

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Application) Docket No:
of All West Communications, Inc. for) 11-2180-01
USF Eligibility)

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South
Salt Lake City, Utah

DATE: November 17, 2011

TIME: 9:00 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

MELANIE A. REIF, Administrative Law Judge

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(The previous exhibits and related testimony were prefiled and are part of the PSC record and filed with the Commission.)

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1 NOVEMBER 17, 2011 9:00 A.M.

2 P R O C E E D I N G S

3 THE COURT: Morning everyone and welcome to
4 the hearing this morning for the All West
5 Communications, Incorporated's Application for USF
6 Eligibility. My name is Melanie Reif and I'm the
7 Administrative Law Judge for the Public Service
8 Commission.

9 Could we take appearances, please?

10 MS. SLAWSON: Kira Slawson, from Blackburn &
11 Stoll, on behalf of All West Communications. And with
12 me is Matt Weller, the president of All West
13 Communications. He will be the witness for the
14 Company.

15 MS. BURTON-LEE: Dahnelle Burton-Lee,
16 Assistant Attorney General, on behalf of the Division
17 of Public Utilities. And Paul Hicken with the
18 Division -- on behalf of the Division.

19 MR. PROCTOR: Paul Proctor for the Office.
20 And Mr. Orton is the Office's witness today.

21 THE COURT: Thank you. Just as a preliminary
22 matter I wanted to make sure to clarify that the
23 Commission takes administrative notice of all the
24 prefiled testimony in this matter. As -- and as
25 requested, and that is admitted.

1 (All prefiled testimony was admitted.)

2 MS. SLAWSON: Thank you.

3 THE COURT: Ms. Slawson, this is your
4 application, would you like to proceed?

5 MS. SLAWSON: We would, your Honor. We'll
6 have Mr. Weller testify on behalf of the Company, so
7 he'll need to be sworn.

8 THE COURT: Very good. Mr. Weller, are you
9 prepared to testify?

10 MR. WELLER: Yes, I am.

11 (Mr. Weller was duly sworn.)

12 THE COURT: Thank you.

13 MATTHEW WELLER,

14 called as a witness, having been duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. SLAWSON:

18 Q. Would you state your name for the record?

19 A. My name is Matthew Weller.

20 Q. And do you have a statement that you'd like
21 to read into the record?

22 A. Yes, I do.

23 Q. Okay.

24 A. I am president of All West Communications,
25 Incorporated. On May 10, 2011, All West

1 Communications, Incorporated filed an application for
2 an increase in USF eligibility. All West has been
3 experiencing revenue shortfall, despite the fact that
4 we are charging our customers the affordable -- the
5 base affordable rate of \$16.50 for residential
6 customers and a \$26 charge for business customers.

7 For the 2010 test year adjusted for known and
8 measurable changes in 2011 we experienced a revenue
9 shortfall of \$2,039,339. Because we are already
10 charging our customers the affordable base rate for
11 services we request a revenue shortfall to be paid
12 from the Utah Universal Service Fund.

13 The Division of Public Utilities conducted an
14 audit of the books and records of All West and
15 submitted numerous data requests which were answered
16 by All West. Following the audit the Division of
17 Office Consumer -- Office of Consumer Services and All
18 West participated in a settlement conference and
19 several discussions and negotiations.

20 In September 2011 we reached a partial
21 settlement of the issues raised in the application. A
22 stipulation for partial settlement was executed and
23 presented to the Public Service Commission at a
24 hearing on October 11, 2011. The Public Service
25 Commission issued an interim order on the stipulation,

1 ordering partial Universal Service Fund support and
2 reserving certain issues for trial.

3 On October 17, 2011, All West and the
4 Division filed direct testimony on the remaining
5 issues. Rebuttal testimony was filed on October 24,
6 2011, by the Division, the Office of Consumer
7 Services, and All West. And upon review of the
8 testimony the parties resumed settlement negotiations
9 and reached a final settlement on all issues.

10 We prepared and filed a stipulation between
11 All West, the Office, and the Division. This was
12 filed with the Public Service Commission on
13 November 9, 2011. In the stipulation the parties
14 agreed to an increase in the annual intrastate revenue
15 requirement for All West of \$1,097,413.

16 This amount is in addition to the amount All
17 West has been receiving since its last rate case in
18 2008. So All West's total annual USF distribution
19 will be \$2,042,011, or \$170,167.58 per month. The
20 amount was based upon a rate of return of
21 8.44 percent, which represents the weighted average of
22 the interstate rate of return of 12.33 percent and an
23 intrastate rate of 7.14 percent.

24 All West also agrees to retire its legacy
25 GTE 5 switch from Account 2212 as of January 1, 2012.

1 The parties have also agreed that the depreciation
2 rate for buried cable-metallic will be increased to
3 5.68 percent. And the depreciation rate for the
4 digital switch, Account 2212, will be increased to
5 12.5 percent as of January 1, 2012.

6 All West believes that the increase in
7 revenue requirement and USF eligibility are in the
8 public interest and are just and reasonable in result.
9 The Company requests the Public Service Commission
10 approve the stipulation and enter an order consistent
11 with the stipulation so that the increased USF payment
12 can begin December 1, 2011.

13 Q. Does that conclude your statement?

14 A. Yes, it does.

15 MS. SLAWSON: Your Honor, we have a copy of
16 the stipulation that was filed with the Public Service
17 Commission on November 9th. We would like that to be
18 entered into evidence. There is a confidential
19 exhibit which we would like to remain confidential.

20 THE COURT: Okay. And have you marked that
21 exhibit?

22 MS. SLAWSON: I'm sorry, I have not.

23 Mr. Weller will be available for cross
24 examination.

25 THE COURT: Is there any objection to

1 admitting the stipulation into evidence?

2 MS. BURTON-LEE: No objection. And I have no
3 questions for Mr. Weller.

4 THE COURT: Okay.

5 MR. PROCTOR: No objection.

6 THE COURT: Okay. Ms. Slawson, your exhibit
7 will be entered into evidence. And let's mark this
8 Company's Exhibit 1.

9 (Company Exhibit No. 1 was admitted.)

10 THE COURT: Ms. Burton-Lee?

11 MS. BURTON-LEE: Yes. The Division would
12 like to request Mr. Paul Hicken to testify on its
13 behalf. And Mr. Hicken needs to be sworn in.

14 THE COURT: Okay. Mr. Hicken, are you
15 prepared to testify?

16 MR. HICKEN: Yes.

17 (Mr. Hicken was duly sworn.)

18 THE COURT: Thank you.

19 PAUL HICKEN,

20 called as a witness, having been duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. BURTON-LEE:

24 Q. Mr. Hicken, could you state your name and
25 address for the record?

1 A. My name is Paul Hicken. And my address is
2 160 East 300 South, Salt Lake City.

3 Q. And have you testified before the
4 Commission --

5 A. Yes.

6 Q. -- previously? Do you have a summary of your
7 testimony prepared today?

8 A. Yes, I do.

9 Q. Would you like to present that now?

10 A. Yes. I have a statement I'd like to read.
11 All West Communications filed an application on
12 May 10, 2011, seeking an increase in Utah USF support
13 of \$2,039,339, making their total annual support
14 \$2,983,937.

15 All West proposed a 2010 test year with
16 certain known and measurable changes for 2011. The
17 Division of Public Utilities reviewed the filing and
18 determined that it met the requirements for a complete
19 filing as defined in Rule 746-700-40.

20 During the ensuing months the Division
21 conducted an audit of the books and records of All
22 West for the 2010 test year. That audit consisted of
23 two on-site visits, the first during the weeks -- or
24 during the week of July 11th through 15th, and the
25 second review on August 29th through 30th. The

1 Division also issued a total of 13 data requests to
2 All West.

3 After analyzing all of the data obtained
4 through the application, the site visits, and the data
5 requests, the Division identified ten separate and
6 distinct issues where the Division made adjustments to
7 the All West application.

8 These issues and related adjustments were
9 presented to All West in a settlement conference on
10 September 7, 2011. The DPU, and the Office of
11 Consumer Services, and All West participated in this
12 conference.

13 During the following two weeks All West and
14 the Division were able to resolve nine of the ten
15 issues through negotiation and compromise. The
16 parties agreed to an increase of at least \$797,700 of
17 annual State USF in addition to the \$944,598 the
18 Applicant was already receiving.

19 A stipulation was filed with the Public
20 Service Commission on September 23, 2011. And on
21 October 20, 2011, the Commission issued an interim
22 order approving the terms of the stipulation, except
23 for the one unresolved issue regarding depreciation
24 expense which the parties were unable to fully agree
25 upon. This issue was to have been reserved for a

1 hearing before the Commission.

2 Direct testimony was filed by the Division
3 and All West on October 17, 2011. And rebuttal
4 testimony was filed on October 24, 2011, by All West,
5 the Division, and the Office of Consumer Services.
6 The parties reviewed the testimonies and had
7 additional settlement discussions regarding the
8 unresolved issues of depreciation.

9 As a result of these further discussions and
10 in consideration of all the issues in their entirety,
11 the Division believes that the appropriate amount of
12 increased Utah USF for All West Communications is
13 \$1,097,413, inclusive of the \$797,700 from the prior
14 stipulation, or a total amount of distribution of
15 \$2,042,011.

16 The Division believes that this amount of
17 Utah USF will allow All West to provide safe,
18 reliable, and affordable services to the residents in
19 the areas of Coalville, Kamas, and surrounding
20 communities.

21 The Division believes that the stipulation is
22 just, reasonable, and in the best interest of the
23 Company, and the subscribers, and the general public.
24 That concludes my statement.

25 Q. Do you have anything further to add?

1 A. No, I don't.

2 MS. BURTON-LEE: Mr. Hicken is now available
3 for cross examination, questions from the Commission,
4 or the public.

5 THE COURT: Thank you Mr. Hicken.

6 Any questions for Mr. Hicken?

7 MS. SLAWSON: No, thank you.

8 THE COURT: The Office?

9 MR. PROCTOR: Mr. Orton needs to be sworn.
10 He has a summary of the Office's position and
11 testimony.

12 (Mr. Orton was duly sworn.)

13 THE COURT: Thank you.

14 MR. ORTON: I'm Eric Orton for the Office of
15 Consumer Services. I'm an analyst there. The Office
16 advocates on behalf of residential and small
17 commercial rural telecom customers.

18 Our constituents are both the contributors
19 and the beneficiaries of the State USF funds. For
20 this reason, as a party to the docket, the Office has
21 considered the analysis and the application through
22 the discovery, analysis, technical conferences, and
23 settlement discussions that represent the entirety of
24 this proceeding.

25 The proposed stipulation represents a result

1 that, in the Office's judgment, balances the interests
2 of consumers who contribute to the State USF and All
3 West customers. The Office recommends that the
4 Commission approve the settlement. Thank you.

5 THE COURT: Thank you Mr. Orton.

6 Any questions for Mr. Orton?

7 MS. SLAWSON: No, your Honor.

8 MS. BURTON-LEE: No, your Honor.

9 THE COURT: Okay. I have one question for
10 the Office, please, just for clarification. I
11 appreciated that there was a note in the stipulation
12 noting that the stipulation could be signed in
13 counterpart.

14 And I just wanted to be certain that the page
15 that has the signature of Michele Beck is, indeed,
16 part of this stipulation. My reason for asking is
17 there's not a date on it, and I just wanted to make
18 sure that this is her signature and that it is part of
19 this document.

20 MR. PROCTOR: Paul Proctor on behalf of the
21 Office. I can't testify here because I'm an attorney,
22 although this would be a procedural matter.

23 I recognize Ms. Beck's signature as it's
24 found on page 6, what's marked as page 6. And it's my
25 understanding that that signature was placed on that

1 document on the 7th of November.

2 THE COURT: Okay, thank you very much.

3 Great. I have no further questions. And is there
4 anyone here who wishes to comment or object to the
5 stipulation?

6 Hearing no comment, are there any questions
7 from the parties before we adjourn?

8 MS. BURTON-LEE: No, your Honor.

9 THE COURT: Okay. We'll be adjourned. Thank
10 you very much.

11 (The hearing was concluded at 9:15 a.m.)

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<p>\$</p> <p>\$1,097,413 [2] - 7:15, 12:13 \$16.50 [1] - 6:5 \$170,167.58 [1] - 7:19 \$2,039,339 [2] - 6:9, 10:13 \$2,042,011 [2] - 7:19, 12:15 \$2,983,937 [1] - 10:14 \$26 [1] - 6:6 \$797,700 [2] - 11:16, 12:13 \$944,598 [1] - 11:17</p>	<p>7</p> <p>7 [1] - 11:10 7.14 [1] - 7:23 746-700-40 [1] - 10:19 7th [1] - 15:1</p> <p>8</p> <p>8.44 [1] - 7:21</p> <p>9</p> <p>9 [1] - 7:13 9:00 [1] - 4:1 9:15 [1] - 15:11 9th [1] - 8:17</p>	<p>12:3, 12:4, 12:17, 14:2 All West Communications [7] - 4:4, 4:11, 4:12, 5:24, 5:25, 10:11, 12:12 allow [1] - 12:17 amount [6] - 7:16, 7:20, 12:11, 12:14, 12:16 analysis [2] - 13:21, 13:22 analyst [1] - 13:15 analyzing [1] - 11:3 annual [4] - 7:14, 7:18, 10:13, 11:17 answered [1] - 6:15 appearances [1] - 4:9 Applicant [1] - 11:18 Application [1] - 4:5 application [7] - 5:4, 6:1, 6:21, 10:11, 11:4, 11:7, 13:21 appreciated [1] - 14:11 appropriate [1] - 12:11 approve [2] - 8:10, 14:4 approving [1] - 11:22 areas [1] - 12:19 Assistant [1] - 4:16 attorney [1] - 14:21 Attorney General [1] - 4:16 audit [4] - 6:14, 6:16, 10:21, 10:22 August [1] - 10:25 available [2] - 8:23, 13:2 average [1] - 7:21</p>	<p>Blackburn Stoll [1] - 4:10 books [2] - 6:14, 10:21 buried [1] - 8:2 BURTON [7] - 4:15, 9:2, 9:11, 9:23, 13:2, 14:8, 15:8 Burton [2] - 4:15, 9:10 Burton-Lee [1] - 9:10 BURTON-LEE [7] - 4:15, 9:2, 9:11, 9:23, 13:2, 14:8, 15:8 business [1] - 6:6 BY [2] - 5:17, 9:23</p>	<p>8:18, 8:19 consideration [1] - 12:10 considered [1] - 13:21 consisted [1] - 10:22 consistent [1] - 8:10 constituents [1] - 13:18 Consumer [1] - 6:17 consumers [1] - 14:2 contribute [1] - 14:2 contributors [1] - 13:18 copy [1] - 8:15 counterpart [1] - 14:13 cross examination [2] - 8:23, 13:3 customers [6] - 6:4, 6:6, 6:10, 13:17, 14:3</p>
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