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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of DISH Wireless, LLC d/b/a Gen Mobile for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Providing Lifeline Service to Qualifying Customers

Docket No. 23-2641-01

SETTLEMENT STIPULATION AND
MOTION FOR A VIRTUAL HEARING
DATE

Pursuant to Utah Code §§ 54-10a-30, 54-7-1 and UTAH ADMIN. CODE r. 746-101, the Office of Consumer Services (OCS) hereby files the Stipulated Settlement Agreement, attached as exhibit 1, and this Motion to set a Virtual Hearing Date. The OCS, the Division of Public Utilities (DPU) and DISH Wireless LLC d/b/a Gen Mobile (DISH Wireless) (collectively the Parties), have entered into a Settlement Stipulation and, pursuant to Utah Code § 54-7-1, seek to have the settlement approved by the Public Service Commission of Utah (PSC). The Parties request that date for a virtual hearing on the approval of the settlement be set for November 3, 2023, at 9:00 am.

On March 6, 2023, DISH Wireless filed a Petition seeking designation as an Eligible Telecommunication Carriers in the state of Utah for the purpose of receiving federal universal Lifeline support, federal enhanced tribal universal service Lifeline support, and Lifeline support from the Utah Universal Service Fund. The PSC held a virtual scheduling conference in this

docket on March 15, 2023, and issued a Scheduling Order on that same day. However, on June 29, 2023, the OCS and DPU, with the support of DISH Wireless, filed a Joint Motion to Vacate the Scheduling Order and Request for a Scheduling Conference. On July 3, 2023, the PSC granted the Joint Motion and set a scheduling conference for July 19, 2023. Subsequent to that scheduling conference, the PSC issued a Second Scheduling Order on July 21, 2023.

On March 29, 2023, DISH Wireless filed the Direct Testimony of Robert Yap in support of its Petition. On August 1, 2023, pursuant to the second Scheduling Order, DISH Wireless filed the Supplemental Direct Testimony of Mr. Yap. Since the filing of Mr. Yap's supplemental testimony, the Parties have engaged in good faith settlement negotiations in an effort to reach a settlement concerning the issues raised in DISH Wireless' Petition.

On October 4, 2023, the Parties filed a Joint Motion to Vacate Second Scheduling Order asserting that settlement was imminent but there was not sufficient time for a Settlement Stipulation to be signed and attach to a Motion to Vacate the Scheduling Order and Request for Hearing Date prior to the date for Direct Testimony from the OCS and DPU. On October 5, 2023, the PSC issued an Order granting the Motion and Vacating the Second Scheduling Order. The Parties have now reached a final settlement, as delineated in the attached Settlement Stipulations, and wish to set a date for a virtual hearing on the PSC's approval of the on November 3, 2023, at 9:00 am.

The OCS has provided a copy of this Motion to the DPU and DISH Wireless and both parties represented that they support the Motion. The OCS is unaware of anyone opposing this Motion or the Settlement Stipulation and is also unaware of anyone other than the Parties who expressed an interest in this docket.

Respectfully submitted, October 13, 2023.

Robert J. Moore _____

Robert J. Moore

ASSISTANT ATTORNEY GENERAL

Attorney for the Office of Consumer Services