



State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Casey J. Coleman, Utility Technical Consultant

Date: June 7, 2017

Re: In the Matter of the Petition of Assist Wireless, Inc. for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis per Docket No. 17-2597-01.

RECOMMENDATION:

The Division recommends that the Commission begins a rulemaking for wireless carriers who are seeking funds from the Utah Universal Service Funds (“UUSF”). Because Assist is the first wireless carrier in the state to request UUSF the Division believes now is the appropriate time to discuss this issue.

If the Commission does not feel a rulemaking is necessary, the Division recommends establishing a date where a scheduling conference can occur.

ISSUES:

On May 18, 2017 Assist Wireless, Inc. (“Assist”) filed a petition with the Commission asking to be considered an Eligible Telecommunications Carrier (“ETC”). As part of the petition Assist is requesting authority to serve as an ETC within Utah for the purposes of receiving “(1) federal universal service Lifeline support in the geographic areas specified in this Petition (2) federal tribal universal service Lifeline support in the geographic areas specified in this Petition, and (3) Utah state Universal Public Telecommunications Service Support Fund support.”

In Docket No. 17-R360-01 the Commission issued an order discussing the UUSF and distributions to wireless carriers. The pertinent information is as follows:

“Finally, S.B. 130 provides for Lifeline support to wireless providers and requires a new evaluation of potential additional uses of UUSF support. At a future stage of rulemaking, when we will establish rules to address other provisions of S.B. 130, we will implement rules related to wireless Lifeline support and other types of UUSF support. Those changes, along with reassessment of disbursements to ILECs, will require regular and ongoing evaluation of the surcharge and the types of projects that promote universal service.”

In that order the Commission recognized a potential need for rulemaking to develop a framework that companies could follow when requesting UUSF. Because Assist is the first carrier to request UUSF, and the Division suspects there will be other companies interested in receiving the State subsidy, the Division recommends the Commission begin a rule making to “evaluate the new potential of Lifeline support to wireless providers from the UUSF”.

If the Commission does not believe the application of Assist Wireless is the appropriate moment to begin the rulemaking for wireless ETC carriers and Lifeline support from the UUSF, as an alternate course the Division recommends the Commission establish a schedule for filing testimony, intervention of interested parties, and hearing dates for this docket.

cc: Justin Jetter, Assistant Attorney General
Cheryl Murray, Office of Consumer Services
Robert Moore, Office of Consumer Services
Jason A. Danowsky, Foster Law