

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of Assist Wireless, Inc. for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis	<u>DOCKET NO. 17-2597-01</u> <u>ORDER APPROVING SETTLEMENT</u> <u>STIPULATION</u>
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ISSUED: December 21, 2017

BACKGROUND

On May 18, 2017, Assist Wireless, Inc. (“Assist”) filed a Petition for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service (“Petition”). On June 13, 2017, the Public Service Commission (“PSC”) issued an order (“June Order”) bifurcating the docket into two phases. The June Order provided the first phase (“Phase One”) would adjudicate Assist’s request for designation as an eligible telecommunications carrier (“ETC”) for the purpose of receiving federal universal service Lifeline support, and the second phase (“Phase Two”) would adjudicate Assist’s request for support from the Utah Universal Public Telecommunications Service Support Fund (pending anticipated, relevant changes to administrative rules).¹ On June 22, 2017, the PSC issued a scheduling order and notice of hearing for the adjudication of Phase One.

On October 2, 2017, the parties to the docket filed a stipulation and settlement agreement (“Stipulation”). The PSC held a hearing on the Stipulation and the Phase One portion of Assist’s Petition on November 14, 2017. Assist, the Division of Public Utilities (“DPU”) and the Office of Consumer Services (“OCS”) appeared and participated.

¹ See generally 47 U.S.C. § 214(e); Utah Code Ann. § 54-8b-15.

At hearing, all parties testified the Stipulation is just and reasonable in result and in the public interest. In so testifying, the parties confirmed (i) Assist meets all requirements for designation as an ETC; (ii) Assist's proposed service plans meet all Lifeline requirements; and (iii) Assist's operations within the State of Utah will benefit the public, particularly low-income consumers. At the conclusion of the hearing, Assist moved, through its counsel, to withdraw its request for approval to receive support from the Utah Universal Public Telecommunications Service Support Fund, manifesting Assist's intention to refile at a later date. (Hr'g Tr. at 15:12-20.)

No person or entity has filed comments in this docket to oppose Assist's application.

FINDINGS AND CONCLUSIONS

Settlement of matters before the PSC is encouraged at any stage of the proceedings. Utah Code Ann. § 54-7-1. The PSC may approve a settlement after considering the interests of the public and other affected persons and provided the settlement is just and reasonable in result. *See id.*

All parties to this matter agree and have testified the Stipulation is just and reasonable in result and the public's interest will be served by designating Assist as an ETC. No evidence to the contrary has been presented.

ORDER

Pursuant to the terms of the Stipulation filed by the parties in this docket on October 2, 2017, the PSC grants Assist's petition for designation as an ETC in the State of Utah for purposes of receiving federal universal service Lifeline support. The PSC grants Assist's motion, made at

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hearing, to withdraw its request for support from the Utah Universal Public Telecommunications Service Support Fund. Given that no issues remain, the PSC gives notice it considers this matter fully adjudicated and that it does not intend to notice a scheduling conference for Phase Two.

DATED at Salt Lake City, Utah, December 21, 2017.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed December 21, 2017 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#298608

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 PSC 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 PSC 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 PSC'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 CERTIFY that on December 21, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Byron Young
CEO
Assist Wireless, LLC
2330 Gravel Dr.
Fort Worth, TX 76118

By Electronic-Mail:

Mark Foster (mark@mfoosterlaw.com)
Jason Danowsky (jason@mfoosterlaw.com)
FosterLaw

Brett N. Anderson (bretta@blackburn-stoll.com)

Vicki Baldwin (vbaldwin@parsonsbehle.com)

Sharon Bertelsen (bertelsens@ballardspahr.com)

Larry Bowman (larry.bowman@charter.com)

Brian W. Burnett (bburnett@kmclaw.com)

(cflregulatory@chartercom.com)

Eddie L. Cox (ecox@cut.net)

Carl Erhart (carl.erhart@ftr.com)

William J. Evans (bevans@parsonsbehle.com)

James Farr (james.farr@centurylink.com)

Amy Gross (agross@tminc.com)

Alan Haslem (ahaslem@mleainc.com)

Ray Hendershot (ray.hendershot@beehive.net)

William Huber (william.huber@questar.com)

Bill Hunt (williamp.hunt@dish.com)

David R. Irvine (Drirvine@aol.com)

Kristin L. Jacobson (Kristin.l.jacobson@sprint.com)

Brock Johansen (bjohansen@emerytelcom.com)

Dawn Kubota (kubotad@ballardspahr.com)

Jasen Lee (jlee@desnews.com)

Shirley Malouf (srmalouf@stoel.com)

Jennifer H. Martin (jhmartin@stoel.com)

Steve Mecham (sfmecham@gmail.com)

Roger Moffitt (roger.moffitt@att.com)

Gregory Monson (gbmonson@stoel.com)

Sharon Mullin (slmullin@att.com)

Thorvald Nelson (tnelson@hollandhart.com)

Janice Ono (Janice.ono@att.com)

Sheila Page (spage@utah.gov)

Mike Peterson (mpeterson@utahcooperatives.org)

Pam Pittenger (pam.pittenger@ftr.com)

Jenny Prescott (jenny.prescott@allwest.com)

Bruce Rigby (bruce@ucmc-usa.com)

Gary Sackett (gsackett@joneswaldo.com)

Kira Slawson (kiram@blackburn-stoll.com)

Alan L. Smith (alanakaed@aol.com)

Ted D. Smith (tsmithlaw@earthlink.net)

Kendra Thomas (kthomas@kfrservices.com)

Bruce H. Todd (btodd@stratanetworks.com)

Jake Warner (jakew@beehive.net)

James H. Woody (jwoody@union-tel.com)

John Woody (jwoody@union-tel.com)

Union Telephone Company

Patricia Schmid (pschmid@agutah.gov)

Justin Jetter (jjetter@agutah.gov)

Robert Moore (rmoore@agutah.gov)

Steven Snarr (stevensnarr@agutah.gov)

Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)

Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant