

In the Matter Of:

In Re: Commnet Four Corners, LLC - ETC - CAF Phase II Support

HEARING, DOCKET NO. 18-2609-01

January 23, 2019

Job Number: 501368

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of Commnet Four)	Docket No.
Corners, LLC for Designation)	18-2609-01
as an Eligible)	
Telecommunications Carrier for)	Presiding
Purposes of Receiving CAF)	Officer:
Phase II Support)	Michael Hammer
)	

HEARING

Salt Lake City, Utah

Wednesday, January 23, 2019

REPORTED BY: Tammy M. Breed, CCR NO. 7801

JOB NO: 501368

1 HEARING OF THE UTAH PUBLIC SERVICE COMMISSION,
2 taken at 160 East 300 South, 4th Floor, Salt Lake City,
3 Utah, on Wednesday, January 23, 2019, at 9:00 a.m.,
4 before Tammy M. Breed, Certified Court Reporter, in and
5 for the State of Utah.

6

7 APPEARANCES:

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24 For the Office of Consumer Services:

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Also Present:

Casey Coleman
Cheryl Murray
Sheri Bintz

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1 Salt Lake City, Utah; Wednesday, January 23, 2019

2 9:00 a.m.

3 -oOo-

4 Whereupon--

5 PRESIDING OFFICER HAMMER: Let's go on the
6 record, please.

7 Good morning, Everyone. This is the time
8 and place noticed for hearing in the Petition of Commnet
9 Four Corners, LLC for designation as an eligible
10 telecommunications carrier for purposes of receiving CAF
11 Phase II support. Commission Docket 18-2609-01.

12 My name is Michael Hammer. I'm the
13 Commission's designated presiding officer.

14 Let's go ahead and take appearances, please,
15 with -- beginning with the people in the room.

16 MR. RUSSELL: Philip Russell for Commnet
17 Four Corners, LLC.

18 MR. JETTER: I'm Justin Jetter. I'm with --
19 with Utah Attorney General's Office. I'm here today
20 representing the Utah Division of Public Utilities.
21 With me at counsel table is Casey Coleman with the
22 Division.

23 MR. MOORE: Robert Moore representing the
24 Office of Consumer Services. With me is Cheryl Murray,
25 a utility analyst at the office.

1 PRESIDING OFFICER HAMMER: And we have
2 someone on the phone?

3 ROHAN RANARAJA: Yes.

4 Good morning, Rohan Ranaraja with Commnet
5 Wireless.

6 PRESIDING OFFICER HAMMER: All right,
7 Mr. Russell, we'll begin with you. Do you intend to
8 present a witness?

9 MR. RUSSELL: Yes. Commnet will call
10 Mr. Ranaraja as our witness.

11 PRESIDING OFFICER HAMMER: There's no
12 objection to him testifying telephonically?

13 MR. JETTER: No objection with the Division.

14 MR. MOORE: No objection.

15 PRESIDING OFFICER HAMMER: All right,
16 Mr. Ranaraja, do you swear to tell the truth?

17 ROHAN RANARAJA: I do.

18 PRESIDING OFFICER HAMMER: Thank you.

19 Go ahead, Mr. Russell.

20 Whereupon --

21 ROHAN RANARAJA
22 having been first duly sworn to testify to the truth,
23 was examined and testified as follows:

24

25

1 EXAMINATION

2 BY MR. RUSSELL:

3 Q. Mr. Ranaraja, please state and spell your name
4 for the record, please.

5 A. Yes, Rohan, R-o-h-a-n; Ranaraja, R-a-n-a-r-a-j-a.

6 Q. And by whom are you employed?

7 A. I'm employed by Commnet Wireless, LLC, the parent
8 of Commnet Four Corners LLC.

9 Q. Can you please state your business address and
10 your full title and tell us what responsibilities you
11 have for Commnet.

12 A. Yes. My business address is 1001 Technology
13 Drive, Little Rock, Arkansas 72223. My business title
14 is Director of Regulatory Affairs. And as -- as the
15 Regulatory -- Director of Regulatory Affairs, I have
16 responsibility for Commnet's compliance with all
17 regulatory aspects on the company.

18 Q. Do you have in front of you a document dated
19 October 10, 2018, titled Prefile Direct Testimony of
20 Rohan Ranaraja?

21 A. I do.

22 Q. And was that document prepared by you or under
23 your immediate supervision?

24 A. Yes, it was.

25 Q. Do you have any revisions or corrections to that

1 testimony?

2 A. I do not.

3 Q. And if I were to ask you the same questions today
4 under oath that are presented in that pretrial
5 testimony, would your answers be the same?

6 A. Yes.

7 MR. RUSSELL: Okay, at this point I will
8 move for the admission of Mr. Ranaraja's prefile
9 testimony.

10 PRESIDING OFFICER HAMMER: It's admitted.

11 MR. RUSSELL: And he is available for
12 cross-examination.

13 I -- before we -- before we do that, I do
14 want to note one issue that was raised yesterday. As --
15 as your Honor is likely aware, there was a -- a
16 stipulated settlement presented to the -- to the
17 Commission and signed by the parties present, and no one
18 objected. It was made -- I was made aware that there
19 was some language in one of the subparagraphs that we
20 had discussed, but for whatever reason didn't make it
21 into the final version. I don't know when you want to
22 address that. I'm happy to address it now, or we can
23 address it after Mr. Ranaraja's testimony.

24 PRESIDING OFFICER HAMMER: I expect that
25 depends on how you want to address it. Do you want

1 Mr. Ranaraja to testify about it?

2 MR. RUSSELL: I don't -- well, I -- I raise
3 it now so that if other parties want to cross-examine
4 him on it they can. But we can -- we can just discuss
5 it whenever it is convenient for everyone else. There's
6 -- there's not any issue to dispute about the fact this
7 was intended to be included, and we don't -- we don't
8 object to it. It just for whatever reason didn't make
9 it into the version that was filed.

10 PRESIDING OFFICER HAMMER: All right. Well,
11 if you have no other questions for your witness we'll
12 move to Mr. Jetter.

13 MR. JETTER: Thank you. Can I ask just for
14 maybe a two-minute recess? I'm not aware of what
15 language was --

16 MR. RUSSELL: Oh, okay.

17 MR. JETTER: -- supposed to be in this
18 so. . .

19 PRESIDING OFFICER HAMMER: Sure. Let's go
20 off the record for two minutes.

21 (A brief recess was taken.)

22 PRESIDING OFFICER HAMMER: Let's go back on
23 the record, please.

24 We were with you, Mr. Jetter.

25 MR. JETTER: Thank you.

1 The Division would like to call and have
2 sworn in Casey Coleman.

3 PRESIDING OFFICER HAMMER: You don't have
4 any cross-examination questions for --

5 MR. JETTER: Oh --

6 PRESIDING OFFICER HAMMER: -- Mr. Ranaraja?

7 MR. JETTER: I have no cross.

8 PRESIDING OFFICER HAMMER: And Mr. Moore?

9 MR. MOORE: I might want to ask one
10 question.

11 CROSS-EXAMINATION

12 BY MR. MOORE:

13 **Q. I'm sorry, I'm forgetting your name. What is**
14 **your name again?**

15 PRESIDING OFFICER HAMMER: My name?

16 THE WITNESS: Rohan Ranaraja.

17 **Q. (BY MR. MOORE) Do you have the copy of the**
18 **stipulation with you?**

19 A. I do.

20 **Q. Could you turn to page 6?**

21 A. Yes.

22 **Q. Do you see the "F" on the page just above**
23 **"General Provisions?"**

24 A. Uh-huh.

25 **Q. Are you aware what your attorney was stating that**

1 **there was some language left out of the stipulation?**

2 A. I am.

3 **Q. "F" reads, (as read): Commnet meets and will**
4 **continue to meet the requirements for federal ECT (sic)**
5 **designation.**

6 And the language that was taken out says, (as
7 read): And will comply with all federal requirements
8 for the services it offers in Utah as an ETC.

9 Do you agree to that additional language?

10 A. Yes.

11 MR. MOORE: Thank you. I have no further
12 questions.

13 PRESIDING OFFICER HAMMER: Mr. Russell,
14 anything else?

15 MR. RUSSELL: No redirect, your Honor.

16 PRESIDING OFFICER HAMMER: And no other
17 witnesses?

18 MR. RUSSELL: No. Thank you.

19 PRESIDING OFFICER HAMMER: Mr. Jetter.

20 MR. JETTER: Thanks. We'll try this again.
21 The Division would like to call and have sworn in Casey
22 Coleman.

23 PRESIDING OFFICER HAMMER: Mr. Coleman, do
24 you swear to tell the truth?

25 CASEY COLEMAN: Yes.

1 Whereupon --

2 CASEY COLEMAN

3 having been first duly sworn to testify to the truth,
4 was examined and testified as follows:

5

6 EXAMINATION

7 BY MR. JETTER:

8 Q. Mr. Coleman, will you please state your name and
9 occupation for the record?

10 A. Yes. My name's Casey J. Coleman. I'm a utility
11 technical consultant for the Division of Public
12 Utilities.

13 Q. Thank you.

14 And in the course of your employment with the
15 Division have you had an opportunity to review the
16 application and materials filed by the applicant,
17 Commnet, in this docket?

18 A. Yes, I have.

19 Q. And did you have an opportunity to review the
20 settlement stipulation that was filed in this docket?

21 A. Yes.

22 Q. And were you in the room earlier when Mr. Moore
23 from the Office of -- representing the Office of
24 Consumer Services discussed some language that may have
25 inadvertently been left out of the settlement

1 stipulation on par- -- subparagraph F of -- of the
2 agreement and paragraph 9(F)?

3 A. Yes.

4 Q. And I'm going to just read that briefly to you to
5 confirm the Division's agreement with the additional
6 language.

7 Paragraph 9, subpart F reads, (as read): Commnet
8 meets and will continue to meet the requirements for
9 federal ETC designation, and ends there.

10 And the additional language adds, (as read): And
11 will comply with all federal requirements for the
12 services it offers in Utah as an ETC.

13 Do you agree that that additional language should
14 be added to the stipulation?

15 A. Yes.

16 Q. Thank you.

17 And with that additional language, do you agree
18 that approval of the stipulation would be just,
19 reasonable and in the public interest?

20 A. Yes, I do.

21 Q. Thank you.

22 Are you -- finally, before I turn you over for
23 cross, do you have any -- are you aware of any ongoing
24 objection to approval of this stipulation?

25 A. No, I'm not aware of any.

1 **Q. Thank you.**

2 MR. JETTER: I have no further questions,
3 and Mr. Coleman's available for cross.

4 PRESIDING OFFICER HAMMER: Mr. Russell?

5 MR. RUSSELL: I have no cross for
6 Mr. Coleman.

7 PRESIDING OFFICER HAMMER: Mr. Moore?

8 MR. MOORE: No questions. Thank you.

9 PRESIDING OFFICER HAMMER: And nothing else,
10 Mr. Jetter?

11 MR. JETTER: I have nothing further. Thank
12 you.

13 PRESIDING OFFICER HAMMER: Mr. Moore?

14 MR. MOORE: Yes, the Office would call and
15 ask be sworn Cheryl Murray.

16 PRESIDING OFFICER HAMMER: Ms. Murray, do
17 you swear to tell the truth?

18 THE WITNESS: Yes.

19 Whereupon --

20 CHERYL MURRAY

21 having been first duly sworn to testify to the truth,
22 was examined and testified as follows:

23 EXAMINATION

24 BY MR. MOORE:

25 **Q. Could you please state your name and how you are**

1 **employed?**

2 A. My name is Cheryl Murray. I am employed as a
3 utility analyst for the Office of Consumer Services.

4 **Q. In your capacity as utility analyst have you**
5 **reviewed the application-related filings in the subject**
6 **docket?**

7 A. Yes, I have.

8 **Q. Do you participate in discussions and the**
9 **negotiations leading to the settlement stipulation that**
10 **is the subject of this hearing?**

11 A. Yes.

12 **Q. And you have reviewed the stipulation?**

13 A. Yes, I have.

14 **Q. Do you believe that taken as a whole the**
15 **stipulation is just and reasonable in result and in the**
16 **public interest?**

17 A. Yes, with the added language I do.

18 **Q. Ah. Thank you.**

19 MR. MOORE: Ms. Murray is available for
20 cross or questions from the hearing officer.

21 PRESIDING OFFICER HAMMER: Mr. Russell?

22 MR. RUSSELL: No questions for Ms. Murray.

23 PRESIDING OFFICER HAMMER: Mr. Jetter?

24 MR. JETTER: I have no questions. Thank
25 you.

1 PRESIDING OFFICER HAMMER: Ms. Murray, when
2 you referred to the added language you were, of course,
3 speaking about the language in paragraph 9,
4 subparagraph F?

5 CHERYL MURRAY: That's correct.

6 PRESIDING OFFICER HAMMER: All right. Thank
7 you.

8 Anything else, Mr. Moore?

9 MR. MOORE: Nothing else.

10 PRESIDING OFFICER HAMMER: Is there anything
11 else before we adjourn?

12 MR. RUSSELL: Just one question on a point
13 of order, would it -- would it be the Commission's
14 preference that we submit a -- a -- an errata to the
15 settlement stipulation that would include that language,
16 or is there some other way you want to handle it?

17 PRESIDING OFFICER HAMMER: I won't require
18 it. We can add the requirement in the order that
19 approves the stipulation.

20 MR. RUSSELL: Okay. That's fine.

21 I think the only other thing that I would
22 point out, there's no representative from Utah Rural
23 Telecom Association here today. They did intervene and
24 did participate in the settlement discussions. On
25 page 4, I just -- I'm sure you've seen this, but I will

1 point it out. Paragraph 11 notes that, (as read):
2 While Utah Rural Telecom is not a party to the
3 stipulation, represents that it does not oppose the
4 stipulation.

5 PRESIDING OFFICER HAMMER: Thank you.

6 MR. RUSSELL: After that, nothing further.

7 PRESIDING OFFICER HAMMER: All right. Thank
8 you everyone for your participation.

9 (The proceedings concluded at 9:14 a.m.)

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REPORTER'S CERTIFICATE

I, Tammy M. Breed, CSR No. 7801, Certified
Reporter, certify:

That the foregoing proceedings were taken before
me at the time and place therein set forth, at which
time the witness was put under oath by me;

That the testimony of the witness, the
questions propounded, and all objections and statements
made at the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws
of Utah that the foregoing is true and correct.

Dated this 24th day of January, 2019.


TAMMY M. BREED, C.C.R. No. 7801

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