

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Budget  
Prepay, Inc. d/b/a Budget  
Phone, Inc.'s Petition for  
Limited Designation as a  
Non-Rural Wireless Eligible  
Telecommunications Carrier.

Docket No. 12-2554-01

~~~~~  
HEARING  
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TAKEN AT: Fourth Floor Hearing Room 451  
Heber M. Wells Building  
160 East 300 South  
Salt Lake City, Utah

DATE: Wednesday, November 7, 2012

TIME: 9:02 a.m to 9:32 a.m.

REPORTED BY: Michelle Mallonee, RPR

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APPEARANCES

For Budget Prepay, Inc., d/b/a Budge Phone, Inc.:

THORVALD A. NELSON, ESQ.

SARA KERKHOFF RUNDELL, ESQ.

HOLLAND & HART

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Suite 500

Greenwood Village, Colorado 80111

DAVID DONAHUE (Appearing telephonically)

Budget Prepay, Inc.

ROBYN ENKEY (Appearing telephonically)

Budget Prepay, Inc.

FOR THE DIVISION OF PUBLIC UTILITIES:

JUSTIN JETTER, ESQ.

ASSISTANT UTAH ATTORNEY GENERAL

160 East 300 South

Sixth Floor

Salt Lake City, Utah 84111

CASEY COLEMAN

Division of Public Utilities

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CHERYL MURRAY  
Office of Consumer Services

BETSY WOLF  
Salt Lake Community Action Program

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## EXHIBITS

## EXHIBIT NO.

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2012 With Attached Exhibits 8

Budget-2 Prefiled Direct Testimony And  
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Joint Exhibit 1 Stipulation and Settlement  
Agreement With Attachment 9

1

Hearing

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November 7, 2012

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## PROCEEDINGS

4

THE COURT: We will be on the record.

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Good morning. I'm Melanie Reif, Administrative

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Law Judge for the Public Service Commission. And this

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morning, we are here in Docket 12-2554-01. This docket is

8

entitled, "In the Matter of Budget Prepay, Inc., dba Budget

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Mobile's Petition for Limited Designation as a Non-Rural

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Wireless Eligible Telecommunications Carrier." This hearing is

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being scheduled at the request of the parties, in particular the

12

parties to the stipulation and settlement that was filed on

13

October 31, 2012. And I'd like to start first by taking

14

appearances.

15

MR. NELSON: Good morning, your Honor. Thor

16

Nelson, and Sara Rundell by telephone. We're with the law firm

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of Holland &amp; Hart, appearing today on behalf of the applicant,

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Budget Mobile.

19

THE COURT: Thank you.

20

MR. JETTER: And Justin Jetter for the Division of

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Public Utilities. And my witness is Casey Coleman, also with

22

the Division of Public Utilities.

23

THE COURT: Thank you.

24

MS. MURRAY: Cheryl Murray with the Office of

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Consumer Services.

1 MS. WOLF: Betsy Wolf with Salt Lake Community  
2 Action Program.

3 THE COURT: Okay. Ms. Wolf, could you make  
4 share your microphone is on? I'm not hearing you real well.

5 MS. WOLF: Sorry. Is that better?

6 THE COURT: That's much better. Thank you very  
7 much.

8 Back to you, Mr. Nelson. This is your application,  
9 so I'm going to let you take the lead here. And will you be  
10 calling a witness this morning?

11 MR. NELSON: We will, your Honor. We will be  
12 calling David Donahue, who is with Budget Mobile.

13 THE COURT: Okay. And I think for convenience  
14 sake, since we're also going to be hearing testimony from Mr.  
15 Casey [sic] on behalf of the Division, Ms. Murray on behalf of  
16 the office.

17 And, Ms. Wolf, do you intend to give testimony this  
18 morning?

19 MS. WOLF: I didn't intend it. I'm just here to  
20 answer questions, if there are any.

21 THE COURT: Okay. All right. Let's--  
22 unless you would like to proceed otherwise, Mr. Nelson, I'd like  
23 to go ahead and swear in all three witnesses at once. Is that  
24 okay with you?

25 MR. NELSON: That would be just fine.

1 THE COURT: Okay. And you do not intend to call  
2 Ms. Enkey. Is that correct?

3 MR. NELSON: That's correct. She's just there as  
4 backup.

5 THE COURT: All right.

6 Mr. Donahue, can you hear me okay?

7 MR. DONAHUE: Yes, ma'am.

8 THE COURT: Okay. So I'm going to ask you just  
9 to follow along and do, do as I say, as will the witnesses here  
10 present.

11 If all the witnesses who intend to testify today will  
12 please raise their right hand.

13 And do you swear that the testimony that you are  
14 about to give is the truth?

15 Mr. Donahue, I'll let you go first, please.

16 MR. DONAHUE: Yes.

17 THE COURT: Mr. Casey?

18 MR. COLEMAN: Yes.

19 THE COURT: Ms. Murray.

20 MS. MURRAY: Yes.

21 THE COURT: Thank you very much.

22 Okay. Mr. Nelson, please proceed.

23 MR. NELSON: Thank you, your Honor. Your  
24 Honor, we had identified in our pre-hearing submissions three  
25 exhibits that we intended to introduce. And I'd just ask your

1 preference for how that be accomplished. In particular, we had  
2 identified, first, Budget Exhibit No. 1, which was the application  
3 that was filed in this proceeding on June 21st of 2012. That  
4 Exhibit No. 1 includes several exhibits to itself.

5 Then we had as Exhibit No. 2 the prefiled direct  
6 testimony and exhibits of David Donahue, also submitted in this  
7 case. I would note that two of the exhibits to Mr. Donahue's  
8 testimony, Exhibits DD-5 and DD-6, were filed as "Confidential"  
9 and have been included in little packets for everyone on yellow  
10 paper.

11 And then finally, we had identified Joint Exhibit No.  
12 1, which is a copy of the Stipulation and Settlement Agreement  
13 that was reached between Budget, the Division, and the Office,  
14 which is the subject of the hearing this morning. Attached to  
15 Joint Exhibit No. 1 is the Utah State Specific Fact Sheet, which  
16 is labeled as Attachment No. 1.

17 So I wanted to know whether it was your pleasure,  
18 since the Stipulation contemplated the admission of these  
19 exhibits, I didn't know if you needed me to have the witness  
20 walk through these identify them, and do that formally, or if you  
21 would prefer another procedure for the introduction of these  
22 documents into the record.

23 THE COURT: Mr. Nelson, I think given, what  
24 appears to be, the uncontested nature of this stipulation, I  
25 would prefer to take judicial notice of the documents. That's not



1 to say, however, that you should overlook them when calling  
2 your witness to testify. I think it would be helpful to have him  
3 cover all of those. And also, to the extent that there are  
4 confidential documents involved, I think it would be in the best  
5 interest to have them admitted in the way of judicial notice as  
6 opposed to exhibits.

7 MR. NELSON: That would be fine. So then I would  
8 ask that your Honor take judicial notice of what have been  
9 identified as the Budget Exhibit 1, the Application filed in this  
10 case--prefiled in this case; Budget Exhibit 2, the Prefiled Direct  
11 Testimony exhibits of Mr. Donahue; and Joint Exhibit No. 1, the  
12 Stipulation and Settlement Agreement submitted by Budget, the  
13 Division, and the Office.

14 THE COURT: Thank you, Mr. Thor [sic]. I'm  
15 assuming there's no objection to those being entered-- excuse  
16 me, not entered, but that the Commission will take judicial  
17 notice of them.

18 MR. JETTER: We have no objection.

19 THE COURT: Okay. Thank you.

20 They are so noted. Thank you.

21 MR. NELSON: Okay.

22 DAVID DONAHUE, having been first duly sworn,  
23 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY-MR.NELSON:

1 Q. Good morning, Mr. Donahue, can you hear me  
2 okay?

3 A. Yes, I can.

4 Q. Okay. Mr. Donahue, since this is your first time  
5 appearing in Utah, anyway, can you please just identify by  
6 whom you are employed and in what capacity?

7 A. Yes. I'm employed by Budget Prepay,  
8 Incorporated. I am the CFO for the company.

9 Q. Okay. And you caused to be prefiled in this case  
10 the documents, which were just taken judicial notice of, the  
11 direct testimony of David Donahue, which included various  
12 exhibits, that was filed on August 10th of 2012. Is that correct?

13 A. Yes, sir.

14 Q. Okay. And you are also, were you not, involved in  
15 the discussions regarding the Stipulation and Settlement  
16 Agreement, which was just identified as Joint Exhibit No. 1, the  
17 agreement agreed to between Budget, the Division, and the  
18 Office. Do you recall that, sir?

19 A. Yes, sir.

20 Q. Okay. And do you have in front of you today,  
21 where you're calling from, a copy of all of the documents that  
22 we've been talking about: the Application, your testimony, and  
23 the Stipulation and Settlement Agreement?

24 A. Yes, sir.

25 Q. Okay. Very good. By way of background, then,

1 just a little bit, can you provide a little bit of overview for who  
2 Budget is and what it is that you do, what your business is?

3 A. Sure. We're a company that been in business  
4 approximately 16 years. Can you hear me? I'm sorry.

5 Q. Yeah, we hear you great. Thank you.

6 A. Okay. Budget's been in business for approximately  
7 16 years. We've been an ETC in multiple states on the wireline  
8 side for approximately five to six years. We also became a  
9 wireless ETC in approximately 18 states. We have  
10 approximately 500,000 customers on the wireless side, and  
11 approximately 40,000 customers on the wireline side. And we  
12 also have a couple of other divisions that we sell wireless  
13 recharge. But our main business is focused on non-lifeline and  
14 Lifeline products on the wireless side.

15 Q. Okay. Now, turning, then, to--let me just start by  
16 the focus of what I think this hearing is about, the stipulation  
17 and settlement agreement. If you could put that in front of you  
18 so you have--  
19 you can see that.

20 A. Okay.

21 Q. Just want to ask you a couple of general questions  
22 about this.

23 First of all, in the state of Utah, Budget is seeking  
24 ETC designation for low-income services only. Is that correct?

25 A. Yes.

1 Q. Okay. And can you also confirm that the  
2 designation that Budget is seeking is limited to the geographic  
3 area that is served by Qwest and CenturyLink in the state of  
4 Utah?

5 A. Yes, sir.

6 Q. Okay. In the Stipulation and Settlement  
7 Agreement, I'll refer you now to page 5 of that document at  
8 paragraph 7. Do you see that, sir?

9 A. Yes.

10 Q. All right. There, you describe that there are two,  
11 two Lifeline plans that Budget intends to offer in the state of  
12 Utah if the ETC designation is granted. And let me just ask you  
13 about those.

14 First of all, could you explain the Free Plan that  
15 Budget intends to offer and what that provides to customers?

16 A. Yes. That's a frequent--we call that our "Free  
17 Plan." It's basically 250 free minutes per month with a--we also  
18 provide a refurbished handset to those individuals that qualify  
19 for the plan.

20 Q. Okay. And then secondly, there is another plan,  
21 which is sometimes described as the "Active Talk & Text Plan."  
22 Can you describe what that is and how that is priced and what  
23 services that provides to customers?

24 A. Okay. That plan is priced at \$34.25. It is-- after  
25 the Lifeline discount, it's approximately \$25. It's a 4000 Minute

1 Talk & Text Plan for an individual that has the ability to use a  
2 total of those--of that 4000 minutes.

3 Q. Okay. In the stipulation that was entered into  
4 between Budget and the Division and the Office, in addition to  
5 talking about the plans that Budget intends to offer, it also  
6 discusses the fact that Budget meets the qualification  
7 requirements under state and federal law. Do you recall that,  
8 sir?

9 A. Yes.

10 Q. Okay. And as you sit here today, the facts, as they  
11 are set forth in the Application and the Stipulation with regard to  
12 the fact that Budget does meet the federal and state  
13 qualifications, does that remain true today?

14 A. Yes, sir.

15 Q. Okay. Then lastly, I just want to turn your attention  
16 to the specific agreements, then, that were made between  
17 Budget and the staff and the Office here. Now I'll turn your  
18 attention to page 6 of the Joint Exhibit 1, the Stipulation  
19 Agreement.

20 A. I'm there.

21 Q. Okay. And then on page 6, there's a paragraph  
22 numbered 10, and then a number of lettered paragraphs, A  
23 through H, beneath that, that set forth the specific agreements  
24 that Budget has made with the Division and the OCS in this  
25 case. Do you see that, sir?

1 A. Yes, sir.

2 Q. Okay. And I just would ask--we're just going to  
3 walk through each of these, generally speaking, so we have that  
4 all on the record.

5 The first agreement, can you explain what's  
6 described in paragraph 10-A and what Budget has agreed to do?

7 A. Yes. That any changes to the Lifeline offering, we  
8 would inform DPU and OCS before changing any plans.

9 Q. Okay. And then in 10-B, what are we committing to  
10 do there?

11 A. Basically to provide a Utah-specific page on the  
12 website, dealing with the offerings in Utah.

13 Q. Okay. And the purpose of 10-B there is what with  
14 respect to our customers?

15 A. They've have the most up-to-date information  
16 available to them about the Utah plans that we're offering.

17 Q. Okay. And then in 10-C, we talk about a  
18 Utah-specific fact sheet. And then there's a reference to  
19 Attachment A to the stipulation that includes that fact sheet. Do  
20 you see that reference, sir?

21 A. Yes, I do.

22 Q. Okay. And does the--is the information--if you  
23 could refer to Attachment 1--the information on the Utah-specific  
24 program that, that Budget is intending to offer, is that true to  
25 date in terms of what our intent of what our offers are if the

1 application is approved?

2 A. Yes, sir.

3 Q. All right. Moving forward. Can you explain what  
4 Budget has agreed to in paragraph 10-D?

5 A. That we did not--we are not seeking any Utah state  
6 funds.

7 Q. Right.

8 A. Universal service funding.

9 Q. Okay. And this is the point that our application is  
10 limited to low-income support at the federal level. Is that  
11 correct?

12 A. That is correct.

13 Q. Okay. And then what are we committing to in 10-E?

14 A. Basically to comply to all the Utah service quality  
15 and consumer protection requirements.

16 Q. And 10-F.

17 A. That we agree to pay all local, state, and regulatory  
18 fees, including universal service fees, emergency service fees,  
19 and relay service fees.

20 Q. All right. And 10-G.

21 A. That we agree to adopt any Utah-specific Lifeline  
22 certification developed by the Commission in their docket.

23 Q. Okay. Understanding these commitments, I then  
24 want to turn your attention back to the Joint Exhibit No. 1, the  
25 Stipulation on page 4.

1 A. Okay.

2 Q. And there you see two parts of the Agreement,  
3 which are under the Agreement. I want to refer you first to  
4 what's listed as paragraph No. 2. That discusses whether or not  
5 Budget's program will help further the goal that the citizens of  
6 the State of Utah have access to high-quality and affordable  
7 telecommunication services. Do you see that, sir?

8 A. Yes, I do.

9 Q. Okay. In your view, why is it that if Budget is  
10 authorized to provide the--is granted the ETC designation that  
11 we are seeking, how does that help the citizens of the state of  
12 Utah gain access to high-quality, affordable telecommunication  
13 services?

14 A. Basically our, our plan is, for the state of Utah, is  
15 to provide services to low-income individuals through our retail  
16 stores and through our retail channel. We kind of differentiate  
17 ourselves from other companies, that we do it more from a store  
18 front or locally and not through the Internet. We have--we  
19 access the customer base a lot quicker. It also allows  
20 customers to come in if they have problems, buy additional  
21 service, have a place to--a point of reference to come to.

22 Q. And the customers that we serve--here, actually, let  
23 me back that up. Let me just refer to this next question here.

24 Let me just turn your attention to paragraph 3, right  
25 beneath that, where it talks about the fact that Budget's



1 products will provide additional customer choices with regard to  
2 service options for low-income customers.

3 Let me ask you: In your experience, do low-income  
4 customers--or have low-income customers historically had  
5 extensive numbers of choices for different telecommunication  
6 services?

7 A. No. Again, we're one of the few companies that  
8 actually offers a 250 Free Minute Plan and one that actually  
9 offers a 4000 Minute Talk & Text Plan. Typically, the minutes  
10 are a lot lower.

11 Q. Okay. And so from your perspective, how does  
12 your offering improve the choices that are available to  
13 low-income customers in Utah?

14 A. It gives us a better--competition, and gives the  
15 customer the ability to choose a better product.

16 Q. Okay. Then finally, Mr. Donahue, do you believe  
17 that the application that has been submitted by Budget in the  
18 context of the agreements that we've made in the Stipulation  
19 and Settlement Agreement that those are in the public interest  
20 of the citizens of the state of Utah?

21 A. Yes, sir.

22 Q. Thank you, Mr. Donahue.

23 MR. NELSON: Your Honor, I have no further  
24 questions of the witness at this time. And he's available for any  
25 questions of the parties or yourself.

1 THE COURT: Anything from the Division or the  
2 Office?

3 MR. JETTER: Can I have just--The Division has no  
4 questions.

5 THE COURT: Ms. Murray, do you have any  
6 questions?

7 MS. MURRAY: No.

8 THE COURT: And, Ms. Wolf, would you like to ask  
9 any questions?

10 MS. WOLF: No, thank you.

11 THE COURT: Okay.

12 Mr. Thor, just one question, please, from the  
13 Commission.

14 One of the requirements under the statute for the  
15 approval of the stipulation is that the settlement proposal be  
16 just and reasonable and resolved. And I would like to ask Mr.  
17 Donahue--  
18 first of all, I really appreciate the extent and the detailed  
19 testimony that he has given. And he has responded to the issue  
20 of the public interest, which is very helpful.

21 I would like him to address the question of whether  
22 he believes that what's being proposed is just and reasonable in  
23 result.

24 Could you--Mr. Donahue, did you hear my  
25 question?

1 THE WITNESS: Sure, I did, yes. Yeah, I believe  
2 that the stipulation agreement, that it is justified and there is  
3 no--we have no problem with the settlement agreement.

4 THE COURT: Okay.

5 MR. NELSON: Let me, then--let me try to follow up  
6 with a couple of questions, Mr. Donahue, on this particular  
7 issue.

8 With respect to whether or not the outcome is  
9 reasonable, let's first make sure we understand. The outcome  
10 that is being sought here is the approval of the Public Service  
11 Commission of Utah to allow Budget to receive the federal  
12 subsidy if, and to the extent, Budget is able to sell services to  
13 qualified low-income customers in the state of Utah. Is that  
14 correct?

15 A. Yes.

16 Q. Okay. And so the request that we're asking for  
17 here, the result that we're asking for is approval of the  
18 application.

19 And let me ask in a couple of different ways to  
20 make sure that we have on the record why we think that  
21 approving of the application is in--it is a just and reasonable  
22 outcome.

23 First, as to the justness of it, I think you've  
24 previously testified, but I think I'll just verify again, that your  
25 testimony today is that Budget has committed to meet all of the

1 requirements under state and federal law to obtain ETC  
2 certification in Utah. Is that correct?

3 A. That is correct.

4 Q. Okay. And further, in the context of the stipulation,  
5 we have agreed to comply with the ongoing rules and  
6 requirements of the Utah Commission, including, for example,  
7 service quality rules and consumer protection rules. Is that  
8 correct?

9 A. That is correct.

10 Q. And then we've also agreed to comply with any  
11 changes to the certification and verification process that the  
12 Commission may order with respect to ETC customers going  
13 forward. Is that correct?

14 A. That is correct.

15 Q. Okay. And then let me just--as to the  
16 reasonableness, we have--your testimony today was that by  
17 granting the application to Budget that you would, you would  
18 have the outcome of increasing the number of, the number and  
19 the quality of choices that are available to qualify low-income  
20 customers in Utah. Do you recall your testimony on that point,  
21 sir?

22 A. That is correct.

23 Q. Okay. But what--importantly, as to the  
24 reasonableness of this, I think it's worth noting that is it your  
25 understanding that there are other ETCs who have been

1 designated in the state of Utah--for example, I wireless?

2 A. That is correct.

3 Q. Okay. And so the relief that we are seeking is  
4 essentially to put us on an equal footing, if you would, in terms  
5 of our eligibility to receive federal support for low-income  
6 customers, as the other carriers who have already been granted  
7 that eligibility in Utah?

8 A. That is correct.

9 Q. Okay. And by putting Budget--in essence, because  
10 Budget has met the federal and state requirements, do you think  
11 it is reasonable for Budget to be put on the same footing, that  
12 is, to gain the same certification as the Commission has  
13 afforded to other carriers in the marketplace?

14 A. That is correct.

15 Q. Okay. Thank you.

16 THE COURT: Thank you, Mr. Nelson. Thank you  
17 Mr. Nelson. Appreciate that.

18 Mr. Jetter, I'm going to move to you now.

19 MR. JETTER: Thanks.

20 THE COURT: Before I do, though, Mr. Thor, does  
21 that conclude your presentation and--

22 MR. NELSON: It does, your Honor. We have  
23 nothing further from Mr. Donahue, unless you and the other  
24 parties have other questions.

25 THE COURT: Okay. Thank you.

1 Mr. Jetter?

2 MR. JETTER: The Division would like to call its  
3 witness, Casey Coleman.

4 THE COURT: Thank you. Mr. Coleman's been  
5 sworn. Please proceed.

6 MR. JETTER: Can you hear me okay?

7 THE COURT: I can hear you okay, thank you.

8 MR. JETTER: Excellent.

9 CASEY COLEMAN, having been first duly sworn,  
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY-MR.JETTER:

13 Q. Mr. Coleman, have you reviewed the Application  
14 and the testimony filed by David Donahue in this docket?

15 A. Yes, I have.

16 Q. And have you reviewed the Settlement and  
17 Stipulation Agreement?

18 A. Yes.

19 Q. Do you still agree that the general terms and  
20 agreements between the parties, as outlined in the settlement  
21 agreement, are still in the public interest?

22 A. Yes.

23 Q. Do you believe that if the settlement agreement is  
24 approved by the Commission and Budget is provided a  
25 Non-Rural Wireless ETC Carrier designation, that would result

1 in just and reasonable rates to consumers?

2 A. Yes.

3 Q. I have no further questions.

4 THE COURT: Thank you, Mr. Jetter.

5 Any questions for Mr. Casey?

6 MR. NELSON: No questions.

7 THE COURT: Casey Coleman? Excuse me.

8 MR. COLEMAN: That's fine.

9 THE COURT: Apologize.

10 MR. NELSON: No questions, thank you.

11 THE COURT: Okay. Thank you.

12 Ms. Murray.

13 CHERYL MURRAY, having been first duly sworn,

14 testified as follows:

15 TESTIMONY

16 BY-MS.MURRAY

17 Thank you, your Honor. I just have a brief  
18 statement. The Office of Consumer Services is responsible for  
19 assessing the impact of utility rate changes and regulatory  
20 actions upon residential and small commercial customers. And  
21 it's in that capacity that we have analyzed Budget Mobile's  
22 request for limited designation as an eligible  
23 telecommunications carrier for the purpose of providing Lifeline  
24 service. Our considerations are both with the benefits provided  
25 to low-income customers and the funds that are going to be

1 collected from telecommunications customers to fund the  
2 Lifeline program.

3 The Office recognizes the need for low-income  
4 persons to have access to telephone service, and, in general,  
5 supports the ability to receive that access through wireless  
6 telephone service.

7 The stipulation that is being presented today  
8 incorporates conditions the Office asserts are necessary to the  
9 public interest, such as development and use of a Utah-specific  
10 information sheet, payment of appropriate taxes and fees,  
11 agreement to adopt any changes to the process that are  
12 developed within Docket 10-2528-01. And future requests for  
13 access, if there is a future request for access, to the state USF,  
14 there must be a filing and a hearing on the matter.

15 In conclusion, in the Office's judgment, the  
16 stipulation is in the public interest, and we recommend  
17 Commission approval.

18 THE COURT: Thank you, Ms. Murray.

19 As a follow-up question, is it your testimony that  
20 the Settlement Agreement, as noted on page 7, paragraph 2, is  
21 also just and reasonable in result?

22 MS. MURRAY: It is.

23 THE COURT: Thank you.

24 Are there any other questions for Ms. Murray?

25 Okay.



1 Ms. Wolf, I know you haven't gone on the record as  
2 making an appearance and that you're here. And I really do  
3 appreciate that. The Commission really appreciates that.

4 I do note that you have intervened in this case. And  
5 while you are not a party to the stipulation, it would be very  
6 helpful to ask you a couple of questions for clarification. And is  
7 that okay with you?

8 MS. WOLF: That would be fine, thank you.

9 THE COURT: Okay. Okay. On the very front page  
10 of the Stipulation Agreement, it states in the last sentence of  
11 the first paragraph that, "The Salt Lake City Community Action  
12 Program, and intervening party, does not oppose this  
13 stipulation." Is that a correct statement?

14 MS. WOLF: That is a correct statement.

15 THE COURT: Okay. Thank you very much.

16 Is there any objection to the Application that's  
17 pending today? Hearing none, this hearing will be adjourned  
18 and a decision will be forthcoming. I thank you very much for  
19 your attendance today. And have a good rest of your day.

20 MR. NELSON: Thank you, your Honor.

21 THE COURT: Thank you.

22 (The matter concluded at 9:32 a.m.)

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CERTIFICATE

State of Utah )

ss.

County of Salt Lake )

I, Michelle Mallonee, a Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

That the proceedings of said matter was reported by me in stenotype and thereafter transcribed into typewritten form;

That the same constitutes a true and correct transcription of said proceedings so taken and transcribed;

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action, and that I am not interested in the event thereof.

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Michelle Mallonee, RPR, CSR