
Petition of IM Telecom, LLC d/b/a Infiniti Mobile 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. 23-2644-01</u></p> <p style="text-align: center;"><u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u></p>
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ISSUED: April 24, 2024

SYNOPSIS

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

BACKGROUND

On December 15, 2023, IM Telecom, LLC d/b/a Infiniti Mobile ("Infiniti") filed a Petition seeking ETC designation for federal universal service fund for the sole purpose of providing Lifeline service to qualified Utah customers and to receive Utah Universal Public Telecommunications Service Support Fund ("UUSF") for qualified low-income customers.¹ Additionally, Infiniti states that it is not eligible and will not seek access to funds for the purpose of participating in the Link-Up program or providing service to high-cost areas. There were no intervenors in this docket.

¹ See Jason Welch direct testimony, at 3, filed January 11, 2024.

PROCEDURAL HISTORY

1. A virtual scheduling conference was held December 27, 2023, and a scheduling order was issued the same day.
2. Infiniti filed the written direct testimony of Mr. Jason Welch, President of IM Telecom, LLC d/b/a Infiniti Mobile on January 11, 2024.
3. On March 14, 2024, the Office of Consumer Services (OCS) and the Division of Public Utilities (DPU), with Infiniti's support (collectively, the "Parties"), filed a Settlement Stipulation and Joint Motion to Vacate the Scheduling Order, Set a Virtual Hearing Date, and for Expedited Treatment ("Motion"), along with the Stipulation and Settlement Agreement as Exhibit 1 ("Settlement").
4. The PSC held a virtual hearing to consider the Settlement on March 25, 2024, during which witnesses for the Parties provided sworn testimony and other evidence supporting the Settlement.²

THE SETTLEMENT STIPULATION

In the Settlement, the Parties stipulate and agree that, among other things, Infiniti: (1) meets the requirements for Federal ETC designation; (2) seeks ETC designation to provide service wherever its underlying facilities-based providers have wireless coverage (as identified in Exhibit 3 to the Petition) for the purpose of receiving: (a) federal universal Lifeline support for qualifying Utah customers, (b)

² The evidence admitted at hearing includes the Petition and its exhibits, the direct testimony of Jason Welch, and the Settlement.

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 Infiniti as an ETC serves the public interest, convenience, and necessity, as required under 47 U.S.C. § 214(e)(2).

The Settlement further provides:

1. Infiniti 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. Infiniti will make the fact sheet available for download on its website. Additionally, Infiniti will promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.

2. Infiniti 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. Infiniti will comply with all applicable state service quality and consumer protection requirements and the Cellular Telecommunications and Internet Association Consumer Code.

4. Infiniti 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. Infiniti 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, Infiniti 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, in addition to the above the PSC enters the following Findings of Fact, Conclusions of Law, and Order.

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.³

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

³ See Utah Code Ann. § 54-7-1.

concludes that the record evidence supports that the Settlement and its terms, including Infiniti's commitments in the Utah-specific fact sheet, and of Infiniti's request for statewide ETC designation that includes federally-recognized tribal lands, are just and reasonable in result and in the public interest.

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

DATED at Salt Lake City, Utah, April 24, 2024.

/s/ John E. Delaney
Presiding Officer

Approved and Confirmed April 24, 2024 as the Order of the Public Service Commission.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

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

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#333515

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 April 24, 2024, a true and correct copy of the foregoing was served upon the following as indicated below:

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