

In the Matter Of:

In RE: 2019 Utah USF Preliminary Recommendations

2019 UTAH UNIVERSAL SERVICE FUND PRELIMINARY, DOCKET NO. 18-040-01

December 27, 2018

Job Number: 517344

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TRANSCRIPT OF TAPE-RECORDED

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HEARING FOR THE

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2019 UTAH UNIVERSAL SERVICE FUND PRELIMINARY

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RECOMMENDATION FOR CENTRAL UTAH TELEPHONE, INC.

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DOCKET NO 18-040-01

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Job Number 517344

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1 MR. HAMMER: Good morning, everyone. This is the
2 time and place notice for a hearing in 14 separate
3 dockets relating to the 2019 Utah Universal Service
4 Fund, preliminary recommendations, uh, for members of
5 the Utah Rural Telecom Association. Those are
6 commission docket numbers, 18-040-01, et al.

7 My name is Michael Hammer and I'm the conditions
8 designated presiding officer. With that, let's go
9 ahead and take appearances please.

10 MS. SLAWSON: Kira Slawson on behalf of, uh, URTA
11 and its members.

12 MR. JETTER: And I'm Justin Jetter with the Utah
13 Attorney General's Office and I'm here today
14 representing the Utah Division of Public Utilities.
15 With the in-counsel table is the Division of Public
16 Utilities witness Gary Smith. Um, And I'd like to just
17 address, uh, something very briefly after we finish
18 this before we get started if that's okay.

19 MR. HAMMER: Sure.

20 MR. MOORE: Uh, Robert Moore with the AGs office
21 representing the, uh, Office of Consumer Service. With
22 me is, uh, Michele Beck, director of the office.

23 MR. HAMMER: And before we come back to you Mr.
24 Jetter, I understand we have quite a few people on the
25 phone. Would you all like to go ahead and -- well, let

1 me ask Ms. Slawson, are these mostly your clients or
2 peop- -- or the members?

3 MS. SLAWSON: I believe, um, on the phone we have
4 a -- a variety of our URTA members and I also think,
5 although I didn't hear it, I -- I was believing that
6 Bruce Asay who represents union wireless -- or union
7 telephone companies on the phone. He's in Wyoming.

8 MR. HAMMER: All right. Let -- so let me first
9 ask --

10 MR. ASAY: Mr. Hammer, that is correct. Mr.
11 Hammer, that is correct. This is Bruce Asay with Union
12 Telephone Company.

13 MR. HAMMER: Thank you, Mr. Asay.

14 MS. SLAWSON: And then also we've got URTA has
15 Douglas Meredith, URTA's consultant on the phone.

16 MR. MEREDITH: Yes, that's correct. Thank you.

17 MR. HAMMER: And Mr. Meredith will testify
18 telephonically today? Is that --

19 MS. SLAWSON: As needed, yeah. He's -- he's sick
20 so he couldn't be here.

21 MR. HAMMER: Are there any other council on the
22 line? And are there any other individuals on the line
23 that might present testimony today?

24 MS. SLAWSON: Uh, Darren Woolsey from Emory
25 Telecom may -- uh, from Emory Telcom, to Carbon Emory

1 Telecom Inc and, uh, Hanksville Telecom Inc. can
2 present testimony as -- if needed.

3 MR. HAMMER: Okay. Mr. Woolsey are you with us?

4 MR. WOOLSEY: Yes, I'm on the phone.

5 MR. HAMMER: Thank you. And then -- and then
6 unless the parties and folks on the phone, feel free
7 to speak up, uh, feel the need for the folks on the
8 phone to introduce themselves, I think we can forgo
9 having them all try and speak over one another and
10 state their names.

11 MR. JETTER: Works for us.

12 MR. HAMMER: Okay. Mr. Jetter.

13 MR. JETTER: Thank you. Uh, so, in terms of
14 order, um, the division has agreed with the other
15 parties to introduce the stipulation and -- and
16 briefly cover the terms of that stipulation.

17 And so, I think it would make most sense to, uh,
18 have the division, um, present first. And then I
19 believe the order that we have agreed to was division,
20 UTRA, and then the Office of Consumer Services.

21 MR. HAMMER: That works for me.

22 MR. JETTER: Um, so, I'd like to, uh, I guess
23 first begin just with, um, a motion to introduce all
24 of the filed documents in this case.

25 The parties have agreed that the stipulation to

1 introduce those and rather than going through them
2 one-by-one, I think it might make sense just at the
3 outset to move to reading everything that's been filed
4 into the record of the hearing.

5 MR. HAMMER: Any objection?

6 MS. SLAWSON: No.

7 MR. MOORE: No objection.

8 MR. HAMMER: And are the parties aware of the
9 numerous filings that came in yesterday? I believe
10 they were working papers relating to the calculations
11 included in the settlement from the division.

12 MS. SLAWSON: Yes. And -- and I believe the work
13 papers were wiled as, uh, confidential documents; is
14 that correct?

15 MR. HAMMER: That is correct.

16 MS. SLAWSON: Yeah, so we pref -- we would like
17 them to remain confidential but be included in the
18 record.

19 MR. HAMMER: So those are included within the
20 scope of the motion?

21 MR. JETTER: Yes.

22 MR. HAMMER: Then the motion is granted.

23 MR. JETTER: Thank you. Um, so the division would
24 like to call and have sworn in, the division witness,
25 Gary Smith.

1 MR. HAMMER: Mr. Smith, do you swear to tell the
2 truth?

3 MR. SMITH: I do.

4 MR. HAMMER: And you can remain seated. Thanks.
5 Mr. Smith, could you please state your name and
6 occupation for the record?

7 MR. SMITH: Um, Gary Smith. A utility analyst for
8 the Division of Public Utilities, State of Utah. Um,
9 160 East 300 South Salt Lake City, Utah.

10 MR. HAMMER: Thank you. And do you have a brief
11 overview of the stimulation that you'd like to present
12 this morning?

13 MR. SMITH: Yes, I do.

14 MR. HAMMER: Please go ahead.

15 MR. SMITH: The division and other parties to the
16 docket met numerous times over the past year to
17 discuss the various disagreements the parties have
18 regarding the division's preliminary recommendations
19 for UUSF distributions to the companies.

20 The parties worked together in a good faith
21 effort to reach agreement on these issues. The parties
22 reached a stipulation agreement on many of the
23 outstanding areas of disagreement.

24 I will walk through the terms of the agreement as
25 they are presented in the stipulation and then explain

1 the remaining disagreement.

2 I only intend this introduction to highlight the
3 areas of agreement that the parties have reached, and
4 I will not address all paragraphs of the stipulation.
5 To the extent that any of my comments are either
6 inconsistent or incomplete in comparison to the
7 language of the stipulation, the language of the
8 stipulation represents the agreement of the parties.

9 Turn to page 5 of the stipulation. Paragraph 2,
10 the parties agreed to apply the 2017 corporate tax
11 rate and use the gross -- a gross of the revenue
12 requirement for normal -- normalized taxes. In
13 paragraph 3, parties agree to apply to 2019 federally
14 prescribed weighted average cost of capital rate of
15 return of 10.375 percent.

16 On table one of page 5, this provides the result
17 of the calculation without interest synchronization
18 adjustments. Table two on page 6 provides the results
19 of the same calculation with interest synchronization
20 adjustments.

21 I need to address some errors in the stipulation,
22 um, that we noted. Uh, this has been passed out. And,
23 um, table one of, uh, page 5, if you look at
24 Hanksville Telecom Inc., we initially had 52,993 as
25 the number.

1 The actual number should be corrected to 57,968.
2 On page, uh, 6, table 2, there are 2 corrections.
3 Uh, if you look on the Carbon Emory Telecomm Inc.
4 line of that table, we initially had 1,691,445. That
5 number should be corrected to 1,691,747.
6 And jumping down to Hanksville Telecom Inc., uh,
7 we initially had 46,123. That number should be
8 corrected to 50,828.
9 And that is the sum of the corrections that we
10 have.
11 Um, in paragraph 8 on page 6 through 7, the
12 parties agree that the carriers will comply with the
13 National Exchange Carriers Association reporting
14 guidelines for reporting of excess deferred income
15 tax, or otherwise known as EDIT.
16 The EDIT account for each carrier will be
17 deferred -- a deferred liability account and the EDIT
18 will be returned through either the income tax credit
19 method or income adjustment method found in the NECA
20 guidelines that are attached to the stipulation as
21 exhibit 1.
22 Exhibit 1 does have numerous pages. The flowback
23 methods described in paragraph 8 are found on the
24 lower half of the third page of exhibit 1 under the
25 paragraph beginning with attachment c illustrates.

1 Paragraph 9 of the stipulation expressly
2 addresses the treatment of Alternative-Connect America
3 Cost Model, otherwise commonly known as A-CAM funds.

4 The stipulation does not represent any agreement
5 by the parties on the treat -- on the treatment of A-
6 CAM funds. The parties request the commission opened a
7 separate docket for the purpose of addressing A-CAM.

8 Uh, paragraph 11 of the stipulation states that
9 the parties agree to work together if it is determined
10 that the rule changes are required to implement terms
11 of this stipulation agreement.

12 Finally, I'd like to briefly address the
13 outstanding disagreement on the interest
14 synchronization. The parties both agree that the issue
15 is briefed for commission decision and do not intend
16 to make additional arguments in the testimony today.

17 As I mentioned earlier, the results with and
18 without interest synchronization adjustments can be
19 found in tables one and two respectively. The division
20 appreciates the efforts to meet and work on
21 stipulation from all parties involved.

22 The division recommends the commission approve
23 the stipulation as just, reasonable, and in the public
24 interest. And that concludes my statement.

25 MR. HAMMER: Thank you. Anything else, Mr.

1 Jetter?

2 MR. JETTER: I have no further questions. Mr.
3 Smith is available for cross from the parties or
4 questions from the commission.

5 MR. HAMMER: I'll start with Ms. Slawson.

6 MS. SLAWSON: Uh, we have no questions.

7 MR. HAMMER: Mr. Moore?

8 MR. MOORE: No questions, thank you.

9 MR. HAMMER: Mr. Asay, on the phone, do you have
10 any questions for Mr. Smith?

11 MR. ASAY: I do not. Thank you.

12 MR. HAMMER: Thank you. And I don't have any
13 questions for Mr. Smith. Thank you, Mr. Jetter. Do you
14 have any other witnesses?

15 MR. JETTER: No further witnesses. Thank you.

16 MR. HAMMER: Then we will go to Ms. Slawson, I
17 believe.

18 MS. SLAWSON: Thank you. Um, so I understand URTA
19 and its members, with various members on the
20 telephone.

21 Um, rather than call any individual witness, um,
22 I'd be happy to proffer to the court that we agree
23 with the terms of the stipulation and that we believe
24 it is just and reasonable in result. And if -- if
25 needed, uh, I can make a witness available for

1 questions.

2 MR. HAMMER: I won't compel you to do that, thank
3 you. Mr. Moore. I'm sorry --

4 [talking over each other]

5 MR. HAMMER: -- time.

6 MR. MOORE: Thank you. I'd like to call Michele
7 Beck to the stand to be sworn in.

8 MR. HAMMER: You can stay there. Ms. Beck, do you
9 swear to tell the truth?

10 MS. BECK: Yes, I do.

11 MR. HAMMER: Thank you.

12 MR. MOORE: Can you please state your name and
13 title for the record?

14 MS. BECK: Uh, my name is Michele Beck and I'm
15 the director of the Office of Consumer Services.

16 MR. MOORE: In your position as director of the
17 Office of Consumer Services, do you participate in
18 discussions and notion -- negotiations leading to the
19 stipulation in -- that is the subject of this hearing?

20 MS. BECK: Yes, I did.

21 MR. MOORE: And you viewed and signed the
22 stipulation?

23 MS. BECK: Yes, I have.

24 MR. MOORE: Are you aware of the changes in the
25 stipulation regarding Hanksville and Carbon Emory

1 Telecoms that have been the subject of prior testimony
2 in this hearing

3 MS. BECK: Yes, I am.

4 MR. MOORE: With these changes, do you believe
5 that stipulation taken as a whole is just and
6 reasonable in result and in the public interest?

7 MS. BECK: Yes, I do.

8 MR. MOORE: Do you have a statement you'd like to
9 make?

10 MS. BECK: I just have a brief statement. I
11 wanted to just, um, highlight that there are three
12 areas of additional work that we'll be doing.

13 So the first comes at the end of paragraph 8,
14 that the parties are going to, um, continue
15 discussions about what to do with the flow back of
16 EDIT when an offset to UUSF distributions is not
17 available.

18 Um, so that's, um, the first one. The second one
19 is paragraph 9. Mr. Smith, um, specifically referenced
20 that, um, which was the request for, uh, opening a new
21 docket about A-CAM.

22 And then the third is paragraph 11 and I'm going
23 to offer a slight clarification to what Mr. Smith
24 said, um, with the expectation or hope that he will
25 agree with me.

1 Uh, and this I think was an agreement to do
2 additional work on, uh, that under all -- any
3 circumstance whether or not, um, any kind of a waiver
4 to the current rule is necessary under any
5 circumstance.

6 It is our intent to continue to work, um, so that
7 we can, uh, put some more de -- detail into the rules,
8 um, that govern the filing of these, uh, these --
9 these annual requests and recommendations.

10 So I just wanted to note those three work streams
11 that will be continuing, um, going forward. And I have
12 nothing further.

13 MR. HAMMER: Thank you.

14 MR. MOORE: Uh, Director Beck is available for
15 cross-examination and questions from the hearing
16 officer.

17 MR. HAMMER: Mr. Jetter?

18 MR. JETTER: I have no questions. Thank you.

19 MR. HAMMER: Ms. Slawson?

20 MS. SLAWSON: No questions.

21 MR. HAMMER: Mr. Asay? Mr. Asay, are you on the
22 phone?

23 MR. ASAY: I have no questions, thank you.

24 MR. HAMMER: Thank you. My only question, and
25 I'll come back to Ms. Slawson to address this issue in

1 a moment.

2 Uh, Mr. Smith identified several corrections, uh,
3 in what's been passed around as hearing exhibit 1 to
4 the party's stipulation. Ms. Beck do you agree that
5 those corrections are accurate and ought -- and the
6 settlement ought to be modified as reflected in them?

7 MS. BECK: We support the modification.

8 MR. HAMMER: Thank you. And I have no further
9 questions for you, Ms. Beck. Thank you. Any other
10 witnesses, Mr. Moore?

11 MR. MOORE: No other witnesses.

12 MR. HAMMER: Ms. Slawson, let me come back to you
13 and ask you whether your -- whether the URTA members
14 concur that the modifications to this settle --
15 settlement that Mr. Smith identified ought to be
16 incorporated in the final settlement.

17 MS. SLAWSON: Yes, the URTA members concur that
18 the changes that were, um, identified in hearing
19 exhibit 1.

20 MR. HAMMER: Alright. Is there anything else from
21 the parties before we adjourn?

22 MR. JETTER: Um, if I might just recall Mr. Smith
23 for -- for a very brief question?

24 MR. HAMMER: I have -- have no objection.

25 MR. JETTER: Thank you for permitting me to do

1 that.

2 MR. HAMMER: Mr. Smith -- pardon me. Mr. Smith
3 you're still under oath.

4 MR. SMITH: Yes.

5 MR. JETTER: Um, Mr. Smith, do you agree with --
6 with the clarification, uh, from OCS witness Ms. Beck
7 a moment ago about the divisions, uh, and the parties
8 that agreed to commit to work together on, um, an
9 ongoing set of, um, rule change, uh, meetings.

10 MR. SMITH: Yes, we are, uh, in agreement with
11 them.

12 MR. JETTER: Okay. Thank you. Um, I'd also like
13 to move to introduce DPA [ph] hearings. I don't think
14 I've done that to the record, um --

15 MR. HAMMER: It's admitted.

16 MR. JETTER: Thank you. I have no further
17 questions.

18 MR. HAMMER. Thank you. And no cross?

19 MS. SLAWSON: No, thank you.

20 MR. HAMMER: All right. Is there anything else
21 before we adjourn?

22 MR. JETTER: Nothing from division.

23 MR. HAMMER: Thank you everyone. Drive safely
24 home.

25 MS. SLAWSON: Thank you.

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I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 15 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

January 2, 2019

Chris Naaden



(Docket No 18-040-01, 2019 Utah Universal Service Fund Preliminary Recommendation for Central Utah Telephone, Inc.)

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