

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of Uintah Basin Electronic Telecommunications, L.L.C. for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Purpose of Offering Lifeline Service on a Wireless Basis

DOCKET NO. 20-2620-01
ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT

ISSUED: September 29, 2020

On June 10, 2020, Uintah Basin Electronic Telecommunications, L.L.C. (“UBET”) filed a Petition for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Purpose of Offering Lifeline Service on a Wireless Basis and to Participate in the Utah Universal Service Fund for Lifeline Purposes (“Petition”). In the Petition, UBET seeks an eligible telecommunications carrier (ETC) designation, authorizing it to receive (1) federal universal service Lifeline support for qualifying Utah customers; (2) federal tribal universal service Lifeline support for qualifying Utah customers; and (3) Utah State Lifeline support from the Utah Universal Public Telecommunications Service Support Fund (“UUSF”) for qualifying customers.

On September 10, 2020, the Division of Public Utilities (DPU), acting for the parties to the docket, filed a Stipulation and Settlement Agreement (“Settlement”), signed by DPU, the Office of Consumer Services (OCS), and UBET (collectively, the “Parties”). The Public Service Commission (PSC) held a hearing to consider the Settlement on September 22, 2020, during which UBET, DPU, and OCS provided testimony supporting the Settlement.

In the Settlement, the Parties stipulate and agree: UBET (1) meets the requirements for Federal ETC designation (2) will, for the most part, use its own facilities to provide its wireless service, including its own cellular and personal communications services antennas, towers, and

mobile switching offices; and (3) satisfies the requirements for receiving UUSF support. The Parties stipulate and agree that designating UBET as an ETC serves the public interest, convenience, and necessity, as defined in 47 U.S.C. § 214(e)(2).

The Settlement further provides:

1. UBET will use a Utah-specific fact sheet that provides customers concise and complete information about the services they will receive. UBET will provide the fact sheet to each new customer at the time of enrollment, and to existing customers upon request. UBET will also make the fact sheet available for download by posting it on UBET's website. UBET agrees to promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.
2. UBET will receive \$3.50 per qualifying line per month pursuant to Utah Admin. Code R746-8-403 and Utah Code Ann. § 54-8b-15.
3. UBET will comply with all applicable state service quality and consumer protection requirements and the CTIA Consumer Code.
4. UBET acknowledges that approval of the Petition and ongoing receipt of UUSF funds are conditioned upon the verified payment of all applicable state and local regulatory fees, including, but not limited to, universal service fees, emergency services, and relay services.
5. UBET agrees to adopt any changes to the certification and verification process required by the FCC or by the PSC.
6. Upon implementing any changes to its Lifeline offerings, UBET will timely file a notice with the DPU and OCS describing the changed plans.

At hearing, UBET, DPU, and OCS testified the terms of the Settlement are just and reasonable in result and that approval of the Settlement is 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, September 29, 2020.

/s/ Yvonne R. Hogle
Presiding Officer

Approved and Confirmed September 29, 2020, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair
/s/ David R. Clark, Commissioner
/s/ Ron Allen, Commissioner

Attest:
/s/ Gary L. Widerburg
PSC Secretary
DW#315677

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the PSC within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 30 days after the filing of the request, 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 §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on September 29, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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