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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of IM Telecom, LLC d/b/a)
Infiniti Mobile for Designation)
as an Eligible Telecommunications) Docket No. 23-2644-01
Carrier in the State of Utah and)
to Participate in the Utah) Hearing
Universal Service Fund)

March 25, 2024

9:10 a.m.

Hearing took place via WebEx Videoconferencing

Reporter: Melinda J. Andersen

Certified Shorthand Reporter and Notary Public

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A P P E A R A N C E S

For Infiniti Mobile: Lance J.M. Steinhart
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For the Division: Patrick Grecu
pgrecu@agutah.gov

For the Office: Alex Ware
aware@utah.gov

Hearing Officer: John Delaney

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1 P R O C E E D I N G S

2 March 25, 2024

3 HEARING OFFICER: Good morning, everyone. My
4 name is John Delaney. I am the Commission's designated
5 presiding officer for this hearing. Today is March 25th.
6 It's about 10 minutes after 9:00. This is the date and
7 time that is scheduled for the virtual hearing in Docket
8 23-2644-01, which is the Petition of IM Telecom, LLC d/b/a
9 Infiniti Mobile for designation as an eligible
10 telecommunications carrier in the State of Utah and to
11 participate in the Utah Universal Service Fund. We're here
12 to consider the settlement stipulation filed.

13 Let's begin with the report on the status of
14 counsel for the Office of Consumer Services.

15 MR. WARE: Our counsel had a medical
16 appointment this morning. So I apologize for the cross in
17 all of that there. I talked to Michelle and she was just
18 saying that we're happy to make the statement if the court,
19 or if the judge will allow us to. And if not, that's okay
20 too. It's up to you if you would like to swear me in.

21 HEARING OFFICER: Okay. I think this is how I
22 would like to proceed. We do have a settlement stipulation
23 that looks quite noncomprehensive. The parties have done a
24 lot of work to get to this point. We set up the hearing to
25 run this thing to ground. If the Office of Consumer

1 Services consents to proceed without counsel to provide the
2 testimony it otherwise would have provided at the direction
3 of counsel, the Public Service Commission is fine with
4 that.

5 MR. STEINHART: We are willing and happy to do
6 that.

7 HEARING OFFICER: Okay. Let's just park that
8 then and let's take it from the top and let's start with
9 appearances.

10 Mr. Steinhart, would you please make an
11 appearance for yourself and your witness please?

12 MR. STEINHART: Yes, Your Honor. This is Lance
13 Steinhart, the attorney for IM Telecom LLC d/b/a Infiniti
14 Mobile, business address 1725 Windward Concourse, Suite 150
15 in Alpharetta, Georgia, 30005.

16 HEARING OFFICER: And your witness today?

17 MR. STEINHART: I do not have a company witness
18 today. I was going to present on behalf of the company.
19 Do we need one? I didn't think we needed one.

20 HEARING OFFICER: This is -- we need sworn
21 testimony. This is a public hearing to address the
22 settlement stipulation that needs to be supported by
23 evidence.

24 MR. STEINHART: Can I get two minutes to get
25 somebody on the phone please?

1 HEARING OFFICER: Sure. Why don't I give you a
2 little bit more time just in case. Why don't we circle
3 back here by my computer in eight minutes which will be
4 9:20 a.m. Is that acceptable to everyone? We will be
5 adjourned for a moment. Thank you.

6 MR. STEINHART: Thank you.

7 (Off the record.)

8 HEARING OFFICER: Okay, everybody, if you'll
9 come back. Let's reconvene. We're back on in Docket
10 23-2644-01. We're here to consider the settlement
11 stipulation filed by the parties. We've had a few hiccups
12 along the way. Before we get started I do want to note two
13 things. One is that the parties requested a 9:00 a.m.
14 Monday, March 25th, hearing. The notice also requested and
15 directed the parties to have their witnesses available to
16 testify. We've now made it over the hump, so both of those
17 two things being somewhat problematic. I wanted that to be
18 on the record. And I would like to begin again with the
19 Applicant's appearance.

20 Mr. Steinhart, if you could just state your
21 name and then introduce your witness please.

22 MR. STEINHART: Thank you, Your Honor. I
23 apologize for the miscommunication this morning. This is
24 Lance Steinhart, again the attorney for IM Telecom LLC
25 d/b/a Infiniti Mobile. Our witness today is an authorized

1 representative of the company, John Ripley.

2 HEARING OFFICER: Thank you very much. For the
3 Division.

4 MR. GRECU: Patrick Grecu, assistant attorney
5 general representing the Division. The Division's witness
6 today will be Jonathan Lee.

7 HEARING OFFICER: Thank you very much.
8 Mr. Ware, we know that you are unrepresented by counsel in
9 this hearing today, but please introduce yourself.

10 MR. WARE: Yes, that is correct. My name is
11 Alex Ware and I am an analyst with the Office of Consumer
12 Services.

13 HEARING OFFICER: Okay. Just so you know
14 without the direction of your lawyer, we will go in this
15 order. We'll have the applicant go first. And then the
16 Division will be asked if they have any questions. The
17 Office will be asked if it has any questions, I'm assuming
18 that you will have none. The Division's witness will go.
19 The Applicant will then have an opportunity to ask any
20 questions if any, and as well as the Office will then have
21 the opportunity to ask questions, which again I assume they
22 won't.

23 Then, Mr. Ware, you will step up. I will swear
24 you in. You will provide your testimony and then be
25 subject to examination by Mr. Steinhart and Mr. Grecu.

1 MR. GRECU: Thank you for the instruction.

2 HEARING OFFICER: When we get to you we will
3 take it in baby steps. Wonderful. We're going to start
4 with the Applicant. I'm just going to refer to you as
5 Infiniti if that's okay.

6 MR. STEINHART: That will be great. Thank you.

7 HEARING OFFICER: Let me swear in your witness
8 and then you can proceed.

9 MR. STEINHART: Thank you, Your Honor.

10 HEARING OFFICER: Good morning, Mr. Ripley. My
11 name is John Delaney. Do you swear to tell the truth?

12 MR. RIPLEY: I do, yes, sir.

13 HEARING OFFICER: Mr. Steinhart, please
14 proceed.

15 DIRECT EXAMINATION

16 BY MR. STEINHART:

17 Q. Mr. Ripley, could you please state your name
18 for the record please?

19 A. John Ripley.

20 Q. Are you familiar with the application that was
21 filed in this docket?

22 A. I am, yes.

23 Q. Are you also familiar with the pretrial direct
24 testimony of Jason Welch that was filed in this docket?

25 A. I am, yes.

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1 Q. Would you like to -- other than the personal
2 information contained therein about Mr. Welch, would you
3 like to adopt his pretrial testimony as your testimony at
4 this point in time?

5 A. Yes, I would. Thank you.

6 Q. Is the information contained therein true and
7 correct in all material respects to the best of your
8 knowledge?

9 A. Yes, it is.

10 Q. Thank you. Are you also familiar with the
11 stipulation that was entered into in this proceeding?

12 A. Yes, I am.

13 Q. The company and you are supportive of such
14 stipulation and settlement?

15 A. Yes, that's correct.

16 Q. Thank you.

17 MR. STEINHART: Your Honor, I have no further
18 questions for Mr. Ripley at this point in time. I will
19 turn him over for cross examination.

20 HEARING OFFICER: Thank you very much. Back to
21 Mr. Steinhart's conclusion which leads us to the Division.
22 Any questions for Mr. Ripley?

23 CROSS EXAMINATION

24 BY MR. GRECU:

25 Q. I just have one item. I apologize if I missed

1 this. Mr. Ripley, what is your position with the company?

2 A. I am an authorized representative of Infiniti
3 Mobile preparing their filings and testimonies on their
4 behalf.

5 Q. Thank you.

6 HEARING OFFICER: Mr. Ware, I'll give you the
7 opportunity to ask any questions if you have any.

8 MR. WARE: No questions. Thank you.

9 HEARING OFFICER: I do have a question.
10 Mr. Ripley, is your title within the company authorized
11 representative, or do you have a title?

12 MR. RIPLEY: No, sir. My title is authorized
13 representative. I hold an officer position, but the title
14 at this point in time is authorized representative.

15 HEARING OFFICER: Thank you. That's good
16 enough. That's all I have. Why don't we move to the
17 Division.

18 MR. GRECU: The Division would like to call
19 Jonathan Lee.

20 HEARING OFFICER: Good morning, Mr. Lee.

21 MR. LEE: Good morning.

22 HEARING OFFICER: Do you swear to tell the
23 truth?

24 MR. LEE: Yes.

25 HEARING OFFICER: Great. Thank you. You are

1 sworn. Please proceed counsel.

2 DIRECT EXAMINATION

3 BY MR. GRECU:

4 Q. Mr. Lee, could you please state and spell your
5 name for the record?

6 A. Jonathan Lee, J-O-N-A-T-H-A-N, L-E-E.

7 Q. And by whom are you employed?

8 A. The Utah Division of Public Utilities.

9 Q. And your business address?

10 A. 160 East 300 South, Fourth Floor, Salt Lake
11 City, Utah, 84111.

12 Q. What is your position at the Division?

13 A. I'm a utility analyst.

14 Q. Could you provide a brief overview of your
15 educational background?

16 A. Yes. I have a bachelor's degree in electrical
17 engineering from the University of Utah and an MBA in
18 accounting from San Francisco State University.

19 Q. Can you please briefly describe some of your
20 work experience that is relevant to this docket?

21 A. Yes. I've worked at the Division since June of
22 2023. Prior to that I was the chief deputy auditor and the
23 chief deputy treasurer at Davis County for the previous 19
24 years. And prior to that I worked at the Division.

25 Q. Have you participated in this docket on behalf

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1 of the Division?

2 A. Yes.

3 Q. Did you review the Company's petition,
4 supporting exhibits and pretrial testimony?

5 A. Yes.

6 Q. Did you also review the settlement stipulation
7 that is filed in this docket?

8 A. Yes.

9 Q. Is it the Division's position that the
10 settlement stipulation is just and reasonable and result?

11 A. Yes.

12 Q. Based on your knowledge and experience with the
13 Division, do you believe that approving the settlement
14 stipulation will be just, reasonable and in the public
15 interest?

16 A. Yes.

17 Q. Do you have a summary to share today?

18 A. I do.

19 Q. Please proceed.

20 A. Okay. The Division of Public Utilities, the
21 Division, recommends that the Public Service Commission
22 approve the stipulation and settlement agreement as filed
23 by IM Telecom LLC doing business as Infiniti Mobile with
24 the Division and the Office of Consumer Services, OCS.

25 On December 15, 2023, Infiniti Mobile filed

1 with the Commission its petition for designation as an
2 eligible telecommunication carrier in the State of Utah and
3 to participate in the Utah Universal Fund. In support of
4 its petition Infiniti Mobile filed the direct testimony of
5 Jason Welch on January 11, 2024. The parties have reached
6 an agreement on the issues of this docket as set further in
7 the stipulation filed with the Commission on February 14,
8 2024.

9 There are several elements of this stipulation
10 that the Division would like to highlight for the
11 Commission.

12 Infiniti Mobile is a commercial mobile service
13 provider, radio service provider and a common carrier that
14 provides prepaid wireless telecommunication to consumers
15 using the underlying wireless network of AT&T Mobility LLC,
16 Verizon Wireless and T-Mobile USA Inc., the underlying
17 carriers on a wholesale basis.

18 Infiniti Mobile seeks designation as an
19 eligible telecommunication carrier, or an ETC, for the
20 purpose of receiving Federal Universal Service lifeline
21 support for qualifying Utah customers, federal enhanced
22 tribal universal lifeline support for qualifying Utah
23 costumers, and lifeline support from Utah Universal Service
24 Fund, the UUSF, for qualifying customers.

25 Infiniti Mobile meets the requirements for

1 federal ETC designation and for receiving state lifeline
2 support from the Utah Universal Service Fund.

3 In Exhibit 6 of its petition and attachment 1
4 included with the direct testimony, Infiniti Mobile
5 described three service plans that it proposed to offer in
6 Utah, which are identified as Plan 1, Plan 2 and Plan 3.
7 However, Plan 1 did not meet the federal or state minimum
8 service standards for lifeline plans.

9 To resolve this issue the Company agreed to
10 eliminate the noncompliant plan as an option for Utah
11 customers. Therefore, the stipulation set forth that
12 Infiniti Mobile will offer to low income customers two
13 plans that meet or exceed both the FCC's lifeline minimum
14 services standard and the Commission's Utah Universal
15 Service Fund plan requirement outlined in Commission Rule
16 R746-8-403.

17 Infiniti Mobile's plan for nontribal customers
18 include 3,000 voice minutes, unlimited text messages and
19 4.5 gigabit of data per month for a net cost to customers
20 of \$16 per month after application of lifeline and
21 universal service fund support. This includes the federal
22 and state discounts of \$9.25 and \$3.50 per month
23 respectively.

24 For tribal customers, Infiniti Mobile offers
25 3,000 voice minutes, unlimited text messages and 6 gigabits

1 of data per month with zero cost to the subscriber after
2 the application of lifeline and Utah Universal Service Fund
3 support.

4 As discussed in the stipulation, Infiniti
5 Mobile agrees to include an additional requirement in its
6 provision of lifeline universal service offerings. First,
7 Infiniti Mobile will use the Utah specific fact sheet and
8 provide customers with concise and complete information
9 about the services that they will receive. Second,
10 Infiniti Mobile will comply with all applicable state
11 service quality and consumer protection requirements.
12 Third, Infiniti Mobile acknowledges that approval of the
13 petition and ongoing receipt of Utah Universal Service Fund
14 support system on the verified payment of all applicable
15 state and local regulatory fees, including, but not limited
16 to universal service fees, emergent services and related
17 services. Fourth, Infiniti agrees to adopt any changes to
18 the certification and verification process required by the
19 FCC by the Commission. Finally, if making any changes to
20 its lifeline offering, Infiniti Mobile will timely file a
21 notice with the Division and the Office describing the
22 changed plans.

23 Because Infiniti Mobile meets the federal
24 requirements for an ETC designation, Infiniti Mobile will
25 follow all applicable service quality rules, pay all

1 applicable regulatory fees, offer services that meet or
2 exceeds the requirements outlined by the FCC and Commission
3 and have agreed to use its Utah specific fact sheet, it is
4 the Division's position that the stipulation is just and
5 reasonable and in the public interest.

6 The Division recommends that the Commission
7 approve the stipulation and settlement agreement as
8 submitted by the parties. And that concludes my summary.

9 Q. Thank you.

10 MR. GRECU: At this point, the Division would
11 like to move to admit the settlement stipulation filed on
12 March 19, 2024.

13 HEARING OFFICER: Thank you very much. Any
14 obligation to that motion?

15 MR. STEINHART: None from the Applicant. Thank
16 you.

17 HEARING OFFICER: Mr. Ware.

18 MR. WARE: None from the Office. Thank you.

19 HEARING OFFICER: Your motion is granted, the
20 stipulation is submitted.

21 MR. GRECU: I also would defer to Mr. Steinhart
22 if he wants to move to admit the Company's documents, if
23 not the Division can.

24 MR. STEINHART: I would like to move to admit
25 the Company's documents into the record at this time

1 please.

2 HEARING OFFICER: Would you identify what those
3 documents are. Is it the --

4 MR. STEINHART: The testimony, the petition and
5 the direct testimony and the stipulation.

6 HEARING OFFICER: Direct testimony of Jason
7 Welch, correct?

8 MR. STEINHART: Correct.

9 HEARING OFFICER: Any objection, Mr. Grecu?

10 MR. GRECU: No objection.

11 HEARING OFFICER: Mr. Ware, any objection to
12 Mr. Steinhart's motion?

13 MR. WARE: No objection.

14 HEARING OFFICER: Okay. Your motion is
15 granted, sir.

16 MR. STEINHART: Thank you, Your Honor.

17 MR. GRECU: At this point the Division's
18 witness is available for cross examination and questions
19 from the hearing officer.

20 HEARING OFFICER: Thank you very much.
21 Mr. Steinhart, any questions?

22 MR. STEINHART: No questions. Thank you.

23 HEARING OFFICER: Okay. Mr. Ware, any question
24 for Mr. Lee?

25 MR. WARE: None. Thank you.

1 HEARING OFFICER: I do have a couple of
2 questions. Mr. Lee, in your earlier narrative you talked
3 about a noncompliant plan. I'm summarizing. I'm not
4 trying to restate your testimony exactly. Bare with me.
5 But that there were three proposed plans at some point in
6 time, and at some point later in time it was determined
7 that only two of those three proposed plans were going to
8 be acceptable. Therefore, one plan was eliminated.

9 I got a little confused because I see in the
10 settlement stipulation that there is something referred to
11 as Plan 1. Maybe I took your narrative as the first
12 proposal that was eliminated was Plan 1. So where again do
13 I see in the stipulation that what was not good for the
14 stipulation is reflected, if at all?

15 Let me restate that. I'm sorry. I'm kind of
16 rambling. I thought you said that the plan that was not
17 compliant was eliminated. Is that accurate?

18 MR. LEE: Correct.

19 HEARING OFFICER: And therefore, that
20 elimination is not reflected in the settlement stipulation;
21 is that right?

22 MR. LEE: Correct. It was for background
23 information because as originally filed Infiniti Mobile had
24 Plan 1, Plan 2, Plan 3. Okay. As stipulated Infiniti
25 Mobile has Plan 1 and Plan 2. So we just wanted to clarify

1 that this Plan 1 on the stipulation is not the same plan
2 that was originally filed.

3 HEARING OFFICER: Okay. Thank you. That helps
4 my confusion because I correlated that Plan 1 term in the
5 settlement stipulation itself to what you had said in your
6 narrative and I was confused as to why it was in there and
7 why a negative would be in the settlement stipulation.

8 MR. LEE: Correct.

9 HEARING OFFICER: You clarified that for me,
10 and I'll put a bow on it by saying that the stipulation as
11 presented and agreed to by the parties reflects that the
12 noncompliant plan is not part of the stipulation, correct?

13 MR. LEE: Correct, yes.

14 HEARING OFFICER: Okay. I will circle back on
15 this one with Infiniti's witness. I'll recall him later.
16 But yes, I have nothing further. Does anybody have any
17 follow-up based on my questions for Mr. Lee? Great. Thank
18 you for clarifying that for me, Mr. Lee. I appreciate it.

19 MR. LEE: You're welcome.

20 HEARING OFFICER: Now Mr. Ware, it's your turn.
21 I'll swear you in. Do you swear to tell the truth today?

22 MR. WARE: I do. Thank you.

23 HEARING OFFICER: Thank you very much. Please
24 proceed with your summary.

25 MR. WARE: Thank you, yes. I have a prepared

1 summary this morning. IM Telecom doing business as
2 Infiniti Mobile petitioned in this case to be designated as
3 an eligible telecommunications carrier with a lifeline
4 offering in the State of Utah and to participate in the
5 Utah Universal Service Fund.

6 In its application IM Telecom states that it is
7 not eligible for and is not seeking access to the funds
8 from the Federal Universal Service Fund. IM Telecom's
9 initial application stated that the Company planned to have
10 three lifeline offerings in Utah. However, the OCS noted
11 that the first offering did not meet minimum service
12 requirements. Through negotiations, IM Telecom agreed to
13 withdraw that first offering.

14 Remaining is that IM Telecom will have a Utah
15 lifeline program offering 3,000 voice minutes, unlimited
16 text messages and 4.5 gigabits of data each month for \$16
17 for nontribal customers, which meets or exceeds the minimum
18 requirements for the wireless telecommunications provider
19 to receive lifeline funds. In addition to that offering of
20 unlimited text messages each month meets Utah specific
21 requirements and adds value for potential lifeline
22 customers in Utah.

23 IM Telecom will also offer tribal customers
24 3,000 voice minutes, unlimited text messages and 6 gigabits
25 of data monthly at zero cost.

1 The Office believes that the stipulation before
2 the Commission is just and reasonable and results in the
3 public interest and recommends that the Commission approve
4 it.

5 That concludes my summary. Thank you.

6 HEARING OFFICER: Thank you very much, Mr. Ware
7 Mr. Steinhart, do you have any questions for Mr. Ware?

8 MR. STEINHART: No, Your Honor. Thank you.

9 HEARING OFFICER: Thank you. Mr. Grecu, any
10 questions?

11 MR. GRECU: No questions. Thank you.

12 HEARING OFFICER: Okay. I don't have any
13 questions either for Mr. Ware. But I do want to follow up
14 with a question of Mr. Ripley. Mr. Ripley, are you still
15 available?

16 MR. RIPLEY: Yes, sir.

17 HEARING OFFICER: Great. In the settlement
18 stipulation itself, Mr. Lee's testimony or narrative
19 touched on this, he talked about the initial terms that
20 Infiniti has agreed to pursuant to this stipulation, which
21 in the stipulation itself is paragraph 12, and it's items A
22 through F upper case. Mr. Lee's testimony seemed to recite
23 those as what Infiniti is agreeing to do. Do you have the
24 stipulation in front of you, Mr. Ripley?

25 MR. RIPLEY: Unfortunately not. I'm sitting on

1 a plane getting ready to take off. I apologize.

2 HEARING OFFICER: Well, you heard his
3 testimony, Mr. Lee's testimony. And Mr. Lee's testimony
4 was that Infiniti agrees to those items, which in the
5 stipulation itself is A through F. Mr. Lee used numerical
6 designations 1, 2, 3, 4, 5 and 6. Do you recall that
7 testimony?

8 MR. RIPLEY: I do, yes, sir.

9 HEARING OFFICER: And do you concur with
10 Mr. Lee's testimony on that point?

11 MR. RIPLEY: Yes, I do.

12 HEARING OFFICER: Okay. And the reason I'm
13 asking you that, just so you all know, because the sentence
14 that precedes those six requirements say that the parties
15 recommend that Infiniti's provision of its universal
16 service offerings as ETC shall be governed by, and then
17 what follows is an agreement, an agreement, an agreement.
18 So I was confused by the term recommend. I would think the
19 term would be agreement, but it doesn't matter because
20 Mr. Lee testified and Mr. Ripley just testified in
21 concurrence with Mr. Lee's testimony, so I think we're
22 fine. I just got confused by why parties are recommending
23 what is already agreed to. But I think I've cleared that
24 up. Anybody have any questions on that?

25 MR. GRECU: No, Your Honor.

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MR. STEINHART: No. Thank you, Your Honor.

HEARING OFFICER: Wonderful. That's all I have for Mr. Ripley and nothing further for Mr. Lee or for Mr. Ware. Does anybody have anything further?

MR. GRECU: Nothing further from the Division.

MR. STEINHART: Nothing from the Applicant.

HEARING OFFICER: Okay. Thank you very much for the work you did to get us to this point. Thank you for being here today. We will be adjourned.

(The hearing concluded at 9:45 a.m.)

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C E R T I F I C A T E

STATE OF UTAH)
:
COUNTY OF SALT LAKE)

I, Melinda J. Andersen, Certified Shorthand Reporter and Notary Public in and for the County of Salt Lake and State of Utah, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth, and were taken down by me in shorthand and thereafter transcribed into typewritten under my direction and supervision:

That the foregoing 22 pages contain a true and correct transcription of my shorthand notes so taken.

WITNESS MY HAND and official seal at Salt Lake City,

Utah this 8th day of April, 2024.

Melinda J Andersen

My Commission Expires: Melinda J. Andersen, C.S.R.
February 22, 2026

[1 - auditor]

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[authorized - december]

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[unlimited - zero]

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Utah Rules of Civil Procedure
Part V. Depositions and Discovery
Rule 30

(E) Submission to Witness; Changes; Signing.

Within 28 days after being notified by the officer that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes. The officer shall append any changes timely made by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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