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August 23, 2024

**Via Email**

Gary Widerburg  
Commission Administrator  
Utah Public Service Commission  
Herber M. Wells Building  
160 East 300 South , 4<sup>th</sup> Floor  
Salt Lake City, UT 84111

**RE: Docket No. 24-2646-01 - Petition of TruConnect Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Utah**

Dear Mr. Widerburg:

By this letter, TruConnect Communications, Inc. (TruConnect) provides comments regarding the Recommendation dated August 15, 2024, filed by the Utah Division of Public Utilities (Division) in response to an Action Request of the Utah Public Service Commission (Commission).

On June 20, 2024, the Commission issued an Order Approving Stipulation and Settlement Agreement (Order), in which it granted TruConnect's request for "statewide ETC designation that includes federally-recognized tribal lands." Order, at 4-5. On July 1, 2024, the Commission issued an Action Request to the Division to review the Ute Tribe's assertion (in a June 26, 2024 letter addressed to Governor Spencer J. Cox) that the Commission does not have regulatory jurisdiction to designate a service area that includes Tribal lands). *See* Action Request.

The Division's Recommendation accurately notes that the Commission has granted several other telecommunications carriers' requests for ETC designations that included Tribal

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lands.<sup>1</sup> *See* Recommendation, at 1. The Division further states that addressing the territorial issue this docket may not be advisable, and that the Commission should instead use a “broader, more robust process” for addressing the Commission’s jurisdiction. *Id.* at 2. The Division recommends that the Commission amend its Order to grant TruConnect ETC designation “for the areas over which it has jurisdiction.” *Id.* However, the Division does not define the areas over which the Commission has jurisdiction nor set forth a position regarding whether the Commission has jurisdiction to designate a service that includes Tribal lands

TruConnect supports the Division’s recommendation that the Commission should resolve the territorial issue raised by the Ute Tribe in a broader proceeding. A general proceeding that examines the Commission’s jurisdiction would enable all interested parties, including the Ute Tribe, to participate and provide the Commission with a detailed record for its consideration. Moreover, a general proceeding would ensure that all similarly situated telecommunications carriers are treated in the same way. TruConnect further notes that the Order is a final order that is not subject to review given that more than 30 days have passed since it was issued and no party has filed a request for review or rehearing. *See* Utah Code Ann. §§ 63G-4-301 and 54-7-15. As such, TruConnect submits that the Commission should assess whether it has jurisdiction to designate ETCs on Tribal lands located within Utah in a separate general proceeding, rather than in this docket.

Please contact me if you have any questions about this submission.

Respectfully submitted,



Debra McGuire Mercer

*Counsel for TruConnect Communications, Inc.*

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<sup>1</sup> *See, e.g., 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, Order Approving Stipulation and Settlement Agreement, Docket No. 23-2642-01 (November 27, 2023) (finding that the carrier met the requirements federal enhanced Tribal universal service Lifeline support for qualifying Utah customers); Petition of DISH Wireless LLC d/b/a Gen Mobile for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Offering Lifeline Service to Qualified Households, Order Approving Stipulation and Settlement Agreement, Docket No. 23-2641-01 (November 20, 2023) (same).*