

PUBLIC SERVICE COMMISSION

Docket No. 22-2635-01

HEARING

July 26, 2022

ADVANCED REPORTING SOLUTIONS

801-746-5080 | office@advancedrep.com | advancedrep.com

SALT LAKE | 159 West Broadway, Broadway Lofts, Suite 100 | Salt Lake City, Utah 84101

PROVO | 3507 North University Avenue, Suite 350-D | Provo, Utah 84604

ST. GEORGE | 20 North Main Street, Suite 301 | St. George, Utah 84770

ADVANCED REPORTING SOLUTIONS
 A VERITEXT COMPANY

1 - BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

2)
3)
4 RE: Settlement stipulation) Hearing - Contract MA2908
5 in the petition of)
6 AirVoice Wireless, LLC,) Docket No. 22-2635-01
7 d/b/a AirTalk Wireless)
8)
9)
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11)
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10 Public Hearing, presided over by Ms. Yvonne Hogle,
11 taken virtually through Advanced Reporting Solutions
12 on Tuesday, July 26, 2022 at 9:05 a.m.

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24 Stenographically Reported by Christina Essi, Registered
25 Professional Reporter

I N D E X

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WITNESS: David Stewart

Examination by Mr. Steinhart.....6

WITNESS: Alex Ware

Examination by Mr. Moore.....10

WITNESS: Casey J. Coleman

Examination by Ms. Schmid.....12

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1 -o0o-

2 MS. HOGLE: It is Tuesday, July 26th, 2022,
3 approximately 9:05. Okay, we are here to consider the
4 settlement stipulation that was reached in the
5 petition of AirVoice Wireless, LLC d/b/a AirTalk
6 Wireless, for designation as an eligible telecom --
7 telecommunications carrier in the state of Utah and to
8 participate in the Utah Universal Service Fund in
9 Docket Number 22-2635-01. My name is Yvonne Hogle and
10 I am the Commissions' designated presiding officer for
11 this hearing.

12 I apologize, hold on.

13 Let's take appearances for the record,
14 please, starting with applicants, Petitioner.

15 MR. STEINHART: Good morning, Your Honor.
16 This is Lance Steinhart. I'm the attorney for
17 AirVoice Wireless d/b/a AirTalk Wireless, the
18 Petitioner in this case. Also, I have a last minute
19 substitute. Mr. Do is in Vietnam and had computer
20 trouble, went back to his hotel, so David Stewart is
21 going to testify on behalf of the company.

22 MS. HOGLE: Okay.

23 MR. STEINHART: David is -- what's your
24 title? I mean, we'll get to that. Chief Compliance
25 Officer?

1 MR. STEWART: I'm the Compliance Officer.

2 MR. STEINHART: Okay. Thank you.

3 MS. HOGLE: Compliance officer, thank you.

4 Thank you, Mr. Steinhart.

5 Okay. Let's go with the Office of Consumer
6 Services, please.

7 MR. MOORE: Robert Moore, of the AG's
8 Office, representing the Office of Consumer Services.
9 I have with me our witness, Alex Ware. He's a Utility
10 Analyst at the Office.

11 MS. HOGLE: Okay. And the Division of
12 Public Utilities, please.

13 MS. SCHMID: Patricia E. Schmid with the
14 Utah Attorney General's office for the Division. Our
15 witness today is Mr. Casey J. Coleman. Thank you.

16 MS. HOGLE: Okay. Mr. Steinhart, are you
17 ready to call your witness, please?

18 UNIDENTIFIED SPEAKER: If you'll come here.
19 I just need to change the program to which I am
20 applying for a license; is that something I can do
21 without just doing a new application?

22 [Indistinguishable speaking]

23 MS. HOGLE: I apologize. Is there somebody
24 on the line?

25 MR. STEINHART: I didn't quite catch the

1 question. I didn't quite understand what they said.

2 MS. HOGLE: Well, I'm not sure who that was.
3 It wasn't, I don't think, anyone who is supposed to be
4 on the line. I didn't understand who that was and I'm
5 not sure how we heard that person, but -- or did I
6 miss somebody? Did I -- is there somebody else who is
7 on the line?

8 MR. STEINHART: Have we been hacked?

9 MS. HOGLE: That is so interesting and so
10 strange.

11 MR. STEINHART: Who was that?

12 MS. HOGLE: I have no idea. I don't know
13 who that is or was, but let's start again.

14 Mr. Steinhart, are you ready to call your
15 witness?

16 MR. STEINHART: Yes, I am. Thank you. I
17 would like to call David Stewart.

18 MS. HOGLE: Okay, good morning.

19 MR. STEINHART: Can you swear him in, Your
20 Honor?

21 MS. HOGLE: Yes, I would.

22 Mr. Stewart, good morning, do you swear to
23 tell the truth?

24 MR. STEWART: Yes, I do.

25 MS. HOGLE: Okay, thank you. Go ahead,

1 Mr. Steinhart.

2 EXAMINATION

3 BY MR. STEINHART:

4 Q Okay. Good morning, Mr. Stewart. Could you
5 please state and spell your name for the record, please?

6 A David Stewart, D-A-V-I-D, S-T-E-W-A-R-T.

7 Q And could you tell us exactly what your title
8 is and what your general duties and responsibilities are
9 for AirVoice, the Applicant?

10 A Yes. I'm the Director of Compliance for
11 AirVoice and my duties include all regulatory and
12 compliance issues.

13 Q Okay. And are you aware and familiar with
14 the testimony that was filed in this case on behalf of
15 Mr. Do?

16 A Yes. I have reviewed the testimony.

17 Q And the testimony is supporting AirVoice's
18 petition in this proceeding to get ETC designation in the
19 state of Utah; is that correct?

20 A That is correct.

21 Q Okay. Is there -- other than the personal
22 information related to Mr. Do, are there any corrections
23 in the testimony that you'd like to make at this time?

24 A No, there are not.

25 [Noise interference]

1 BY MR. STEINHART:

2 Q And if you were asked those same questions
3 today that are posed in the -- hello? I'm sorry.

4 [Indistinguishable speaking]

5 MR. STEINHART: Crossed lines again.

6 MS. HOGLE: Okay, I apologize. Let's just
7 wait and pause for a little bit.

8 MR. WARE: In case anybody is wondering,
9 this is Alex with Consumer Services. I'm noticing on
10 my feed when that shows up it's coming from the Utah
11 Public Service Commission Host Line, is indicating
12 that it's speaking.

13 MS. HOGLE: Okay. Can you all -- first of
14 all, can we -- I don't know if they can hear me, but
15 can we stop the streaming and let's pause for about
16 five minutes; is that okay? And I'll be right back.
17 Excuse me.

18 (There was a brief recess taken.)

19 BY MR. STEINHART:

20 Q If you were asked the same questions today
21 that are contained in the pre-file testimony of Mr. Do,
22 would your answers be the same in all material respects?

23 A Yes, they would.

24 Q Okay. And at this point, would you like to
25 adopt Mr. Do's testimony as your own testimony, other

1 **than related to personal information for Mr. Do?**

2 A Yes, I would.

3 MR. STEINHART: Okay. At this point, I
4 would like to make a motion to admit Mr. Do's
5 testimony as adopted today by Mr. Stewart into the
6 record.

7 MS. HOGLE: Okay, thank you.

8 Mr. Moore, any objection from the Office?

9 MR. MOORE: No objections. Thank you.

10 MS. HOGLE: Ms. Schmid, any objections from
11 DPU?

12 MS. SCHMID: No objections. Thank you.

13 MS. HOGLE: Okay. They're admitted. Thank
14 you.

15 BY MR. STEINHART:

16 Q Okay. In general, Mr. Stewart, would you say
17 that the applications and the testimony and the
18 stipulation in this matter sets forth with certainty that
19 AirVoice has met all federal and state requirements in
20 order to be designated as an ETC in the state of Utah,
21 demonstrated that it will follow the rules, and that it
22 would be in the public interest to grant the petition?

23 A Yes, I would.

24 Q And, further, are you familiar with the
25 stipulation that was entered into between the parties in

1 **this matter?**

2 A Yes. I have reviewed the stipulation and
3 settlement agreement.

4 Q **And does it accurately represent AirVoice's**
5 **position in this case?**

6 A Yes, it does.

7 Q **And do you believe that adopting the**
8 **stipulation would result in a just and reasonable result**
9 **in this petition and also be in the public interest?**

10 A Yes, I do.

11 Q **Thank you.**

12 MR. STEINHART: Your Honor, at this point, I
13 would turn Mr. Stewart over for any cross-examination
14 from either yourself or the other parties.

15 MS. HOGLE: Okay, thank you very much.

16 MR. STEINHART: You're welcome.

17 MS. HOGLE: Does the Office -- does the
18 Office have any cross-examination for Mr. Stewart?

19 MR. MOORE: No questions. Thank you.

20 MS. HOGLE: Does the Division? Any
21 questions for Mr. Stewart?

22 MS. SCHMID: No questions. Thank you.

23 MS. HOGLE: I don't have any questions
24 either, Mr. Stewart. Thank you for your time this
25 morning.

1 MR. STEWART: Thank you.

2 MS. HOGLE: Okay. At this point, let's go
3 with Mr. Moore. Are you ready to call your witness,
4 Mr. Moore?

5 MR. MOORE: Yes, thank you. The OCS calls
6 Alex Ware and asks that he be sworn.

7 MS. HOGLE: Mr. Ware, do you swear to tell
8 the truth?

9 MR. WARE: I do.

10 MS. HOGLE: Okay. Thank you very much.

11 EXAMINATION

12 BY MR. MOORE:

13 Q Could you please state your name, occupation,
14 and business address for the record?

15 A Yes. My name is Alex Ware. I'm a Utility
16 Analyst with the Office of Consumer Services and my
17 business address is 160 East 300 South, Salt Lake City,
18 Utah.

19 Q In your capacity as a utility analyst for the
20 OCS, have you reviewed the filings in this docket,
21 including the March 22nd, 2002 [as spoken] petition, the
22 direct testimony of Henry Do, filed by AirVoice on
23 May 13th, 2022?

24 A Yes.

25 Q Have you reviewed and did you participate in

1 the negotiations of the settlement stipulation that was
2 filed by the parties on July 11th, 2022, the stipulation
3 that is the subject of these proceedings?

4 A Yes.

5 Q Have you prepared a statement summarizing the
6 OCS's position on the settlement stipulation?

7 A Yes, I have.

8 Q Could you please proceed?

9 A Sure. AirVoice Wireless petitioned in this
10 case to be designated as an eligible telecommunications
11 carrier in the state of Utah as well as to participate in
12 the Utah Universal Service Fund with a Lifeline Program
13 offering. AirVoice's Utah Lifeline Program offering of
14 1,000 voice minutes and 4.5 gigabytes of data each month
15 meets the minimum requirements for a wireless
16 telecommunications provider to receive Federal Lifeline
17 funds. The addition to the offering of unlimited text
18 messages each month exceeds the requirements and adds
19 value to potential Lifeline customers in Utah. The OCS
20 believes that the stipulation before the Commission is
21 just and reasonable in result and in the public interest
22 and recommends that the Commission approve it. Thank
23 you.

24 MR. MOORE: Mr. Ware is now available for
25 cross and questions from the Hearing Officer.

1 MS. HOGLE: Thank you, Mr. Ware. Does
2 Mr. Steinhart have any questions or cross-examination
3 for Mr. Ware?

4 MR. STEINHART: No, I don't. Thank you.

5 MS. HOGLE: Okay. Ms. Schmid, do you have
6 any questions for Mr. Ware, any cross-examination?

7 MS. SCHMID: No, thank you.

8 MS. HOGLE: Okay, and I don't either.
9 Mr. Ware, thank you for your time this morning.

10 Now, let's go to the Division of Public
11 Utilities.

12 MS. SCHMID: Thank you. The Division would
13 call Mr. Casey J. Coleman as its witness.

14 MS. HOGLE: Mr. Coleman, do you swear to
15 tell the truth?

16 MR. COLEMAN: Yes.

17 EXAMINATION

18 BY MS. SCHMID:

19 Q Good morning, Mr. Coleman. Could you please
20 state your full name, business address, employer, and
21 position for the record?

22 A Yes. My name is Casey J. Coleman. I work
23 for the Division of Public Utilities as a Utility
24 Technical Consultant and the address is 160 East 300
25 South, Salt Lake City, Utah.

1 Q In conjunction with your employment by the
2 Division, have you participated in this docket?

3 A Yes.

4 Q Have you reviewed the filings in this docket?

5 A Yes.

6 Q Have you participated in the settlement
7 negotiations and preparation and filing of the
8 stipulation and settlement agreement in this docket?

9 A Yes.

10 Q Do you have a statement giving the Division's
11 position on this matter?

12 A Yes, I do.

13 Q Please proceed.

14 A The Division of Public Utilities recommends
15 the Commission approve the stipulation as filed by
16 AirVoice Wireless, LLC, the Division of Public Utilities,
17 and The Office of Consumer Services, parties in this
18 docket. There are a number of -- oh, hold on, sorry.

19 There are a number of elements to this
20 stipulation that the Division would like to highlight for
21 the Commission. AirVoice is a commercial mobile radio
22 service provider and a calling carrier which provides
23 prepaid wireless telecommunications services to consumers
24 by using the underlying wireless networks of AT&T
25 Mobility, LLC, and T-Mobile USA, Inc., on a wholesale

1 basis. AirVoice seeks an eligible telecommunications
2 carrier or ETC designation for the purpose of receiving
3 Federal Universal Lifeline support for qualifying Utah
4 customers, federal enhanced tribal universal service
5 Lifeline support for qualifying Utah customers, and
6 Lifeline support from the Utah Universal Service Fund for
7 qualifying customers. AirVoice meets the requirements
8 for a federal ETC designation and satisfies the
9 requirements for receiving state Lifeline support from
10 the Utah Universal Service Fund. The services offered by
11 AirVoice to low income Utah customers meets or exceeds
12 both the FCC's Lifeline minimum service standards and the
13 Commission's Utah Universal Service Fund plan
14 requirements.

15 The service offered by AirVoice for
16 non-travel customers includes 1,000 voice minutes,
17 unlimited text messages, and 4.5 gigabytes of data each
18 usage month. For travel customers, the service includes
19 unlimited talk, text, and data. Both options will have
20 zero cost to the customers after application of Lifeline
21 and -- by Universal Service Fund support.

22 Some additional requirements for AirVoice to
23 be an ETC, as discussed in the stipulation, includes
24 AirVoice will use a Utah specific fact sheet that
25 provides customers concise and complete information about

1 the services they will receive. Additionally, AirVoice
2 will comply with all applicable state service, quality,
3 and consumer protection requirements. When making any
4 changes to its Lifeline offerings, AirVoice will file a
5 notice with the Division of Public Utilities and Office
6 of Consumer Services describing the changed plans.
7 Finally, AirVoice acknowledges that approval of the
8 petition and ongoing receipt of Utah Universal Service
9 Fund support are conditioned upon the verified payment of
10 all applicable state and local regulatory fees, including
11 but not limited to universal service fees, emergency
12 services, and related services.

13 Because AirVoice Wireless has met the federal
14 requirements for an ETC designation, will follow all
15 applicable service quality rules, pay all applicable
16 regulatory fees, and its service offering meets or
17 exceeds the requirements outlined by the FCC and
18 Commission, it is the Division's position that the
19 stipulation is just and reasonable in result and in the
20 public interest. The Division recommends that the
21 Commission approve the stipulation as submitted by the
22 parties.

23 MS. SCHMID: Thank you. That concludes the
24 Division's presentation regarding the stipulation of
25 settlement agreement. Mr. Coleman is now available

1 for questions from the parties and from the Hearing
2 Officer.

3 MS. HOGLE: Thank you. Mr. Moore, does the
4 Office have any questions or cross-examination for
5 Mr. Coleman?

6 MR. MOORE: No questions. Thank you.

7 MS. HOGLE: Mr. Steinhart, does AirVoice
8 have any cross-examination for Mr. Coleman?

9 MR. STEINHART: No, thank you.

10 MS. HOGLE: Mr. Coleman, thank you very
11 much. I also do not have any questions for you.

12 Thank you all for logging onto the hearing
13 this morning. I apologize again for the technical
14 difficulties that we had, but I think we got through
15 it, so thank you for your patience again and we will
16 by adjourning unless anybody has any questions or
17 anything that we overlooked that we should bring up
18 now. I can't think of anything. And I don't see
19 anybody bringing anything up, so thank you again and
20 we are adjourned. Thank you.

21 (Hearing concluded at 9:29 a.m.)

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1 STATE OF UTAH)
2 COUNTY OF SALT LAKE)

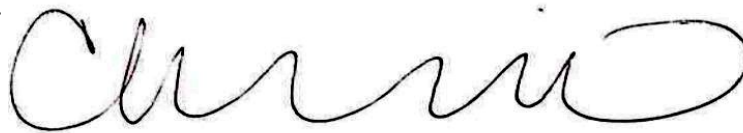
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I, Christina Essi, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witnesses were placed under oath to tell the truth; that the proceedings were taken down by me in stenographic shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am not a relative or employee of any attorney of the parties, nor do I have a financial interest in the action.

I have subscribed my name on this 27th day of July, 2022.



Christina Essi, RPR, CSR

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