
Petition of TruConnect Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Utah	<p style="text-align: center;"><u>DOCKET NO. 24-2646-01</u></p> <p style="text-align: center;"><u>ORDER APPROVING STIPULATION AND SETTLEMENT AGREEMENT</u></p>
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ISSUED: June 20, 2024

SYNOPSIS

The Public Service Commission (PSC) approves the stipulation and settlement agreement and grants TruConnect Communications, Inc.'s Petition for Designation as an Eligible Telecommunications Carrier (ETC) in the State of Utah.

BACKGROUND

On February 29, 2024, TruConnect Communications, Inc. ("TruConnect") filed a petition ("Petition") seeking ETC designation to receive federal and state universal service support for Lifeline service.¹ TruConnect's sole purpose is to "provide Lifeline service to qualifying Utah consumers; it will not (and is not eligible to) seek access to funds from the federal Universal Service Fund ... for the purpose of participating in the Link-Up program or providing service to high cost areas. TruConnect will seek universal service support for Lifeline service from the federal USF and the Utah USF."²

PROCEDURAL HISTORY

1. A virtual scheduling conference was held March 8, 2024, and a Scheduling Order was issued March 11, 2024.

¹ See Petition at 1.

² Danielle Perry direct testimony at 3:3-7, filed March 20, 2024. See also Petition at 1.

2. TruConnect filed the written direct testimony of Danielle Perry, Chief Compliance Officer of TruConnect, on March 20, 2024.

3. On May 6, 2024, the Office of Consumer Services (OCS), the Division of Public Utilities (DPU), and TruConnect (collectively, the “Parties”), filed a Joint Motion to Vacate the Scheduling Order Except the Hearing Date and for Expedited Treatment, along with the Stipulation and Settlement Agreement attached thereto as Attachment 1 (“Settlement”).

4. The PSC held a virtual hearing to consider the Settlement on June 12, 2024, during which witnesses for the Parties provided sworn testimony and other evidence supporting the Settlement.

5. There were no intervenors in this docket.

THE SETTLEMENT STIPULATION

In the Settlement, the Parties stipulate and agree that, among other things, TruConnect: (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 of the Petition) 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 Utah Universal Public Telecommunications Service Support Fund (“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 TruConnect 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. TruConnect 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. TruConnect will make the fact sheet available for download on its website. Additionally, TruConnect will promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.

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

4. TruConnect 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. TruConnect 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, TruConnect will file a timely notification with DPU and OCS describing the changed plans.

At hearing, the Parties 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, Settlement, and other evidence of record, 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 concludes that the record or evidence supports that the Settlement and its terms, including TruConnect's commitments in the Utah-specific fact sheet, and TruConnect's

³ See Utah Code Ann. § 54-7-1.

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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 and supplemented by the Settlement.

DATED at Salt Lake City, Utah, June 20, 2024.

/s/ John E. Delaney
Presiding Officer

Approved and Confirmed June 20, 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#334347

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 June 20, 2024, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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