

In the Matter Of:

In Re: Viasat Carrier Services, Inc. - Petition for ETC - CAF Phase II

HEARING, DOCKET NO. 18-2610-01

January 23, 2019

Job Number: 501489

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of Viasat Carrier) Docket No.
Services, Inc. for Designation) 18-2610-01
as an Eligible)
Telecommunications Carrier to) Presiding
Receive Connect America Fund) Officer:
Phase II Auction (Auction 903)) Michael Hammer
Support for Voice and)
Broadband Services.

HEARING
Salt Lake City, Utah
Wednesday, January 23, 2019

REPORTED BY: Tammy M. Breed, CCR NO. 7801
JOB NO. 501489

1 HEARING OF THE UTAH PUBLIC SERVICE COMMISSION,
2 taken at 160 East 300 South, 4th Floor, Salt Lake City,
3 Utah, on Wednesday, January 23, 2019, at 1:00 p.m.,
4 before Tammy M. Breed, Certified Court Reporter, in and
5 for the State of Utah.

6

7 APPEARANCES:

8 For Viasat Carrier Services, Inc.: (Telephonically)

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18 For the Office of Consumer Services:

19 Robert Moore, Esq.
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23 Also Present:

24 Casey Coleman
25 Cheryl Murray
Sheri Bintz
Jason Sophinos (Telephonically)
Krystal Lewis (Telephonically)

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1 Salt Lake City, Utah; Wednesday, January 23, 2019

2 1:00 p.m.

3 -oOo-

4 Whereupon--

5 PRESIDING OFFICER HAMMER: Let's go on the
6 record, please.

7 Good afternoon. This is the time and place
8 noticed for hearing in the matter of the Petition of
9 Viasat Carrier Services, Incorporated for Designation as
10 an Eligible Telecommunications Carrier to Receive
11 Connect America Fund Phase II Auction, Support for Voice
12 and Broadband Services. That's Commission Docket
13 No. 18-2610-01.

14 My name is Mike Hammer, and I'm the
15 Commission's designated presiding officer.

16 Let's go ahead and take appearances, please,
17 beginning with the parties on the telephone.

18 MR. DONAHUE: Michael Donahue with
19 Marashlian & Donahue on behalf of Viasat.

20 PRESIDING OFFICER HAMMER: Is there anyone
21 else on the line?

22 KRYSTAL LEWIS: Krystal Lewis, the (cutting
23 out) program manager working for Viasat.

24 PRESIDING OFFICER HAMMER: Anyone else?

25 JASON SOPHINOS: Jason Sophinos, associate

1 general counsel for Viasat.

2 PRESIDING OFFICER HAMMER: All right. Thank
3 you.

4 And if that's everyone on the phone. . .

5 MR. JETTER: Good afternoon. I'm Justin
6 Jetter with the Utah Attorney General's office, and I'm
7 here this afternoon representing the Utah Division of
8 Public Utilities. With me at counsel table and the
9 hearing room is Casey Coleman with the Division.

10 MR. MOORE: Robert Moore with the Attorney
11 General's office representing the Office of Consumer
12 Services. With me is Cheryl Murray of the Office.

13 PRESIDING OFFICER HAMMER: All right,
14 Mr. Donahue, are you primarily representing the company
15 today?

16 MR. DONAHUE: Yes.

17 PRESIDING OFFICER HAMMER: All right. Well,
18 I will turn to you then. Would you like to
19 telephonically call a witness?

20 MR. DONAHUE: Yes.

21 PRESIDING OFFICER HAMMER: All right. And
22 who are we speaking with?

23 MR. DONAHUE: I'd like to call Krystal
24 Lewis, who will be adopting the pretrial testimony of
25 Robert Blair on behalf of Viasat.

1 PRESIDING OFFICER HAMMER: I'm sorry, the
2 court reporter couldn't quite catch what you said.
3 Would you repeat yourself. Mr. Donahue?

4 MR. DONAHUE: Yes, I'd like to call Krystal
5 Lewis, who will adopt the testimony -- the pretrial
6 testimony of Robert Blair.

7 PRESIDING OFFICER HAMMER: All right.
8 Ms. Lewis, do you swear to tell the truth?

9 KRYSTAL LEWIS: I do.

10 PRESIDING OFFICER HAMMER: Thank you.

11 Go ahead, Mr. Donahue.

12 Whereupon --

13 KRYSTAL LEWIS
14 having been first duly sworn to testify to the truth,
15 was examined and testified as follows:

16

17 EXAMINATION

18 BY MR. DONAHUE:

19 **Q. Please state your name and your position with**
20 **Viasat Carrier Services.**

21 A. Krystal Lewis. I am the CAF II program manager
22 for Viasat.

23 **Q. And is the purpose of your testimony here today**
24 **to testify on behalf of Viasat and adopt the pretrial**
25 **testimony of Robert Blair?**

1 A. Yes, it is.

2 Q. And if I were to ask you those questions today,
3 would your answers be the same?

4 A. Yes, they would be.

5 MR. DONAHUE: I don't know if you want us to
6 move the application and testimony into the record or do
7 that at a later point.

8 PRESIDING OFFICER HAMMER: You're welcome to
9 do so.

10 Q. (BY MR. DONAHUE) Okay, Ms. Lewis, have you
11 reviewed the application filed by Viasat?

12 A. Yes, I have.

13 Q. And I believe there was a single exhibit that was
14 the list of census blocks awarded to Viasat; is that
15 correct?

16 A. I am checking right now. I see an Exhibit A,
17 yes.

18 Q. And is that the census blocks awarded to Viasat
19 in Utah?

20 A. So, I may have a redacted version. I believe the
21 intention is yes, that I'm looking at.

22 Q. Okay. And you've also reviewed the testimony of
23 Mr. Robert Blair that includes a single exhibit?

24 A. Yes, I have.

25 Q. Okay.

1 MR. DONAHUE: I'd like to have the
2 application of Viasat and the exhibit and the testimony
3 with exhibit admitted to the record.

4 MR. JETTER: No objection.

5 MR. MOORE: No objections.

6 PRESIDING OFFICER HAMMER: Thank you.
7 They're admitted.

8 Q. (BY MR. DONAHUE) And, Ms. Lewis, can you just
9 briefly describe the services that Viasat will provide
10 in Utah.

11 A. Sure. Viasat Carrier Services -- can I just
12 pause really quick? Is anyone else receiving an echo?

13 PRESIDING OFFICER HAMMER: Most of us are in
14 the room. I'll allow the folks on the phone to answer
15 that question. We can't hear an echo in the room.

16 JASON SOPHINOS: This is Jason. Yes, I can
17 hear it, an echo. I rec- -- I recommend just (cutting
18 out) your speech so you don't talk over yourself.

19 PRESIDING OFFICER HAMMER: Yeah. Okay.

20 THE WITNESS: Okay.

21 PRESIDING OFFICER HAMMER: And Ms. Lewis --

22 THE WITNESS: I'll continue.

23 PRESIDING OFFICER HAMMER: Ms. Lewis, yeah,
24 if you could just speak as slowly and -- and loudly and
25 clearly as possible that would be helpful.

1 THE WITNESS: Viasat Carrier Services has
2 been awarded the ability to provide CAF II plans in the
3 broadband and voice plans in the census block for which
4 it was awarded in the state, pending Utah's approve --
5 approval of Viasat's ETC application.

6 Q. (BY MR. DONAHUE) And can you briefly explain why
7 the award -- the -- or grant of ETC designation to
8 Viasat would be in the public interest in Utah?

9 A. The census block areas in which Viasat was
10 awarded were identified by the FCC as being unserved or
11 underserved for the broadband and voice services. Utah
12 approving Viasat Carrier Services today would serve the
13 public interest by making available broadband internet
14 to these areas of -- at competitive rates and speeds
15 experienced by urban parts of the state today.

16 Q. Thank you.

17 MR. DONAHUE: And, your Honor, the Division
18 and the staff weighed some issues, and we ended up with
19 a stipulation that was filed in the record. Do you want
20 us to address that with the witness as well or have that
21 admitted later?

22 PRESIDING OFFICER HAMMER: I -- I defer to
23 you as to the questions you want to ask your witness.
24 You're welcome to ask. We did receive the stipulation,
25 it's in our file. I have a copy in front of me. If

1 you'd like Ms. Lewis to say anything about it, you're,
2 of course, welcome to ask her about it.

3 Q. (BY MR. DONAHUE) Okay. Ms. Lewis, have you
4 reviewed the stipulation between Viasat and staff in the
5 Office of Consumer Services in Utah?

6 A. Yes, I have.

7 Q. And in particular there are several agreements or
8 conditions that the parties have agreed to, to Viasat's
9 designation in the state?

10 A. Yes, I -- I noted them, most of it.

11 Q. And can you indicate Viasat's prepared to abide
12 by those conditions and with those conditions in place
13 renew its request for ETC designation in the state?

14 A. Yes, we will comply.

15 Q. Thank you.

16 MR. DONAHUE: With the admission of the
17 application and the testimony and then presumably the
18 stipulations, we don't have any further questions here
19 for Ms. Lewis.

20 PRESIDING OFFICER HAMMER: Thank you,
21 Mr. Donahue.

22 Mr. Jetter, do you have any questions?

23 MR. JETTER: I have no questions. Thank
24 you.

25 PRESIDING OFFICER HAMMER: Mr. --

1 MR. MOORE: No questions. Thank you.

2 PRESIDING OFFICER HAMMER: All right.

3 Mr. Donahue, any other witnesses you'd like to call?

4 MR. DONAHUE: No.

5 PRESIDING OFFICER HAMMER: All right. Thank
6 you very much.

7 Mr. Jetter?

8 MR. JETTER: Thank you. The Division would
9 like to call and have sworn in Casey Coleman.

10 PRESIDING OFFICER HAMMER: Mr. Coleman, do
11 you swear to tell the truth?

12 CASEY COLEMAN: Yes.

13 Whereupon --

14 CASEY COLEMAN

15 having been first duly sworn to testify to the truth,
16 was examined and testified as follows:

17

18 EXAMINATION

19 BY MR. JETTER:

20 **Q. Mr. Coleman, would you please state your name and**
21 **occupation for the record?**

22 A. Yeah. My name is Casey J. Coleman, and I am a
23 utility technical consultant for the Division of Public
24 Utilities.

25 **Q. Thank you.**

1 And in the course of your employment have you had
2 the opportunity to review the petition filed by the
3 applicant in this docket along with the testimony that
4 was filed, I believe, on October 9th, 2018?

5 A. Yes.

6 Q. And did you have an opportunity to review and
7 participate in the creation of the Settlement and
8 stipulation that was filed in this docket?

9 A. Yes.

10 Q. Do you believe that approval of the Settlement
11 and Stipulation would be just, reasonable and in the
12 public interest?

13 A. Yes, I do.

14 Q. Thank you.

15 And are you aware of any objection to the
16 approval of the stipulation?

17 A. No, I'm not aware of any.

18 Q. Thank you.

19 MR. JETTER: I have no further questions,
20 and Mr. Coleman is available for cross-examination and
21 questions from the Division.

22 PRESIDING OFFICER HAMMER: Mr. Donahue, do
23 you have any questions?

24 MR. DONAHUE: I do not.

25 PRESIDING OFFICER HAMMER: Mr. Moore?

1 MR. MOORE: No questions, thank you.

2 PRESIDING OFFICER HAMMER: And neither do I.

3 Thank you, Mr. Coleman.

4 Mr. Jetter, no other witnesses?

5 MR. JETTER: No other witnesses, thank you.

6 PRESIDING OFFICER HAMMER: Mr. Moore.

7 MR. MOORE: The Office would call Cheryl

8 Murray and ask that she be sworn.

9 PRESIDING OFFICER HAMMER: Ms. Murray, do
10 you swear to tell the truth?

11 CHERYL MURRAY: Yes.

12 Whereupon --

13 CHERYL MURRAY

14 having been first duly sworn to testify to the truth,
15 was examined and testified as follows:

16

17 EXAMINATION

18 BY MR. MOORE:

19 **Q. Would you please state your name and how you are**
20 **employed.**

21 A. My name is Cheryl Murray. I'm a utility analyst
22 with the Office of Consumer Offices.

23 **Q. In your capacity as a utility analyst, have you**
24 **reviewed the application and related filings in the**
25 **subject docket?**

1 A. Yes, I have.

2 Q. Did you participate in discussions and
3 negotiations leading to the settlement and stipulation
4 that is the subject of this hearing?

5 A. Yes.

6 Q. Have you reviewed the stipulation?

7 A. Yes, I have.

8 Q. In your opinion, is the stipulation taken as a
9 whole just and reasonable in result and in the public
10 interest?

11 A. Yes.

12 Q. Are you aware of any opposition to the
13 stipulation?

14 A. No, I am not.

15 MR. MOORE: That's all the questions I have.
16 She's available for cross and questions from the
17 Commission.

18 PRESIDING OFFICER HAMMER: Mr. Donahue, do
19 you have any questions?

20 MR. DONAHUE: No.

21 PRESIDING OFFICER HAMMER: Mr. Jetter?

22 MR. JETTER: I have no questions, thank you.

23 PRESIDING OFFICER HAMMER: And I have none.
24 Thank you, Ms. Murray.

25 If there's nothing else before we

1 adjourn. . .

2 MR. JETTER: Nothing from the Division.

3 PRESIDING OFFICER HAMMER: It appears there
4 is not, so thank you everyone for your participation.
5 Have a nice afternoon.

6 MR. DONAHUE: Thank you. Do the same.

7 (The proceedings concluded at 1:14 p.m.)

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REPORTER'S CERTIFICATE

I, Tammy M. Breed, CSR No. 7801, Certified Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of Utah that the foregoing is true and correct.

Dated this 27th day of January, 2019.



TAMMY M. BREED, C.C.R. No. 7801

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