

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support	<p style="text-align: center;"><u>DOCKET NO. 21-2624-01</u></p> <p style="text-align: center;"><u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u></p>
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ISSUED: May 11, 2021

On January 4, 2021, Starlink Services, LLC (“Starlink”) 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’s (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, Starlink seeks an eligible telecommunications carrier (ETC) designation in its proposed Utah service area for which it has been awarded Rural Development Opportunity Fund (“RDOF”) support through Auction 904.

On March 3, 2021, the Utah Rural Telcom Association (URTA) filed a petition for leave to intervene and petition to intervene which the PSC subsequently granted. On April 1, 2021, URTA witnesses filed testimony opposing the Petition on the basis that Starlink had not provided sufficient information about the scope of the voice services and the prices that Starlink was proposing to offer.

On April 7, 2021, the Division of Public Utilities (DPU) filed a Stipulation and Settlement Agreement (“Settlement”) signed by DPU, the Office of Consumer Services (OCS), Starlink, and URTA (collectively, “Parties”). The PSC held a hearing to consider the Settlement April 20, 2021, during which Starlink, DPU, OCS, and URTA testified in support.

In the Settlement, the Parties stipulate and agree that: Starlink (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 of at least 100 Mbps download and 20 Mbps upload 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 Starlink is not seeking Utah Universal Public Telecommunications Service Support at this time, but recognize that Starlink has the right to file for such support in the future. The Parties stipulate and agree that designating Starlink as an ETC for the RDOF awarded areas serves the public interest.

The Settlement further provides:

1. Starlink will use a Utah-specific fact sheet that provides customers concise and complete information about the services they will receive. Starlink will provide the fact sheet to each new customer at the time of enrollment, and to existing customers upon request. Starlink will also make the fact sheet available for download by posting it on Starlink's website. Starlink agrees to promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.
2. Starlink will provide stand-alone basic voice service in the proposed Utah service area for a monthly rate equal to or less than 150% of the then current Utah Affordable Base Rate for residential lines, and equal to or less than 200% of the then current "Utah Affordable Base Rate" for business lines, as the term is defined in Utah Administrative Rule R746-8-200(2) and specified in R746-8-401(1)(c).

3. Starlink will comply with all applicable state service quality and consumer protection requirements.
4. Starlink will obtain a Utah certificate of public convenience and necessity before offering service to Utah customers, if one is required for such services.
5. Starlink will pay all applicable state and local regulatory fees including, but not limited to, universal service fees, emergency services, and relay services.
6. Starlink agrees to adopt any changes to the Lifeline certification and verification process required by the FCC or by the PSC.
7. Upon implementing any changes to its Lifeline offerings, Starlink will timely file a notice with the PSC, the DPU, and OCS describing the changed plans.

At hearing, Starlink, DPU, OCS, and URITA 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. However, the Settlement states: “[I]t is the Parties’ intent that this [Settlement] and resulting [PSC] order, and Starlink’s designation as an ETC for purposes of receiving federal RDOF support in the Requested Service Area, shall not be used to establish, or constitute a conclusion by the [PSC] as to, the adequacy of the satellite service in any proceeding to determine funding eligibility for support from the Utah Universal Public Telecommunications Service Support Fund.”

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#318663

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:

R. Edward Price ([ted.price@spacex.com](mailto:ted.price@spacex.com))  
Space Exploration Technologies Corp.

Jennifer Richter ([jrichter@akingump.com](mailto:jrichter@akingump.com))  
Akin Gump Strauss Hauer & Feld LLP

Phillip J. Russell ([prussell@jdrslaw.com](mailto:prussell@jdrslaw.com))  
James Dodge Russell & Stephens, P.C.

Kira M. Slawson ([kslawson@blackburn-stoll.com](mailto:kslawson@blackburn-stoll.com))  
Blackburn & Stoll, LC

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Alyson Anderson ([akanderson@utah.gov](mailto:akanderson@utah.gov))  
Bela Vastag ([bvastag@utah.gov](mailto:bvastag@utah.gov))  
Alex Ware ([aware@utah.gov](mailto:aware@utah.gov))  
([ocs@utah.gov](mailto:ocs@utah.gov))  
Office of Consumer Services

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Administrative Assistant