

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the  
Application of New Horizons  
Communications Corp. for a  
Certificate of Public Convenience and Necessity to  
Provide Telecommunications  
Services in the State of Utah Docket No. 14-2574-02

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HEARING PROCEEDINGS  
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TAKEN AT: Public Service Commission  
Hearing Room 451  
160 East 300 South  
Salt Lake City, Utah

DATE: Thursday, December 18, 2014

TIME: 11:01 a.m.

REPORTED BY: Scott M. Knight, RPR

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE: MELANIE A. REIF  
FOR DIVISION OF PUBLIC UTILITIES:

JUSTIN C. JETTER, ESQ.,  
ASSISTANT ATTORNEY GENERAL  
160 East 300 South, Fifth Floor  
Salt Lake City, Utah 84114

FOR NEW HORIZONS COMMUNICATIONS CORP.:

LANCE J.M. STEINHART, ESQ. (Appearing Telephonically)  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005

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1 PROCEEDINGS

2 THE HEARING OFFICER: We're on the record. Good  
3 morning, everyone. I'm Melanie Reif, the administrative law  
4 judge for the Utah Public Service Commission. And this  
5 morning is the date and time for the hearing in Docket  
6 14-2574-02. This matter is entitled In the Matter of the  
7 Application of New Horizons Communications Corp. for a  
8 Certificate of Public Convenience and Necessity to Provide  
9 Telecommunications Services in the State of Utah.

10 Let's start by taking appearances. And  
11 Mr. Steinhart, if you would go first, please.

12 MR. STEINHART: Thank you. This is Lance  
13 Steinhart, the attorney for New Horizons Communications.  
14 Business address is 1725 Windward Concourse, Suite 150, in  
15 Alpharetta, Georgia 30005. Business telephone is  
16 770-232-9200.

17 THE HEARING OFFICER: And would you also, for the  
18 record, identify the other individual who is with you here  
19 today, who I believe is your witness?

20 MR. STEINHART: Yes, the witness is Glen Nelson.

21 THE HEARING OFFICER: Mr. Jetter?

22 MR. JETTER: Thank you, your Honor. I am Justin  
23 Jetter, and I represent the Utah Division of Public  
24 Utilities. And with me at counsel table here is Casey  
25 Coleman, utility technical consultant for the Utah Division

1 of Public Utilities.

2 THE HEARING OFFICER: Thank you very much.

3 And welcome once again.

4 And Mr. Steinhart, it's a pleasure to have you  
5 here this morning. Thank you for calling in.

6 MR. STEINHART: Thank you.

7 THE HEARING OFFICER: Mr. Steinhart, this is your  
8 application, so I'll let you have the floor here and proceed  
9 to present your application for the CPCN.

10 MR. STEINHART: Right. Thank you. Just a quick--  
11 do you want to swear Mr. Nelson in?

12 THE HEARING OFFICER: Only if you plan to call  
13 him. Are you calling--are you calling him at this time,  
14 sir?

15 MR. STEINHART: Yeah, I'd like to call Glen  
16 Nelson--

17 THE HEARING OFFICER: Okay.

18 MR. STEINHART: --to testify on behalf of the  
19 applicant.

20 THE HEARING OFFICER: Thank you.

21 Good morning, Mr. Nelson. Are you able to hear  
22 me?

23 MR. NELSON: Yes, I am.

24 THE HEARING OFFICER: Okay. Would you kindly  
25 raise your right hand?

1 MR. NELSON: Yep.

2 THE HEARING OFFICER: And do you swear that the  
3 testimony you're about to give will be the truth?

4 MR. NELSON: I do.

5 THE HEARING OFFICER: Thank you very much.  
6 Mr. Steinhart, you may go ahead.

7 GLEN NELSON,  
8 being first duly sworn, was examined and testified as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. STEINHART:

12 Q All right. Great. Thank you.

13 Mr. Nelson, could you please state your name,  
14 title, and business address for the record, please?

15 A Yes. My name is Glen Nelson. I'm vice president  
16 of marketing and business development at New Horizons  
17 Communications. Our address is 420 Bedford Street, Suite  
18 250, Lexington, Massachusetts.

19 Q Great. Thank you. And Mr. Nelson, are you  
20 familiar with the application that was filed in this docket?

21 A Yes, I am.

22 Q And was that application prepared by you or under  
23 your direction?

24 A Yes, it was.

25 Q And is the information contained therein true and

1 correct in all material respects, to the best of your  
2 knowledge?

3 A Yes, it is.

4 Q And could you please give us a little background  
5 about yourself and the company?

6 A Yes. The--I'm the vice president of marketing and  
7 business development, one of the founders of the company in  
8 2002. I have been actively involved in the sales and  
9 marketing and regulatory side of the business since we began  
10 the operation.

11 The company sells voice and data services strictly  
12 to businesses, and has been doing so since 2002. We are  
13 applying for our CLEC application in Utah to correspond with  
14 our plan to expand our representation for business customers  
15 pretty much in the entire 50 United States. We sell  
16 exclusively to businesses both voice and data and Internet  
17 and VoIP services.

18 Q All right. Thank you, Mr. Nelson. Has any  
19 information contained in the application changed in any  
20 material respect since the application was filed?

21 A No, it has not.

22 Q And is the financial condition of the company as  
23 good or better than it was when the application was filed?

24 A That's correct.

25 MR. STEINHART: Okay. I have no further questions

1 for Mr. Nelson at this time and would like to turn him over  
2 for cross-examination.

3 THE HEARING OFFICER: Thank you.

4 Mr. Jetter?

5 MR. STEINHART: You're welcome.

6 MR. JETTER: No questions from the Division.

7 Thank you.

8 THE HEARING OFFICER: Mr. Nelson, this is Melanie  
9 Reif, the ALJ for the Commission. I do have a few questions  
10 for you, please.

11 THE WITNESS: Sure.

12 EXAMINATION

13 BY THE HEARING OFFICER:

14 Q To clarify, are you aware of a letter that was  
15 filed in this case--was actually received by the Commission  
16 on the 20th of November. It's signed by Mr. Steinhart. It  
17 gives clarification about the application and what the  
18 applicant is seeking. Are you familiar with that letter?

19 A Yes, I am.

20 Q Okay. Do you happen to have a copy of that letter  
21 with you?

22 A I do not.

23 Q Okay. I'll--just to refresh your recollection,  
24 the letter is a letter of clarification and it's addressed  
25 to the Commission. And it states that New Horizons

1 Communications Corp. would like to clarify that, in  
2 accordance with Utah Code Annotated Section 54-8b-2.1  
3 subsection (3) and (4), they are not seeking authority to  
4 provide services and exchanges with fewer than 5,000 access  
5 lines that are owned or controlled by an ILEC with fewer  
6 than 30,000 total access lines.

7 Is that a correct representation of the  
8 application as you understand it?

9 A Yes, it is.

10 Q Okay. Thank you.

11 And I also understand that you're requesting a  
12 waiver in this--in this application. Is that correct?

13 A That's correct, yes.

14 Q Okay. And the basis for doing so is that you do  
15 not request or--excuse me--that you do not take deposits or  
16 prepayments of any kind from your customers; is that  
17 correct?

18 A Correct, yes.

19 Q Are you aware of any objection or any concerns  
20 that have been raised about the application that's currently  
21 pending, sir?

22 A No, I'm not.

23 Q Okay. And do you believe that should the  
24 Commission issue a CPCN to New Horizons that that would be  
25 just and reasonable and in the public interest?



1 A Yes, I--I am, yes.

2 Q Okay. All right. Thank you, sir. I don't have  
3 any further questions for you.

4 Mr. Steinhart, do you have any follow-up?

5 MR. STEINHART: No, thank you, Judge Reif.

6 THE HEARING OFFICER: Okay.

7 MR. STEINHART: Thank you.

8 THE HEARING OFFICER: Okay. Thank you.

9 We'll turn now to Mr. Jetter. And Mr. Steinhart,  
10 if you want to mute your end of the line, that will help to  
11 limit any kind of feedback we receive on our end.

12 MR. STEINHART: Okay.

13 THE HEARING OFFICER: Feel free to unmute, though,  
14 if you need to speak.

15 Mr. Jetter, please go ahead.

16 MR. JETTER: Thank you. The Division would like  
17 to call Casey Coleman as its only witness.

18 THE HEARING OFFICER: Good morning, Mr. Coleman.  
19 Do you swear the testimony you are about to give will be the  
20 truth?

21 MR. COLEMAN: Yes.

22 THE HEARING OFFICER: Thank you very much.

23 CASEY J. COLEMAN,

24 being first duly sworn, was examined and testified as  
25 follows:

1 DIRECT EXAMINATION

2 BY MR. JETTER:

3 Q Would you please state your name and occupation  
4 for the record?

5 A My name is Casey J. Coleman, and my position with  
6 the Division is a utility technical consultant.

7 Q Thank you. And in the course of your employment,  
8 have you had an opportunity to review the application for  
9 CPCN filed by New Horizons Communications Corp., as well as  
10 the exhibits that were filed along with them?

11 A Yes.

12 Q And did you prepare a comment filed by the  
13 Division of Public Utilities on November 13th, 2014?

14 A Yes.

15 Q Does that comment remain accurate today as a  
16 reflection of your opinion on the application and its  
17 approval?

18 A Yes, it does.

19 Q Is there any corrections or edits you'd like to  
20 make to that?

21 A No.

22 Q And do you believe that approval of the  
23 application for CPCN and granting a CPCN to New Horizons is  
24 just, reasonable, and in the public interest?

25 A Yes.

1 Q Finally, are you aware of any opposition to this  
2 application?

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

4 Q Thank you.

5 I have no further questions. Mr. Coleman's  
6 available for cross-examination.

7 THE HEARING OFFICER: Thank you, Mr. Jetter.

8 Mr. Steinhart, do you have any questions for  
9 Mr. Coleman?

10 MR. STEINHART: I'm sorry. I had it on mute.

11 No, thank you.

12 THE HEARING OFFICER: Okay. I have no further  
13 questions. And I assume the parties would like the  
14 Commission to take administrative notice of the documents  
15 that have been filed in this--in this docket.

16 Mr. Steinhart, just to make things a little  
17 simpler in that regard, since there's no motion pending,  
18 I'll go ahead and facilitate that for you. For  
19 clarification, the Commission takes administrative notice of  
20 the application that was filed with the Commission on  
21 October 22nd, 2014, in this docket, along with the attached  
22 proprietary exhibits and the clarification letter that was  
23 received by the Commission on November 20th, 2014, as well  
24 as the Division's recommendation dated November 12, 2014,  
25 and received by the Commission on November 13th, 2014.

1           Are there any other documents that the Commission  
2 wishes--or--excuse me--that the parties wish to identify? I  
3 think I got them all.

4           MR. JETTER: I think you covered everything.

5           THE HEARING OFFICER: Okay.

6           MR. STEINHART: Nothing from New Horizons. Thank  
7 you.

8           THE HEARING OFFICER: Okay. Okay. Very good.  
9 Mr. Steinhart, is there anything else that you wanted to  
10 address, or any questions, before we adjourn this hearing?

11          MR. STEINHART: No, thank you.

12          THE HEARING OFFICER: Okay. Well, thank you very  
13 much for joining us this morning. We will issue an order as  
14 soon as possible, and I would imagine you'll see that  
15 sometime after the new year.

16          I want to wish everybody a very happy holiday and  
17 thank you again for being here today.

18          MR. STEINHART: All right. Thank you. Have a  
19 great holiday too.

20          THE HEARING OFFICER: Thank you.

21          MR. STEINHART: Take care.

22          MR. NELSON: Thank you. Good-bye.

23          THE HEARING OFFICER: Good-bye.

24          MR. STEINHART: Bye-bye.

25          THE HEARING OFFICER: We'll be adjourned. Thank

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you.  
(Proceedings concluded at 11:13 a.m.)

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CERTIFICATE

This is to certify that the foregoing proceedings were taken before me, SCOTT M. KNIGHT, a Registered Professional Reporter and Notary Public in and for the State of Utah, residing at South Jordan, Utah;

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, inclusive.

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



*Scott M. Knight*

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Scott M. Knight, RPR  
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