

ACTION REQUEST

Date: July 1, 2024

FROM: Public Service Commission

Due: July 15, 2024*

SUBJECT: TruConnect Communications, Inc.'s Petition for ETC Designation,
Docket No. 24-2646-01
(Company Name, Case Number, etc.)

This is a request for the Division of Public Utilities (DPU) to provide analysis, evaluation results, and the basis for conclusions and recommendations regarding the following:

- Review for Compliance and Make Recommendations
- Review Petition and Make Recommendations
- Review the Complaint and Indicate whether the DPU has a Recommendation
- Review Notice and Make Recommendations
- Review Request for Agency Action and Make Recommendations
- Respond in Accordance with the Notice of Filing and Request for Comments
- Investigate

Other – Explanation and Statement of Issues to be Addressed (See Below):
Please see attached letter dated June 26, 2024. Paying specific attention to the assertion regarding the PSC's jurisdiction and the assertion concerning the claimed accommodation of 47 U.S.C. Section 214(e)(6), please provide a recommendation.

*In the event the PSC issues an order or notice providing dates for comments and/or testimony in this docket:

- The DPU shall respond consistent with the order or notice;
- The order or notice, including any deadlines, shall supersede and replace this action request; and
- This action request shall be deemed withdrawn.



UTE INDIAN TRIBE
P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

June 26, 2024

Via Email and Certified Mail

The Honorable Spencer J. Cox
Governor, State of Utah
350 N. State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114-2220
Email: djansen@utah.gov

**Re: Petition to State of Utah Public Service Commission for Eligible
Telecommunications Carrier Designation on Tribal Lands**

Dear Governor Cox:

The Business Committee of the Ute Indian Tribe ("Tribe") has recently been made aware that a telecommunications carrier doing business as TruConnect Communications Inc. ("TruConnect") has petitioned the Utah Public Service Commission for statewide designation as an eligible telecommunications carrier ("ETC"). Pursuant to TruConnect's petition, such ETC designation would extend to a statewide service area that includes Tribal lands within our Uintah and Ouray Reservation.

As you know, neither the State nor any of its agencies possess regulatory jurisdiction over any Indian Country lands within our Reservation boundaries. Accordingly, the Utah Public Service Commission does not have jurisdiction to designate a service area that includes Tribal lands.

While the Tribe recognizes the benefits of the ETC designation process in that it ensures carriers meet certain eligibility criteria to receive funding from the Universal Service Fund for lifeline services, the State cannot expand its jurisdiction to reach Indian Country jurisdiction lands in contravention of the binding rulings of the Tenth Circuit. The Communications Act at 47 U.S.C. § 214(e)(6) accommodates this situation by authorizing the Federal Communications Commission ("FCC") to designate ETCs where the state-level utility commission lacks jurisdiction.

The Honorable Spencer J. Cox
June 26, 2024
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We are calling on you to take any and all actions within your authority as Governor to halt this and any future proposed action by the Public Service Commission that seeks to impose state regulatory authority over Indian Country lands within our Reservation.

On Behalf of the Ute Indian Tribe Business Committee:



Julius T. Murray, III
Business Committee Chairman

cc: Jerry D. Fenn, Chair
Utah Public Service Commission
jdfenn@utah.gov