

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Budget PrePay, Inc. d/b/a)	<u>DOCKET NO. 12-2554-01</u>
Budget Mobile's Petition for Limited)	
Designation as a Non-Rural Wireless)	<u>ORDER APPROVING SETTLEMENT</u>
Eligible Telecommunications Carrier)	<u>STIPULATION</u>
)	

ISSUED: November 26, 2012

By The Commission:

BACKGROUND

On June 21, 2012, Budget PrePay, Inc. ("Budget") filed an application for designation as an eligible telecommunications carrier. On July 26, 2012, the Commission held a scheduling conference and set the schedule for this docket, including an intervention deadline. Salt Lake Community Action Program ("SLCAP") requested and was granted permission to intervene. Thereafter, the parties held a settlement conference and, on September 19, 2012, the Commission entered an order suspending the scheduling order in this docket pending filing of a settlement agreement.

On October 31, 2012, Budget filed an executed settlement stipulation ("Settlement Stipulation" or "Stipulation"), a copy which is attached hereto as Exhibit #1. See Exhibit #1. The Settlement Stipulation clarifies that "Budget seeks ETC designation for the limited purpose of offering Lifeline service in Utah. Budget is not seeking any high-cost support in its service area." Id. at 4, ¶ 1. "Budget affirms that it is not seeking any Utah universal service funding and shall file a separate petition in the event it does seek state support in the future." Id. at 6, ¶ 10(D). The Settlement Stipulation is signed by Budget, the Division of Public Utilities ("Division"), the Office

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of Consumer Services (“Office”), and states: “The Salt Lake Community Action Program, an intervening party, does not oppose the Stipulation.” See id. at 1.

On November 7, 2012, the Commission held a duly-noticed hearing. At the hearing, Betsy Wolf, a representative of the Salt Lake Community Action Program (“SLCAP”), stated that SLCAP does not oppose the Stipulation. See Transcript of Hearing at 25, lines 9-14. The administrative law judge took judicial notice of the Stipulation. David Donahue, CFO for Budget, testified that the Stipulation is consistent with the public convenience and necessity, is just and reasonable, and in the public interest. See id. at 17, lines 16-21; and id. at 19, lines 8-25; at 20, lines 1-25; at 21, lines 1-14. Both the Division and Office testified the Stipulation is just and reasonable in result, and they each recommended the Commission approve it. See Transcript of Hearing at 22, lines 13-25; at 23, lines 1-2; and id. at 24, lines 3-22. “[A]ll of the [p]arties [to the Stipulation] agree that this Stipulation as a whole is just and reasonable in result and in the public interest.” Exhibit #1 at 7, ¶ 2. No one opposed the Stipulation.

FINDINGS, CONCLUSIONS AND ORDER

As set forth by statute and as previously noted by the Commission in other orders, settlements of matters before the Commission are encouraged at any stage of the proceedings.¹ The Commission may approve a settlement proposal after considering the interests of the public and other affected persons, if it finds the settlement proposal in the public interest.² With this background in mind, and based on our consideration of the evidence before us, the testimony and

¹ See Utah Code Ann. § 54-7-1 (2010). See also *In the Matter of the Notice of Rocky Mountain Power of Intent to File a General Rate Case*, Docket No. 11-035-200 (Report and Order; Sept. 19, 2012), at 26; and *In the Matter of the Application of Questar Gas Company to Adjust Rates for Natural Gas Service in Utah*, Docket No. 04-057-04 (Report and Order; Feb. 6, 2006), at 26.

² See Utah Code Ann. § 54-7-1(2)(a). See also *Utah Dept. of Admin. Services v. Public Service Comm’n*, 658 P.2d 601, 613-14 (Utah 1983).

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recommendations of the parties, and the applicable legal standards, we find approval of the Settlement Stipulation to be in the public interest. Accordingly, the Commission approves the Stipulation.

DATED at Salt Lake City, Utah, this 26th day of November, 2012.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and confirmed this 26th day of November, 2012, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW# 239345

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 Commission 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 Commission 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 Commission'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 HEREBY CERTIFY that on the 26th day of November, 2012, a true and correct copy of the foregoing ORDER APPROVING SETTLEMENT STIPULATION, was served upon the following as indicated below:

By Electronic Mail:

David Donahue (ddavid@budgetprepay.com)
Budget Prepay, Inc.

James A. Holtkamp (jholtkamp@hollandhart.com)
Thorvald A. Nelson (tnelson@hollandhart.com)
Sara Kerkoff Rundell (sakrundell@hollandhart.com)
Holland and Hart LLP

Betsy Wolf (bwolf@slcap.org)
Salt Lake Community Action Program

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Paul Proctor (pproctor@utah.gov)
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Flr.
Salt Lake City, Utah 84114

Office of Consumer Services
160 East 300 South, 2nd Flr.
Salt Lake City, Utah 84114

Administrative Assistant

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Exhibit #1