

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Petition of AirVoice Wireless, LLC d/b/a AirTalk Wireless for Designation as an Eligible Telecommunications Carrier in the State of Utah and to Participate in the Utah Universal Service Fund	<p style="text-align: center;"><u>DOCKET NO. 22-2635-01</u></p> <p style="text-align: center;"><u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u></p>
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ISSUED: August 29, 2022

On March 22, 2022, AirVoice Wireless, LLC d/b/a AirTalk Wireless (“AirVoice”) filed a Petition for Designation as an Eligible Telecommunications Carrier (ETC) in the State of Utah and to Participate in the Utah Universal Service Fund (“Petition”). In the Petition, AirVoice states it seeks ETC designation solely to use universal service fund (USF) funding to provide Lifeline service to qualified low-income consumers. AirVoice also seeks approval to receive Utah State Lifeline support from the Utah Universal Public Telecommunications Service Support Fund (“UUSF”) for qualifying low-income customers.

On July 11, 2022, the Office of Consumer Services (OCS), on behalf of the parties to the docket, filed a Stipulated Settlement Agreement (“Settlement”), signed by OCS, the Division of Public Utilities (DPU), and AirVoice (collectively, the “Parties”). The Public Service Commission (PSC) held a hearing to consider the Settlement on July 26, 2022, during which AirVoice, DPU, and OCS provided testimony supporting the Settlement.

In the Settlement, the Parties stipulate and agree: AirVoice (1) meets the requirements for Federal ETC designation; (2) seeks ETC designation for the purpose of receiving (a) federal universal Lifeline support for qualifying Utah customers, (b) federal enhanced tribal universal service Lifeline support for qualifying Utah customers, and (c) Lifeline support from the UUSF for qualifying customers; (3) will provide prepaid wireless telecommunications services,

including those set forth in ¶ 9 of the Settlement, to consumers by using the underlying wireless networks of AT&T Mobility LLC and T-Mobile USA, Inc. on a wholesale basis; and (4) satisfies the requirements for receiving UUSF support. The Parties stipulate and agree that designating AirVoice 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. AirVoice will use a Utah-specific fact sheet, reflected on Attachment 1 of the Settlement, that provides customers concise and complete information about the services they will receive. AirVoice will provide the fact sheet to each new customer at the time of enrollment, and to existing customers upon request. AirVoice will also make the fact sheet available for download by posting it on AirVoice's website. AirVoice agrees to promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.
2. AirVoice 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. AirVoice will comply with all applicable state service quality and consumer protection requirements and the Cellular Telecommunications and Internet Association Consumer Code.
4. AirVoice 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. AirVoice agrees to adopt any changes to the certification and verification process required by the Federal Communications Commission or by the PSC.
6. Upon implementing any changes to its Lifeline offerings, AirVoice will timely file a notice with DPU and OCS describing the changed plans.

At hearing, AirVoice, 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, August 29, 2022.

/s/ Yvonne R. Hogle
Presiding Officer

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Approved and Confirmed August 29, 2022, 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#325263

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the 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 fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, 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 Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on August 29, 2022, a true and correct copy of the foregoing was served upon the following as indicated below:

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