

In the Matter Of:

In Re: Assist Wireless - Petition to Amend ETC Designation

HEARING, DOCKET NO. 18-2597-01

December 12, 2018

Job Number: 472933

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of Assist)
Wireless, LLC, to Amend)
its Designation as an) Docket No. 18-2597-01
Eligible)
Telecommunications) HEARING
Carrier to Receive Utah)
Universal Service Fund)
Support for Lifeline)
Service)

December 12, 2018
9:00 a.m.

Location: Public Service Commission
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
(801) 530-6769

Reporter: Teri Hansen Cronenwett
Certified Realtime Reporter, Registered Merit Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

Presiding Officer: Michael Hammer

For the Division of Public Utilities: Justin Jetter
Assistant Attorney General
160 East 300 South, Fifth Floor
Salt Lake City, Utah 84114
jjetter@agutah.gov

For Assist Wireless: Mark Foster
FOSTER LAW
904 West Avenue, Suite 107
Austin, Texas 78701
(512) 708-8700
(512) 697-0058
Mark@fosterlaw.com

I N D E X

Witness	Page
BYRON YOUNG	
Direct Examination by Mr. Foster	5
JUSTIN JETTER	
Narrative testimony	7
CHERYL MURRAY	
Narrative testimony	8

1 November 22, 2016

9:00 a.m.

2 P R O C E E D I N G S

3 PRESIDING OFFICER HAMMER: Good morning,
4 everyone. This is the time and place noticed for a
5 hearing in the petition of Assist Wireless, LLC, for
6 designation as an eligible telecommunications carrier
7 for the purpose of offering lifeline service on a
8 wireless basis. It's commission Docket No. 18-2597-01.
9 My name is Michael Hammer. I'm the commission's
10 designated presiding officer.

11 With that, let's go ahead and take appearances
12 please, beginning with the individuals I believe we have
13 on the telephone.

14 MR. FOSTER: Yes. Good morning. This is Mark
15 Foster. I'm an attorney for Assist Wireless, LLC. My
16 law firm is Foster Law in Austin, Texas. Jason Danowsky
17 has also appeared through written submittals in this
18 proceeding, but I will be handling the hearing today.
19 And with me is -- or also on the conference call is
20 Byron Young, the CEO of Assist Wireless.

21 HEARING OFFICER HAMMER: Thank you,
22 Mr. Foster.

23 MR. YOUNG: Yeah, hello. This is Byron Young.

24 HEARING OFFICER HAMMER: Thank you, Mr. Young.

25 MR. JETTER: And good morning. I am Justin

1 Jetter with the Utah Attorney General's Office. And I
2 am here today representing the Utah Division of Public
3 Utilities. I am here today without a witness, so I --
4 if I might, I would proffer, if the commission will
5 allow me, proffer on behalf of the division our support
6 for the stipulation later this hearing.

7 HEARING OFFICER HAMMER: All right.

8 MS. MURRAY: Cheryl Murray with the Office of
9 Consumer Services. And unlike Justin, I am here without
10 an attorney, who may or may not be here by the time we
11 proceed.

12 HEARING OFFICER HAMMER: All right. Well,
13 with that, let's go back to the company and Mr. Foster.
14 Mr. Foster, did you intend to call a witness or to
15 testify yourself?

16 MR. FOSTER: No. I can call Mr. Young just
17 to -- he has written testimony. And we can prove that
18 up and offer that for admission. And that is the third
19 amended direct testimony of Byron Young.

20 HEARING OFFICER HAMMER: All right.

21 Mr. Young, do you swear to tell the truth?

22 THE WITNESS: Yes, I do.

23 HEARING OFFICER HAMMER: Go ahead, Mr. Foster.

24 BYRON YOUNG,

25 was called as a witness, and having been first duly

1 sworn to tell the truth, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. FOSTER:

4 Q. Please state your name and your position with
5 respect to Assist Wireless.

6 A. I am the CEO of Assist Wireless, Byron Young.

7 Q. All right. And Mr. Young, there has been
8 written testimony filed in this proceeding that's titled
9 third amended direct testimony of Byron Young. Is the
10 information contained therein true and correct?

11 A. Yes, it is.

12 Q. All right.

13 MR. FOSTER: And Your Honor, we would offer
14 for admission into this record the testimony of
15 Mr. Young and tender him for any cross-examination or
16 clarifying questions.

17 HEARING OFFICER HAMMER: I see no objection.
18 It's admitted. Mr. Jetter, do you have any questions?

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

20 HEARING OFFICER HAMMER: Ms. Murray?

21 MS. MURRAY: No, thank you.

22 HEARING OFFICER HAMMER: All right. Thank
23 you, Mr. Young. Mr. Foster, any other witnesses?

24 MR. FOSTER: No, your Honor. We don't have
25 any other witnesses. I don't know whether -- if you

1 will advise me, please. Do we want to put the
2 stipulation settlement agreement into the record as
3 evidence? Or how is that to be handled?

4 HEARING OFFICER HAMMER: Well, it's in the
5 record insofar as it's a filed document. It isn't
6 admitted evidence in this hearing, but it needn't
7 necessarily be to be ultimately approved by the
8 commission. But I defer to the parties whether they
9 want it admitted into the record as evidence.

10 MR. FOSTER: I don't have -- I don't have an
11 opinion. Perhaps Mr. Jetter might, though, as far as
12 what you all have done in other proceedings.

13 MR. JETTER: As far as I am concerned, I don't
14 think that we necessarily need to enter it into the
15 record of the hearing. The division will support
16 approval of that document, and it's filed in this
17 docket.

18 MR. FOSTER: And I agree with that, your
19 Honor.

20 HEARING OFFICER HAMMER: All right. Thank
21 you, Mr. Foster. So Mr. Jetter, with respect to the
22 division's position, do you want to be sworn as a
23 witness or just make some representations as counsel on
24 the record?

25 MR. JETTER: I need to think about that for a

1 minute. I think it would probably be best for the
2 record if I am sworn as a witness. It's a little bit of
3 out of my normal process, but I'm happy to do that. I
4 think that would make it potentially easier to compete
5 the record.

6 HEARING OFFICER HAMMER: All right.

7 Mr. Jetter, do you swear to tell the truth?

8 MR. JETTER: I do.

9 HEARING OFFICER HAMMER: Thank you. Go ahead.

10 JUSTIN JETTER,

11 was called as a witness, and having been first duly
12 sworn to tell the truth, testified as follows:

13 MR. JETTER: Thank you. The division has
14 participated in negotiations with Assist Wireless in
15 this docket over the past few months. We reached the
16 settlement stipulation and support it as it's filed
17 before the commission, and we believe that approval of
18 the settlement stipulation would be just, reasonable and
19 in the public interest.

20 HEARING OFFICER HAMMER: All right. Thank
21 you, Mr. Jetter. Mr. Foster, do you have any questions
22 for Mr. Jetter?

23 MR. FOSTER: No questions.

24 HEARING OFFICER HAMMER: Ms. Murray?

25 MS. MURRAY: No.

1 HEARING OFFICER HAMMER: Anything else,
2 Mr. Jetter?

3 MR. JETTER: No. Thank you.

4 HEARING OFFICER HAMMER: Thank you.
5 Ms. Murray, would you like to testify?

6 MS. MURRAY: Yes, please.

7 HEARING OFFICER HAMMER: Do you swear to tell
8 the truth?

9 MS. MURRAY: Yes.

10 HEARING OFFICER HAMMER: Go ahead.

11 CHERYL MURRAY,

12 was called as a witness, and having been first duly
13 sworn to tell the truth, testified as follows:

14 MS. MURRAY: My name is Cheryl Murray. My
15 address is 160 East 300 South, Salt Lake City, Utah, and
16 I am a utility analyst for the Office of Consumer
17 Services. On behalf of the office, I have reviewed all
18 of the documents that have been filed in this case and
19 participated in discussions that led to the stipulation
20 that is before the commission today.

21 Assist's enhanced Utah lifeline program
22 offering of 1,000 voice minutes, 1,000 text messages,
23 and 2 gigabits of mobile broadband exceeds the minimum
24 requirements for a wireless telecommunications provider
25 to receive Utah Universal Service Funds for a lifeline

1 program.

2 The office believes that the stipulation
3 before the commission is just and reasonable in result
4 and in the public interest and recommends that the
5 commission approve it.

6 HEARING OFFICER HAMMER: Thank you,
7 Ms. Murray. Mr. Foster, any questions?

8 MR. FOSTER: No questions.

9 HEARING OFFICER HAMMER: Mr. Jetter?

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

11 HEARING OFFICER HAMMER: All right. Well,
12 thank you, everyone. Is there anything else before we
13 adjourn?

14 MR. FOSTER: I don't have anything further,
15 your Honor.

16 MR. JETTER: Nothing from the division.

17 MS. MURRAY: Nothing from the office.

18 HEARING OFFICER HAMMER: All right. Everyone,
19 have a nice day. We're adjourned.

20 MR. JETTER: Thank you.

21 MR. FOSTER: Thank you. Bye-bye.

22 (The hearing concluded at 9:07 a.m.)
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF UTAH)
COUNTY OF SALT LAKE)

THIS IS TO CERTIFY that the foregoing proceedings were taken before me, Teri Hansen Cronenwett, Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, numbered 3 through 9 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.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 18th day of December, 2018.



Teri Hansen Cronenwett, CRR, RMR
License No. 91-109812-7801

My commission expires:
January 19, 2019

1	4th 1:12	9:07 9:22	allow 4:5	3:15 4:1,10
1,000 8:22	5	A	also 3:17,19	Austin 2:9 3:16
107 2:8	5 2:18	a.m. 1:10 3:1 9:22	Amend 1:4	Avenue 2:8
12 1:10	512 697-0058 2:10	address 8:15	amended 4:19 5:9	B
160 2:5 8:15	512 708-8700 2:9	adjourn 9:13	analyst 8:16	back 4:13
18-2597-01 1:4 3:8	7	adjourned 9:19	anything 8:1 9:12,14	basis 3:8
2	7 2:20	admission 4:18 5:14	appearances 3:11	before 1:1 7:17 8:20 9:3, 12
2 8:23	78701 2:9	admitted 5:18 6:6,9	appeared 3:17	beginning 3:12
2016 3:1	8	advise 6:1	approval 6:16 7:17	behalf 4:5 8:17
2018 1:10	8 2:22	agree 6:18	approve 9:5	believe 3:12 7:17
22 3:1	801 530-6769 1:13	agreement 6:2	approved 6:7	believes 9:2
3	84111 1:13	ahead 3:11 4:23 7:9 8:10	Assist 1:3 2:7 3:5,15,20 5:5, 6 7:14	best 7:1
300 1:12 2:5 8:15	84114 2:5	all 4:7,12,20 5:7,12,22 6:12,20 7:6, 20 8:17 9:11, 18	Assist's 8:21	bit 7:2
4	9	Assistant 2:4	attorney 2:4	broadband 8:23
472933 1:25	9:00 3:1			

Bye-bye 9:21	commission's 3:9	D	documents 8:18	F
Byron 2:17 3:20,23 4:19, 24 5:6,9	company 4:13	Danowsky 3:16	done 6:12	far 6:11,13
C	compete 7:4	day 9:19	duly 4:25 7:11 8:12	few 7:15
call 3:19 4:14, 16	concerned 6:13	December 1:10	E	Fifth 2:5
called 4:25 7:11 8:12	concluded 9:22	defer 6:8	easier 7:4	filed 5:8 6:5, 16 7:16 8:18
carrier 1:6 3:6	conference 3:19	designated 3:10	East 1:12 2:5 8:15	firm 3:16
case 8:18	Consumer 4:9 8:16	designation 1:4 3:6	eligible 1:5 3:6	first 4:25 7:11 8:12
CEO 3:20 5:6	contained 5:10	direct 2:18 4:19 5:2,9	enhanced 8:21	Floor 1:12 2:5
Certified 1:15	correct 5:10	discussions 8:19	enter 6:14	follows 5:1 7:12 8:13
Cheryl 2:21 4:8 8:11,14	counsel 6:23	division 2:4 4:2,5 6:15 7:13 9:16	everyone 3:4 9:12,18	Foster 2:7,8, 18 3:14,15, 16,22 4:13, 14,16,23 5:3, 13,23,24 6:10,18,21 7:21,23 9:7,8, 14,21
City 1:13 2:5 8:15	Cronenwett 1:15	division's 6:22	evidence 6:3, 6,9	Fund 1:6
clarifying 5:16	cross- examination 5:15	docket 1:4 3:8 6:17 7:15	Examination 2:18 5:2	Funds 8:25
commission 1:1,12 3:8 4:4 6:8 7:17 8:20 9:3,5		document 6:5,16	exceeds 8:23	further 9:14

G	4:6,7,12,20, 23 5:17,20,22 6:4,6,15,20 7:6,9,20,24 8:1,4,7,10 9:6,9,11,18, 22	3:25 4:1 5:18, 19 6:11,13, 21,25 7:7,8, 10,13,21,22 8:2,3 9:9,10, 16,20	Location 1:12	morning 3:3, 14,25
General 2:4			M	Murray 2:21 4:8 5:20,21 7:24,25 8:5,6, 9,11,14 9:7, 17
General's 4:1		jjetter@ agutah.gov 2:6	make 6:23 7:4	
gigabits 8:23	here 4:2,3,9, 10	Job 1:25	Mark 2:7 3:14	N
good 3:3,14, 25	Honor 5:13, 24 6:19 9:15	Justin 2:4,19 3:25 4:9 7:10	Mark@ fosterlaw.com 2:10	name 3:9 5:4 8:14
H	I	L	may 4:10	Narrative 2:20,22
Hammer 2:2 3:3,9,21,24 4:7,12,20,23 5:17,20,22 6:4,20 7:6,9, 20,24 8:1,4,7, 10 9:6,9,11, 18	individuals 3:12	Lake 1:13 2:5 8:15	Merit 1:15	necessarily 6:7,14
handled 6:3	information 5:10	later 4:6	messages 8:22	need 6:14,25
handling 3:18	intend 4:14	law 2:8 3:16	Michael 2:2 3:9	needn't 6:6
Hansen 1:15	interest 7:19 9:4	led 8:19	might 4:4 6:11	negotiations 7:14
happy 7:3	into 5:14 6:2, 9,14	lifeline 1:7 3:7 8:21,25	minimum 8:23	need 6:14,25
having 4:25 7:11 8:12	J	like 8:5	minute 7:1	needn't 6:6
hearing 1:5 3:5,18,21,24	Jason 3:16	little 7:2	minutes 8:22	negotiations 7:14
	Jetter 2:4,19	LLC 1:4 3:5, 15	mobile 8:23	nice 9:19
			months 7:15	normal 7:3
				Nothing 9:16, 17
				noticed 3:4

November 3:1	parties 6:8	9:1	9:4	Services 4:9 8:17
<hr/> O <hr/>	past 7:15	prove 4:17	record 5:14 6:2,5,9,15,24 7:2,5	settlement 6:2 7:16,18
objection 5:17	Perhaps 6:11	provider 8:24	Registered 1:15	South 1:12 2:5 8:15
offer 4:18 5:13	petition 1:3 3:5	public 1:1,12 2:4 4:2 7:19 9:4	Reporter 1:15	state 5:4
offering 3:7 8:22	place 3:4	purpose 3:7	representatio ns 6:23	stipulation 4:6 6:2 7:16, 18 8:19 9:2
office 4:1,8 8:16,17 9:2, 17	position 5:4 6:22	put 6:1	<hr/> Q <hr/>	representing 4:2
officer 2:2 3:3,10,21,24 4:7,12,20,23 5:17,20,22 6:4,20 7:6,9, 20,24 8:1,4,7, 10 9:6,9,11, 18	potentially 7:4	questions 5:16,18,19 7:21,23 9:7,8, 10	requirements 8:24	submittals 3:17
opinion 6:11	presiding 2:2 3:3,10	<hr/> R <hr/>	respect 5:5 6:21	Suite 2:8
over 7:15	probably 7:1	reached 7:15	result 9:3	support 1:7 4:5 6:15 7:16
<hr/> P <hr/>	proceed 4:11	Realtime 1:15	reviewed 8:17	swear 4:21 7:7 8:7
participated 7:14 8:19	proceeding 3:18 5:8	reasonable 7:18 9:3	<hr/> S <hr/>	sworn 5:1 6:22 7:2,12 8:13
	proceedings 6:12	receive 1:6 8:25	Salt 1:13 2:5 8:15	<hr/> T <hr/>
	process 7:3	recommends	service 1:1,6, 7,12 3:7 8:25	take 3:11
	proffer 4:4,5			telecommunic ations 1:5 3:6
	program 8:21			

8:24	4:2,3 8:20	West 2:8
telephone 3:13	true 5:10	whether 5:25 6:8
tender 5:15	truth 4:21 5:1 7:7,12 8:8,13	will 3:18 4:4 6:1,15
Teri 1:15	U	wireless 1:4 2:7 3:5,8,15, 20 5:5,6 7:14 8:24
testified 5:1 7:12 8:13	ultimately 6:7	without 4:3,9
testify 4:15 8:5	Universal 1:6 8:25	witness 2:16 4:3,14,22,25 6:23 7:2,11 8:12
testimony 2:20,22 4:17, 19 5:8,9,14	unlike 4:9	witnesses 5:23,25
Texas 2:9 3:16	UT 1:13	written 3:17 4:17 5:8
text 8:22	Utah 1:1,6 2:5 4:1,2 8:15,21, 25	Y
therein 5:10	Utilities 2:4 4:3	Young 2:17 3:20,23,24 4:16,19,21,24 5:6,7,9,15,23
third 4:18 5:9	utility 8:16	yourself 4:15
through 3:17	V	
time 3:4 4:10	voice 8:22	
titled 5:8	W	
today 3:18	want 6:1,9,22	