

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of Commnet Four Corners, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving CAF Phase II Support	<u>DOCKET NO. 18-2609-01</u> <u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u>
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ISSUED: February 13, 2019

On September 24, 2018, Commnet Four Corners, LLC (“Commnet”) filed its Petition for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving CAF Phase II Support (“Petition”). In the Petition, Commnet seeks eligible telecommunications carrier (“ETC”) designation.

On January 17, 2019, the parties filed a Stipulation and Settlement Agreement (“Settlement”), signed by the Division of Public Utilities (“DPU”), the Office of Consumer Services (“OCS”), and Commnet (collectively, the “Parties”). On January 23, 2019, the Public Service Commission (“PSC”) held a hearing to consider the Settlement, during which Commnet, the DPU, and the OCS provided testimony.

In the Settlement, the Parties stipulate and agree Commnet’s voice and broadband offerings will meet the Federal Communications Commission’s (“FCC”) Connect America Fund (“CAF”) Phase II support requirements. The Parties further agree said services represent a benefit for Utah customers, are in the public interest, and further the statutory goal that such services be available and affordable to all citizens of Utah.

Specifically, the Settlement provides that, as a condition of receiving State designation, Commnet will offer all of the required supported services set forth in 47 C.F.R. § 54.101(a). The Parties agree Commnet has shown an intent and ability to offer those services once designated throughout its requested service areas. The Parties further agree that Commnet’s “ETC

designation service area will remain coterminous with its service obligation census block geographic areas as awarded by the FCC Auction 903.” (Settlement at 4.) The Parties stipulate to additional requirements as enumerated in the Settlement, including but not limited to Commnet’s use of a Utah-specific fact sheet, Commnet’s compliance with applicable state and federal regulations, and its payment of applicable state and local regulatory fees.

At hearing, the OCS testified it believed the Settlement to be just and reasonable in result and that approval of the Settlement is in the public interest. Similarly, the DPU testified it believed approval of the Settlement to be just, reasonable, and in the public interest. No party opposed the Settlement.

FINDINGS, CONCLUSIONS AND ORDER

Settlements of matters before the PSC are statutorily encouraged. To approve a settlement, the PSC must consider the interests of the public and other affected persons and find the settlement is just and reasonable in result. Utah Code Ann. § 54-7-1.

Based on our consideration of the Petition, the submitted written testimony, the testimony at hearing, and the Settlement, the PSC finds and concludes that approval of the Settlement is in the public interest and that the terms of the Settlement are just and reasonable in result.

The PSC, therefore, approves the Settlement and grants the Petition, as conditioned and supplemented by the Settlement.

DATED at Salt Lake City, Utah, February 13, 2019.

/s/ Michael J. Hammer  
Presiding Officer

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Approved and confirmed February 13, 2019 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#306656

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 February 13, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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Administrative Assistant