agree the enhanced Lifeline offering constitutes a benefit for Utah customers, is in the public interest, and furthers the statutory goal that basic service be available and affordable to all citizens of Utah.

Specifically, the Settlement provides that, as a condition of receiving State USF support, Assist will offer customers the option of a free smartphone from Assist with a bundled mobile broadband data and voice plan that includes 1000 voice minutes, 1000 text messages, and 2 GB of mobile broadband data service at a minimum of 3G speed. The voice portion of the bundled plan will include voicemail, caller ID, and national long-distance calling without toll charges.

The Parties agree Assist will abide by additional requirements enumerated in the Settlement, including but not limited to the following: (i) Assist will maintain a Utah-specific fact sheet that provides customers concise and complete information about the services they will receive; (ii) Assist will receive \$3.50 per qualifying line per month, less any applicable deduction for the State USF surcharge, pursuant to Utah Admin. Code R746-8-403 and Utah Code Ann. § 54-8b-15; (iii) Assist will comply with all applicable state service quality and consumer protection requirements; (iv) approval of Assist's Petition and ongoing receipt of Utah USF funds is conditioned upon the verified payment of all applicable state and local regulatory fees, including, but not limited to, universal service fees (subject to Utah Admin. Code R746-8-403), emergency services, and relay services; (v) Assist agrees to adopt any changes to the Lifeline certification and verification process required by the Federal Communications Commission or by the PSC; (vi) upon implementing any changes to its Lifeline offerings, Assist will timely file a notice with the PSC, the DPU, and the OCS describing the changed plans; and (vii) if Assist later intends to modify the area in which it offers Lifeline services in Utah, Assist will timely file a notice with the PSC, the DPU, and the OCS identifying and requesting approval for the modification.

At hearing, the OCS testified it believed the Settlement to be just and reasonable in result and that approval of the Settlement is in the public interest. Similarly, the DPU testified it believed approval of the Settlement to be just, reasonable, and in the public interest. No party opposed the Settlement.

FINDINGS, CONCLUSIONS AND ORDER

Settlements of matters before the PSC are statutorily encouraged. To approve a settlement, the PSC must consider the interests of the public and other affected persons and find the settlement is just and reasonable in result. Utah Code Ann. § 54-7-1.

Based on our consideration of the Petition, the submitted written testimony, the testimony at hearing, and the Settlement, the PSC finds and concludes that approval of the Settlement is in the public interest and that the terms of the Settlement are just and reasonable in result.

The PSC, therefore, approves the Settlement and grants the Petition, as conditioned and supplemented by the Settlement.

DATED at Salt Lake City, Utah, January 2, 2019.

/s/ Michael J. Hammer
Presiding Officer

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Approved and confirmed January 2, 2019 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#306109

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 PSC 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 PSC 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 PSC'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 January 2, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

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