

PUBLIC SERVICE COMMISSION OF UTAH

Docket No. 21-038-01

HEARING

April 12, 2021

ADVANCED REPORTING SOLUTIONS

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1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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4 Petition of Albion)
Telephone Company, Inc., for)
5 Designation as an Eligible)
Telecommunications Carrier)
6 for Purposes of Receiving)
FCC Rural Digital)
7 Opportunity Fund Support)
_____) Docket No. 21-038-01

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11 VIDEO CONFERENCED HEARING TAKEN THROUGH
12 ADVANCED REPORTING SOLUTIONS VIA ZOOM

13 Taken on April 12, 2021

14 1:00 p.m. to 1:15 p.m.

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20 Reported by: Michelle Mallonee, RPR, CCR

1 APPEARANCES

2 YVONNE HOGLE, Hearing Officer

3 For the Division of Public Utilities:

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

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3 HEARING OFFICER HOGLE: I'm Yvonne Hogle, and I
4 am the Commission's designated presiding officer in this
5 docket.

6 It is April 12th, 2021, approximately 1:00 in
7 the afternoon, and today is the date and time scheduled
8 for the hearing in the petition of Albion Telephone
9 Company, Inc., for Designation as an Eligible
10 Telecommunications Carrier for Purposes of Receiving FCC
11 Rural Digital Opportunity Fund Support in Docket
12 No. 21-038-01.

13 Let's take appearances for the record at this
14 time, please, starting with the Applicant.

15 MR. BRADSHAW: Yep this is Kyle Bradshaw with
16 Albion Telephone Company.

17 HEARING OFFICER HOGLE: Okay. Thank you,
18 Mr. Bradshaw.

19 Mr. Jetter?

20 MR. JETTER: And good morning. I'm Justin
21 Jetter with the Utah Attorney General's Office,
22 representing the Utah Division of Public Utilities. And
23 with me from the Division is Casey Coleman.

24 HEARING OFFICER HOGLE: Okay. And Mr. Bradshaw,
25 who will put you on the stand? Or are you -- is that --

1 THE WITNESS: Sorry, that's Cynthia Melillo.

2 HEARING OFFICER HOGLE: Okay.

3 MS. MELILLO: Cynthia Melillo, attorney for the
4 applicant.

5 HEARING OFFICER HOGLE: Okay. Thank you. All
6 right.

7 Well, it's our understanding that this case has
8 been resolved by stipulation between Albion and the
9 Division of Public Utilities and that there are no other
10 parties in the case that I can see.

11 So, today we will be hearing from the Applicant
12 and the Division, who will be presenting the stipulation
13 and supporting the Commission's approval thereof.

14 Ms. Melillo, is that -- am I pronouncing --

15 MS. MELILLO: Yes.

16 HEARING OFFICER HOGLE: Okay. Can you please
17 spell your name for the court reporter?

18 MS. MELILLO: Just my last name?

19 HEARING OFFICER HOGLE: Just your full name,
20 please.

21 MS. MELILLO: It's Cynthia Melillo,
22 C-Y-N-T-H-I-A, M-E-L-I-L-L-O.

23 HEARING OFFICER HOGLE: Ms. Melillo, I know that
24 this is probably your first time before the Utah
25 Commission. Welcome.

1 MS. MELILLO: Thank you.

2 HEARING OFFICER HOGLE: As well as
3 Mr. Bradshaw's. Welcome also.

4 At this time, Ms. Melillo, are you ready to call
5 your first witness?

6 MS. MELILLO: Yes. So, I will call
7 Mr. Bradshaw.

8 HEARING OFFICER HOGLE: Okay.

9 Mr. Bradshaw, do you swear to tell the truth?

10 THE WITNESS: I do.

11 MS. MELILLO: Okay. Please proceed,
12 Ms. Melillo.

13

14 KYLE BRADSHAW,

15 was called as a witness, and having been first duly
16 sworn to tell the truth, the whole truth, and nothing
17 but the truth, testified as follows:

18

19 DIRECT EXAMINATION

20 BY MS. MELILLO:

21 **Q. Please state your name, place of employment, and**
22 **business address.**

23 A. Yep. My name is Kyle Bradshaw with the Albion
24 Telephone Company, and we do business under ATC
25 Communications. And our headquarters is in Albion,

1 Idaho. It's 225 West North Street, Albion, Idaho 83311.

2 **Q. Thank you. Are you familiar with ATC's petition**
3 **for designation as an ETC for the purpose of receiving**
4 **the FCC Rural Digital Opportunity Fund support?**

5 A. Yep. Absolutely, very familiar with it. I was
6 the primary contact for the RDOF fund. I was the primary
7 bidder for that fund, and since we won the auction, I've
8 been very involved with the process of becoming an ETC in
9 Utah.

10 **Q. Can you briefly describe the types of services**
11 **that ATC intends to provide in Utah with the RDOF**
12 **funding?**

13 A. Sure. There are really two primary services
14 required under the RDOF rules. Internet was the main one
15 and then voice as well.

16 So under the Internet side, bidders had an
17 option to bid on different speed tiers. It started from
18 25 megabits up to gig, gigabit services, which is 1,000
19 megabits per second. So, we chose to bid on the gigabit
20 tier, the fastest tier.

21 The second requirement was a latency
22 requirement. So there's a low latency, which is kind of
23 dedicated for fiber networks, fast networks. And then
24 there's high latency, kind of more for satellite
25 providers and wireless providers. So we bid on a low

1 latency tier, so kind of the best of both of them. We
2 committed to provide gigabit speeds with low latency.

3 You know, the plans and prices, I put together a
4 fact sheet so that it will be up to one gigabit per
5 second. Obviously, speeds and plans might be lower than
6 that. They start at 20 meg and go all the way up.

7 I should say there's symmetric speeds, too. In
8 a fiber network, it's the same upload and download.

9 On the voice side, we have two plans put
10 together. One is kind of a basic local calling, e911
11 calling only type service. The other one includes long
12 distance. And that is an over-the-top-service, a VoIP
13 service.

14 So, yeah, we committed in the RDOF fund to
15 provide those two services to at least 141 locations in
16 that serving area.

17 **Q. Thank you. Did you prepare, obviously with my**
18 **assistance, and cause to be filed your prefiled testimony**
19 **in this matter?**

20 A. I did.

21 **Q. If I asked you the same questions today that I**
22 **asked you in the prefiled testimony, would your answers**
23 **be the same?**

24 A. Yes, they would.

25 MS. MELILLO: Okay. I'd like to move to have

1 his testimony admitted as part of the record for the
2 hearing.

3 HEARING OFFICER HOGLE: Any objections,
4 Mr. Jetter?

5 MR. JETTER: No objections. Thank you.

6 HEARING OFFICER HOGLE: Okay. It is in the
7 record.

8 MS. MELILLO: Thank you.

9 Q. (BY MS. MELILLO:) Mr. Bradshaw, are you
10 familiar with the terms set forth in this settlement
11 stipulation?

12 A. Yes, I am.

13 Q. Does ATC support the stipulation?

14 A. ATC does, yes.

15 Q. Does ATC agree that the approval of the
16 application with the terms set forth in the stipulation
17 would be in the public interest for the Utah customers?

18 A. Yes.

19 Q. And in your professional experience and your
20 experience with ATC, is ATC capable of performing all of
21 the obligations required under the RDOF award and in
22 meeting all of the requirements for ETC designation in
23 Utah?

24 A. Yes. Yep. We have a very long history of
25 serving rural customers in Idaho. We've been doing it

1 for just about 100 years. In fact, right across the
2 border of -- of the serving area, we provide Malad with
3 fiber optics. We've doing that for years now. So yeah,
4 no doubt we are very capable of doing that.

5 **Q. I have no further questions.**

6 HEARING OFFICER HOGLE: Okay. Thank you,
7 Mr. Bradshaw.

8 Thank you, Ms. Melillo.

9 Mr. Jetter, you can call your witness, please.

10 MR. JETTER: Thank you. The Division would like
11 to call and have sworn in Casey Coleman.

12 HEARING OFFICER HOGLE: Good afternoon,
13 Mr. Coleman. Do you swear to tell the truth?

14 THE WITNESS: Yes.

15 HEARING OFFICER HOGLE: Okay. Thank you.

16

17 CASEY COLEMAN,
18 was called as a witness, and having been first duly
19 sworn to tell the truth, the whole truth, and nothing
20 but the truth, testified as follows:

21

22 DIRECT EXAMINATION

23 BY MR. JETTER:

24 **Q. Mr. Coleman, would you please state your name**
25 **and occupation for the record.**

1 A. Yes. My name's Casey J. Coleman, and I work as
2 a utility technical consultant for the Division of Public
3 Utilities.

4 Q. Thank you. And in the course of your employment
5 with the Division, have you had the opportunity to review
6 the petition filed by the -- by the telephone company in
7 this docket as well as the settlement stipulation?

8 A. Yes, I have.

9 Q. And let me add to that list have you reviewed
10 the direct testimony of Kyle Bradshaw?

11 A. Yes, I have.

12 Q. And in light of the petition and the attached
13 materials to that and the testimony of the applicant, do
14 you believe that approval of the application or petition
15 with the terms and conditions set forth in the settlement
16 stipulation would be just, reasonable, and in the public
17 interest?

18 A. Yes.

19 Q. And are you aware of any opposition through your
20 experience in the Division to this application?

21 A. No.

22 Q. Thank you.

23 MR. JETTER: I have no further questions of
24 Mr. Casey. Mr. Casey -- Mr. Coleman is available for
25 questions from cross-examination or from the Commission.

1 HEARING OFFICER HOGLE: Thank you. Just one
2 question for you, Mr. Jetter.

3 Would it be a good idea to have the settlement
4 stipulation admitted into the record, or do you think
5 it's necessary?

6 MR. JETTER: I think it would be better to put
7 it in than not, so I'll move to enter that into the
8 record.

9 HEARING OFFICER HOGLE: Okay. It is entered.
10 Thank you.

11 I do have one question, another question, and
12 maybe this is for Mr. Coleman or Mr. Bradshaw. Just a
13 second here -- or either Mr. Jetter or Ms. Melillo.

14 I'm looking at the Albion Utah price sheet.
15

16 CROSS-EXAMINATION OF MR. COLEMAN

17 BY HEARING OFFICER HOGLE:

18 **Q. And, Mr. Coleman, I just want to make sure that**
19 **the Residential Plan 1, which is \$30 a month, and the**
20 **Residential Plan 2, which is the \$15 per month, are sort**
21 **of in line with what other similar plans are offered in**
22 **the state of Utah that you have seen.**

23 A. So the best way that I can answer that is
24 generally we have had prepaid wireless that have filed
25 for ETC applications in this process, so their pricing

1 will be a little bit different. But a \$15 and \$30 price
2 is not vastly different from what other customers who
3 would be getting a voice phone service, say, from our
4 rural phone companies or other companies in the state.
5 It would be within the reasonable range of those prices.

6 HEARING OFFICER HOGLE: Okay. Okay. Thank you.
7 That's good. And then one other question.

8
9 CROSS-EXAMINATION OF MR. BRADSHAW

10 BY HEARING OFFICER HOGLE:

11 Q. I notice that in the Residential Plan 1, it says
12 "unlimited local and long distance." Now, my impression
13 of the application from what I read is this is going to
14 be a voice over IP type of service. And I suppose that
15 my question would be more for Mr. Bradshaw.

16 Why is there a difference between local calling
17 with long distance and local calling with no long
18 distance if it's going to be voice over IP infrastructure
19 or service that's going to be offered? From what I know
20 of VoIP, it shouldn't make a difference, you know,
21 between long distance and local calling. Can you maybe
22 explain to me if my impression is correct or -- and I'm
23 not sure if you understand my question, but I can repeat
24 it if you want, okay?

25 A. Nope. Nope, I understand it, yeah.

1 There certainly is a cost associated with long
2 distance. I mean, all carriers have that cost, they just
3 embed it within the plan.

4 So really, you know, the \$30 has some
5 assumptions in there that, you know, the typical long
6 distance, you know, usage is going to be, you know, 3- to
7 4,000 max minutes per month. So there's certainly a cost
8 difference to provide those long distance services.

9 The reason, really, we decided to offer kind of
10 the Plan 2, we just found that in our -- in the Idaho
11 exchanges, at least, there are customers who keep a
12 landline around just for emergency services. I mean, we
13 have hundreds of customers who never even pick up the
14 phone. But they keep it. When the house is burning
15 down, the kids are choking, they want a service that they
16 can call 911 or call their neighbor, call the fire
17 department. So, we've kind of just taken those costs
18 from the long distance and cut those out so we could
19 provide the \$15 a month plan.

20 HEARING OFFICER HOGLE: Okay. Okay. Well,
21 thank you. Thank you for that.

22 Okay. Does anybody have anything else? Because
23 I certainly don't. I appreciate that. Thank you for
24 your time.

25 We will be issuing an order shortly. I'm aware

1 of the June 7th, 2021 deadline that is important here,
2 and we will be issuing our order way in advance of that.
3 So, thank you, and stay safe. We're adjourned.

4 (The matter concluded at 1:15 p.m.)
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CERTIFICATE

1
2
3 State of Utah)
 ss.
4 County of Salt Lake)

5 I, Michelle Mallonee, a Registered
6 Professional Reporter in and for the State of Utah, do
hereby certify:

7 That the proceedings of said matter was
8 reported by me in stenotype and thereafter transcribed
into typewritten form;

9 That the same constitutes a true and correct
10 transcription of said proceedings so taken and
transcribed;

11 I further certify that I am not of kin or
12 otherwise associated with any of the parties of said
cause of action, and that I am not interested in the
13 event thereof.

14 WITNESS MY HAND at Salt Lake City, Utah,
this 13th day of April, 2021.

15
16 

17 _____
18 Michelle Mallonee, RPR, CCR
19 Utah CCR #267114-7801
20 Expires May 31, 2022
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