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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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Request of TracFone Wireless, Inc. to Amend its Designation as an Eligible Telecommunications Carrier to Receive Utah Universal Service Fund Support for Lifeline Service	Docket No. 17-2511-01
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**DIRECT TESTIMONY OF DAVID AVILA  
ON BEHALF OF TRACFONE WIRELESS, INC.**

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TracFone Wireless, Inc. (“TracFone”) hereby submits the Direct Testimony of David Avila in this docket.

DATED this 17th day of April 2018.

Respectfully submitted,



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Gary A. Dodge  
Phillip J. Russell  
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*Counsel for TracFone Wireless, Inc.*

## CERTIFICATE OF SERVICE

I CERTIFY that on April 17, 2018, a true and correct copy of the Direct Testimony of David Avila on Behalf of TracFone Wireless, Inc. was delivered upon the following as indicated below:

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*/s/ Phillip J. Russell* \_\_\_\_\_

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**DIRECT TESTIMONY OF DAVID AVILA  
ON BEHALF OF TRACFONE WIRELESS, INC.**

**April 17, 2018**

1 **Q: PLEASE STATE YOUR NAME, YOUR POSITION WITH TRACFONE**  
2 **WIRELESS, INC., AND YOUR BUSINESS ADDRESS.**

3 **A:** My name is David Avila. I am Associate Vice President II for Lifeline Services at  
4 TracFone Wireless, Inc. (“TracFone”). My business address is 9700 N.W. 112<sup>th</sup> Avenue,  
5 Miami, Florida, 33178.

6 **Q: PLEASE BRIEFLY DESCRIBE YOUR BACKGROUND AND**  
7 **QUALIFICATIONS.**

8 **A:** I have worked over 30 years in the telecommunications field, primarily in product  
9 development, management, operations, marketing, sales and compliance roles. I have  
10 worked for TracFone for the past two years as Associate Vice President II for Lifeline  
11 Services. I have worked in the Lifeline segment since 2009 when I supported the  
12 creation and launch of Sprint’s Assurance Wireless Lifeline service. I held various  
13 positions at Assurance Wireless from the company’s growth and expansion periods of  
14 2009 through 2015 when I joined TracFone to lead its SafeLink Wireless® Lifeline  
15 service.

16 **Q: PLEASE DESCRIBE YOUR CURRENT POSITION AND RESPONSIBILITIES.**

17 **A:** As Associate Vice President II for Lifeline Services, I am responsible for managing  
18 several aspects of TracFone’s Lifeline service throughout the United States, including  
19 product development, operations, marketing, sales and compliance.

20 **Q: WHAT IS TRACFONE?**

21 **A:** TracFone is a wholly-owned subsidiary of América Móvil, one of largest wireless  
22 telecommunications carriers in the world. TracFone is a reseller of commercial mobile  
23 radio service (“CMRS”) throughout the United States, including the State of Utah.

1 TracFone provides resold wireless telecommunications service consisting of services  
2 obtained from licensed operators of wireless networks. As a CMRS provider, TracFone  
3 is regulated as a telecommunications common carrier, subject to all applicable  
4 regulations. TracFone is currently the nation's leading provider of prepaid wireless  
5 telecommunications services, and one of the largest wireless carriers overall, with 22.7  
6 million subscribers nationwide. TracFone has been designated an Eligible  
7 Telecommunications Carrier ("ETC") for the purpose of providing Lifeline service to  
8 low-income households in over 40 states, including Utah.

9 **Q: DOES TRACFONE HAVE A PRESENCE IN UTAH?**

10 **A:** TracFone is incorporated under the laws of the State of Delaware and is headquartered at  
11 Miami, Florida. Its corporate offices are located at 9700 N.W. 112<sup>th</sup> Avenue, Miami,  
12 Florida, 33178. TracFone has provided CMRS throughout the State of Utah continuously  
13 for more than fifteen years. In Utah, TracFone obtains service from the following  
14 underlying carriers: AT&T Wireless, T-Mobile, and Verizon Wireless. TracFone's  
15 arrangements with those providers enable it to offer services wherever any of those  
16 providers offer service in Utah.

17 **Q: DOES TRACFONE CURRENTLY PROVIDE LIFELINE SERVICE IN UTAH?**

18 **A:** Yes. TracFone has provided qualifying low-income residents in Utah with Lifeline  
19 service for over seven years. On December 1, 2010, the Public Service Commission of  
20 Utah ("Commission") issued an Order designating TracFone as an ETC. (*See In the*  
21 *Matter of the Petition of TracFone Wireless, Inc. for Designation as an Eligible*  
22 *Telecommunications Carrier in the State of Utah for the Limited Purpose of Offering*  
23 *Lifeline Service to Qualified Customers*, Amended Report and Order and Order on

1 Request for Limited Reconsideration, Docket No. 09-2511-01, December 1, 2010 (“ETC  
2 Order”), *aff’d on recons.*, Order on Reconsideration, March 9, 2011) The Commission  
3 stated in the ETC Order that TracFone’s ETC designation was subject to several explicit  
4 conditions, including the following: “TracFone shall receive no state USF support. If it  
5 desires state USF, it shall submit a new application requesting such support.” (ETC  
6 Order, ¶ 21)

7 **Q: DID TRACFONE SUBMIT A PETITION TO AMEND ITS DESIGNATION AS**  
8 **AN ELIGIBLE TELECOMMUNICATIONS CARRIER?**

9 **A:** Yes. On June 23, 2017, TracFone filed a petition with the Commission to amend its  
10 designation as an ETC to include authorization to receive Utah Universal Public  
11 Telecommunications Service Support Fund (“Utah USF”) support for Lifeline service  
12 within the State of Utah.

13 **Q: DID TRACFONE FILE AN AMENDED PETITION TO AMEND ITS**  
14 **DESIGNATION AS AN ETC?**

15 **A:** Yes. On April 16, 2018, TracFone filed an amended petition (“Amended Petition”).

16 **Q: WHY DID TRACFONE FILE AN AMENDED PETITION?**

17 **A:** The Amended Petition addresses issues that were not present in June 2017 when  
18 TracFone initially filed a petition seeking to amend its designation as an ETC to include  
19 authorization to receive Utah USF support.

20 **Q: PLEASE DESCRIBE THE ISSUES THAT OCCURRED WHICH LED**  
21 **TRACFONE TO FILE AN AMENDED PETITION.**

22 **A:** At the time TracFone filed its petition, the Commission was conducting a rulemaking  
23 proceeding to promulgate rules governing wireless ETCs’ eligibility to receive Utah USF

1 support. As of June 23, 2017, the date TracFone filed its petition, the Commission had  
2 drafted proposed rules regarding the Utah USF, but had not adopted them. On June 30,  
3 2017, the Commission issued an order staying TracFone's petition until the Commission  
4 promulgated rules. On February 21, 2018, the Commission's new rules governing the  
5 Utah USF became effective, and on March 6, 2018, the Commission issued an order  
6 lifting the stay.

7 TracFone filed its Amended Petition to address issues that were not present in  
8 June 2017 when it initially filed a petition seeking to amend its designation as an ETC to  
9 include authorization to receive Utah USF support. Specifically, in the fall of 2018,  
10 TracFone introduced a new Lifeline plan that provides a discount to Lifeline-eligible  
11 consumers enrolled in the Walmart Family Mobile® Financial Assistance Program. In  
12 addition, as I stated earlier, the Commission promulgated new rules governing the Utah  
13 USF that had an effective date of February 21, 2018.

14 **Q: HOW DOES TRACFONE'S AMENDED PETITION DIFFER FROM THE**  
15 **PETITION IT FILED ON JUNE 23, 2017?**

16 **A:** The only substantive differences are that the Amended Petition describes how TracFone  
17 meets the Commission's current rules governing eligibility to receive Utah USF support  
18 and provides information regarding the Financial Assistance Program available to  
19 Lifeline-eligible Walmart Family Mobile® customers.

20 **Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?**

21 **A:** The testimony I am providing today focuses on TracFone's request for approval to  
22 receive Utah USF support. As I will explain in my testimony, TracFone meets the  
23 Commission's requirements for receipt of Utah USF support.

1 **Q: WHAT LIFELINE SERVICES WILL TRACFONE OFFER TO QUALIFYING**  
2 **UTAH CONSUMERS IF THE COMMISSION APPROVES TRACFONE'S**  
3 **REQUEST TO RECEIVE UTAH USF SUPPORT?**

4 **A:** If TracFone's Amended Petition is approved and TracFone is allowed to receive funds  
5 from the Utah USF, it will use the \$3.50 per customer per month in state support to  
6 provide every customer enrolled in its SafeLink Wireless® Lifeline service with an  
7 additional 400 minutes per month in wireless voice service airtime above the amount  
8 customers receive under the federal Lifeline program (for a total of 750 no charge  
9 minutes) and to provide an increased discount to customers enrolled in the Walmart  
10 Family Mobile® Financial Assistance Program. In my testimony below, I describe the  
11 details of these plans.

12 **Q: PLEASE DESCRIBE THE ENHANCED SAFELINK WIRELESS® LIFELINE**  
13 **PLAN.**

14 **A:** TracFone will offer SafeLink Wireless® Lifeline customers in Utah a bundled mobile  
15 broadband data and voice plan that includes 750 airtime minutes and 1 GB of mobile  
16 broadband data service at a minimum of 3G speed. The voice portion of the bundled plan  
17 will include unlimited text messages, voicemail, caller ID, national long distance calling  
18 without toll charges, and no charges for roaming. New SafeLink Wireless® Lifeline  
19 customers who enroll in Lifeline via an authorized sales agent will need to use their own  
20 smartphone to receive Lifeline service. New SafeLink Wireless® Lifeline customers who  
21 enroll in Lifeline via TracFone's website or by calling TracFone will have the option of  
22 receiving a free Android smartphone from TracFone that is Wi-Fi-capable, or using their  
23 own smartphone. Those SafeLink Wireless® customers who provide their own



1 smartphone will receive an additional 500 MB of data, for a total of 1.5 GB of data, for  
2 the first three months for which they are Lifeline bundled data and voice customers.  
3 Those Lifeline customers will then receive 1 GB of data starting with the fourth month of  
4 service.

5 **Q: WILL THE ENHANCED SAFELINK WIRELESS® LIFELINE PLAN BE**  
6 **AVAILABLE TO TRACFONE'S CURRENT VOICE-ONLY SAFELINK**  
7 **WIRELESS® CUSTOMERS?**

8 **A:** No. TracFone has a small subset of current SafeLink Wireless® customers who receive  
9 voice-only Lifeline service that provides 1,000 airtime minutes and unlimited texting  
10 each month. Those customers were enrolled in TracFone's SafeLink Wireless® program  
11 prior to December 2, 2016. That was the effective date of the Federal Communications  
12 Commission ("FCC") rules, which modernized the Lifeline program to support  
13 broadband service. Prior to that date, TracFone provided its Lifeline consumers with  
14 wireless phones, but not smartphones. Such devices were not suitable for broadband  
15 Internet access. For that reason, those "legacy" customers remained enrolled in a voice-  
16 only program which meets the FCC's minimum service standards for voice service. A  
17 voice-only plan does not qualify for Utah USF support. However, any TracFone current  
18 voice-only Lifeline customers who decide to change their plan to the bundled voice and  
19 mobile broadband data plan will receive the enhanced Lifeline benefits supported by the  
20 Utah USF. Such customers will need to bring their own smartphone to receive bundled  
21 voice and data SafeLink Wireless® Lifeline service. They will receive an additional 500  
22 MB of mobile broadband data service for the first three months for which they are  
23 Lifeline bundled voice and mobile broadband data customers.

1 **Q: WILL THE ENHANCED SAFELINK WIRELESS® LIFELINE PLAN COMPLY**  
2 **WITH THE COMMISSION’S RULES GOVERNING ELIGIBILITY TO**  
3 **RECEIVE UTAH USF SUPPORT?**

4 **A:** Yes. TracFone’s enhanced bundled mobile broadband data and voice Lifeline service  
5 will meet the Commission’s minimum service standard for receipt of Utah USF support  
6 because it will provide 750 wireless voice minutes and unlimited texting for no additional  
7 charge and will comply with FCC requirements for broadband Lifeline service. The  
8 FCC’s rules, effective December 1, 2017, require mobile broadband data service  
9 providers to offer at least 1 GB of mobile broadband data service at a minimum of 3G  
10 speed to qualify for broadband federal Lifeline support. As I stated earlier, the mobile  
11 broadband data portion of TracFone’s bundled voice and data Lifeline service includes 1  
12 GB of data at a minimum of 3G speed.

13 **Q: HOW WILL THE ENHANCED SAFELINK WIRELESS® LIFELINE PLAN**  
14 **DIFFER FROM THE CURRENT SAFELINK WIRELESS® LIFELINE PLAN**  
15 **OFFERED TO QUALIFYING UTAH CONSUMERS?**

16 **A:** TracFone’s standard bundled mobile broadband data and voice Lifeline service includes  
17 350 voice minutes and 1 GB of data each month in all states where TracFone does not  
18 receive state USF support. Under the enhanced bundled voice and mobile broadband  
19 data plan for Utah, TracFone’s Utah SafeLink Wireless® Lifeline consumers will receive  
20 an additional 400 minutes per month above the number of minutes that would be  
21 available under its Utah plan supported solely by the federal Universal Service Fund  
22 (“USF”) without Utah USF support. TracFone’s provision of an additional 400 voice  
23 minutes in its bundled voice and mobile broadband data service for a total of 750 voice

1 minutes will ensure that TracFone's Utah Lifeline customers will receive the full benefit  
2 of the additional support from the Utah USF.

3 **Q: WHAT IS TRACFONE'S WALMART FAMILY MOBILE® FINANCIAL**  
4 **ASSISTANCE PROGRAM?**

5 **A:** TracFone recently began offering a Lifeline discount for customers of its Walmart Family  
6 Mobile® brand in all states in which TracFone provides Lifeline service, except  
7 California. This program, known as the Financial Assistance Program, was deployed for  
8 the first time in October 2017, and was not available in any state at the time the initial  
9 petition was filed in this case. The Financial Assistance Program is distinct from and  
10 does not impact the terms and conditions of the bundled voice and data service offered to  
11 TracFone's SafeLink Wireless® Lifeline customers.

12 **Q: PLEASE DESCRIBE THE LIFELINE BENEFITS OFFERED UNDER THE**  
13 **FINANCIAL ASSISTANCE PROGRAM.**

14 **A:** Under the Financial Assistance Program, which is funded by the federal USF Lifeline  
15 program, Lifeline-eligible customers of Walmart Family Mobile® can receive a monthly  
16 discount of \$9.25 on the purchase of any eligible monthly service plan that meets the  
17 federal minimum service standards for Lifeline service set forth in 47 C.F.R. § 54.408.  
18 However, upon the Commission's approval of TracFone's request to receive Utah USF  
19 support, TracFone will increase the amount of the discount by \$3.50 so that the total  
20 discount will be \$12.75.

21

1 **Q: WHICH WALMART FAMILY MOBILE® PLANS MEET THE FEDERAL**  
2 **MINIMUM SERVICE STANDARDS FOR LIFELINE SERVICE?**

3 **A:** Currently, all Walmart Family Mobile® plans meet the federal minimum service  
4 standards. These plans include the following:

5 1. For \$24.88 Unlimited Talk, Text and Data, with the first 1GB at 4G LTE speed, then  
6 at 2G speed.

7 2. For \$29.88 Unlimited Talk, Text and Data, with the first 3GB at 4G LTE speed, then  
8 at 2G speed.

9 3. For \$39.88 Unlimited Talk, Text and Data, with the first 9GB at 4G LTE speed, then  
10 2G speed.

11 4. For \$49.88 Unlimited Talk, Text and Data, with unlimited data at 4G LTE Speed.

12 **Q: HOW MUCH WILL A CUSTOMER WHO QUALIFIES FOR THE FINANCIAL**  
13 **ASSISTANCE PROGRAM PAY FOR A WALMART FAMILY MOBILE® PLAN?**

14 **A:** Financial Assistance Program customers receive a discount of \$9.25 per month off of the  
15 listed retail price to reduce the cost of their Walmart Family Mobile® monthly phone  
16 service. Those customers who qualify for the Financial Assistance Program will receive  
17 a \$12.75 discount off of the retail prices listed above if the Commission authorizes  
18 TracFone to receive Utah USF support.

1 **Q: WHAT ARE THE REQUIREMENTS FOR RECEIPT OF UTAH USF SUPPORT?**

2 **A:** The requirements for eligibility to receive Utah USF support are set forth in Section 54-  
3 8b-15 of the Utah Code and R746-8-403 of the Utah Administrative Code. As I will  
4 explain in my testimony, TracFone meets each of these requirements.

5 **Q: IS TRACFONE ELIGIBLE TO RECEIVE UTAH USF SUPPORT UNDER**  
6 **SECTION 54-8b-15 OF THE UTAH CODE?**

7 **A;** Yes. Section 54-8b-15(15) provides that “[a] facilities-based or nonfacilities-based  
8 wireless telecommunications provider is eligible for distributions from the Universal  
9 Telecommunications Service Support Fund under the lifeline program ... .” TracFone,  
10 as a nonfacilities-based wireless telecommunications provider, is eligible for distributions  
11 from the Utah USF to support its Lifeline service.

12 **Q: DOES TRACFONE MEET THE REQUIREMENTS FOR RECEIPT OF UTAH**  
13 **USF SET FORTH IN R746-8-403?**

14 **A:** Yes. R746-8-403 includes conditions for receipt of Utah USF support that are applicable  
15 to all ETCs, as well as minimum service standards that are applicable to wireless ETCs.  
16 TracFone meets each of these conditions. The Commission’s rules provide that “an  
17 ETC may receive an ongoing distribution through ongoing participation in a  
18 Commission-approved Lifeline program upon a specific finding of public interest by the  
19 Commission.” As I will explain later in my testimony, amendment of TracFone’s ETC  
20 designation to include authorization to receive Utah USF support will serve the public  
21 interest.

22 R746-8-403(2) of the Utah Administrative Code further provides that Utah USF  
23 support “may not exceed \$3.50 per Lifeline subscriber per month of subscription to a

1 service” that meets certain minimum service standards. Specifically, the Lifeline service  
2 must (1) meet FCC Lifeline requirements for broadband set forth in 47 C.F.R. § 54.408  
3 and “for wireless Lifeline, allow[s], at no charge beyond the basic monthly fee, unlimited  
4 texting and at least 750 voice minutes per month” or (2) meet FCC requirements for  
5 broadband set forth in 47 C.F.R. § 54.408 and not include a voice component. I testified  
6 earlier that TracFone’s enhanced Lifeline plans meet the first prong of the minimum  
7 service standards by offering mobile broadband Internet access service that meets the  
8 FCC’s standards, unlimited texting, and at least 750 airtime minutes for no additional  
9 charge to Lifeline-eligible consumers.

10 **Q: WILL TRACFONE COMPLY WITH THE COMMISSION’S RULES**  
11 **GOVERNING ETCs THAT ARE APPROVED TO RECEIVE UTAH USF**  
12 **SUPPORT FOR LIFELINE SERVICE?**

13 **A:** Yes. TracFone will comply with the Commission’s rules governing ETCs that are approved  
14 to participate in Utah’s Lifeline program. In particular, TracFone will fulfill the duties as  
15 detailed in R746-8-403(3) and (4). Those duties include: providing potential Lifeline  
16 subscribers with application materials and information; verifying the eligibility of Lifeline  
17 applicants using the FCC’s national verifier system or, if the national verifier system is not  
18 operational, through Utah’s Lifeline program administrator; submitting a Lifeline subscriber  
19 list to the Division of Public Utilities by May 1 each year; and neither requiring nor  
20 prohibiting a Lifeline subscriber from purchasing additional services from the ETC.

21 **Q: WHY IS IT IN THE PUBLIC INTEREST FOR TRACFONE TO RECEIVE**  
22 **DISBURSEMENTS FROM THE UTAH USF?**

23 **A:** Expansion of TracFone’s designation as an ETC to include Utah USF support will serve  
24 the public interest, as required by R746-8-403(1) of the Commission’s rules, by enabling

1 TracFone to provide enhanced Lifeline benefits to Utah Lifeline customers. Those  
2 enhanced Lifeline benefits will provide a valuable alternative to the existing Lifeline  
3 services available to low-income Utah households. Specifically, TracFone's receipt of  
4 Utah USF support will benefit low-income Utah consumers by increasing the number of  
5 Lifeline providers able to use the additional Utah USF support to offer enhanced Lifeline  
6 service. TracFone's offer of additional airtime minutes to SafeLink Wireless® customers  
7 will better enable those customers to obtain calling capacity sufficient to meet all their  
8 telecommunications requirements. Utah Lifeline consumers will have more minutes to  
9 contact (or be contacted by) current and prospective employers, health care providers,  
10 government services, and most importantly, to remain in contact with family members  
11 and friends. Similarly, TracFone's offer of an increased discount to qualifying Walmart  
12 Family Mobile® customers will allow customers to choose the bundled voice and mobile  
13 broadband data plan that best meets their needs while making the cost of the plan more  
14 affordable. No other Lifeline provider operating in Utah offers consumers choices which  
15 include no charge Lifeline services such as the SafeLink Wireless® program and plans  
16 which include discounts off of paid services such as the Walmart Family Mobile® plans.  
17 Moreover, TracFone's enhanced Lifeline service will better meet the overwhelming  
18 demand of Utah Lifeline households for wireless Lifeline service over wireline Lifeline  
19 service. As of December 2017, 40.7 percent of all ETCs receiving federal USF support  
20 in Utah and serving non-Tribal lands are wireless carriers. However, those wireless  
21 carriers received 87 percent of the federal USF support distributed to Utah carriers  
22 serving non-Tribal lands in 2017. Those data demonstrate the large and growing demand  
23 by low-income Utah households residing on non-Tribal lands for wireless Lifeline

1 services. Low-income Utah residents would benefit from increased competition within  
2 the Lifeline service market. Increased competition leads to additional consumer choices  
3 and delivery of greater value services to consumers.

4 If the Commission authorizes TracFone to receive Utah USF support, then  
5 TracFone will be able to deliver enhanced service choices and greater value to qualifying  
6 Utah households as described in this Amended Petition.

7 **Q:** IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD TO YOUR  
8 TESTIMONY?

9 **A:** Based on my testimony above, TracFone meets all applicable legal requirements for  
10 receipt of Utah USF support. The Commission's approval of this petition so as to enable  
11 TracFone to provide Utah SafeLink Wireless® Lifeline customers with 400 minutes per  
12 month of additional service and provide Utah Financial Assistance Program participants  
13 with an increased Walmart Family Mobile® Lifeline discount would serve the public  
14 interest. Accordingly, the Utah Public Service Commission should unconditionally and  
15 promptly grant TracFone's Amended Petition to amend its designation as an ETC to  
16 include approval to receive Utah USF support for Lifeline service provided to its Utah  
17 Lifeline customers.

18 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

19 **A.** Yes it does.