
Petition of TerraCom, Inc. d/b/a Maxsip Tel, LLC for Designation as an Eligible Telecommunications Carrier in the State of Utah and to Participate in the Utah Universal Service Fund

DOCKET NO. 23-2642-01
ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT

ISSUED: November 27, 2023

SYNOPSIS

The Public Service Commission (PSC) approves the stipulation and settlement agreement and grants TerraCom Inc. d/b/a Maxsip Tel, LLC's Petition for Designation as an Eligible Telecommunications Carrier (ETC) in the State of Utah and to Participate in the Utah Universal Service Fund ("Petition").

BACKGROUND

On July 27, 2023, TerraCom, Inc. d/b/a Maxsip Tel, LLC ("Maxsip") filed the Petition seeking ETC designation for federal universal service fund (FUSF) funding solely to provide Lifeline service to qualifying Utah consumers – Maxsip will not (and is not eligible to) seek access to funds from the FUSF for the purpose of participating in the Link-Up program or high cost program – and to receive Utah Lifeline support from the Utah Universal Public Telecommunications Service Support Fund ("UUSF") for qualifying low-income customers. There were no intervenors in this docket.

PROCEDURAL HISTORY

1. A virtual scheduling conference was held August 4, 2023, and a Scheduling Order was issued August 9, 2023.
2. Maxsip filed the written direct testimony of David Tatum, Chief Financial Officer of Maxsip on August 29, 2023.

3. The Office of Consumer Services (OCS) and the Division of Public Utilities (DPU), supported by Maxsip (collectively, the “Parties”), filed a Joint Motion to Vacate the Scheduling Order and for Expedited Treatment on October 16, 2023. That motion was granted.

4. On November 1, 2023, DPU, on behalf of the Parties, filed a Settlement Stipulation and Joint Motion for a Virtual Hearing Date and for Expedited Treatment (“Settlement”). That motion was granted.

5. On November 7, 2023, the PSC held a virtual hearing to consider the Settlement during which witnesses for the Parties provided sworn testimony and other evidence supporting the Settlement.

THE SETTLEMENT STIPULATION

In the Settlement, the Parties stipulate and agree that, among other things, Maxsip: (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 telecommunications services, including those set forth in the Settlement, and (4) satisfies the requirements for receiving UUSF support. The Parties also stipulate and agree that designating Maxsip as an ETC serves the public interest, convenience, and necessity, as defined in 47 U.S.C. Section 214(e)(2).

The Settlement further provides:

1. Maxsip will use a Utah-specific fact sheet (reflected in Attachment 1 of the Settlement) containing concise and complete information about the services to be provided to each new customer at the time of enrollment, and to existing customers upon request. Maxsip will make the fact sheet available for download on its website. Additionally, Maxsip will promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.
2. Maxsip will receive \$3.50 per qualifying line per month pursuant to Utah Admin. Code R746-8-403 and Utah Code Ann. Section 54-8b-15.
3. Maxsip will comply with all applicable state service quality and consumer protection requirements and the Cellular Telecommunications and Internet Association Consumer Code.
4. Maxsip 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. Maxsip 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, Maxsip will file a timely notification with DPU and OCS describing the changed plans.

At hearing, and consistent with the terms of the Settlement, witnesses for the Parties each 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.

Based on the PSC's review of the Petition, the record evidence, and the Settlement, and considering there is no opposition, the PSC enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS, CONCLUSIONS, AND ORDER

Settlement 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.¹

Based on our consideration of the Petition, the submitted written testimony, the testimony at hearing, the Settlement, and the lack of opposition, the PSC finds and concludes that the record evidence supports that the Settlement and its terms, including Maxsip's commitments in the Utah-specific fact sheet, are just and reasonable in result and in the public interest.

¹ See Utah Code Ann. § 54-7-1.

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The PSC approves the Settlement and grants the Petition, as conditioned and supplemented by the Settlement.

DATED at Salt Lake City, Utah, November 27, 2023.

/s/ John E. Delaney
Presiding Officer

Approved and Confirmed November 27, 2023 as the Order of the Public Service Commission.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#330927

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 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 November 27, 2023, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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