

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of Albion Telephone Company, Inc. for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving FCC Rural Digital Opportunity Fund Support	<u>DOCKET NO. 21-038-01</u> <u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u>
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ISSUED: May 11, 2021

On January 5, 2021, Albion Telephone Company, Inc. (“Albion”) filed with the Public Service Commission (PSC) a Petition for Designation as an Eligible Telecommunications Carrier in the State of Utah to receive Federal Communications Commission (FCC) Rural Digital Opportunity Fund Support (“Petition”), pursuant to Sections 214(e)(1)-(2) of the Telecommunications Act of 1934, as amended, the FCC’s rules, and the PSC’s rules. In the Petition, Albion seeks an eligible telecommunications carrier (ETC) designation in the areas for which it has been awarded Rural Development Opportunity Fund (RDOF) support through Auction 904.

On April 5, 2021, the Division of Public Utilities (DPU) filed a Stipulation and Settlement Agreement (“Settlement”) signed by DPU and Albion (together, the “Parties”). The PSC held a hearing to consider the Settlement April 12, 2021, during which Albion and DPU testified in support.

In the Settlement, the Parties stipulate and agree: Albion (1) meets, and will continue to meet, the requirements for Federal ETC designation, (2) will provide Internet speeds of 1 Gbps with low latency to a minimum of 141 locations within the RDOF serving area, and (3) will offer an interconnected VoIP service that includes unlimited local and long distance calling within the United States, and provides access to emergency services through 911 or E-911.

The Parties agree that Albion is not seeking Utah Universal Public Telecommunications Service Support at this time, but recognize that Albion has the right to file for such support in the future. The Parties stipulate and agree that designating Albion as an ETC for the RDOF-awarded areas serves the public interest, convenience, and necessity.

The Settlement further provides:

1. Albion will use a Utah-specific fact sheet that provides customers concise and complete information about the services they will receive. Albion will provide the fact sheet to each new customer at the time of enrollment, and to existing customers upon request. Albion will also make the fact sheet available for download by posting it on Albion's website. Albion agrees to promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.
2. Albion will comply with all applicable state service quality and consumer protection requirements.
3. Albion will obtain a Utah CPCN if it is required for the service offerings provided in Utah before offering them to Utah customers.
4. Albion acknowledges that approval of the Petition is 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. Albion agrees to adopt any changes to the Lifeline certification and verification process required by the FCC or the PSC.
6. Upon implementing any changes to its Lifeline offerings, Albion will timely file a notice with the PSC, the DPU, and OCS describing the changed plans.

At hearing, Albion and DPU 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, May 11, 2021.

/s/ Yvonne R. Hogle
Presiding Officer

Approved and Confirmed May 11, 2021, 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#318661

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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 May 11, 2021, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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