



65 East State Street, Suite 1000 / Columbus, Ohio 43215-4213
Tel: 614.221.2838 / Fax: 614.221.2007
www.taftlaw.com

DEVIN D. PARRAM
614.334.6117
dparram@taftlaw.com

RECEIVED

MAY 18 2015

PUBLIC SERVICE
COMMISSION

May 15, 2015

Jeff Derouen
Executive Director
Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Re: Application of Total Call Mobile, Inc. for Limited Designation as an Eligible
Telecommunications Carrier
Case No. 2014-00268

Dear Mr. Derouen:

Enclosed please find an original and ten copies of Total Call's Responses to Staff's Second Request for Information. Please contact me if you have any questions regarding this filing.

Sincerely yours,

Devin D. Parram

DDP
Enclosures

Response to the Kentucky Public Service Commission Staff's Second Request for Information to Total Call Mobile, Inc.

Information Request #1

Describe the protocols implemented by Total Call to prevent customers from obtaining duplicate Lifeline services in violation of the Federal Communication Commission's ("FCC") rules permitting only one Lifeline service per household set forth in 47 C.F.R. §54.409-54.410.

Response to Information Request #1

When applying for Lifeline service with TCM, customers must complete and sign a Lifeline Service Application and Certification ("Certification"). The Certification requires the customer to certify under penalty of perjury that the customer only has one Lifeline service subsidy and that the customer's household is not already receiving a Lifeline service benefit. TCM's third party software provider, CGM, also checks the customer's information against several databases to verify the customer is not a duplicate, including (1) the Universal Service Administrative Company's (USAC) National Lifeline Accountability Database (NLAD); (2) all applicable state duplicate Lifeline databases; and (3) TCM's customer database. If TCM finds that the customer is currently receiving a Lifeline discount benefit from another carrier via NLAD, TCM notifies the customer that they may not have multiple Lifeline Program benefits but that they may transfer the Lifeline discount from the other carrier to TCM.

Information Request #2

Describe Total Call's procedures to ensure that its agents, contractors or representatives adhere to the duplicate-service-prevention protocols implemented by Total Call.

Response to Information Request #2

TCM requires that all master agents, field agents, and reviewers undergo training by TCM representatives on the requirements of the Lifeline program, including the rule permitting only one Lifeline service per household. All field agents must sign a Confidentiality Agreement and Training Acknowledgment, certifying that they have received and read TCM's Lifeline Program Training materials. Additionally, TCM's Agent Compliance Department conducts audits of agents to determine compliance with TCM's protocols. If agents are found to be non-compliant, TCM's Agent Compliance Department will take all necessary steps to correct the situation, including possible retraining and termination.

Information Request #3

Describe the fraud-prevention protocols implemented by Total Call to ensure applicant eligibility for Lifeline services pursuant to FCC rules set forth in 47 C.F.R. § 54.409-54.410.

Response to Information Request #3

Before a customer can receive Lifeline benefits, field agents verify customer eligibility via proof of qualifying programs or income levels. Customers must show proof of identity and program or income eligibility to field agents, who submit images of the supporting documents to TCM electronically via the CGM software so that TCM can conduct a review of the documentation before providing Lifeline service to the customer. Additionally, customers must complete and sign the Certification, in which customers must certify under penalty of perjury that they are

Witness: Hideki Kato, Chief Operating Officer, Total Call Mobile, Inc.

eligible for a Lifeline benefit because they are in a qualifying program and/or meet income eligibility requirements. Also, CGM submits the customer's information into state eligibility databases where available.

Information Request #4

Describe Total Call's procedures to ensure that its agents, contractors or representatives adhere to the fraud-prevention protocols implemented by Total Call.

Response to Information Request #4

TCM requires that all master agents, field agents, and reviewers undergo training by TCM representatives on the requirements of the Lifeline program, including the rule permitting only one Lifeline service per household. All field agents must sign a Confidentiality Agreement and Training Acknowledgment, certifying that they have received and read TCM's Lifeline Program Training materials. Additionally, TCM's Agent Compliance Department conducts audits of agents to determine compliance with TCM's protocols. If agents are found to be non-compliant, TCM's Agent Compliance Department will take all necessary steps to correct the situation, including possible retraining and termination.

Information Request #5

Have any conditions been attached to Total Call's Lifeline ETC designation by any state regulatory agency? If so, describe the conditions imposed and identify the state commission and case number.

Response to Information Request #5

TCM has been designated as a Lifeline Eligible Telecommunications Carrier ("ETC") in 24 states, and each approval reflects the requirements of the applicable state. TCM hereby submits as Attachment A copies of its approvals in all 24 states where TCM has been designated as a Lifeline ETC.

Information Request #6

Has Total Call ever been cited by the FCC for providing duplicative Lifeline services to a customer? If so, provide the file number and date of the citation and order.

Response to Information Request #6

TCM has never been cited by the FCC for providing duplicative Lifeline services to a customer.

Information Request #7

Has Total Call ever been investigated by the FCC for providing duplicative Lifeline services to a customer? If so, provide the file number and investigation outcome.

Response to Information Request #7

From time to time, the FCC and USAC conduct inquiries regarding intercarrier and intracarrier duplicates and customer eligibility in NLAD as part of its ongoing quality control process. TCM has cooperated with all these processes and responded to all inquiries, and TCM has not received any penalties to date.

Witness: Hideki Kato, Chief Operating Officer, Total Call Mobile, Inc.

Information Request #8

Has Total Call ever been cited by the FCC for providing Lifeline services to an ineligible customer? If so, provide the file number and date of the citation and order.

Response to Information Request #8

TCM has never been cited by the FCC for providing Lifeline services to an ineligible customer.

Information Request #9

Has Total Call ever been investigated by the FCC for providing Lifeline services to an ineligible customer? If so, provide the file number and date of the citation and order.

Response to Information Request #9

From time to time, the FCC and USAC conduct inquiries regarding intercarrier and intracarrier duplicates and customer eligibility in NLAD as part of its ongoing quality control process. TCM has cooperated with all these processes and responded to all inquiries, and TCM has not received any penalties to date.

Exhibit A

BEFORE THE ARIZONA CORPORATION COMMISSION

BOB STUMP
Chairman
GARY PIERCE
Commissioner
BRENDA BURNS
Commissioner
BOB BURNS
Commissioner
SUSAN BITTER SMITH
Commissioner

Arizona Corporation Commission

DOCKETED

JAN - 7 2014

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION
OF TOTAL CALL MOBILE, INC. FOR
LIMITED DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS.

DOCKET NO. T-20870A-12-0500

DECISION NO. 74246

ORDER

Open Meeting
December 17 and 18, 2013
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On December 27, 2012, Total Call Mobile, Inc. ("Total Call" or the "Company") filed an Application requesting limited designation as an Eligible Telecommunications Carrier ("ETC") pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act") and 47 U.S.C. § 214(e) and implementing rules of the Federal Communications Commission ("FCC"), including 47 C.F.R. §§ 54.101 through 54.207.

2. In its Application, Total Call requests that the Arizona Corporation Commission ("ACC" or "Commission") designate it as a wireless ETC for the sole purpose of receiving federal Universal Service Fund ("FUSF") Lifeline¹ support so that it may provide Lifeline service to ...

¹ Federal Lifeline Assistance provides discounts on basic monthly service at the primary residence for qualified telephone subscribers. The federal support amount provided to the ETC is \$9.25.

1 qualifying Arizona consumers. Total Call is not requesting high cost support or participation in
2 the Link-Up program.

3 3. On February 19, 2013, the Arizona Local Exchange Carriers Association
4 ("ALECA") filed a motion to intervene.

5 4. On March 5, 2013, a Procedural Order granted ALECA's request for intervention in
6 this proceeding.

7 5. On August 16, 2013, Total Call provided Staff with its informational tariff and
8 Responses to Staff's First Set of Data Requests.

9 6. On November 12, 2013, Total Call and ALECA filed a Stipulation concerning Total
10 Call's Application.

11 BACKGROUND

12 Total Call is a Delaware Corporation, incorporated on August 11, 2005, with its principal
13 offices located at 1411 W 190th St., Suite 700, Gardena, California 90248. Total Call proposes to
14 provide wireless Lifeline services through the resale of Commercial Mobile Radio Service
15 ("CMRS") provided by Sprint PCS ("Sprint"). Total Call currently serves over 100,000 wireless
16 customers nationwide² and has been granted ETC designation in fourteen (14) states³, and Puerto
17 Rico. Total Call currently has petitions for ETC designation pending in sixteen (16) states⁴ in
18 addition to Arizona. Total Call is also awaiting designation as an ETC by the FCC in ten (10)
19 states/jurisdictions⁵. For its proposed designated service area, Total Call provided a list of wire
20 centers in which it will provide service and identified the incumbent local exchange carrier(s)
21 ("ILECs") serving each wire center in Exhibit A contained in Total Call's proposed Informational
22 ...
23

24 ² Total Call Mobile, Inc. Response to Staff's First Set of Data Requests, dated August 16, 2013, at PJG 1.3.

25 ³ See Application, Page 1 and Supplemental Response to Staff Data Request, dated October 30, 2013, at Question 3:
26 Colorado, Hawaii, Kansas, Maine, Maryland, Michigan, Missouri, Nevada, Ohio, Utah, Texas, West Virginia,
27 Wisconsin, and Wyoming.

28 ⁴ See Application, Page 1, Response to Staff Data Request at PJG 1.47, and Supplemental Response to Staff Data
Request, at Question 3: Arkansas, California, Georgia, Idaho, Iowa, Illinois, Louisiana, Minnesota, Nebraska, New
Jersey, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, and Washington.

⁵ See Application, Page 1, Response to Staff Data Request at PJG 1.47, and Supplemental Response to Staff Data
Request, at Question 4: Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York,
North Carolina, Tennessee, and Virginia.

1 Tariff provided to Staff on August 16, 2013. Both non-rural and rural ILECs provide wireline
2 service within these areas.

3 7. On February 6, 2012, the FCC released an Order in FCC 12-11, *Lifeline and Link*
4 *Up Reform and Modernization* ("*Lifeline Reform Order*"),⁶ in which the FCC adopted
5 comprehensive reforms to the low-income program to revise and modernize the Lifeline service
6 requirements and implement measures to address fraud, waste and abuse of the FUSF. Within that
7 Order, the FCC found that a grant of blanket forbearance of the requirement that an ETC use its
8 own facilities ("the own-facilities requirement") subject to certain public safety and compliance
9 obligations, was appropriate for carriers seeking to provide Lifeline-only service.⁷ Specifically, in
10 the *Lifeline Reform Order*, the FCC states it will conditionally grant forbearance from the Act's
11 Section 214(e)(1)(A) facilities requirement to all telecommunications carriers seeking Lifeline-
12 only ETC designation, subject to the following conditions: (1) compliance with certain 911 and
13 enhanced 911 (E911) public safety requirements; and (2) FCC Wireline Competition Bureau
14 approval of a compliance plan providing specific information regarding the carrier and its service
15 offerings and outlining the measures the carrier will take to implement the obligations contained in
16 the *Order*.⁸

17 8. On March 16, 2012, Total Call submitted its initial Compliance Plan to the FCC in
18 order to benefit from the "blanket forbearance" of the own-facilities requirement used to provide
19 Lifeline services. Total Call submitted its Revised Compliance Plan ("RCP") on May 17, 2012,
20 making changes as the result of discussions with FCC Staff. On May 25, 2012, in DA 12-828, the
21 FCC issued a Public Notice⁹ approving Total Call's May 17, 2012 RCP.

22 ...

23
24 ⁶ *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed*
25 *Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012 ("*Lifeline Reform Order*").

26 ⁷ *Ibid.*, at paras. 368-381.

27 ⁸ *See id.* at paras. 373 and 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans
28 pursuant to the *Lifeline Reform Order*. *Wireline Competition Bureau Provides Guidance for the Submission of*
Compliance Plans Pursuant to the Lifeline Reform Order, WC Docket Nos. 09-197 and 11-42, Public Notice, 27 FCC
Rcd 2186 (Wireline Comp. Bur. 2012).

⁹ *See* "Wireline Competition Bureau Approves the Compliance Plans of American Broadband & Telecommunications,
Budget Prepay, Consumer Cellular, Global Connection, TerraCom and Total Call Mobile", Public Notice from FCC
Wireline Competition Bureau, WC Docket Nos. 09-197 and 11-42 (rel. May 25, 2012).

1 **REQUIREMENTS FOR DESIGNATION AS AN ETC AND TOTAL CALL'S**
2 **COMPLIANCE WITH THE REQUIREMENTS**

3 9. Designation as an ETC makes a carrier eligible to receive federal universal service
4 funds. The requirements for designation of ETCs are established in 47 U.S.C. § 214(e)(1), which
5 states:

6 "A common carrier designated as an eligible telecommunications carrier under paragraph
7 (2) or (3) shall be eligible to receive universal service support in accordance with section
8 254 and shall throughout the service area for which the designation is received: (A) offer
9 the services that are supported by Federal universal service support mechanisms under
10 section 254(c), either using its own facilities or a combination of its own facilities and
11 resale of another carrier's services (including the services offered by another eligible
12 telecommunications carrier); and (B) advertise the availability of such services and the
13 corresponding charges using media of general distribution."

14 10. In order to be designated as an ETC, a carrier must offer Lifeline service to all
15 qualifying low-income customers within its service area.¹⁰ Lifeline service provides basic
16 telephone service, typically by passing on discounts to monthly telecommunications charges. As a
17 wireless reseller of prepaid wireless service, Total Call is proposing to offer qualified customers a
18 free handset, free customer care calls, free balance inquiries, access to voice mail, caller I.D. and
19 call waiting features at no additional charge, plus the choice of one (1) of five (5) different prepaid
20 calling plans.¹¹ Total Call also proposes to offer customers the capability of purchasing additional
21 bundles of minutes and service.¹²

22 11. As indicated above, the FCC granted Total Call forbearance from the own-facilities
23 requirement that it provide service using its own facilities or a combination of its own facilities and
24

25 ¹⁰ 47 C.F.R. §§ 54.405 and 54.411(a)

26 ¹¹ See Application, Pages 4 -5 and Response to Staff Data Request at Attachment A. Lifeline Plan 1 offers 250
27 anytime minutes per month with an option of using text, inbound or outbound which consumes 1 Plan minute per text.
28 Lifeline Plans 2, 3, 4, and 5 allows eligible customers to apply the Company's Lifeline discount of \$10.00 to either the
Company's 1000 Talk & 1000 Text retail plan (Lifeline Plan 2), regularly priced at \$29.99 per month, or to the
Company's 30-day Unlimited Talk retail plan (Lifeline Plan 3), regularly priced at \$29.99, or to the Company's 30-
day Unlimited Talk & Text retail plan (Lifeline Plan 4), regularly priced at \$39.99, or to the Company's 30-day
Unlimited Talk, Text & Data retail plan (Lifeline Plan 5), regularly priced at \$49.99.

¹² See RCP, page 21.

1 resale of another carrier's service and also any criteria related to facilities build out plans. Total
2 Call would be a Lifeline-only ETC, eligible only for Lifeline support and must meet all the other
3 criteria required of ETCs.

4 **A. OFFERING THE SERVICES DESIGNATED FOR SUPPORT**

5 12. 47 C.F.R. § 54.101, sets forth the services that a carrier must offer in order to
6 receive Federal universal service fund support. The services and Total Call's response to the
7 provision of each service are as follows:

8
9 (a) Voice grade access to the Public Switched Network. Total Call states¹³ that it
10 provides voice grade access to the public switched telephone network through the
purchase of wholesale CMRS services from Sprint.

11 (b) Local usage. Total Call states¹⁴ it will provide Lifeline customers with minutes of
12 use for local service at no additional charge to customers. As required by the FCC.

13 (c) Access to emergency services. "An ETC must provide its customers with access to
14 911 and E911 emergency services. Total Call states¹⁵ that all of its customers will have
15 access to emergency calling services and that 911 and E911 access will be available
from Total Call's handsets even if the account associated with the handset has no
minutes remaining.

16 (d) Toll Limitation for Qualifying Low-Income Consumers. ETCs must provide toll
17 limitation services to qualifying low-income customers, unless their Lifeline offering
18 does not distinguish between the pricing of toll and non-toll calls. Total Call's wireless
19 calling plans do not distinguish between non-toll (i.e., local) and toll. Total Call's
20 prepaid plans include a specific number of minutes that cannot be exceeded. Therefore,
customers cannot incur any charges for excessive toll calling or be disconnected for
non-payment.

21 13. In its Application, Total Call states¹⁶ that it has the ability to provide all of the
22 supported services and functionalities required in the proposed ETC designated service area to all
23 subscribers taking service under its Lifeline plan through wholesale arrangements with its
24 underlying carrier. Based on the above information and explanations, Staff believes that Total Call
25 meets this ETC designation criteria.

26
27 ¹³ Application, Page 11.

28 ¹⁴ Application, Pages 11-12.

¹⁵ Application, Page 12.

¹⁶ Application, Pages 4 and 11.

B. ADVERTISING OF SUPPORTED SERVICES

47 U.S.C. § 214(e)(1)(B) requires a common carrier designated as an eligible telecommunications carrier to advertise the availability of such services and the corresponding charges using media of general distribution. Total Call states it will advertise the availability of its supported services and the corresponding rates and charges in a manner designed to inform the ...

general public.¹⁷ Total Call's advertising will occur through a combination of media channels, such as point of sale materials, brochures, direct mail, other printed materials, retail outlets, and the Internet. Advertisements will be in both English and Spanish. Total Call submitted examples of prior relevant advertisements to Staff. In addition, Total Call submitted an example of its English version advertisement in its RCP to the FCC.¹⁸

14. Based on the information above and Total Call's advertising materials provided to Staff, Staff concludes that Total Call will advertise the availability of its supported services and the corresponding charges using media of general distribution as required by 47 U.S.C. § 214(e)(1)(B). Staff believes that Total Call meets this ETC designation criteria.

C. ADDITIONAL ETC REQUIREMENTS

15. In addition to the requirements listed above, the FCC adopted, in the *Lifeline Reform Order*, comprehensive reforms to the low-income program to revise and modernize the Lifeline service requirements and implement measures to address fraud, waste, and abuse within the system. Below are the additional requirements and Total Call's response to each requirement.

C.1 A Commitment and Ability to Provide Supported Services

16. In 47 C.F.R. § 54.202(a)(1)(i) and (ii), the FCC required the applicant to:

(i) Certify that it will comply with the service requirements applicable to the support that it receives; and

(ii) Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. Each

¹⁷ Application, Page 13.

¹⁸ See Exhibit 4 of the RCP.

1 applicant shall estimate the area and population that will be served as a result of the
2 improvements. Except, a common carrier seeking designation as an eligible
3 telecommunications carrier in order to provide supported services only under
4 subpart E of this part does not need to submit such a five-year plan.¹⁹

5 17. Total Call states²⁰ that it will provide Lifeline service to qualifying customers
6 requesting Lifeline services throughout its requested designated services area, pursuant to the
7 universal service program and in accordance with 47 C.F.R. § 54.202(a)(1). Total Call states²¹
8 that it will provide service to requesting qualifying customers on a timely basis or within a
9 reasonable period of time in accordance with the rule. The requirement directing submissions of a
10 formal network improvement plan under 47 C.F.R. § 54.202(a)(1)(ii) demonstrating how universal
11 service funds will be used to improve coverage, signal strength, or capacity that would not
12 otherwise occur absent the receipt of high-cost support, does not apply to this Application because
13 Total Call is seeking only to provide supported services under subpart E of this part, i.e. Lifeline
14 only, and the FCC waived the facilities-based requirements for Total Call.

15 18. Based on the above information, Staff believes that Total Call meets this ETC
16 designation criteria.

17 C.2 Remain Functional in Emergency Situations

18 19. In 47 C.F.R. § 54.202(a)(2), the FCC outlines the requirement that an ETC
19 applicant demonstrate its ability to remain functional in emergency situations. Specifically, “an
20 applicant must demonstrate that it has a reasonable amount of back-up power to ensure
21 functionality without an external power source, is able to reroute traffic around damaged facilities,
22 and is capable of managing traffic spikes resulting from emergency situations.”²²

23 20. To demonstrate its ability to remain functional in emergency situations, Total Call
24 states²³ that it purchases wireless network services on a wholesale basis from Sprint that is itself

25
26 ¹⁹ *Lifeline Reform Order*, ¶ 386.

27 ²⁰ See Application, Page 11.

28 ²¹ Response to Staff Data Request PJG 1.7.

²² *Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 05-46* (rel. March 17, 2005) (“*ETC Minimum Requirements Report and Order*”), ¶ 25.

²³ Response to Staff Data Request PJG 1.18.

1 subject to various regulatory requirements to remain functional in emergencies. Through Sprint,
2 Total Call provides to its customers the same ability to remain functional in emergency situations
3 as currently provided by Sprint to its own customers, including access to a reasonable amount of
4 backup power to ensure functionality without an external power source, the ability to reroute
5 traffic around damaged facilities, and the capability of managing traffic spikes resulting from
6 emergency situations. Therefore, through its underlying carrier(s), Total Call states it has the
7 ability to remain functional in emergency situations.

8 21. Based on the above information, Staff concludes that Total Call has demonstrated
9 its ability to remain functional in emergency situations by maintaining a reasonable amount of
10 back-up power. Staff believes that Total Call meets this ETC designation criteria.

11 C.3 Satisfy Consumer Protection and Service Quality Standards

12 22. In 47 C.F.R. § 54.202(a)(3), the FCC requires an ETC applicant to demonstrate its
13 commitment to meeting consumer protection and service quality standards in its application.²⁴
14 The sufficiency of other commitments will be considered on a case-by-case basis.

15 23. To demonstrate its ability to satisfy consumer protection and service quality
16 standards, Total Call states²⁵ that it commits to exceptional customer service standards, and also
17 commits to comply with the Cellular Telecommunications and Internet Association's ("CTIA")
18 Consumer Code for Wireless Service as required by 47 C.F.R. § 54.202(a)(3). Total Call affirms
19 its commitment to satisfy applicable consumer protection and service quality standards if certified
20 as an ETC.

21 24. Based on the above information, Staff believes that Total Call meets this ETC
22 designation criteria.

23 C.4 Lifeline-Only ETC Applicants – Financial and Technical Capability

24 25. In 47 C.F.R. § 54.202(a)(4), the FCC requires a Lifeline-only ETC applicant to
25 demonstrate that it is financially and technically capable of providing the Lifeline service in
26
27

28 ²⁴ ETC Minimum Requirements Report and Order, ¶ 28.

²⁵ Application, Pages 16-17.

1 compliance with subpart E of this part. In the *Lifeline Reform Order*²⁶ the FCC provides guidance
2 on specific information to be considered when determining if an applicant meets this requirement:

3 “...Among the relevant considerations for such a showing would be whether the applicant
4 previously offered services to non-Lifeline customers, how long its has been in business,
5 whether the applicant intends to rely exclusively on USF distributions to operate, whether
6 the applicant receives or will receive revenue from other sources, and whether it has been
7 subject to enforcement action or ETC revocation proceedings in any state.”

8 26. To demonstrate that Total Call is financially and technically capable of providing
9 Lifeline service, Total Call states²⁷ that it has been in business for six years and began providing
10 telecommunications services in Arizona on January 27, 2006. Total Call currently derives the
11 majority of its revenue from its operations (reselling wireless telecommunications services and/or
12 providing Lifeline telecommunications services) in the states of Michigan, Missouri, Nevada, and
13 California. Total Call states²⁸ it has not and will not be relying exclusively on Lifeline
14 reimbursement for the Company’s operating revenues. As noted on page 2 above, Total Call
15 currently has ETC designation to provide wireless Lifeline services in fourteen (14) states, and
16 Puerto Rico, and currently has petitions for ETC designation pending in sixteen (16) states,
17 excluding Arizona. Total Call is also awaiting designation as an ETC by the FCC in ten (10)
18 states/jurisdictions. Each of Total Call’s six senior management team members average over
19 seventeen (17) years’ experience in the telecommunications industry. Further, it has not been
20 subject to any enforcement action at the FCC or in any state and that no ETC designations held by
21 Total Call have been rescinded, revoked or terminated by the FCC or by any state.

22 27. Having reviewed the financial statements of Total Call’s ultimate parent
23 organization, KDDI Corporation²⁹, the technical experience of Total Call’s senior management,
24
25

26 ²⁶ See *Lifeline Reform Order*, ¶388.

27 ²⁷ See Application, Page 18 and Response to Staff Data Request PJG 1.14.

28 ²⁸ See Total Call’s RCP, Page 23.

29 ²⁹ See Application, Page 18 and Response to Staff Data Request PJG 1-17, Total Call Mobile, Inc. is wholly-owned by
Total Call International, Inc. Total Call International, Inc. is wholly-owned by KDDI America, Inc. KDDI America,
Inc. is a wholly-owned subsidiary of KDDI Corporation.

1 and based on the above information, Staff believes that Total Call meets this ETC designation
2 criteria.

3 **C.5 Lifeline-Only ETC Applicants – Terms and Conditions of Lifeline**
4 **Service Plans**

5 28. In 47 C.F.R. § 54.202(a)(5), the FCC requires an ETC applicant to submit
6 information describing the terms and conditions of any voice telephony service plans offered to
7 Lifeline subscribers, including details on the number of minutes provided as part of the plan,
8 additional charges, if any, for toll calls, and rates for each such plan. To the extent the ETC offers
9 plans to Lifeline subscribers that are generally available to the public, it may provide summary
10 information regarding such plans, such as a link to a public website outlining the terms and
11 conditions of such plans.

12 29. Total Call provided Staff with its informational tariff³⁰ in which it describes the
13 calling plans for Lifeline subscribers, including the number of free minutes in each calling plan,
14 along with the terms and conditions of Lifeline service as provided by Total Call. Based on the
15 information contained in Total Call's informational tariff, Staff believes that Total Call meets this
16 ETC designation criteria.

17 **D. STEPS TO LIMIT FRAUD, WASTE AND ABUSE OF THE FUSF**

18 30. In the *Lifeline Reform Order* the FCC adopted various new measures and revised or
19 eliminated other existing measures in order to limit fraud, waste and abuse of the FUSF. These
20 measures include establishing uniform eligibility criteria to qualify for Lifeline services, clarifying
21 the restriction of one Lifeline telephone allowed per household, initial certification and annual re-
22 certification of consumer eligibility, establishing a national lifeline accountability database to
23 ensure and enforce the one-per-household requirement, total elimination of toll limitation support
24 for wireless carriers and a tapered elimination of toll limitation support for landline ETCs,
25 elimination of the Link Up subsidy except on Federally-Recognized Tribal Lands and establishing
26 additional provisions for Universal Service Administrative Company ("USAC") audits.
27
28

³⁰ Response to Staff Data Request PJG 1.4 at Attachment B.

1 31. In its RCP, Total Call outlines the steps it will take to limit fraud, waste and abuse
2 of the FUSF and to comply with all applicable Lifeline requirements and implement measures to
3 prevent fraud, waste, and abuse.

4 **E. PUBLIC INTEREST DETERMINATION**

5 32. Under Section 214 of the Act, the FCC and state commissions must determine that
6 an ETC designation is consistent with the public interest, convenience and necessity for rural
7 areas. They also must consider whether an ETC designation serves the public interest consistent
8 with Section 254 of the Act. Congress did not establish specific criteria to be applied under the
9 public interest tests in Sections 214 or 254. The public interest benefits of a particular ETC
10 designation must be analyzed in a manner that is consistent with the purposes of the Act itself,
11 including the fundamental goals of preserving and advancing universal service, ensuring the
12 availability of quality telecommunications services at just, reasonable, and affordable rates and
13 promoting the deployment of advanced telecommunications and information services to all regions
14 of the nation, including rural and high-cost areas.³¹ Accordingly, before designating a carrier as an
15 ETC, the Commission must make an affirmative determination that such designation is in the
16 public interest, regardless of whether the applicant seeks designation in an area served by a rural or
17 non-rural carrier.

18 33. Total Call states that by designating it as a wireless ETC in Arizona, it will serve
19 the public interest and the needs of low-income customers in Arizona by increasing customer
20 choice in the areas it serves. The public interest benefits associated with Total Call's wireless
21 service include larger local calling areas (as compared to traditional wireline carriers), the
22 convenience and personal security afforded by mobile telephone service, the opportunity for
23 customers to receive a high-value wireless plan and emergency services in accordance with FCC
24 Rules. Additionally, ETC status will promote universal service by allowing Total Call to offer
25 wireless service to many low-income customers who may not be able to otherwise have service.
26 Total Call's Lifeline calling plans are designed to provide service to Lifeline consumers who, due
27
28

³¹ ETC Minimum Requirements Report and Order, ¶ 40.

1 to credit or deposit requirements, may not be able to obtain telephone service from more traditional
2 wireline and wireless service providers.

3 **F. DESIGNATED SERVICE AREA**

4 34. The Commission must establish a geographic area for the purpose of determining
5 universal service obligations and support mechanisms for each designated ETC. *See* 47 U.S.C. §
6 214(e)(2); 47 C.F.R. § 54.201(b). Total Call requests that the Commission designate it as an ETC
7 for service areas in Arizona. Through resale of wireless service provided by Sprint in Arizona,
8 Total Call will provide Lifeline service in many wire centers in the State of Arizona.

9 35. There are a number of wire centers that encompass both tribal lands and non-tribal
10 lands. Some of the tribal lands are served by tribally-owned telephone companies and some of the
11 tribal lands are served by non-tribally owned telephone companies. For those wire centers that
12 encompass tribal lands, Total Call requested to serve the non-tribal areas of each wire center and to
13 serve tribal lands within the service areas of Commission regulated telephone companies and
14 cooperatives only after receiving any and all necessary licenses or other forms of approval that
15 might be required by any Tribe and filing a copy of such licenses or other form of approval with
16 the Commission, with a copy to ALECA's undersigned counsel. Attachment 1 contains the list of
17 wire centers to be served by Total Call.

18 **ARIZONA LOCAL EXCHANGE CARRIERS ASSOCIATION**

19 36. ALECA is an association of telephone companies and member-owned cooperatives
20 providing local exchange telecommunications services to customers in rural, high cost areas of
21 Arizona. All of ALECA's members are "rural telephone companies" as defined by the Act.
22 ALECA represents telephone companies and cooperatives that are regulated by the Commission as
23 well as Tribally-owned telephone companies which are not regulated by the Commission.

24 **JOINT STIPULATION**

25 37. On November 12, 2013, ALECA and Total Call filed a Stipulation in the docket. In
26 the Stipulation, to address the potential concerns expressed by ALECA, Total Call agreed not to
27 provide Lifeline service to eligible residents residing on Federally-Recognized Tribal Lands in
28 Arizona until Total Call obtained any and all necessary licenses or other forms of approval that

1 might be required by any Tribe and file a copy of such licenses or other form of approval with the
2 Commission in this docket and a copy to ALECA's counsel. In addition, Total Call agreed that its
3 Lifeline enrollment application for Arizona will require an applicant to provide a street address and
4 include a provision that requires an applicant to self-certify under penalty of perjury that they do
5 not reside on Federally-Recognized Tribal Lands or to identify the Federally-Recognized Tribe on
6 the lands of which he or she resides.

7 38. Staff understands that the only Federally-Recognized Tribal Lands that are included
8 in the Joint Stipulation are those served by Commission-regulated telephone companies and
9 cooperatives and for which Total Call has obtained any and all necessary licenses or other forms of
10 approval that might be required by any Tribe.³²

11 **STAFF RECOMMENDATIONS**

12 39. In addition to the conditions set forth by the FCC, Staff recommends Total Call's
13 Application for designation as an ETC be granted subject to the following conditions:

- 14
- 15 a. Total Call shall file a tariff, in this docket through Docket Control, setting forth the
16 rates, terms and conditions for its Lifeline service within thirty (30) days of a
Commission Order in this matter;
- 17 b. Total Call shall notify the Commission of any future changes, through Docket
18 Control, to its rates, terms and/or conditions regarding its Lifeline offerings and file
such changes in its tariff and amend its tariff in compliance with A.R.S. § 40-367;
- 19 c. Total Call shall make available Lifeline services to qualifying low-income
20 applicants in its ETC service area no later than ninety (90) days after a Commission
21 decision and concurrently notify the Commission, by making a filing in Docket
Control, in this docket, of the commencement for such services;
- 22 d. Total Call shall apprise the Commission of any customer complaints that may arise
23 from its ETC service offerings by making a filing in Docket Control in this docket;
- 24 e. Total Call shall provide a regulatory contact to the Commission by making a filing
25 in Docket Control in this docket within thirty (30) days of a Commission decision in
this matter;

26 ...

27

28 ³² In order to provide Lifeline services on Federally-Recognized Tribal Lands served by Tribally-owned telephone companies, Total Call would need to petition the FCC for ETC designation in order to receive FUSF reimbursement.

- 1 f. In the event that Total Call requests to relinquish its ETC status and no longer
2 provide Lifeline services, it must provide notice to both the Commission and its
3 customers. Such notice(s) shall be in accordance with A.A.C. R14-2-1107 and any
4 other requirements under Federal law;
- 5 g. Total Call shall submit in Docket Control an annual report by April 15th of each
6 year, beginning April 15, 2014, that contains its total number of Lifeline subscribers
7 and the total amount of Federal USF support received as of December 31 of the
8 previous calendar year and include an affidavit stating that the Lifeline discounts or
9 the equivalent are equal to the amount of total Federal USF support received per
10 line. The annual filing shall be submitted as a compliance item in this docket;
- 11 h. In the event of a Transfer of Control that involves Total Call, a new ETC petition
12 shall be filed with the Commission. This will ensure ETCs undergoing
13 reorganization remain financially viable and able to provide the supported services
14 throughout the designated service areas as originally approved by the Commission;
- 15 i. Total Call shall not expand its Lifeline service beyond the designated service area
16 specified in this Application without acquiring ETC designation from the
17 Commission to serve the additional area; and
- 18 j. Total Call shall not provide Lifeline service to eligible residents residing on
19 Federally-Recognized Tribal Lands in Arizona, served by Commission regulated
20 telephone companies and cooperatives, until after Total Call has obtained any and
21 all necessary licenses or other forms of approval that might be required by any Tribe
22 and filed a copy of such licenses or other form of approval with the Commission in
23 this docket, with a copy to ALECA's undersigned counsel.

CONCLUSIONS OF LAW

- 24 1. Total Call Mobile, Inc. is a telecommunications company as defined in A.R.S. § 40-
25 201(46) and is a "telecommunications carrier" as defined in 47 U.S.C. § 153(51). Total Call is
26 also a reseller of Commercial Mobile Radio Service as defined in 47 U.S.C. § 20.3 and A.A.C.
27 R14-2-1201(8).
- 28 2. The Commission has jurisdiction over the subject matter of the Application.
3. Under 47 U.S.C. § 214(e)(1), a common carrier that is designated as an Eligible
Telecommunications Carrier must, throughout its designated service area, offer the services that
are supported by the Federal Universal Service Support mechanisms either by using its own
facilities or a combination of its own facilities and resale of another carrier's services. The carrier
must also advertise the availability of such services and the rates for the services using media of
general distribution.

1 4. Under 47 U.S.C. § 214(e)(2), the Commission must establish the geographic area
2 for the purposes of determining universal service obligations and support mechanisms. Total
3 Call's Application applies to the service area consisting of each rate center as listed in Attachment
4 1.

5 5. Total Call meets the requirements for ETC designation under 47 U.S.C. § 214 and
6 C.F.R. § 54.201 *et seq.*, subject to Total Call's compliance with the conditions set forth in Finding
7 of Fact No. 39 herein.

8 ...

9 ...

10 ...

11 ...

12 ...

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

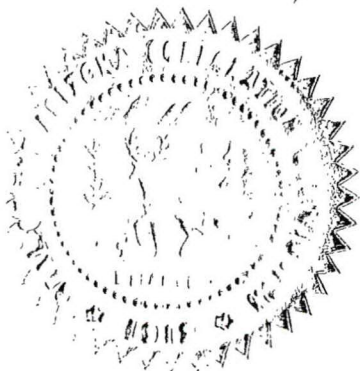
28 ...

ORDER

IT IS THEREFORE ORDERED that the Application of Total Call Mobile, Inc. for designation as an Eligible Telecommunications Carrier pursuant to U.S.C. § 214(e)(1) for the purpose of receiving federal universal service support in Arizona, for the designated service area set forth in Attachment 1 attached hereto and incorporated herein by reference, be and hereby is approved, subject to Total Call Mobile, Inc.'s compliance with the conditions set forth in Finding of Fact No. 39 above.

IT IS FURTHER ORDERED that if Total Call Mobile, Inc. does not comply with the requirements of Finding of Fact No. 39, its designation as an ETC may be revoked after due process.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION
CHAIRMAN
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 7th day of January, ~~2013~~ 2014.


JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

SMO:PJG:sms

SERVICE LIST FOR: TOTAL CALL MOBILE, INC.
DOCKET NO. T-20870A-12-0500

Mr. Stanley B. Lutz
Bryan Cave LLP
Two N. Central Avenue, Suite 2200
Phoenix, Arizona 85004

Mr. Craig A. Marks
Craig A. Marks, P. C.
10645 N. Tatum Blvd., Suite 200-676
Phoenix, Arizona 85028

Mr. Steven M. Olea
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Janice M. Alward
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT 1

ATTACHMENT 1

<u>WC Code</u>	<u>State</u>	<u>CompanyName</u>	<u>RateCenter</u>
AGFIAZSR	AZ	QWEST CORPORATION	PHOENIX
AGULAZXC	AZ	TABLE TOP TELEPHONE CO., INC.	AGUILA
ASFKAZMA	AZ	QWEST CORPORATION	FLAGSTAFF
AZCYAZ03	AZ	QWEST CORPORATION	CASAGRANDE
BCKYAZMA	AZ	QWEST CORPORATION	PHOENIX
BISBAZMA	AZ	QWEST CORPORATION	BISBEE
BLCNAZMA	AZ	QWEST CORPORATION	PHOENIX
BLCYAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	BULLHEADCY
BLCYAZXE	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	BULLHDCYN
BLRGAZXC	AZ	ARIZONA TELEPHONE CO.	BLUE RIDGE
BNSNAZMA	AZ	QWEST CORPORATION	BENSON
BNSNAZSD	AZ	QWEST CORPORATION	BENSON
BONTAZXC	AZ	VALLEY TELEPHONE COOPERATIVE, INC.	BONITA
BOUSAZXC	AZ	FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC - AZ	BOUSE
BOWIAZXC	AZ	VALLEY TELEPHONE COOPERATIVE, INC.	BOWIE
BRDSAZMA	AZ	QWEST CORPORATION	PHOENIX
BVDMAZ01	AZ	RIO VIRGIN TELEPHONE CO., INC.	LITTLEFLD
CHNDAZMA	AZ	QWEST CORPORATION	PHOENIX
CHNDAZSO	AZ	QWEST CORPORATION	PHOENIX
CHNDAZWE	AZ	QWEST CORPORATION	PHOENIX
CHVYAZMA	AZ	QWEST CORPORATION	PRESCOTT
CIBCAZXC	AZ	CITIZENS TELECOM CO OF WHT MTNS INC.	WHITERIVER
CIBLAZXC	AZ	FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC - AZ	CIBOLA
CLCYAZAA	AZ	SOUTH CENTRAL UTAH TELEPHONE ASSOCIATION, INC.	HILDALE
CLDGAZMA	AZ	QWEST CORPORATION	CASAGRANDE
CMVRAZMA	AZ	QWEST CORPORATION	SEDONA
CMVRAZRR	AZ	QWEST CORPORATION	SEDONA
CRCYAZNM	AZ	QWEST CORPORATION	PHOENIX
CRNDAZMA	AZ	QWEST CORPORATION	TUCSON
CSELAZXC	AZ	MIDVALE TELEPHONE EXCHANGE, INC.	CASCABEL
CSGRAZMA	AZ	QWEST CORPORATION	CASAGRANDE
CSRKAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	CASTLEROCK
CTWDAZMA	AZ	NEXTEL COMMUNICATIONS, INC.	SEDONA
CTWDAZSO	AZ	QWEST CORPORATION	SEDONA
CVCKAZMA	AZ	QWEST CORPORATION	PHOENIX
DDVLAZNM	AZ	QWEST CORPORATION	HAYDEN
DEWYAZ01	AZ	MIDVALE TELEPHONE EXCHANGE, INC.	MILLSITE
DGLSAZMA	AZ	QWEST CORPORATION	DOUGLAS
DLKNAZXC	AZ	NAVAJO COMM CO INC - AZ DBA FRONTIER NAVAJO COM	DILKON
DLSPAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	LKMHVNRCHS
DNCNAZXC	AZ	COPPER VALLEY TELEPHONE, INC.	VIRDEN
DRVYAZNO	AZ	QWEST CORPORATION	PHOENIX
DTLDAZ01	AZ	ARIZONA TELEPHONE CO.	HYDER
EHRNAZXF	AZ	FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC - AZ	EHRENBERG
ELFRAZXC	AZ	COPPER VALLEY TELEPHONE, INC.	ELFRIDA

ATTACHMENT 1

ELOYAZ01	AZ	QWEST CORPORATION	CASAGRANDE
ELOYAZ05	AZ	MIDVALE TELEPHONE EXCHANGE, INC.	SILVERBELL
FLGSAZEA	AZ	QWEST CORPORATION	FLAGSTAFF
FLGSAZMA	AZ	QWEST CORPORATION	FLAGSTAFF
FLGSAZSO	AZ	QWEST CORPORATION	FLAGSTAFF
FLRNAZMA	AZ	QWEST CORPORATION	CASAGRANDE
FTDFAZXC	AZ	NAVAJO COMM CO INC - AZ DBA FRONTIER NAVAJO COM	FTDEFIANCE
FTMDAZMA	AZ	QWEST CORPORATION	PHOENIX
FTMDAZNO	AZ	QWEST CORPORATION	PHOENIX
GDYRAZCW	AZ	QWEST CORPORATION	PHOENIX
GLBNAZMA	AZ	QWEST CORPORATION	GILA BEND
GLDLAZMA	AZ	QWEST CORPORATION	PHOENIX
GLOBAZMA	AZ	QWEST CORPORATION	GLOBE
GLVYAZXC	AZ	T-MOBILE USA, INC.	LKHAVASUCY
GNVYAZMA	AZ	QWEST CORPORATION	TUCSON
HGLYAZMA	AZ	QWEST CORPORATION	PHOENIX
HGLYAZQC	AZ	QWEST CORPORATION	PHOENIX
HLBKAZXC	AZ	CITIZENS TELECOM CO OF WHT MTNS INC.	HOLBROOK
HMBLAZMA	AZ	QWEST CORPORATION	PRESCOTT
HRVYAZXC	AZ	ARIZONA TELEPHONE CO.	HARQUHVLVLY
JSCYAZMA	AZ	QWEST CORPORATION	WINSLOW
KGMNAZXC	AZ	NEW CINGULAR WIRELESS PCS, LLC	BULLHEADCY
KGMNAZXE	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	KINGMAN
KIVGAZXC	AZ	HOPI TELECOMMUNICATIONS INCORPORATED - AZ	KYKTSMOVLG
KRNYAZMA	AZ	QWEST CORPORATION	HAYDEN
LEPPAZXC	AZ	NAVAJO COMM CO INC - AZ DBA FRONTIER NAVAJO COM	LEUPP
LHCYAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	LKHAVASUCY
LNBTAZXC	AZ	GILA LOCAL EXCHANGE CARRIER, INC. - AZ	PHOENIX
LTPKAZMA	AZ	QWEST CORPORATION	PHOENIX
MARNAZ02	AZ	QWEST CORPORATION	TUCSON
MARNAZ03	AZ	QWEST CORPORATION	TUCSON
MARNAZMA	AZ	QWEST CORPORATION	TUCSON
MESAAZGI	AZ	QWEST CORPORATION	PHOENIX
MESAAZMA	AZ	QWEST CORPORATION	PHOENIX
MHVYAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	MOHAVE VLY
MIAMAZMA	AZ	QWEST CORPORATION	GLOBE
MMLKAZXC	AZ	ARIZONA TELEPHONE CO.	MORMONLAKE
MMTHAZMA	AZ	QWEST CORPORATION	SAN MANUEL
MRCPAZMA	AZ	QWEST CORPORATION	CASAGRANDE
MSPKAZMA	AZ	QWEST CORPORATION	FLAGSTAFF
NGLSAZMA	AZ	QWEST CORPORATION	NOGALES
NGLSAZMW	AZ	QWEST CORPORATION	NOGALES
NWRVAZMA	AZ	QWEST CORPORATION	PHOENIX
ORCLAZMA	AZ	QWEST CORPORATION	SAN MANUEL

ATTACHMENT 1

PEORAZFS	AZ	ACCIPITER COMMUNICATIONS INC	PHOENIX
PERCAZXC	AZ	VALLEY TELEPHONE COOPERATIVE, INC.	PEARCE
PHNXAZ81	AZ	QWEST CORPORATION	PHOENIX
PHNXAZBW	AZ	QWEST CORPORATION	PHOENIX
PHNXAZCA	AZ	QWEST CORPORATION	PHOENIX
PHNXAZEA	AZ	QWEST CORPORATION	PHOENIX
PHNXAZGR	AZ	QWEST CORPORATION	PHOENIX
PHNXAZLV	AZ	QWEST CORPORATION	PHOENIX
PHNXAZMA	AZ	AT&T LOCAL	GLNCNYONCY
PHNXAZMR	AZ	QWEST CORPORATION	PHOENIX
PHNXAZMY	AZ	QWEST CORPORATION	PHOENIX
PHNXAZNE	AZ	QWEST CORPORATION	PHOENIX
PHNXAZNO	AZ	QWEST CORPORATION	PHOENIX
PHNXAZNW	AZ	QWEST CORPORATION	PHOENIX
PHNXAZPP	AZ	QWEST CORPORATION	PHOENIX
PHNXAZPR	AZ	QWEST CORPORATION	PHOENIX
PHNXAZSE	AZ	QWEST CORPORATION	PHOENIX
PHNXAZSO	AZ	QWEST CORPORATION	PHOENIX
PHNXAZSY	AZ	QWEST CORPORATION	PHOENIX
PHNXAZWE	AZ	QWEST CORPORATION	PHOENIX
PIMAAZMA	AZ	QWEST CORPORATION	PIMA
PINEAZMA	AZ	QWEST CORPORATION	PAYSON
PLMNAZMA	AZ	QWEST CORPORATION	BISBEE
PRDMAZXC	AZ	FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC - AZ	PARKER DAM
PRDTAZ01	AZ	SAN CARLOS APACHE TELECOMMUNICATIONS UTILITY, INC.	SAN CARLOS
PRKRAZXC	AZ	FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC - AZ	PARKER
PRSCAZEA	AZ	QWEST CORPORATION	PRESCOTT
PRSCAZFW	AZ	TABLE TOP TELEPHONE CO., INC.	INCRPTCNYN
PRSCAZMA	AZ	NEXTEL COMMUNICATIONS, INC.	PRESCOTT
PRTLAZXC	AZ	VALLEY TELEPHONE COOPERATIVE, INC.	PORTAL
PRVYAZPP	AZ	QWEST CORPORATION	PHOENIX
PTGNAZEL	AZ	QWEST CORPORATION	NOGALES
PTGNAZMA	AZ	QWEST CORPORATION	NOGALES
PYSNAZMA	AZ	NEXTEL COMMUNICATIONS, INC.	PAYSON
QRTAZXC	AZ	SOUTHWESTERN TELEPHONE CO.	QUARTZSITE
RSVTAZXC	AZ	ARIZONA TELEPHONE CO.	ROOSEVLTlk
SALMAZXC	AZ	SOUTHWESTERN TELEPHONE CO.	SALOME
SASBAZXC	AZ	ARIZONA TELEPHONE CO.	SASABE
SCDLAZMA	AZ	QWEST CORPORATION	PHOENIX
SCDLAZSH	AZ	QWEST CORPORATION	PHOENIX
SCDLAZTH	AZ	QWEST CORPORATION	PHOENIX
SCDMAZ89	AZ	MIDVALE TELEPHONE EXCHANGE, INC.	PHOENIX
SEDNAZMA	AZ	QWEST CORPORATION	SEDONA
SEDNAZSO	AZ	QWEST CORPORATION	SEDONA

ATTACHMENT 1

SFFRAZMA	AZ	QWEST CORPORATION	SAFFORD
SGMNAZXC	AZ	TABLE TOP TELEPHONE CO., INC.	SELIGMAN
SMTNAZMA	AZ	QWEST CORPORATION	SOMERTON
SNDRAZXC	AZ	TABLE TOP TELEPHONE CO., INC.	SANDERS
SNMNAZMA	AZ	QWEST CORPORATION	SAN MANUEL
SNRSAZXA	AZ	TOHONO O'ODHAM UTILITY AUTHORITY	SANTA ROSA
SNSMAZXC	AZ	VALLEY TELEPHONE COOPERATIVE, INC.	SAN SIMON
SNWFAZXC	AZ	CITIZENS TELECOM CO OF WHT MTNS INC.	SNOWFLAKE
SPRRAZMA	AZ	QWEST CORPORATION	SUPERIOR
SPRSAZEA	AZ	QWEST CORPORATION	PHOENIX
SPRSAZMA	AZ	QWEST CORPORATION	PHOENIX
SPRSAZWE	AZ	QWEST CORPORATION	PHOENIX
SRVSAZMA	AZ	QWEST CORPORATION	SIERRAVIST
SRVSAZNO	AZ	QWEST CORPORATION	SIERRAVIST
SRVSAZSO	AZ	QWEST CORPORATION	SIERRAVIST
STFDAZMA	AZ	QWEST CORPORATION	CASAGRANDE
STJHAZXB	AZ	CITIZENS TELECOM CO OF WHT MTNS INC.	ST JOHNS
STMCAZXE	AZ	NAVAJO COMM CO INC - UT DBA NAVAJO COMM UT	MONUMNTVLY
TCSNAZCA	AZ	QWEST CORPORATION	TUCSON
TCSNAZCO	AZ	QWEST CORPORATION	TUCSON
TCSNAZCR	AZ	QWEST CORPORATION	TUCSON
TCSNAZEA	AZ	MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.- AZ	TUCSON
TCSNAZFW	AZ	QWEST CORPORATION	TUCSON
TCSNAZMA	AZ	BANDWIDTH.COM CLEC, LLC - AZ	HAYDEN
TCSNAZML	AZ	QWEST CORPORATION	TUCSON
TCSNAZNO	AZ	QWEST CORPORATION	TUCSON
TCSNAZRN	AZ	QWEST CORPORATION	TUCSON
TCSNAZSE	AZ	QWEST CORPORATION	TUCSON
TCSNAZSO	AZ	QWEST CORPORATION	TUCSON
TCSNAZSW	AZ	QWEST CORPORATION	TUCSON
TCSNAZTV	AZ	QWEST CORPORATION	TUCSON
TCSNAZWE	AZ	QWEST CORPORATION	TUCSON
TEMPAZMA	AZ	QWEST CORPORATION	PHOENIX
TEMPAZMC	AZ	QWEST CORPORATION	PHOENIX
TLSNAZMA	AZ	QWEST CORPORATION	PHOENIX
TMBSAZMA	AZ	QWEST CORPORATION	TOMBSTONE
TNBSAZXC	AZ	ARIZONA TELEPHONE CO.	ROOSEVTLTK
TNCKAZMA	AZ	QWEST CORPORATION	PAYSON
TUBCAZMA	AZ	QWEST CORPORATION	TUCSON
TXTNAZAB	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	PEACH SPG
VAILAZNO	AZ	QWEST CORPORATION	TUCSON
VAILAZSO	AZ	QWEST CORPORATION	TUCSON
WCBGAZMA	AZ	QWEST CORPORATION	WICKENBURG
WDRNAZXC	AZ	NAVAJO COMM CO INC - AZ DBA FRONTIER NAVAJO COM	WIDE RUINS

ATTACHMENT 1

WHTKAZMA	AZ	QWEST CORPORATION	PHOENIX
WHTLAZMA	AZ	QWEST CORPORATION	WHITLOW
WIKPAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	WIKIEUP
WLCXAZMA	AZ	QWEST CORPORATION	WILLCOX
WLMSAZMA	AZ	QWEST CORPORATION	FLAGSTAFF
WLTNAZMA	AZ	QWEST CORPORATION	YUMA
WNBGAZ01	AZ	QWEST CORPORATION	PHOENIX
WNSLAZMA	AZ	QWEST CORPORATION	WINSLOW
YONGAZXC	AZ	MIDVALE TELEPHONE EXCHANGE, INC.	YOUNG
YUCCAZXC	AZ	CITIZENS UTILITIES RURAL DBA FRONTIER UT RURAL	YUCCA
YUMAAZFT	AZ	QWEST CORPORATION	YUMA
YUMAAZMA	AZ	TIME WARNER CABLE INFO SVCS (ARIZONA), LLC - AZ	YUMA
YUMAAZSE	AZ	QWEST CORPORATION	YUMA

JAN -9 2014

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Carrier Oversight & Programs Branch**

**RESOLUTION T- 17444
JULY 10, 2014**

R E S O L U T I O N

Resolution T-17444. This Resolution conditionally grants the request of Total Call Mobile, Inc. to be designated as an Eligible Telecommunications Carrier to provide only federal Lifeline wireless service in specified areas of California.

Summary

By this Resolution, the California Public Utilities Commission (CPUC or Commission) conditionally grants the request of Total Call Mobile, Inc. (Total Call) (U-4360-C), a wireless carrier, to be designated as an Eligible Telecommunications Carrier (ETC) to provide only federal Lifeline wireless service to qualifying customers in California in the service areas of the Uniform Regulatory Framework (URF) carriers¹ excluding the Small Local Exchange Carriers (Small LECs)² service areas. Total Call does not seek federal high-cost fund support or California LifeLine fund support. The request is consistent with the Federal Communications Commission's (FCC) Lifeline requirements, the Commission's ETC requirements of Resolution T-17002, applicable CPUC General Order (GO) 153 LifeLine requirements, and applicable requirements for CPUC wireless registered carriers. We find that the request is reasonable and consistent with the public interest and should be granted to the extent allowed by this Resolution.

¹ The URF carriers are AT&T California, Verizon California, Surewest Telephone, Frontier Communications of California, and Frontier of the South West.

² The Small LECs group is composed of Calaveras Telephone Co. (U-1004-C), Cal-Ore Telephone Co. (U-1006-C), Ducor Telephone Co. (U-1007-C), Foresthill Telephone Co. (U-1009-C), Happy Valley Telephone Co. (U-1010-C), Hornitos Telephone Co. (U-1011-C), Kerman Telephone Co. (U-1012-C), Pinnacles Telephone Co. (U-1013-C), Ponderosa Telephone Co. (U-1014-C), Sierra Telephone Co. (U-1016-C), Siskiyou Telephone Co. (U-1017-C), Volcano Telephone Co. (U-1019-C), Winterhaven Telephone Co. (U-1021-C), and Frontier Communications West Coast (U-1020-C). These telephone companies generally operate in rural areas and have regulated rates.

Background

Pursuant to federal law, 47 U.S.C. § 214(e)(2), a state commission may designate a common carrier as an ETC if it:

- offers the services supported by the federal Universal Service Fund (USF) either by using its own facilities, resale, or both, and
- advertises the services and the related charges using advertising media of general distribution.

Once designated an ETC, the FCC then authorizes the ETC to receive federal USF support for providing those services supported by the USF (e.g. local telephone service) in high-cost areas and to low-income customers.

The FCC established the ETC program to satisfy the statutory requirement of the Telecommunications Act of 1996.³⁴ The federal USF support creates an incentive for the telephone carriers to provide quality residential telephone services at an affordable rate to low-income consumers and/or those living in designated high-cost areas, e.g. rural areas.

47 C.F.R. § 54 contains the FCC's Universal Service rules issued to implement § 254 of the Telecommunications Act regarding universal service. Sections 54.400 – 54.422 address federal Lifeline service. Section 54.401 defines Lifeline as a non-transferrable retail service offering for which qualifying low-income consumers pay a reduced charge for voice telephony service after applying the federal Lifeline support amount.⁵

FCC Orders

The FCC made significant changes to the federal Universal Service Program. The following provides a brief summary of some of the relevant aspects of the FCC orders that address ETC matters:

FCC 11-161 (November 18, 2011), the federal USF and Intercarrier Compensation (ICC) Transformation Order, modified the definition of the services that are supported by the Federal USF by eliminating the FCC's former list of nine supported services and adopting a definition that is technology neutral, now focusing on service functionality instead of the technologies used and allowing services to be provided over any platform.⁶

³ 47 U.S.C. § 153(51) states that “a telecommunications carrier shall be treated as a common carrier under this chapter only to the extent that it is engaged in providing telecommunications services, except that the Commission shall determine whether the provision of fixed and mobile satellite service shall be treated as a common carriage.”

⁴ 47 U.S.C. § 214(e).

⁵ 47 C.F.R. § 54.403.

⁶ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket

In addition, the Order reformed the framework for ETC oversight by the FCC, state commissions, Tribal governments, and the Universal Service Administrative Company (USAC).⁷ The Order established uniform national standards of accountability related to reporting requirements and annual § 254(e) certifications⁸; imposed consequences of non-compliance with rules; described the USAC oversight process, access to cost & revenue data; and, updated the federal USF/ICC systems including revisions to the information required of common carriers when seeking ETC designation and annual reporting requirements. ETCs must meet public interest obligations and apply new certifications related to the public interest.

FCC 11-189 (December 23, 2011), the Sua Sponte Order on Reconsideration, clarified the attributes of “voice telephony service” by amending the definition of services supported by the federal USF in order to establish a more technologically neutral approach to functionality over any platform, not just based on technology. With the amendment of § 54.101, voice telephony services must, by definition provide a) voice grade access to the public switched network or its functional equivalent, b) minutes of use for local service provided at no additional charge to end users, c) access to emergency services provided by local government or other public safety organizations (e.g. 911 or E-911), and d) toll limitation for qualifying low-income consumers.⁹ Additionally, the Order affirmed that Lifeline-only ETCs do not meet the “own facilities” requirement if their facilities no longer support the “voice telephony service” under the amended section. To be in compliance with rules, Lifeline-only carriers seeking ETC designation must use their own facilities, in whole or in part, to provide the supported services or obtain forbearance from the FCC.¹⁰

FCC 12-11 (February 6, 2012), the Lifeline Reform Order, revised the definition of Lifeline service to include technological-neutral terms of service and adopted a rule to permit ETCs to allow qualifying consumers to apply Lifeline discounts to all residential service plans that provide voice telephony service including bundled service packages of voice and broadband or packages with optional calling features. ETCs can apply the Lifeline discount to any retail service offering, not just to offerings specifically designed for low-income consumers.¹¹

No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking (FCC 11-161) (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*) ¶ 77.

⁷ *Id.* at § VIII.

⁸ 47 U.S.C. § 254(e) requires ETCs to use federal support funds only for the provision, maintenance, and upgrading facilities and services.

⁹ *Connect America Fund et al.*, WC Docket 10-90 et al., Order on Reconsideration, 26 FCC Rcd 17633 (2011) (*First Order on Reconsideration*) ¶ 3.

¹⁰ *Id.* at ¶ 4.

¹¹ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Dkt. 11-42, WC Dkt. 03-109, CC Dkt. 96-45, WC Dkt. 12-23 (FCC 12-11) rel. Feb 6, 2012 (*Lifeline Reform Order*) ¶¶ 315-316.

The Order updated the definition of Lifeline to be consistent with the new definition of the supported services (e.g. voice telephony service) adopted in FCC 11-161, the Transformation Order, and removed the “local” qualifier because many providers no longer distinguish between local and long distance usage since service offerings bundle minutes of use. Prior to the adoption of FCC 12-11, an ETC had to demonstrate that it offered a local usage plan comparable to one offered by the incumbent LEC in the service area(s) for which the ETC applicant sought designation. The FCC never adopted a specific local usage threshold leaving it up to a fact specific case-by-case analysis that took into consideration different local calling areas than those of the incumbent LEC, a specified number of free local minutes, or the offering of an unlimited calling plan that bundles local and long distance minutes.¹² In FCC 12-11, however, the FCC noted that many providers do not distinguish between local and long distance usage and concluded that carriers may satisfy the obligation to provide local usage via service offerings which bundle local and long distance minutes¹³ and concluded that this finding was applicable also to Lifeline service. The FCC, therefore, determined it appropriate to remove the qualifier “local” from Lifeline comparable local usage requirements and determined that prescribing a minimum amount of local minutes was not necessary at this time.

The Order updated its ETC rules¹⁴ for all ETCs by: a) modifying the definition of ETC to include ETC’s designated by the FCC as well as by the states; b) requiring all carriers requesting ETC designation to demonstrate financial and technical capability to provide Lifeline services; and, c) streamlining annual reporting requirements, including service outages, into a new section 47 C.F.R. § 54.422. By adopting these program revisions, the FCC expects to strengthen protections against waste, fraud, and abuse while improving program administration, accountability, and consumer protections.

47 U.S.C. § 214(e)(1)(A) requires an ETC to provide the supported services through the use of its own facilities or a combination of its own facilities and resale. The Order concluded that forbearance from the facilities requirement would be in the public interest because it will increase connection among providers of telecommunications services. As a condition of granting forbearance from the “own-facilities” rule, resellers must have an FCC-approved Compliance Plan. Section 214(e)(1)(A) limits ETC designation to common carriers providing service with their own facilities. The FCC granted forbearance to this requirement to those common carriers that do not meet the “own facilities” requirement, subject to the conditions that¹⁵: a) the carrier must comply with certain 911 requirements

¹² *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Dkt. 96-45 (FCC 05-46), rel. Mar 17, 2005. ¶¶ 32-33.

¹³ *Lifeline Reform Order* at ¶ 49.

¹⁴ *Id.* at ¶¶ 384-391.

¹⁵ *Id.* at ¶ 379.

including, but not limited to, the procedures the ETC follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the fund, materials related to initial and ongoing certifications and sample marketing materials, as well as further safeguards against waste, fraud, and abuse the FCC may deem necessary and b) the carrier must file, and the FCC must approve, a compliance plan that provides specific information regarding the carrier's service offerings and outlines the measures the carrier will take to implement the obligations set forth in FCC 12-11. This includes a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier's various Lifeline service plan offerings including subscriber rates, number of minutes included, and the types of plans available.

The FCC has declined to prescribe minimum monthly minute standards, finding that it was not necessary because the communications market place should make this determination, citing examples of competitive forces driving up the number of minutes offered to Lifeline customers.¹⁶ While the FCC has not prescribed minimum minutes of use for Lifeline plans, Communications Division (CD) staff reviews an ETC applicant's proposed plans to determine if they are based on retail offerings of the ETC applicant that are available to its non-Lifeline customers or if the plans are offered only to Lifeline customers. For those Lifeline plans that are not based on retail plans available to all prospective customers, CD staff evaluates the Lifeline customer-only plans in its public interest analysis of each ETC request.

FCC 12-52 (May 14, 2012), the Third Order on Reconsideration, extended annual reporting requirements to all recipients of federal high-cost/Connect America Fund (CAF) support, including state-designated ETCs, and clarified that the FCC will not preempt states from imposing state-specific reporting requirements as long as those additional reporting requirements do not create burdens that thwart achievement of the universal service reforms adopted by the FCC.

California Public Utilities Commission Requirements

The Commission may approve federal ETC designation requests when a carrier also complies with the following California state requirements:

Resolution T-17002 (May 25, 2006), adopted *The Comprehensive Procedures and Guidelines for ETC Designation and Requirements for ETCs* that are consistent with FCC Order 97-157 regarding designation of a telephone carrier as a qualified ETC. All carriers seeking ETC designation in California are required to comply with the applicable federal ETC requirements and CPUC requirements for certificated or registered carriers operating in California which include, but are not limited to: a description of the proposed service offerings and attached service area maps;

¹⁶ *Id.* at ¶ 50.

description of the advertising plan(s); commitment to provide service; submission of the 2-year service quality improvement plan; ability to remain functional; commitment to consumer protection; demonstration that a carrier's usage plan is comparable to that of the incumbent LEC in the proposed service area; and, public interest determination.

General Order 153 (GO 153) implements the *Moore Universal Telephone Service Act* and contains California LifeLine service requirements. CD staff applies the provisions of GO 153 in the evaluation of ETC designation requests using the list of 22 service elements to which each carrier addresses their compliance.¹⁷ Federal Lifeline wireless ETCs must comply with current provisions of GO 153 until the Commission revises GO 153 and determines the extent to which revised GO 153 and revised California LifeLine service elements should apply to federal Lifeline wireless ETCs in the California LifeLine Rulemaking (R.) 11-03-013.

User Fees and Surcharges are obligations which CPUC-approved carriers must fulfill. The Public Utilities Commission (PUC) User Fee is levied on all telecommunications carriers providing services directly to customers or subscribers and the amount of fees is a percentage calculation based on all intrastate customer billings for telecommunications services. In addition, all telecommunications carriers that provide basic telephone service are required to collect and remit Public Purpose Program (PPP) surcharges from end-users that fund the Commission's universal service program. When reviewing ETC designation requests, CD staff reviews carrier compliance with these state regulatory requirements for telephone corporations operating in California including, but not limited to, reporting and paying PUC User Fees, PPP surcharges, and submitting required reports.

Notice/Protests

The advice letter filing was served via email to all parties on the ETC service list and appeared in the Commission's Daily Calendar on July 27, 2012. No protests to this advice letter filing were received.

Discussion

Total Call Mobile, Inc. (Total Call) is a nationwide prepaid and postpaid wireless service provider that uses a combination of its own facilities and wholesale network services from Sprint PCS to provide service to its customers. Its principal offices are at 1411 W. 190th St., Suite 700, Gardena, California 90248. On April 10, 2006, the Commission issued Total Call its Wireless Identification Registration number U-4360-C allowing it to operate as a reseller of Commercial Mobile Radiotelephone Services (CMRS) to the public in California. Total Call has complied with the regulatory requirements for telephone

¹⁷ See *Attachment B* for list of GO 153 service elements.

Resolution T- 17444
CD/ABA

corporations operating in California including, but not limited to, reporting and payment of PUC User Fees and Public Purpose Programs (PPP) surcharges and submitting required reports.

On July 19, 2012, Total Call filed Tier III Advice Letter (AL) 2 requesting ETC designation to receive federal support to provide only federal Lifeline prepaid wireless service to eligible customers throughout its entire service area using a combination of its company-owned facilities and wholesale network services from Sprint PCS excluding the Small LEC areas. Total Call proposed these prepaid federal Lifeline wireless plans:

- Plan 1: 150 minutes for both domestic and international calls for \$2.50 per month
- Plan 2: 250 domestic minutes for \$2.50 per month
- Plan 3: Choice to apply Lifeline support amount using the *Lifeline Credit Plan* to either the *30-Day Unlimited Talk & Text* for \$30.74 per month or the *30-Day Unlimited Talk, Text, and Data* at \$40.74 per month

On November 1, 2012, Total Call filed Supplement AL 2A stating it will follow the prescribed enrollment process outlined in GO 153 § 4. At the time of signing up for federal Lifeline service, a new customer will be instructed to purchase a prepaid retail service plan and will receive a welcome packet. The customer will incur retail service rates until approval of the Lifeline application and then Total Call will apply credit(s) for the Lifeline discount(s) retroactive to the application date.

Total Call submitted additional support of its Plan 1 of 150 minutes with international calling to 250 counties as a competitive offer for customers. Total Call, also, clarified its non-usage policy stating that a 30-day de-enrollment notice will be sent to a customer after 60 days of non-use thereby disconnecting service on the 90th day of non-use.

On February 25, 2013, Total Call filed Supplement AL 2B requesting to update its proposed Lifeline plans since the price floor adopted in D.10-11-033 no longer applies for pricing purposes effective January 1, 2013.

- Plan 1: 150 minutes for both domestic and international calls for \$0 per month
- Plan 2: 250 domestic minutes for \$0 per month
- Plan 3: 1,000 Talk & 1,000 Text for 30 days for \$19.99 per month
- Plan 4: *Unlimited Talk & Text* for 30 days for \$29.99 per month
- Plan 5: *Unlimited Talk, Text, & Data* for 30 days for \$39.99 per month

In this supplement, Total Call proposed applying a Lifeline discount of \$10 which is the \$9.25 federal support amount plus a company credit of \$0.75. The retail value of Plans 1 and 2 is \$9.99 each with no charge to a Lifeline customer after applying the Lifeline and company discount.

On March 24, 2014, Total Call filed AL Supplement 2C requesting to eliminate Plan 1, the free 150-minute domestic and international call plan. In addition, it requested to lower the per-minute cost of additional minutes purchased for Plans 2 and 3 from \$0.05 to \$0.033 thereby price matching its free 250-minute plan with the 250-minute plans of

Nexus Communications, Inc. and Budget PrePay, Inc. In summary, Total Call's proposed prepaid federal Lifeline wireless plans are:

- Plan 1: 250 domestic minutes for \$0 per month
- Plan 2: 1,000 Talk & 1,000 Text for 30 days for \$19.99 per month
- Plan 3: *Unlimited Talk & Text* for 30 days for \$29.99 per month
- Plan 4: *Unlimited Talk, Text, & Data* for 30 days for \$39.99 per month

Additional minutes beyond the plan allotment cost \$0.033 per minute of voice and \$0.05 per text

Compliance with Federal Rules

Federal ETC Requirements:

The FCC defines Lifeline as a non-transferrable retail service offering for which low-income consumers pay a reduced charge as a result of applying the federal Lifeline support amount¹⁸, currently at \$9.25 per month per Lifeline customer.¹⁹ The following FCC ETC requirements must be satisfied by a carrier to receive federal ETC designation. Total Call addressed the FCC ETC requirements as follows:

Demonstrate that the services intended to be offered comply with the voice telephony definition - Pursuant to 47 U.S.C. § 214(e)(1) and (6), Total Call submits that it is a common carrier and is able to provide telephone exchange and exchange access through a combination of its company-owned facilities and its wholesale arrangements with its underlying facilities-based provider, Sprint PCS.

Advertise using media of general distribution - Total Call demonstrates that its Lifeline services meet the definition of voice telephony and Total Call commits to advertise broadly the availability and rates for its services using media of general distribution such as, outreach by direct mail, community events, the internet, and more conventional forms of advertising including public transit advertising, signage, and radio. Using English, Spanish, or other languages dependent upon the target area, Total Call will promote its Lifeline offerings through the distribution of brochures at various state and local social service agencies. All applications and brochures will be available in English and Spanish.

Commit to provide service throughout the designated service area - Total Call commits to provide service in the areas that it is designated an ETC, based on the build-out of the facilities and availability of service of its underlying facilities based carrier, Sprint PCS. Total Call's coverage area will encompass the coverage area of its underlying carrier. Total Call states that through the use of facilities obtained, it can provide the same ability to remain functional in emergency situations as currently provided by Sprint to its own customers including access to a reasonable amount of back-up power to ensure functionality without an external power

¹⁸ 47 C.F.R. § 54.401.

¹⁹ *Lifeline Reform Order* at ¶ 58.

source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations. Sprint has redundancies, back-up generator power and an extensive disaster recovery program. Sprint has built its network from the ground up, which means that its network is consistent across the entire network so that it is easy to monitor and to troubleshoot should any outage or disruption occur.

Resellers submit FCC-approved *compliance plan* - Total Call submitted its compliance plan approved by the FCC on May 25, 2012.

Demonstrate financial and technical capability - In its FCC-approved compliance plan, Total Call stated it offers nationwide non-Lifeline prepaid services as a mobile virtual network operator using the Sprint network. The carrier received ETC approval in Maryland in December 2011 and has applied for ETC designation with the FCC in nine states and the District of Columbia as well as having applied directly for ETC approval in the states of Arkansas, Louisiana, Michigan, Nevada, West Virginia, and California.

Total Call is a wholly-owned subsidiary of Total Call International (TCI), a national prepaid telecommunications services provider which has provided telecommunications services to customers for over 10 years. TCI is majority-owned by KDDI America, a subsidiary of Japan's second largest telecommunications carrier, KDDI Corporation. KDDI Corporation and its affiliates provide mobile services (voice and data) and fixed line services (broadband, domestic and international telecommunications, and data center services) in Japan and globally. During the past 10 years, Total Call and TCI have provided telecommunications services to non-Lifeline customers and, consequently, Total Call has not and will not rely exclusively on Lifeline reimbursements for the company's operating revenues. Total Call receives revenues from prepaid wireless services and also has access to the financial resources of its parent company.

Commit to submit required compliance reports annually and as requested - Total Call commits to reporting on an annual basis consistent with the FCC requirements.

Meet public interest requirements for the proposed service areas - Total Call asserts that it meets the FCC public interest criteria including that the benefits of increased competitive choice and the unique advantages and disadvantages of the carrier's service offering such as convenience, security with mobility, the cost control inherent in prepaid plans, 911/E911 access, and high-quality wireless service alternative and exceptional customer service will serve the public interest in Total Call's proposed service area. Total Call's proposed plans in the service area will offer consumers low-cost Lifeline-only service that is feature-rich with a choice of plans. As proposed, Total Call's wireless offerings have equal or better value for low-income customers when compared to other prepaid wireless Lifeline packages.

Commit to satisfy all applicable consumer protection and service quality standards – Total Call commits to satisfy all applicable consumer protection and service quality standards, specifically committing to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

Agree to apply the Lifeline support discount to residential retail plans – Total Call states that it will apply the \$9.25 Lifeline support amount to its proposed plans.

CD staff finds that Total Call has complied with the above FCC ETC requirements.

Other Federal Requirements:

FCC 12-11 ¶¶384-391 changed some of the ETC designation and annual compliance reporting requirements in Part 54 in order to centralize and streamline certification and reporting requirements. These changes were effected by deleting Part 54.202 and establishing § 54.422.²⁰

- ¶ 385 - Definition of ETC in § 54.5 as modified includes ETCs designated by the FCC
- ¶ 386 - Lifeline-only ETCs exempted from filing 5-year network improvement plans
- ¶ 387-388 - Explicit requirement that ETC applicants must demonstrate financial and technical capability to provide Lifeline service including:
 - Previous experience offering service to non-Lifeline customers
 - Length of time in business
 - Whether applicant will rely exclusively on Lifeline revenues to operate
 - Whether applicant will receive revenue from other sources
 - Previous enforcement action against applicant or ETC revocation proceedings in other states
- ¶ 389 – Reporting requirements within § 54.422
 - Service outage information
 - Number of complaints received per 1,000 connections
 - Compliance with service quality standards and consumer protection rules
 - Certify that the carrier can operate in emergency situations
- ¶ 390 – Other reporting requirements
 - Names and identifiers used by the ETC, its holding company, operating companies and affiliates
 - General information of terms and conditions of Lifeline voice telephony plans offered to Lifeline customers including number of minutes provided, additional charges for toll calls, and rates for each plan.

²⁰ Wireline Competition Bureau Announces Filing Deadline of October 15, 2013 for Eligible Telecommunications Carriers to File High-Cost and Low-Income Annual Reports, and Announces Filing Deadline of December 16, 2013 for States and ETCs to File Annual Use Certifications, Public Notice, WC Dkt.1090 and 11-42, [DA 13-1707](#) (August 6, 2013)

CD staff reviewed AL 2 and its supplements to conclude that Total Call has met the FCC's ETC requirements.

47 C.F.R. § 54.401(d) requires that when a state commission designates a carrier an ETC status, the state commission shall file or require the ETC to file information with USAC that demonstrates that the ETC's Lifeline plan meets the universal service support criteria for low-income consumers including the terms and conditions of voice telephony service plans and the plan details.²¹ To comply with § 54.401(d), CD recommends that the Commission direct Total Call to file the applicable information directly with USAC. USAC will review the service plans to ensure they meet the federal Lifeline requirements. Once USAC accepts the service plans, Total Call shall provide to the Communications Division Director a copy of the information submitted to USAC and a copy of Total Call's certification of approval from the USAC within 30 days of receipt from USAC.

Compliance with State Rules

GO 153 Basic Service Elements Compliance:

GO 153 requires compliance with 22 basic service elements of California LifeLine. (See *Attachment B* of this resolution for a complete list of California LifeLine basic service requirements.) Current GO 153 continues to be used to evaluate ETC designation request by wireless carriers including federal Lifeline applications and renewals until the Commission revises GO 153 and determines the extent to which revised GO 153 rules and revised California LifeLine service elements should apply to federal Lifeline wireless offerings in Rulemaking 11-03-013.

Total Call requested waivers from the California LifeLine basic service elements set forth in D.10-11-033: (4) the ability to receive free incoming calls, (10) customer choice of local flat-rate or measured-rate service, (11) free provision of one directory listing per year, (12) availability of free white pages telephone directory, (15) free access to 800 and 800-like toll-free numbers, (19) free access to toll-blocking service, (20) free access to toll-control service, and (21) access to two residential telephone lines if a low-income household with a disabled person requiring both lines.²²

CD staff recommends granting waivers from elements (4), (10), (11), (12), and (15) because they do not apply to wireless service providers but to providers of wireline services; the Commission has granted such waivers in the past. Likewise, CD staff recommends granting waivers from elements (19) and (20) since there is no distinction between the local and long distance usage of minutes offered in Total Call's proposed plans and therefore do not apply. CD staff recommends that the waivers remain in effect until such time that this Commission revises GO 153 and determines the extent to which revised GO 153 rules and revised California LifeLine service elements should apply to federal Lifeline wireless ETCs in the California LifeLine rulemaking proceeding.

²¹ USAC requires a copy of a new ETC's designation order issued by its state utility regulator, <http://usac.org/li/telecom-carriers/step03/default.aspx>. Site last visited May 15, 2014.

²² D.10-11-033 (November 19, 2010).

However, CD staff does not recommend granting a waiver to element (21) because D.14-01-032 requires federal Lifeline wireless providers to comply with this California LifeLine service element.²³ Since all wireless carriers are required to provide access to *two discounted lines* for a household with a disabled person, CD staff does not recommend granting a waiver to requested element (21).

LifeLine Third Party Administrator:

GO 153, § 4.2 related to California LifeLine enrollment procedures provides a reasonable means for wireless carriers to determine if a prospective low-income customer is eligible for federal Lifeline wireless service. In California, the California LifeLine Administrator (CLA) performs enrollment application and renewal functions.²⁴ The CLA's process captures inconsistent or duplicative LifeLine/Lifeline enrollments to mitigate "double dipping" into the support funds through periodic duplicate checks. When such inconsistencies arise, the CLA de-enrolls the customer and informs the carrier of record. In the case of the federal Lifeline program, the FCC and USAC retain the obligation to identify "double dipping" and/or other inconsistent or duplicative draws for reimbursement from the federal support fund.

In addition, GO 153 requires that an annual renewal form be sent to each Lifeline customer to determine continued eligibility.²⁵ Total Call agrees to comply with GO 153 requirements, including consumer enrollment, prequalification, certification, eligibility verification and annual renewal, and working with the CLA. Total Call stated it will not provide discounted wireless service until the low-income customer is determined eligible and enrolled by the CLA. Once established, Total Call will adjust monthly charges of the retail plan in use to reflect credits for service used and thereby will apply the federal Lifeline support cost to the customer's chosen Lifeline service/rate plan.

CD staff recommends that the GO 153 California LifeLine enrollment application, verification, and renewal requirements continue to be used in evaluating wireless carrier requests for ETC designation to serve California consumers. CD staff recommends that the Commission require Total Call to label clearly its wireless offerings as "*federal Lifeline service*". Doing so would minimize customer confusion between the California LifeLine and federal Lifeline programs, disseminate adequate information about potential coverage and service quality issues, and provide copies of all marketing materials including, but not limited to, customer service representative scripts, internet marketing, and posters and brochures to CPUC California LifeLine staff for review and approval prior to publication and distribution.

Resolution T-17002 Compliance:

Total Call has satisfied the applicable requirements set forth in Resolution T-17002 including, but not limited to: providing Lifeline-only services within the proposed

²³ D.14-01-032 (January 16, 2014), *Attachment D, Appendix A-2*, service element 17 (revised).

²⁴ GO 153, § 4.2.1. The current California LifeLine Administrator is Xerox.

²⁵ GO 153, §§ 4.4, 4.5.

service area; providing the designated services; and complying with advertising rules as required by the FCC such as using printed advertisements, billboards, public transit signage, and brochures, all of which will state clearly that the Lifeline support is from the federal Lifeline program only.

At the time of review, Total Call was current with payment of the annual PUC User Fees and public purpose program surcharges. As a condition of its Commission authority and its ETC designation, Total Call must continue to remain current with its payments. The Commission may revoke Total Call's ETC designation and/or operating authority if the company does not remit timely fees and surcharges and will notify the USAC and the FCC of the revocation.

Total Call states it has the ability to remain functional in emergency situations by working with its underlying carrier, Sprint PCS. Total Call commits to satisfy all applicable state and federal requirements related to consumer protection and service quality standards.

Providing Federal Lifeline Wireless Service to Customers in Small LEC Service Areas:

Total Call does not seek ETC designation in the service areas of the Small LECs. Consistent with the policy adopted in Resolution T-17284, Total Call requests that the Commission order the Small LECs to provide a list of the ZIP+4 codes²⁶ associated with the Small LECs service areas. Total Call will use that data to ensure that no federal Lifeline wireless service is offered to customers residing in the Small LECs' service areas.

CD staff recommends that the Commission require the Small LECs to provide to Total Call, as they do for all current ETCs, an updated ZIP+4 code data list of the Small LECs' service areas²⁷ within 30 days of the effective date of this Resolution, as appropriate for the carrier and the service area. The Small LECs should also be required to provide to Total Call any update to the ZIP+4 code data, as needed. Total Call should file a copy of any updated ZIP+4 code data list with the Communications Division Director and the CLA. The ZIP+4 code data shall be provided in an MS Excel file (.xls) format via email to the CD Director. The Small LECs also shall provide the CLA the ZIP+4 code data in a format specified by the CLA.

CD staff considers it appropriate for the Commission to rely on the Small LECs to monitor for instances where they believe a wireless carrier is providing federal Lifeline wireless service to any Small LEC customers. Should such instances arise, the Small LECs can raise for Commission review any related concerns about Total Call's behavior

²⁶ ZIP+4 code is the standard ZIP code with a four digit add-on code. This add-on code identifies a smaller geographic region within the main code, such as a city block, office building, etc. In Resolution T-17284, Virgin Mobile was required to screen prospective Lifeline customers to ensure they do not reside in the Small LECs' territories. The screening can be accomplished by using the list of ZIP+4 codes for the Small LEC service areas.

²⁷ On July 5, 2011, the Small LECs filed with the CPUC the ZIP+4 code data pursuant to Resolution T-17284. On July 6, 2011, Frontier Communications West Coast, Inc. filed the ZIP+4 code data for its service areas pursuant to T-17284.

or practices in the Small LECs' service areas. If the matter cannot be resolved informally, the Small LECs can file a formal complaint with the Commission.

Public Interest Determination:

Before recommending designation of a carrier as an ETC, CD staff must determine that doing so would be in the public interest for California consumers.²⁸ In the Lifeline Order, the FCC clearly states the importance of promoting universal service principles²⁹ and in that context that the Lifeline program includes a public interest determination particularly for Lifeline-only ETCs where forbearance of the facilities-based requirement exists.³⁰ Since the federal Lifeline program adopted a technology-neutral definition for supported service, Total Call proposes to give consumers a variety of rate plans that provide feature-rich mobile connectivity. While wireless connectivity has limitations, the choice of mobile communications is a benefit if it fits a low-income customer's budget, needs, and lifestyle. Total Call states that it meets the FCC criteria for public interest determination, including the benefits of increased competitive choice, convenience, security with mobility, ability to purchase additional usage, and the ability to use supported service to send and receive text messages in a prepaid plan.

Price Analysis

When analyzing Lifeline plan pricing, CD examines non-Lifeline retail plan prices, relying on competitive forces to determine what plans are reasonable. Therefore, CD recommends that federal Lifeline plans based on currently available retail plans be considered reasonable and should be offered to federal Lifeline customers, less the federal support amount(s). Of its four plans, Plans 2, 3, and 4 are available as off-the-shelf retail service plans for all customers. Plan 1, the free 250-minute plan, is available only to Lifeline-qualified customers.

CD staff evaluated Total Call's proposed through the prism of the expected monthly cost to a low-income consumer based on average minutes of use³¹ in comparison to comparable incumbent local exchange carrier (ILEC) Lifeline plans and other wireless ETC Lifeline plans.

²⁸ *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Dkt 96-45 (FCC 05-46), released Mar 17, 2005 ¶ 40 and CPUC Resolution T-17002, *Appendix A, Section II-G: Public Interest Determination*.

²⁹ 47 U.S.C. § 254(b)(c)(e)(2).

³⁰ *Lifeline Reform Order* at ¶¶ 219, 378, 362, and fn 968.

³¹ *In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Dkt. No. 11-186 (FCC 13-34) (*Sixteenth Report on Mobile Competition*). The FCC annually issues a mobile competition report which reflects analysis of 2011 data submitted by carriers. CD staff analysis uses the 615 average minutes of use (MOU) for wireless voice as a base to evaluate Lifeline plan offerings (Table 38).

Resolution T- 17444
CD/ABA

Total Call's proposed plans in the service area will offer consumers low-cost Lifeline service with a choice of four plans. Only Plan 1 is a Lifeline-only plan; Plans 2, 3, and 4 are available retail plans discounted with the \$9.25 federal support amount and a \$0.75 company credit.³² As stated earlier, AL 2C revised the proposed service plans and customer costs as follows:

- Plan 1: 250 domestic minutes for \$0 per month
- Plan 2: 1,000 Talk & 1,000 Text for 30 days for \$19.99 per month
- Plan 3: Unlimited Talk & Text for 30 days for \$29.99 per month
- Plan 4: Unlimited Talk, Text, & Data for 30 days for \$39.99 per month

Additional minutes beyond the plan allotment cost \$0.033 per minute of voice and \$0.05 per text, which aligns with other competitors' pricing. As proposed, Total Call's wireless offerings have equal or better value for low-income customers when compared to other prepaid wireless Lifeline packages.

Chart 1 -- Comparison of Proposed Federal Lifeline Wireless Plans to Other Prepaid Federal Lifeline Wireless Plans in Service Area (Assuming Average Wireless MOU)

	Total Call Mobile Plans				Prepaid Wireless Lifeline Plans										
	Total Call Plan 1: 250	Total Call Plan 2: 1000 Talk & 1000 Text**	Total Call Plan 3: Unlimited Talk & Text**	Total Call Plan 4: Unlimited Talk, Text, & Data**	Budget Mobile 250	Budget Mobile 1000	Budget PrePay Unlimited Talk/Text	Telscape 300	Telscape 1000	Virgin Mobile 250	Virgin Mobile 1000	Virgin Mobile Unlimited	Nexus 250	Nexus 1000	Cricket Unlimited
Avg. MOU*	615	615	615	615	615	615	615	615	615	615	615	615	615	615	615
Basic Plan Minutes (allowance)	250	1000	Unlimited	Unlimited	250	1000	Unlimited	300	1000	250	1000	Unlimited	250	1000	Unlimited
Texts included	1 txt = 1 min	1000	Unlimited	Unlimited	-	-	-	-	-	250	Unlimited	Unlimited	-	-	-
Data included	-	-	Unlimited	Unlimited	-	-	-	-	-	-	-	Unlimited	-	-	-
Avg. Excess MOUs	365	-	-	-	365	-	-	315	-	365	-	-	365	-	-
Cost per Min in excess of allowance	\$0.033	\$0	\$0	\$0	\$0.033	\$0.033	\$0.033	\$0.030	\$0.030	\$0.100	\$0.100	\$0	\$0.033	\$0.033	\$0
Cost of excess minutes**	\$12.05	\$0	\$0	\$0	\$12.05	\$0.00	\$0.00	\$9.45	\$0	\$36.50	\$0	\$0	\$12.05	\$0	\$0
Min. Lifeline Plan Cost (per D.10-11-033) or Cost per Plan	\$0.00	\$19.99	\$29.99	\$39.99	\$0.00	\$20.00	\$32.00	\$2.50	\$20.00	\$0.00	\$20.00	\$30.00	\$0.00	\$20.00	\$21.50
Total GO 153 Cost to Customers	\$12.05	\$19.99	\$29.99	\$39.99	\$12.05	\$20.00	\$32.00	\$11.95	\$20.00	\$36.50	\$20.00	\$30.00	\$12.05	\$20.00	\$21.50
Caller ID	-	-	-	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	-	-
Long Distance	-	-	-	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	-	-
Voicemail	-	-	-	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	-	-
Federal Excise Tax	-	-	-	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	-	-
Total Additional costs of vertical features	-	-	-	-	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	-	-
Total Cost to Lifeline Customers with 615 MOU and additional costs of vertical features	\$12.05	\$19.99	\$29.99	\$39.99	\$12.05	\$20.00	\$32.00	\$11.95	\$20.00	\$36.50	\$20.00	\$30.00	\$12.05	\$20.00	\$21.50

Plan choices based on Supplement AL 3C filed March 24, 2014.

* Average Minutes of Use based on FCC 13-34 16th Mobile Wireless Competition Report issued March 19, 2013, Table 38. Avg MOU 615, Year 2011.

** Plans 2, 3, and 4 are based on currently available retail plans.

Comparable Local Usage and Equal Access

To demonstrate its competitive service for the price when including Average Minutes of Use by a customer in a month, Total Call provided a summary of its federal Lifeline wireless plans comparable to other retail federal Lifeline wireless and prepaid wireless plans offered by local exchange carriers. CD, however, updated Chart 2 to reflect current offerings and retail prices of prepaid wireless companies.

³² In Advice Letter 2A supplementing its request, Total Call revised the amount of its discount to \$10.00, comprised of the \$9.25 federal Lifeline subsidy and an additional company credit.

Resolution T- 17444
CD/ABA

Chart 2 -- Comparison of Proposed Federal Lifeline Wireless Plans to California ILEC Federal Lifeline Wireless Measured Rate Plans and Prepaid Wireless Plans (Assuming Average Wireless MOU)

	Total Call Mobile Plans				ILEC MR Lifeline Plans				Prepaid Wireless Retail Plans					
	Total Call Plan 1: 250	Total Call Plan 2: 1000 Talk & Text**	Total Call Plan 3: Unlimited Talk & Text**	Total Call Plan 4: Unlimited Talk, Text, & Data**	AT&T Lifeline MR (minimum)	AT&T Lifeline MR (maximum)	Verizon Lifeline MR (minimum)	Verizon Lifeline MR (maximum)	Virgin Mobile PayLo 1500	Nexus Reach Out Simple Plan 1000	Metro PCS Unlimited	AT&T Go Phone Unlimited Talk & Text	Sprint Basic Plus	Verizon Talk & Text 450
Avg. MOU*	615	615	615	615	615	615	615	615	615	615	615	615	615	615
Basic Plan Minutes (allowance)	250	1000	Unlimited	Unlimited	146	146	146	146	1500	1000	Unlimited	Unlimited	Unlimited	450
Texts included	1 txt = 1 min	1000	Unlimited	Unlimited	-	-	-	-	1500	-	Unlimited	Unlimited	Unlimited	Unlimited
Data included	-	-	Unlimited	Unlimited	-	-	-	-	30 MB	-	Unlimited	Unlimited	Unlimited	-
Avg. Excess MOUs	365	-	-	-	469	469	469	469	-	-	-	-	-	165
Cost per Min in excess of allowance	\$0.033	\$0	\$0	\$0	\$0.033	\$0.033	\$0.033	\$0.033	\$0	\$0	\$0	\$0	\$0	\$0.45
Cost of excess minutes	\$12.05	\$0	\$0	\$0	\$15.48	\$15.48	\$15.48	\$15.48	\$0	\$0	\$0	\$0	\$0	\$74.25
Min. Lifeline Plan Cost (per D.10-11-033) or Cost per Plan	\$0.00	\$19.99	\$29.99	\$39.99	\$2.50	\$3.66	\$2.50	\$3.66	\$30.00	\$20.00	\$40.00	\$45.00	\$50.00	\$59.99
Total GO 153 Cost to Customers	\$12.05	\$19.99	\$29.99	\$39.99	\$17.98	\$19.14	\$17.98	\$19.14	\$30.00	\$20.00	\$40.00	\$45.00	\$50.00	\$134.24
Caller ID	-	-	-	-	\$9.99	\$9.99	\$7.95	\$7.95	-	-	-	-	-	-
Long Distance	-	-	-	-	\$6.99*	\$6.99*	\$15.99	\$15.99	-	-	-	-	-	-
Voicemail	-	-	-	-	N/A	N/A	\$7.45	\$7.45	-	-	-	-	-	-
Federal Excise Tax	-	-	-	-	\$0.08	\$0.11	\$0.08	\$0.11	-	-	-	-	-	-
Total Additional costs of vertical features	-	-	-	-	\$17.06	\$17.09	\$31.47	\$31.50	-	-	-	-	-	-
Total Cost to Lifeline Customers with 615 MOU and additional costs of vertical features	\$12.05	\$19.99	\$29.99	\$39.99	\$35.04	\$36.23	\$49.45	\$50.64	\$30.00	\$20.00	\$40.00	\$45.00	\$50.00	\$134.24

Plan choices based on Supplement AL 3C filed March 24, 2014.

* Average Minutes of Use based on FCC 13-34 16th Mobile Wireless Competition Report issued March 19, 2013, Table 38. Avg MOU 615, Year 2011.

** Plans 2, 3, and 4 are based on currently available retail plans.

Due Diligence Review:

An integral part of CD's processing of an ETC designation request is a due diligence review of the requesting carrier as a supplement to the public interest analysis to determine if the carrier has engaged in behavior that may call into question its fitness to be granted ETC designation to serve California consumers. The due diligence review includes, but is not limited to, confirming that a company is current with payment of California Public Utilities Commission Reimbursement Fees (referred to as PUC User Fees)³³ and surcharges³⁴ as required to maintain its operating authority. In addition, CD conducts independent research about a carrier to provide the Commission with background information that may be pertinent in deciding whether or not to grant the ETC designation request. Typical research methods are performing Lexis/Nexis legal resource searches, Google Internet searches, reviewing industry and trade publications, querying other governmental agencies (e.g. California Secretary of State for business registration), contacting the FCC and USAC, reviewing a company's history of operations, and contacting the Commission's Safety and Enforcement Division and Consumer Affairs Branch.

To continue its commitment to reduce waste, fraud, and abuse of the Lifeline program, CD requested data from Total Call related to its recent history of duplicate enrollments to verify whether the company had an effective internal process in place that identifies duplicate sign ups. Total Call had an intra-company duplicate rate of 0.0045% based on its initial submission of Lifeline subscriber data to the NLAD. CD believes that this is not an unreasonable error rate for intra-company duplicates and notes that on a going forward basis, the NLAD process will prohibit companies from entering the same name twice by blocking duplicate enrollment attempts via live Internet connections.

³³ PU Code §§ 401, 405, and 431.

³⁴ PU Code §§ 275-279.

CD's due diligence review of Total Call did not uncover any fitness issues to deny approval of Total Call's ETC request. We, therefore, believe Total Call's ETC request is consistent with the public interest. Total Call, however, is put on notice that should substantive issues emerge after this ETC is approved which raises public interest questions about Total Call's operations, the Commission may pursue an enforcement action which may include fines, penalties, and the revocation of ETC designation and/or wireless identification registration authority.

Safety Concerns:

Although wireless phone service offers great mobility for consumers, there are safety concerns related to wireless mobile phone service and E-911 and/or 911 connection limitations. Where there is a lack of coverage, poor signal strength, or atmospheric or terrain conditions that affect connections, emergency calls may not be completed. In rural areas, for example, with spotty connectivity or interference (e.g. due to geographic or structural obstacles), wireless mobile resellers of wholesale facilities service cannot guarantee full, accessible emergency connections for their own direct customers. An incomplete emergency call can have devastating results. Given that E-911 and/or 911 safety is a common concern for all of California's wireless customers, CD staff recommends that Total Call be required to fully and clearly inform prospective federal Lifeline wireless customers that coverage limitations may affect wireless mobile phone service access to E-911 and/or 911 in the event of an emergency. Such disclosures include, but are not limited to, clear statements on marketing materials and conspicuous placement on the public website in the form of information content on webpages, footnotes, and/or listings on a frequently asked questions (FAQ) webpage.

Changes to Federal Lifeline Wireless Plans:

Regarding changes to federal Lifeline wireless plan offerings, the prior policy has been that a wireless ETC in California must file a Tier II Advice Letter to request approval of any changes to these federal Lifeline wireless rate plans.³⁵ CD recommends that the Commission apply this rule only to Total Call's Lifeline plans that are not based on retail plans currently available to all prospective customers at the time of filing. Such requests shall demonstrate that the change complies with Resolution T-17002, i.e. *Appendix A-Sections II-E: Local Usage* and *II-G. Public Interest Determination*, all applicable GO 153 rules, and pricing rules pursuant to D.10-11-033 or as modified and/or updated by subsequent Decisions and/or Resolutions effective at the time of the request.

For changes to Total Call's Lifeline plans that are based on retail service offerings available to all prospective customers, not just Lifeline customers, changes from one retail plan to another retail plan should be handled via an Information-Only filing, consistent and in compliance with General Order 96-B General Rules 3.9, 6.1, and 6.2, and Telecommunications Industry Rule 2. Since Total Call offers both retail and Lifeline plans, any future changes to Total Call's California federal Lifeline plans that are based on retail plans shall be noticed via an Information-Only filing.

³⁵ Resolution T-17339 Ordering Paragraph 3.

Final Conclusions and Staff Recommendations:

CD staff recommends conditional approval of the federal Lifeline wireless ETC designation Total Call requests for the purpose of offering federal Lifeline wireless service in California in the service areas of the URF carriers, excluding the Small LEC service areas. Designation as a federal Lifeline ETC to commence federal Lifeline wireless operations in California requires full compliance with the following requirements:

- Total Call will comply with 47 C.F.R. § 54.401(d) by filing the required information directly with USAC to certify that its federal Lifeline wireless plan meets federal requirements under the USAC administration. Total Call is obligated to report within 30 days of receipt from USAC that compliance has been achieved via a letter to the Director of CD including a copy of the information submitted to USAC and a copy of Total Call's certification of approval from the USAC;
- Total Call will offer access to two residential telephone lines in a household with a disabled person, pursuant to GO 153 service element (21);
- Total Call will provide marketing materials to the CPUC California LifeLine staff for review prior to distribution and advertising;
- Total Call will comply with CPUC User Fee and Public Purpose Program surcharge requirements. Failure to comply with fee and surcharge remittance requirements may lead to enforcement action including, but not limited to, revocation of Total Call's ETC designation and/or wireless identification registration authority;
- Total Call will file a copy of updated ZIP+4 code data list with the Director of CD and the California LifeLine Administrator; and,
- Total Call will post safety-concerns about wireless telephone service coverage limitations on distributed materials and on its company website.

COMMENTS

In compliance with P.U. Code § 311(g), the Commission emailed a notice letter on June 6, 2014, informing all parties on the eligible telecommunications carrier service list of the availability of this resolution for public comments at the Commission's website www.cpuc.ca.gov. The notice letter also informed parties that the final conformed resolution adopted by the Commission will be posted and available at this same website.

CD did not receive any comments on this resolution.

FINDINGS AND CONCLUSIONS

1. Total Call Mobile, Inc. (Total Call) is a nationwide prepaid and postpaid wireless service provider that uses a combination of its own facilities and wholesale network services from Sprint PCS. Its principal offices are at 1411 W. 190th St., Suite 700, Gardena, California 90248.
2. On April 10, 2006, the Commission issued Total Call Mobile, Inc. its Wireless Identification Registration number U-4360-C allowing it to operate as a Commercial Mobile Radiotelephone Services (CMRS) provider to the public in California.
3. On July 19, 2012, Total Call Mobile, Inc. filed Tier III Advice Letter (AL) 2 requesting ETC designation to receive federal support to provide only federal Lifeline wireless service to consumers using a combination of company-owned facilities and wholesale, network services from Sprint PCS. Total Call Mobile, Inc. proposed these federal Lifeline wireless plans: 150 minutes for domestic and international calls for \$2.50 per month; 250 domestic minutes for \$2.50 month; and choice of applying the Lifeline support amount to the *30-day Unlimited Talk & Text* for \$20.74 per month or to the *30-Day Unlimited Talk, Text, and Data* at \$40.74 per month.
4. Total Call Mobile, Inc. only seeks federal Lifeline support and does not seek federal high-cost fund support or California Lifeline fund support.
5. On November 1, 2012, Total Call filed Advice Letter Supplement 2A stating it will follow the prescribed enrollment process outlined in General Order 153 § 4 and clarifying its non-usage policy stating that a 30-day de-enrollment notice will be sent to a customer after 60 days of non-use thereby disconnecting service on the 90th day of non-use.
6. On February 25, 2013, Total Call Mobile, Inc. filed Advice Letter Supplement 2B requesting to update its proposed Lifeline plans and pricing since the price floor adopted in D.10-11-033 no longer applies for pricing purposes effective January 1, 2013.
7. On March 24, 2014, Total Call Mobile, Inc. filed Advice Letter Supplement AL 2C requesting to eliminate Plan 1, the free 150-minute plan. In addition, it requested to lower the per-minute cost of additional minutes purchased for Plans 2 and 3 from \$0.05 to \$0.033 thereby price matching its free 250-minute plan with the 250-minute plans of Nexus Communications, Inc. and Budget PrePay, Inc.
8. After taking into consideration Total Call Mobile, Inc.'s Advice Letter 2 Supplements A-C, the federal Lifeline wireless plans Total Call Mobile, Inc. will offer are:

Resolution T- 17444
CD/ABA

- Plan 1: 250 domestic minutes for \$0 per month
 - Plan 2: 1,000 Talk & 1,000 Text for 30 days for \$19.99 per month
 - Plan 3: Unlimited Talk & Text for 30 days for \$29.99 per month
 - Plan 4: Unlimited Talk, Text, & Data for 30 days for \$39.99 per month
9. Additional minutes beyond the plan allotment cost \$0.033 per minute of voice and \$0.05 per text.
10. Total Call Mobile, Inc. will file the required service plan information pursuant to 47 C.F.R. § 54.401(d) with the Universal Service Administrative Company (USAC). USAC will review the service plans to ensure they meet the federal Lifeline requirements. Once accepted, a copy of the information submitted to USAC and a copy of Total Call Mobile, Inc.'s certification of approval from the USAC shall be provided to the Communications Division Director within 30 days of receipt from USAC.
11. Total Call Mobile, Inc. meets the Federal Communications Commission's Eligible Telecommunications Carrier requirements.
12. Current General Order 153 shall continue to be used to evaluate ETC designation requests by wireless carriers including federal Lifeline applications and renewals until the Commission revises General Order 153 rules and determines the extent to which revised General Order 153 rules and revised California LifeLine service elements should apply to federal Lifeline wireless offerings in Rulemaking 11-03-013. Total Call Mobile, Inc. shall be required to comply with current General Order 153 rules, with the exception of the service element waivers granted in this Resolution, until further directed by the Commission
13. Total Call Mobile, Inc. requested a waiver of eight California LifeLine service elements: (4) the ability to receive free incoming calls, (10) customer choice of local flat-rate service or measured-rate service; (11) free provision of one directory listing per year, (12) availability of free white pages telephone directory, (15) free access to 800 and 800-like toll-free numbers, (19) free access to toll-blocking service, (20) free access to toll-control service, and (21) access to two residential telephone lines if a low-income household with a disabled person requiring both lines.
14. It is reasonable to grant waivers for California LifeLine elements (4), (10), (11), (12), and (15) because they do not apply to wireless service providers but to providers of wireline services; the Commission has granted such waivers in the past. Likewise, it is reasonable to grant waivers to elements (19) and (20) because they do not apply to Total Call Mobile's proposed service plans since there is no distinction between local and long distance calling.

15. Communications Division does not recommend granting a waiver to California LifeLine element (21) because federal Lifeline wireless providers comply with this service element currently and because Decision 14-01-032 maintains this element as a requirement in the California LifeLine rules for wireless carriers (*Attachment D, Appendix A-2, service element (17)*).
16. Total Call Mobile, Inc. commits to comply with General Order 153's application, verification, and renewal processes to establish customer eligibility with the California LifeLine Administrator and will not offer federal Lifeline wireless plans to customers until the California LifeLine Administrator approves their Lifeline eligibility.
17. Total Call Mobile, Inc. will label clearly its wireless offerings as *federal Lifeline service* to minimize customer confusion between the California LifeLine and federal Lifeline programs, to include adequate information about the potential coverage and service quality issues, and to provide copies to Communications Division of all marketing materials including, but not limited to, customer service representative scripts, internet marketing, and posters and brochures, for CPUC California LifeLine staff to review and approval prior to publication and distribution. We find this recommendation reasonable and adopt it.
18. Total Call Mobile, Inc. commits to comply with CPUC User Fee and Public Purpose Program surcharge requirements. Failure to comply with fee and surcharge remittance requirements may lead to enforcement action including, but not limited to, revocation of Total Call, Inc.'s Eligible Telecommunications Carrier designation and/or wireless identification registration authority.
19. Total Call Mobile, Inc. will utilize the ZIP+4 code data of the Small LECs' service areas to ensure that current customers of the Small LECs are not accepted as its federal Lifeline customers. We find this recommendation reasonable and adopt it.
20. Communications Division recommends requiring the Small LECs to provide Total Call Mobile, Inc. an updated ZIP+4 code data in their corresponding service areas within 30 days of the effective date of this Resolution. Communications Division recommends that the Small LECs also be required to provide, on an as-needed basis, any update to the ZIP+4 code data to Total Call Mobile, Inc., as with all other wireless designated ETCs in California. Total Call Mobile, Inc. shall file a copy of any updated ZIP+4 code data with the Communications Division Director and the California LifeLine Administrator (CLA). The ZIP+4 code data shall be provided in an MS Excel file (xls) format via email to the CD director. The Small LECs shall provide the CLA the ZIP+4 code data in a format specified by the CLA.
21. The Commission should rely on the Small LECs to monitor whether Total Call Mobile, Inc., or any other wireless carrier, is providing federal Lifeline wireless

service to any current Small LECs customers. The Small LECs can raise any related concerns about Total Call Mobile, Inc., or any other wireless carrier's behavior or practices in the Small LECs' service areas, for Commission review. If the matter cannot be resolved informally, the Small LECs can file a formal complaint with the Commission.

22. Communications Division finds that Total Call Mobile, Inc.'s proposed federal Lifeline wireless plans meet Federal criteria for public interest determination with increased competitive choice, convenience, security with mobility, ability to purchase additional usage, and ability to send and receive text messages in a prepaid plan.
23. Communications Division finds that Total Call Mobile, Inc.'s four federal Lifeline wireless plans have equal or better value in its Lifeline plan pricing for low-income customers.
24. Communications Division conducted due diligence reviews to determine Total Call Mobile, Inc.'s fitness as it relates to customer protection and found no fitness issues.
25. The Commission may pursue an enforcement action which may include fines, penalties, and the revocation of ETC designation and/or wireless identification registration authority should substantive issues emerge after this ETC is approved which raises public interest questions about Total Call Mobile, Inc.'s operations.
26. For public safety reasons, Total Call Mobile, Inc. will clearly inform Lifeline customers that coverage limitations may affect wireless mobile service including E-911/911 emergency calls. Disclosures include, but are not limited to, clear statements on all marketing materials and the company website.
27. Communications Division recommends that the Commission's Eligible Telecommunications Carrier rule requiring a Tier II Advice Letter to request approval for any future changes to the federal Lifeline wireless plan approved in this Resolution be applied only to Total Call Mobile, Inc.'s Lifeline plans that are not based on retail plans currently available to all prospective customers at the time of filing. Such request shall demonstrate that the change complies with Resolution T-17002, i.e. *Appendix A-Sections II-E: Local Usage* and *II-G. Public Interest Determination*, all applicable General Order 153 rules, and pricing rules pursuant to Decision 10-11-033 or as modified and/or updated by subsequent Decisions and/or Resolutions effective at the time of the request. We find Communications Division's recommendation reasonable and adopt it.
28. For changes to Total Call Mobile, Inc.'s Lifeline plans that are based on retail service offerings available to all prospective customers, not just Lifeline

customers, changes from one retail plan to another retail plan should be handled via an Information-Only filing, consistent and in compliance with General Order 96-B General Rules 3.9, 6.1, and 6.2, and Telecommunications Industry Rule 2.

29. On June 6, 2014, the Commission emailed a draft of this resolution to the eligible telecommunications carrier service list for public comments.
30. Communications Division did not receive any comments on this resolution.

THEREFORE, IT IS ORDERED that:

1. The Commission conditionally approves Total Call Mobile, Inc. (U-4360-C) to be an eligible telecommunications carrier (ETC) designated to provide federal Lifeline wireless service throughout California in the service areas of the uniform regulatory framework carriers, excluding the small local exchange carrier (Small LECs) service areas.
2. Total Call Mobile, Inc.'s ETC designation approval shall be contingent upon the following: 1) Total Call Mobile, Inc. shall submit to the Communications Division Director a copy of the information submitted to Universal Service Administrative Company and a copy of Total Call Mobile, Inc.'s certification of approval from the USAC within 30 days of receipt from USAC of its compliance with 47 C.F.R. § 54.401(d) related to its federal Lifeline wireless plan; 2) the review by the CPUC California LifeLine staff of Total Call Mobile, Inc.'s marketing materials prior to distribution and publication; and, 3) Total Call Mobile, Inc. shall note clearly wireless mobility safety content on all distributed federal Lifeline materials and on the company website.
3. Total Call Mobile, Inc. shall offer these federal Lifeline wireless service plans: 250 domestic minutes for \$0 per month; *1,000 Talk & 1,000 Text* for 30 days for \$19.99 per month; *Unlimited Talk & Text* for 30 days for \$29.99 per month; and *Unlimited Talk, Text, & Data* for 30 days for \$39.99 per month. Additional minutes beyond the plan allotment cost \$0.033 per minute of voice and \$0.05 per text.
4. Total Call Mobile, Inc. shall use a Tier II Advice Letter to request approval for any future changes to any federal Lifeline wireless plans approved in this Resolution not based on currently available retail plan offerings. Such request shall demonstrate that the change complies with Resolution T-17002, i.e. *Appendix A-Sections II-E: Local Usage* and *II-G. Public Interest Determination*, all applicable General Order 153 rules, and pricing rules pursuant to Decision 10-11-033 or as modified and/or updated by subsequent Decisions and/or Resolutions effective at the time of the request.

5. Total Call Mobile, Inc. shall file an Information-Only filing, consistent and in compliance with General Order 96-B General Rules 3.9, 6.1, and 6.2, and Telecommunications Industry Rule 2, for changes to any federal Lifeline plans that are based on retail service offerings available to all prospective customers.
6. Total Call Mobile, Inc. shall comply with General Order 153's enrollment application, verification, and renewal processes under the review of the California LifeLine Administrator which establishes customer eligibility.
7. Total Call Mobile, Inc. shall be authorized waivers for these seven requested service elements of California LifeLine: (4) the ability to receive free incoming calls, (10) customer choice of local flat-rate service or measured-rate service; (11) free provision of one directory listing per year, (12) availability of free white pages telephone directory, (15) free access to 800 and 800-like toll-free numbers, (19) free access to toll-blocking service, and (20) free access to toll-control service.
8. Total Call Mobile, Inc. shall be denied a waiver of California LifeLine service element (21) requiring access to two residential telephone lines in a household with a disabled person.
9. Total Call Mobile, Inc. shall clearly label its offerings as *federal Lifeline service* to minimize customer confusion between the California LifeLine and federal Lifeline programs, shall include adequate information about the potential coverage and service quality issues, and shall provide copies of all marketing materials including, but not limited to, customer service representative scripts, internet marketing, and posters and brochures for Communications Division's California LifeLine staff review and approval prior to distribution of marketing publications.
10. Total Call Mobile, Inc. shall implement the ZIP+4 codes to screen customers and ensure that current customers of the Small LECs are not accepted as federal Lifeline wireless customers with Total Call Mobile, Inc.
11. The Small LECs shall be required to provide Total Call Mobile, Inc., the same as with all other active wireless ETCs, an updated list of the ZIP+4 code data in their service areas within 30 days of the effective date of this Resolution. The Small LECs also shall be required to provide on an as-needed basis any update to the ZIP+4 code data to Total Call Mobile, Inc., the same as with all other active wireless designated ETCs in California. A copy of any updated ZIP+4 code data shall be filed with the Communications Division Director and the California LifeLine Administrator. The ZIP+4 code data shall be provided in an MS Excel file (.xls) format via email to the Communications Division Director. The Small LECs shall provide the CLA the ZIP+4 code data in a format specified by the CLA.

12. The Small LECs shall monitor for instances where they believe Total Call Mobile, Inc., as with all other active wireless carriers, is providing federal Lifeline wireless service to any Small LEC customers and can raise related concerns about Total Call Mobile, Inc.'s, or any other wireless carrier's, behavior or practices in the small LEC service areas for Commission review. If the matter cannot be resolved informally, the Small LECs can file a formal complaint with the Commission.
13. Total Call Mobile, Inc. shall comply with Commission rules and regulations including the reporting and payment of Public Utilities Commission User Fees and Public Purpose Program surcharges. Failure to do so may result in the revocation of its ETC designation and wireless identification registration authority to operate in California.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on July 10, 2014, the following Commissioners voting favorably thereon:

/s/ PAUL CLANON

PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
President

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

MICHAEL PICKER
Commissioners

Commissioner Michel Peter Florio,
being necessarily absent, did not
participate

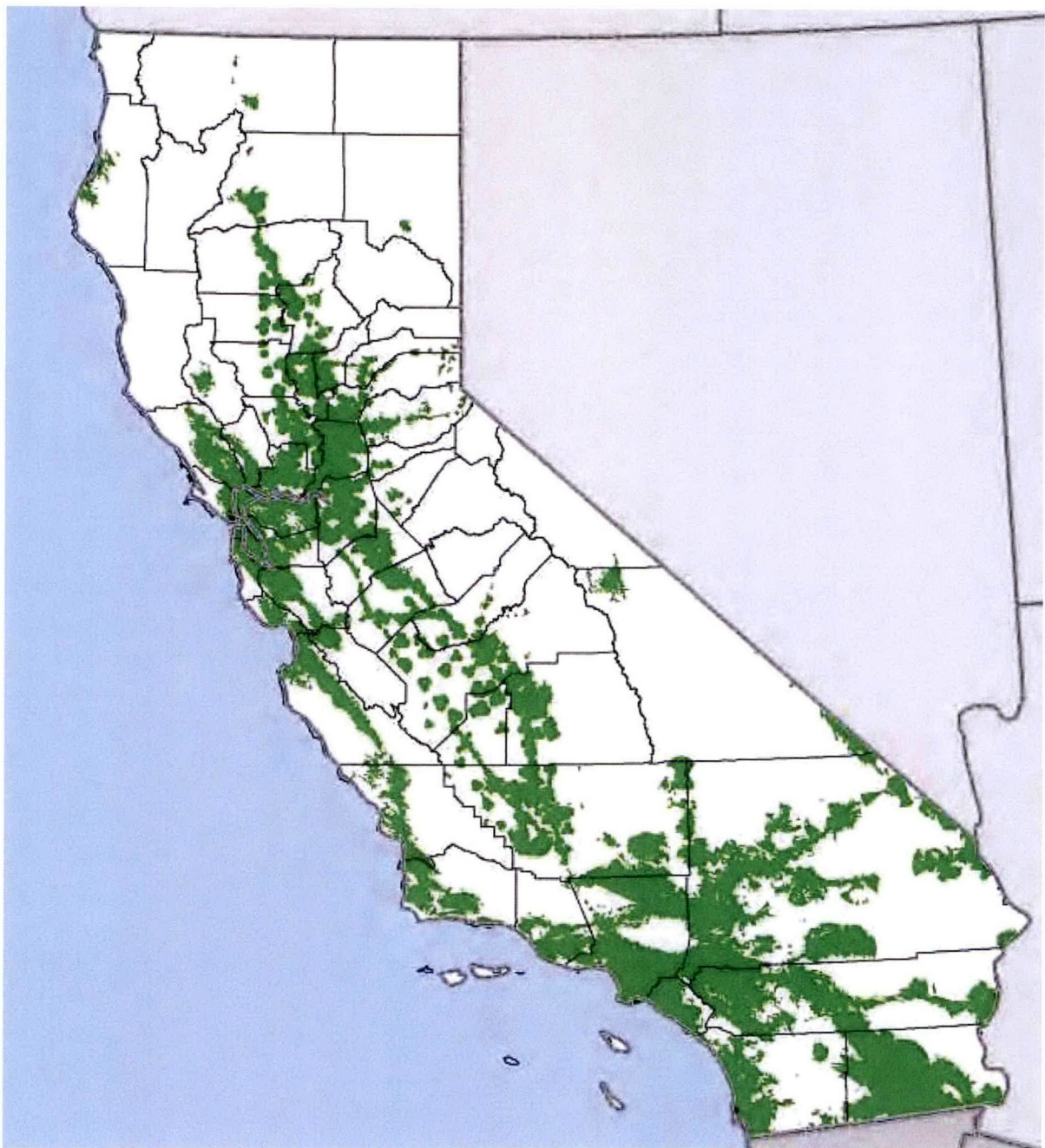
Resolution T- 17444
CD/ABA

APPENDIX A
Resolution T-17444

Resolution T- 17444
CD/ABA

Attachment A
Resolution T-17437
Total Call Mobile, Inc.

**Proposed Service Area for Federal Lifeline Wireless ETC Service
in California**



**Attachment B
Resolution T-17444
Total Call Mobile, Inc.**

General Order 153 – Service Elements of California LifeLine

California LifeLine is composed of the service elements set forth below. All California LifeLine subscribers are entitled to receive every one of the service elements of California LifeLine, and every California LifeLine Service Provider is required to offer all of the service elements of California LifeLine to each of its subscribers. The service elements of California LifeLine are as follows:

- 1 Access to (a) single party local exchange service or (b) service that is equivalent, in all substantial respects, to single party local exchange service.
- 2 Access to all interexchange carriers offering service in the California LifeLine subscriber's local exchange.
- 3 Ability to place calls.
- 4 Ability to receive free unlimited incoming calls.
- 5 Free touch-tone dialing.
- 6 Free unlimited access to 911/E-911.
- 7 Access to local directory assistance (DA). Each California LifeLine Service Provider shall offer to its subscribers the same number of free DA calls that the California LifeLine Service Provider provides to its non-California LifeLine residential customers.
- 8 Access to foreign Numbering Plan Areas.
- 9 California LifeLine rates and charges.
- 10 Customer choice of local Flat-Rate Service or Measured-Rate Service. The 14 small ILECs identified in D. 96-10-066 do not have to offer subscribers the choice of local Flat or Measured-Rate Service, unless the small ILEC offers this option to its non-California LifeLine residential customers.
- 11 Free provision of one directory listing per year as provided for in D. 96-02-072.
- 12 Free white pages telephone directory.
- 13 Access to operator service.
- 14 Voice grade connection to the public switched telephone network.
- 15 Free access to 800 or 800-like toll-free services.
- 16 Access to telephone relay services as provided for in Public Utilities Code §2881 et seq.
- 17 Toll-free access to customer service for information about California LifeLine, service activation, service termination, service repair, and bill inquiries.
- 18 Toll-free access to customer service representatives fluent in the same language (English and non-English) in which California LifeLine was originally sold.
- 19 Free access to Toll-Blocking Service.
- 20 Free access to Toll-Control Service but only if (i) the California LifeLine Service Provider is capable of offering Toll-Control Service and (ii) the California LifeLine subscriber has no unpaid bill for toll service.
- 21 Access to two residential telephone lines if a low-income household with a disabled person requires both lines to access California LifeLine.
- 22 Free access to the California Relay Service via the 711 abbreviated dialing code.

GO 153 (Effective December 1, 2011 – D.10-11-033, Resolution T-17321)

(END OF APPENDIX A)

Decision No. R13-0484

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12A-1168T

IN THE MATTER OF THE APPLICATION OF TOTAL CALL MOBILE, INC. FOR LIMITED
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
APPROVING SETTLEMENT AGREEMENT; WAIVING
CERTAIN COMMISSION RULES; GRANTING
APPLICATION; AND VACATING HEARING**

Mailed Date: April 26, 2013

TABLE OF CONTENTS

I. STATEMENT.....	1
II. FINDINGS AND CONCLUSIONS	4
A. Settlement Agreement	6
B. Federal ETC Designation for the Limited Purpose of Offering Lifeline	10
C. Findings	13
III. ORDER.....	14
A. The Commission Orders That:	14

I. **STATEMENT**

1. On November 7, 2012, Total Call Mobile, Inc. (Applicant or Total Call), filed a verified Application for Limited Designation as an Eligible Telecommunications Carrier (Application). That filing commenced this docket.

2. Total Call seeks designation as an Eligible Telecommunications Carrier (ETC) for the limited purpose of receiving universal service support for low-income subscribers within the geographic service area where its underlying carrier, Sprint PCS (Sprint) provides coverage in the State of Colorado. Additionally, Total Call seeks ETC designation for the limited purpose of providing universal service low-income Lifeline service in Colorado. Total Call also seeks to serve customers who reside in the geographic areas served by other underlying carriers, contingent upon agreements with those carriers to resell their services and upon notice to the Commission. A list of incumbent local exchange carrier wire centers that comprise Total Call's current requested service area, as well as those Total Call intends to negotiate agreements with, and other underlying carriers to provide resold services, is shown on Attachments 1, 2, and 3 to the Settlement and Stipulation Agreement filed in this Docket.

3. Total Call's ETC designation is sought pursuant to Section 214(e)(2) of the Telecommunications Act of 1996, Rule 2187 of the Rules Regulating Telecommunications Service Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2, and the Federal Communications Commission (FCC) rules relating to Universal Service, 47 *Code of Federal Regulations* (C.F.R.) §§ 54.101 through 54.207. Total Call is neither seeking federal universal service high-cost (USF) nor Colorado high cost support mechanism (CHCSM) support.

4. On November 14, 2012, the Commission gave notice of the Application.

5. On December 5, 2012, the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County E-911 Emergency Communications Service Authority, and the Jefferson County Emergency Communications Authority timely filed their Motion for Permissive Intervention and Entry of Appearance.

6. On December 5, 2012, the Colorado Office of Consumer Counsel (OCC) timely filed its Notice of Intervention of Right and Request for Hearing in this proceeding.

7. On December 14, 2012, the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County E-911 Emergency Communications Service Authority, and the Jefferson County Emergency Communications Authority, filed their Motion to Withdraw their Permissive Intervention.

8. December 18, 2012, Staff of the Commission (Staff) timely filed its Notice of Intervention, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1403(b), and Request for Hearing.

9. The OCC and Staff, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties.

10. On December 19, 2012, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

11. By Decision No. R12-1478-I issued December 28, 2012, a prehearing conference was scheduled for January 15, 2013, to set a procedural schedule in the above captioned docket. The parties were also advised that the prehearing conference would be vacated if an agreed upon procedural schedule was filed with the Commission prior to the scheduled prehearing conference.

12. On January 15, 2013, the parties filed their Joint Motion to File Procedural Schedule, Vacate Hearing and for Waiver of Response Time; Total Call Mobile Inc.'s Waiver of Time Limit for Decision on its Application. An evidentiary hearing was scheduled for May 1, 2013, by Decision No. R13-0089-I issued January 15, 2013.

13. On February 25, 2013, OCC filed their Joint Motion to Modify Procedural Schedule and Request for Waiver of Response Time.

14. By Decision No. R13-0248-I, issued February 26, 2013, the Joint Motion to Modify Procedural Schedule was granted. The decision extended the time for answer testimony and exhibits to be filed to March 22, 2013.

15. On March 22, 2013, the parties filed an Unopposed Motion to Approve Stipulation and Settlement Agreement and Vacate Procedural Schedule (Motion). The Motion states that the parties reached resolution of all issues in this matter and have entered into the Attached Stipulation and Settlement Agreement. As a result, the parties request that the procedural schedule be vacated and the Stipulation and Settlement Agreement be approved pursuant to Commission Rules of Practice and Procedure 4 CCR 723-1-1407 and 1408.

II. FINDINGS AND CONCLUSIONS

16. On May 8, 1997, the FCC issued its Universal Service Report and Order, 12 FCC Rcd 8776 (1997) (Universal Service Order) implementing the Communications Act of 1934, as amended by the Telecommunications Act of 1996. The FCC provided further guidance on ETC designation in its ETC Report and Order issued March 17, 2005, Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371, 6384 (2005).

17. The Universal Service Order provides that only ETCs designated by a state Public Utilities Commission (State Commission) shall receive federal universal service support. Under 47 U.S.C. § 214(e), a State Commission shall, upon its own motion or upon request, designate a common carrier that meets the requirements set forth by the FCC as an ETC for a service area designated by the State Commission. The FCC defines a service area as a geographic area

established by a State Commission for the purpose of determining universal service obligations and support mechanisms.

18. To be designated as a Federal ETC under the Federal Act, a carrier must: (1) be a common carrier; (2) demonstrate an intent and ability to provision the supported services set forth in 47 C.F.R. § 54.101(a) throughout its designated service areas; and (3) demonstrate an intent and ability to advertise its universal service offerings and the charges thereof, using media of general distribution, 47 U.S.C. § 214(e); Universal Service Order, 12 FCC Rcd at 8791.

19. Although not listed in full by the parties in their settlement, it is expected that the parties will follow the entire list of the FCC's supported services set forth in 47 C.F.R. § 54.101(a), and which were revised on December 23, 2011:

- a.) voice grade access to the public switched telephone network or its functional equivalent;
- b.) minutes of use for local service without additional charge to the end user;
- c.) dual tone multi-frequency signaling or its functional equivalent;
- d.) single-party service or its functional equivalent;
- e.) access to emergency services;
- f.) access to operator services;
- g.) access to interexchange service;
- h.) access to directory assistance; and
- i.) toll-limitation for qualifying low-income consumers.

20. On February 6, 2012, the FCC issued a Report and Order and Further Notice of Proposed Rulemaking, (Lifeline Reform Order), in which it issued blanket forbearance from the facilities-based requirement to all carriers that were seeking limited ETC designation for the

purpose of offering Lifeline service only. Lifeline-only ETCs are now subject to the following conditions, in which each ETC must:

- a) provide Lifeline subscribers with 911/E911 access, regardless of activation status and availability of minutes;
- b) provide E911-compliant handsets and replace noncompliant handsets at no additional charge; and
- c) file a compliance plan with the FCC for approval that includes the procedures to enroll a subscriber in Lifeline service and for reimbursement for that subscriber, sample marketing materials, materials on initial and ongoing certification, a statement on how the carrier will offer service, the geographic areas in which it will offer service, and a detailed description of its Lifeline service plans including the rates, number of minutes, and types of plans available to Lifeline subscribers.

21. In addition, the Lifeline Reform Order eliminated Link Up support for all ETCs serving non-Tribal lands.

22. The Lifeline Reform Order further requires that a carrier seeking ETC designation for the purpose of offering Lifeline-only service must demonstrate its technical and financial capacity to provide the supported services.

23. The Commission has adopted its own rules for implementing 47 U.S.C. § 214(e)(1)-(2) of the Act, which includes 4 CCR 723-2-2180 through 2191, which are consistent with § 214(e) and the FCC's rules.

A. Settlement Agreement

24. On March 22, 2013, the parties filed a Stipulation and Settlement Agreement (Settlement Agreement) in which they state that they have reached agreements on the issues raised in the docket. The Stipulation shall only bind the parties hereto and shall not legally bind the Parties with respect to other applications or proceedings before the Commission other than in subsequent proceedings to enforce the terms of the Settlement Agreement.

25. According to the terms of the Settlement Agreement, the parties stipulate that Total Call is a beneficial user of the Sprint network and intends to reach agreements with other wireless carrier networks to become a beneficial user of such networks.

26. Attachment 1 provides a list of wire centers where Total Call will offer Lifeline service through its underlying carrier Sprint. Attachments 2 and 3 provide areas Total Call will offer Lifeline Service throughout each wire center contingent upon Total Call reaching agreements with such underlying carriers. If and when Total Call finalizes such agreements with underlying carriers that service wire centers listed in Attachments 2 and 3, Total Call shall provide notice to the Commission of the agreements and upon such notice, the Commission shall automatically extend Total Call's limited designation as an ETC to those areas by adding the relevant wire centers to the Applicant's service area in Colorado. Total Call will not assess roaming charges to any Lifeline subscribers for use within any of the wire centers listed in Attachments 1, 2, and 3. Roaming is not allowed by Total Call in areas that are not covered by a wire center in which Total Call's underlying carriers provide service.

27. Since Total Call is not seeking high cost USF or CHCSM support, the settling parties agree that it is in the public interest and consistent with the *Lifeline Reform Order* for Total Call to be granted a full waiver of Rules 2187(f)(II)(F),(G),(H), and (K) through (N), which would otherwise *require the submission* of detailed information about network expansion plans paid for by high cost funds in areas where Total Call has been designated an ETC, a Colorado-specific trial balance, and a build-out plan showing Total Call's intended use of high cost funds. The settling parties request that the waiver be effective until either: (1) Total Call provides services solely on its own network; or (2) the Commission modifies Rules 2187(f)(II)(F),(G),(H), and (K) through (L); or (3) the FCC modifies its blanket

forbearance of the “own facilities” requirement. The settling parties request that the waiver of the Colorado-specific trail balance requirement in Rule 2187(f)(II)(N) should be permanent. The settling parties also request a full waiver of Rule 2187(d)(XIII) regarding the build-out plan for universal service; the parties believe this waiver is warranted and should be permanently granted.

28. As part of the terms of the Settlement Agreement, Total Call requests a waiver of Rule 2187(f)(II)(A) in regard to unfulfilled service requests within the ETC’s service area. Total Call states that recent changes to the Lifeline program eliminated the reporting of unfulfilled requests.

29. The Settling Parties also agree that Total Call should be granted a partial waiver of Rule 2187(f)(II)(O) which requires an affidavit regarding receipt of high cost support since Total Call is not seeking USF or CHCSM high cost support. Total Call agrees to submit an affidavit attesting that all other required information provided in its annual filing is true and correct.

30. Total Call requested a waiver of Rule 2187(f)(II)(M) in its first amendment to the application that requires a copy of cost study or in the alternative, a copy of the line count filing made to the FCC and Universal Service Administrative Company Administrator. Since Total Call is not seeking high cost support, the parties agree that a full waiver of the cost study or line count filing is warranted and should be granted.

31. Although Total Call has requested a waiver of Rule 2187(f)(II)(C) detailing outages, since Total Call is a reseller they agree to record keeping and reporting of outages as described in Attachment 2(G)(4).

32. The parties agree that Total Call should also be granted a full variance of Rule 2187(d)(III) that requires a proposed ETC to describe in its application the service area in

which the Applicant seeks designation as an ETC by metes and bounds. The variance is only for the initial filling of the Application since the metes and bounds information is to be included with the filing of the Application. Sprint and other wireless carrier physical networks do not precisely correlate with a metes and bounds description as required by Rule 2187(d)(III). A list of wire centers in Colorado where Total Call has shown an intent and ability to offer supported services once designated as an ETC throughout the service area are set forth on Attachments 1, 2, and 3.

33. The parties agree that Total Call should be granted a permanent waiver of the portion of 4 CCR 723-2-2187(d)(VII) regarding the placing of consumer guide pages in the “White Pages” directory within the ETC service area as requested by Total Call. Total Call states, however, that it will advertise the availability of the supported services throughout its designated service areas using media of general distribution to reach those likely to qualify for its offered services.

34. Total Call anticipates entering into wholesale agreements with other wireless carriers that would expand their wire center coverage and agrees to notify the Commission with the additional wire center coverage shown in Attachments 2 and 3 when the wholesale agreements are finalized.

35. Total Call’s Lifeline program furthers the statutory goal that basic service be available and affordable to all citizens of Colorado.

36. Total Call’s Lifeline product offering provides an additional choice of another provider offering Lifeline service for low-income consumers, which is a significant benefit for those consumers and is in the public interest.

37. In addition to the above-mentioned stipulations, the parties further stipulate and agree that Total Call has shown good cause that its Lifeline Basic Universal Service (LBUS)

offering as described in Attachment 4 meets all applicable state and federal requirements, and its ETC designation for Colorado low-income universal service purposes will serve the public interest.

B. Federal ETC Designation for the Limited Purpose of Offering Lifeline

38. Total Call is a commercial mobile radio service provider, and a common carrier as defined by 47 U.S.C. § 153(10) and 47 C.F.R. § 20.9(a)(7).

39. Total Call has been granted ETC status to offer Lifeline wireless services in Kansas, Maine, Maryland, Michigan, Nevada, Texas, and West Virginia, and currently has applications for ETC designation pending in Arizona, Arkansas, California, Georgia, Hawaii, Idaho, Illinois, Iowa, Louisiana, Minnesota Missouri, Nebraska, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming. Total Call is awaiting designation as an ETC by the FCC in the States of Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia.

40. Total Call has not been subject to any enforcement action at the FCC or in any other state. No ETC designations held by Total Call have been rescinded, revoked, or terminated by the FCC or by any state regulatory agency. Total Call has operated in the United States since 2006 and has significant experience in providing high-quality telecommunications services. It obtains the majority of its revenue from selling low-cost prepaid telephone services on a nationwide basis. Total Call also has the financial support of its parent company KDD of America, which is a subsidiary of KDDI of Japan, the second largest carrier in Japan. Total Call will not need to rely exclusively on Federal USF support and will not need, and does not seek CHCSM funds to provide the proposed wireless service.

41. Total Call provides each of the supported services set forth in 47 C.F.R. § 54.101(a) and has shown an intent and ability to offer those services once designated an ETC throughout the areas set forth on Attachments 1, 2, and 3.

42. Total Call will offer four LBUS Plans to eligible non-tribal Lifeline subscribers. The Parties have agreed that other Lifeline plans as described in its Application on page 4 or in the FCC Compliance Plan on page 6 attached as Exhibit 5 to Total Call's Application with fewer than 250 free minutes per month (*i.e.*, the 150 minute-plan) will not be offered in Colorado. Total Call's LBUS plans described in Attachment 4 comply with Rule 2187(d)(XII); which includes 250 minutes free that do not rollover, as well as additional airtime minute packages that can exceed 950 minutes. Total Call's LBUS plans are consistent with other previously-designated ETC Lifeline-only carriers in Colorado. Total Call's Lifeline plans are available for enrollment via Total Call's website (www.totalcallmobile.com) and through Total Call's subscriber service department.

43. Total Call agrees to work with the Colorado Department of Human Services (CDHS) regarding certification and verification of eligibility of Lifeline subscribers. It is understood that Total Call, as a prepaid provider, will not be required to obtain or retain social security numbers of subscribers. However, in compliance with the *Lifeline Reform Order*, Total Call will obtain and retain the last four digits of the social security numbers of its subscribers.

44. Total Call's LBUS plans are not offered on a distance-sensitive basis and there is no additional charge for toll minutes of use. As such, toll limitation is not a concern because of the prepaid nature of the Lifeline plan. Prepaid offerings, by their very construct, act as a toll limitation mechanism; therefore, Total Call will not seek reimbursement for toll limitation.

45. The *Lifeline Reform Order* further requires each applicant seeking ETC designation to submit to the FCC for approval a Compliance Plan that contains the information as outlined in paragraph 19(c) above.

46. On May 14, 2012, Total Call submitted a Revised Compliance Plan for FCC approval in WC Docket No. 09-197 and WC Docket No. 11-42. The Revised Compliance Plan details the verification, certification, and other anti-fraud measures Total Call will take to comply with state and federal requirements and to ensure that Lifeline support is provided only to customers who are truly eligible. The FCC approved Total Call's Compliance Plan in its *Lifeline Reform Order* on May 25, 2012. Since it has been found to meet all of the FCC's aforementioned criteria, Total Call is entitled to the FCC's blanket forbearance from the "own facilities" requirement. Total Call's approved Revised Compliance Plan is attached as Exhibit 5 to Total Call's Application and also as Attachment 6.

47. The parties stipulate and agree that with the incorporation of the agreed upon terms and conditions in Attachment 5, designating Total Call as an ETC in the study areas and wire centers set forth in Attachment 1, and contingent upon notice from Total Call in the wire centers listed in Attachments 2 and 3 serves the public interest, convenience and necessity, as required by 47 U.S.C. § 214(e)(2) and §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S. The Parties further stipulate and agree that the areas shown in Attachments 1, 2, and 3 should be approved as Total Call's designated service area (subject to the conditions set forth in ¶ 25) and that Total Call shall use a Lifeline Certification Form as set forth in Exhibit 1 to Total Call's approved Compliance Plan (attached hereto as Attachment 6) unless a different form is required by the Commission or CDHS in the future.

48. The Settling Parties stipulate and agree to the LBUS Plans described in Attachment 4.

49. Nothing in the Stipulation shall prohibit Total Call from the flexibility to offer new service plans to eligible customers or to permit eligible consumers to apply their Lifeline discount to bundled service plans or plans containing optional calling features. In the event Total Call offers new expanded service plans or bundled service plans in the future, these plans will be referred to herein as “Lifeline” plans.

50. The Settling Parties stipulate and agree that Total Call shall provide its LBUS plans and any future Lifeline plans in Colorado pursuant to the Settlement Agreement (including Attachments 1 through 5). The Settling Parties agree upon the stated requirements as detailed in ¶25, subparagraphs A through J of the Settlement Agreement (pages 12 through 15). Requested approval of the Settlement Agreement will be conditioned in accordance with such intent.

C. Findings

51. The Colorado Legislature has clearly indicated its intent to create a competitive telecommunications environment among the various service areas and providers. The Settlement Agreement provides sufficient means to promote such a competitive environment among wireless providers and provides competition to qualifying customers consistent with § 40-15-101, C.R.S., and 4 CCR 723-2-2187(b). The Settlement Agreement ensures that there is substantial compliance with Commission rules, as well as providing sufficient regulatory oversight over issues such as adequate service quality and consumer protection.

52. Based on the representations made in the Application and in the Settlement Agreement, it is found that Total Call meets all the criteria pursuant to 47 U.S.C. § 214(e) to be designated as an ETC and is eligible to receive federal universal service support.

53. Consequently, it is found that approving the terms of the Settlement Agreement without modification and designating Total Call as an ETC is consistent with the terms of its Application and the Settlement Agreement and is in the public interest.

54. Additionally, good cause is found to grant the full waiver of Commission Rules 4 CCR 723-2-2187(d)(XIII); 4 CCR 723-2-2187(f)(II)(A); 4 CCR 723-2-2187(f)(II) (F), (G), (H), and (K) through (N); a partial waiver of Rules 2187(f)(II)(O) and (d)(VII); and a full variance of Rule 2187(d)(III) as requested by the parties pursuant to the terms of the Settlement Agreement.

III. ORDER

A. The Commission Orders That:

1. The Unopposed Motion to Approve Stipulation and Settlement Agreement filed March 22, 2013 is granted consistent with the discussion above.

2. The Stipulation and Settlement Agreement, including Attachments 1 through 6 to the Stipulation and Settlement Agreement, filed by Total Call Mobile Inc. (Total Call); Commission Staff; and the Colorado Office of Consumer Counsel (attached to this Decision as Appendix A and incorporated herein by reference), is accepted and approved.

3. The evidentiary hearing scheduled for May 1, 2013 is vacated.

4. The Application of Total Call for designation as an Eligible Telecommunications Carrier (ETC) is granted upon the following conditions:

- a. Total Call shall not seek Federal universal service high cost support or Colorado High Cost support in its service area;
- b. Approval of Total Call's Compliance Plan application submitted to the Federal Communications Commission;

- c. Total Call shall provide its ETC Lifeline universal service offerings in Colorado pursuant to the Stipulation and Settlement Agreement including attachments, in compliance with this Recommended Decision;
 - d. Total Call shall submit all reports, fees, surcharges, and any other obligation due and owing to the Colorado Public Utilities Commission.
5. Because Total Call has filed a copy of the Federal Communications Commission approval of its Compliance Plan with the Commission, Total Call may offer Lifeline Service in the proposed areas immediately upon the effective date of this Recommended Decision.
6. Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-2-2187(d)(XIII) is waived for purposes of this limited designation as an ETC.
7. Commission Rule 4 CCR 723-2-2187(d)(VII) is waived for purposes of this limited designation as an ETC consistent with the discussion in ¶ 3 of the Settlement Agreement.
8. Commission Rules 4 CCR 723-2-2187(f)(II)(F), (G), (H), and (K) through (N) are waived for purposes of this limited designation as an ETC.
9. Commission Rule 4 CCR 723-2-2187(f)(II)(A) is waived for purposes of this limited designation as an ETC.
10. Commission Rule 4 CCR 723-2-2187(f)(II)(O) is partially waived for purposes of this limited designation as an ETC.
11. A variance of Commission Rule 4 CCR 723-2-2187(d)(III) is granted for purposes of this limited designation as an ETC.
12. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
13. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

14. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)

TOTAL CALL MOBILE, INC.)

DOCKET NO. 2012-0233

For Limited Designation as an)
Eligible Telecommunications)
Carrier.)

DECISION AND ORDER NO. 31353

PUBLIC UTILITIES
COMMISSION

2013 JUL -9 P 12:41

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	
TOTAL CALL MOBILE, INC.	) Docket No. 2012-0233
)
For Limited Designation as an	) Decision and Order No. 31353
Eligible Telecommunications)
Carrier.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission approves TOTAL CALL MOBILE, INC.'s ("Total Call" or the "Company") petition,¹ filed on September 21, 2012,² for limited designation as an eligible telecommunications carrier ("ETC") for the purpose of providing Lifeline service to qualifying low-income customers throughout the State of Hawaii ("State"). However, Total Call's Lifeline-only ETC designation is conditioned upon

¹The "Parties" to this docket are Total Call and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate" or "CA"), ex officio, a party to all proceedings before the commission, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62. No persons timely moved to intervene or participate in this proceeding. See HAR § 6-61-57(3)(A).

²On September 21, 2012, Total Call filed its petition for Limited Designation as an Eligible Telecommunications Carrier; and Exhibits 1-8 (collectively, "Petition") with the commission and served copies of the same on the Consumer Advocate.

Total Call's adherence to all applicable federal and State requirements, and the conditions set forth herein.

I.

Background

Total Call is a Delaware corporation with its principal offices located in Gardena, California. Total Call is a provider of commercial mobile radio service ("CMRS"), aka wireless telecommunication service, throughout the United States and in Hawaii.³ With respect to its service, Total Call states the following:

Total Call provides nationwide, prepaid and postpaid wireless telecommunications services to consumers by reselling the network services of Sprint PCS ("Sprint").

Total Call's wireless services, which are affordable and easy to use, are attractive to low-income and lower-volume consumers because they provide low-income and lower-volume consumers with access to emergency services and a reliable means of communication that can be used at home or while traveling to remain in touch with friends and family, as well as a means of contacting prospective employers.

Petition at 2-3.

³In May 2006, the commission issued Total Call a certificate of registration ("COR") to provide resold wireless telecommunications services in the State. See In re Total Call Mobile, Inc., Decision and Order No. 22469, filed on May 16, 2006, in Docket No. 2006-0057 ("Total Call COR D&O").

A.

Procedural History

On September 21, 2012, Total Call filed its Petition seeking limited designation as an ETC throughout the State solely to provide Lifeline service, a low-income program of the federal universal service fund ("USF").⁴ The Petition was filed pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act"), Sections 54.101 through 54.207 of the Federal Communications Commission ("FCC") rules (i.e., the Code of Federal Regulations ("C.F.R.")), and HAR § 6-81-9.

By Order No. 30702, filed on October 19, 2012, the commission instructed the Parties to submit a stipulated procedural order for the commission's review and approval by November 9, 2012. On November 9, 2012, the Parties filed their proposed Stipulated Procedural Order.

On November 27, 2012, the commission issued Stipulated Procedural Order No. 30851 approving the Parties' filed Stipulated Procedural Order which includes a Schedule of Proceedings.

⁴Total Call expressly states that it will not seek funds from the USF for the purposes of participating in the Link Up program or providing service in high cost areas. See Petition at 1.

Consistent with the Schedule of Proceedings, the Consumer Advocate served information requests ("IRs") on Total Call on November 19, 2012, and Total Call filed responses to the Consumer Advocate's IRs on December 7, 2012 and January 18, 2013 ("Total Call's Response to CA-IR"). On February 1, 2013, the Consumer Advocate filed its Statement of Position ("CA's Position Statement").

B.

Petition

In its Petition, Total Call represents and asserts the following:

Total Call offers consumers simple and affordable calling plans, a variety of prepaid and postpaid service plans, easy-to-use handsets, and high-quality customer service. Based on internal surveys, targeted pricing and marketing strategies, and the demographics of other, similar MVNO customers. Total Call anticipates that many of its customers will be from low-income backgrounds and will not have previously enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. Total Call does not conduct credit checks or require customers to enter into long-term service contracts as a prerequisite to obtaining prepaid wireless service or its proposed Lifeline program service.

By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or who were previously ignored by traditional carriers. Total Call will expand the availability of wireless services to an increased number of

consumers and in doing so, address Congress' principal goal for the universal service program.

. . . .

Total Call has the ability to provide all services and functionalities supported by the universal service program, as detailed in revised FCC Rule 54.101 (a) throughout the State of Hawaii. Total Call intends to be a leader in the wireless marketplace by offering exceptional value and competitive amounts of voice usage at all price points to consumers.

Petition at 3 (footnote omitted).

Total Call asserts that it meets the federal and State requirements for ETC designation, and that its designation as a limited ETC is in the public interest. Total Call states that it will provide service consistent with the FCC's grant of forbearance from Section 214(e)(1)(A) of the Act which requires ETCs to offer service, at least in part, over their own-facilities, and 47 C.F.R. § 54.201(i) of the FCC's rules which prohibit state commissions from designating carriers that provide service exclusively through resale as ETCs. Specifically, Total Call contends that the FCC granted Total Call forbearance from the own-facilities requirement in the FCC's reform order of the Lifeline and Link Up programs.⁵ On this matter, Total Call states the following:

⁵See In re Lifeline and Link Up Reform and Modernization, et al.; Report and Order and Further Notice of Proposed Rulemaking in WC Docket No. 11-42, et al.; FCC 12-11; Adopted

Section 10(e) of the Act provides: "[a] State commission may not continue to apply or enforce any provision of this chapter that the [Federal Communications] Commission has determined to forbear from applying under subsection (a) of this section." As such, the Commission is required by Section 10(e) to act in accordance with the FCC's grant of forbearance to Total Call, and therefore may not apply the facilities-based requirement to Total Call.

Total Call, in its provision of wireless services, will rely on resold services which the Company will obtain from underlying wireless carriers that currently operate their own networks. In its *Lifeline and Link Up Reform Order*, the FCC granted Total Call's request for forbearance from the facilities requirement, and stated, "the Commission will forbear from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:

- "(1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and
- (2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service

January 31, 2012; Released February 6, 2012 ("Lifeline and Link Up Reform Order" or "Lifeline Reform Order").

offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary."

Petition at 9-10 (quotes and emphasis in original; citing to Lifeline Reform Order at ¶¶ 368, 373 and 379).

Consistent with the Lifeline Reform Order, Total Call filed its Compliance Plan with the FCC. Total Call's Compliance Plan was approved by the FCC on May 25, 2012, a copy of which is attached to the Petition as Exhibit 5. Total Call states that it "commits to providing Lifeline service in Hawaii in accordance with its Compliance Plan."⁶

In support of its Petition, Total Call represents, among other things, that:

1. Total Call is a common carrier of wireless telecommunications services.
2. Through its arrangement with Sprint, Total Call will offer, upon designation, the supported services and functionalities required by the FCC under 47 C.F.R. § 54.101(a).
3. Total Call will advertise the availability of its service offerings and rates through media of general distribution.

⁶Petition at 10.

4. Total Call "commits to comply with the service requirements applicable to the support that it receives."⁷

5. Through its agreement with Sprint, Total Call has the ability to remain functional in emergency situations. Total Call elaborates as follows:

Through its agreement with its underlying carrier, Total Call will provide its customers with the same ability to remain functional in emergency situations as is currently provided by the ILECs to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, the ability to reroute traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

Petition at 15-16.

6. "Total Call commits to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service."⁸

7. Total Call is financially and technically capable of providing Lifeline supported services. Among other things, Total Call asserts that it: (a) has been in business for six year; (b) provides services to both Lifeline and non-Lifeline customers; (c) has not been subject to enforcement action or ETC revocation in any state; and (d) has the financial

⁷Id. at 15 (footnote omitted).

⁸Id. at 16.

support of its parent company, KDDI of America, which is a subsidiary of KDDI of Japan, the second largest carrier in Japan.⁹

8. Consistent with 47 C.F.R. § 54.410, "Total Call will certify and verify consumer eligibility in accordance with the FCC's requirements, including the new rules set forth in the" Lifeline Reform Order.¹⁰

Total Call also contends that its designation as an ETC would promote the public interest. Specifically, Total Call states that "[t]here is no question that designating Total Call as an ETC in Hawaii will further the public interest by providing Hawaii consumers, especially low-income consumers, with lower prices and higher quality services."¹¹ Furthermore, Total Call states as follows:

The instant request for ETC designation must be examined in light of the Act's goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers--particularly low-income consumers--receive affordable and comparable telecommunications services. Given this context, designating Total Call as an ETC would significantly benefit low-income consumers eligible for Lifeline services in the State

⁹See id. at 18.

¹⁰Id.

¹¹Id. at 19.

of Hawaii--the intended beneficiaries of universal service.

Petition at 19.

Moreover, Total Call states that the public interest benefit of its wireless service include: (a) larger local calling areas (as compared to traditional wireline carriers); (b) the convenience and security afforded by mobile telephone service; (c) the opportunity for customers to control costs by receiving a preset amount of monthly airtime at no charge; (d) the ability to purchase additional usage at flexible and affordable rates; (e) 911 service, even if a handset has a zero balance; and (f) where available, E911 service.¹² Total Call offers its Lifeline customers five plan options to meet their specific needs.¹³ Total Call states that all of its Lifeline plans include a free phone, call waiting, caller ID and voicemail free of charge, and that it does not charge an activation fee or any other charge to establish service.

According to Total Call, its designation as an ETC "will promote competition and innovation, and spur other carriers to target low-income consumers with service offerings tailored to their needs and to improve their existing networks to remain competitive, resulting in improved services to

¹²See id. at 19-20.

¹³See id. at 20.

consumers."¹⁴ In addition, Total call contends that its designation as an ETC will not unduly burden the USF or otherwise reduce the amount of funding available to other ETCs. On this issue, Total Call elaborates as follows:

With Lifeline, ETCs only receive support for customers they obtain. The amount of support available to an eligible subscriber is exactly the same whether the support is given through a company such as Total Call or the ILEC operating in the same service area. Total Call will only increase the amount of USF Lifeline funding in situations where it obtains Lifeline customers not enrolled in another ETCs Lifeline program. By implementing the safeguards set forth in the Lifeline and Link Up Reform Order, Total Call will minimize the likelihood that its customers are not eligible or are receiving duplicative support either individually or within their household. Significantly, the Company's designation as an ETC will not increase the number of persons eligible for Lifeline support. Total Call's ability to increase the Lifeline participation rate of qualified low-income individuals will further the goal of Congress to provide all individuals with affordable access to telecommunications service, and thus any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers.

Petition at 22-23.

¹⁴Id. at 22.

C.

Consumer Advocate's Position

The Consumer Advocate states that it does not object to Total Call's Petition for limited ETC designation solely to provide the Lifeline program of the USF. According to the Consumer Advocate, upon review of Total Call's Petition and its responses to the issued IRs, "it appears that Total Call meets the general requirements of a Lifeline-only ETC."¹⁵

The Consumer Advocate contends that Total Call has satisfied the requirements for FCC blanket forbearance from the own-facilities requirement, and states that the "FCC, by approving Total Call's Compliance Plan, has accepted Total Call's information on itself and its service offerings as well as the measures it will take to implement the obligations contained in the" Lifeline Reform Order.¹⁶ The Consumer Advocate notes specific other matters on pages 6 and 7 of its position statement. Based on its review, the Consumer Advocate states that it "does not object to Total Call's designation as a Lifeline-only ETC with the understanding that Total Call will continue to comply with FCC requirements as a wireless reseller and as a designated ETC

¹⁵CA's Position Statement at 6.

¹⁶Id.

in Hawaii for the Lifeline-only program set forth in the Lifeline and Link Up Reform Order; and any other requirements set forth by the state."¹⁷

II.

Discussion

A carrier must be designated as an ETC under 47 United States Code ("U.S.C.") § 214(e) to be eligible to receive federal universal service support.¹⁸ Consistent with federal law, HAR § 6-81-9 states as follows:

- (a) Pursuant to 47 U.S.C. § 214, the commission will, upon the written petition of a common carrier or the commission's own motion, designate telecommunications carriers as eligible to receive federal universal service support. Carriers designated as eligible telecommunications carriers shall, throughout the service area for which the designation is received:
 - (1) Offer the services supported by federal universal service support mechanisms using either its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and
 - (2) Advertise the availability of such services and the charges thereof using media or general distribution.

¹⁷Id. at 8 (footnotes omitted).

¹⁸See 47 U.S.C. § 254(e).

- (b) Upon request and consistent with the public interest, convenience, and necessity, the commission may, in the case of a high cost area, and shall, in the case of all other service areas (as defined by the commission), designate more than one carrier as an eligible telecommunications carrier. Before designating an additional telecommunications carrier for a high cost area, the commission must find that the designation is in the public interest.

HAR § 6-81-9; see also 47 U.S.C. 214(e)(1) and (2).

Federal law requires that carriers receiving USF support "shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."¹⁹ By regulation, the FCC identifies the services supported by the federal universal support mechanisms (i.e., the "Supported Services") which ETCs must offer to receive federal universal service support.²⁰ Currently, the mandated Supported Services (also, now known as, the required "voice telephony" services) are:

1. Voice grade access to the public switched network or its functional equivalent;
2. Minutes of use for local service at no additional charge;
3. Access to emergency services (911 or enhanced 911); and

¹⁹See 47 U.S.C. § 254(e). See also 47 C.F.R. § 54.7(a) (2011).

²⁰See 47 C.F.R. § 54.101(b) (2012).

4. Toll limitation for qualifying low-income consumers.

See 47 C.F.R. § 54.101(a) (2012).²¹

The FCC in In re Federal-State Joint Board on Universal Service, Report and Order in CC Docket No. 96-45, FCC 05-46, adopted on February 25, 2005, released on March 17, 2005, as amended on April 21, 2005 ("FCC 05-46") promulgated certain "Additional Requirements" for ETC designation by the FCC and also clarified that the public interest analysis should apply regardless of whether the ETC applicant seeks designation in an area served by a rural or non-rural carrier.²²

In February 2012, the FCC released the Lifeline Reform Order wherein the FCC tackled reform of the USF low-income assistance programs, Lifeline and Link Up. In that order, the FCC, among other things, established clear goals and measures, and national eligibility criteria to allow low-income consumers to qualify for the Lifeline program based on either

²¹Prior to the 2011 reforms, (i.e., In re Connect America Fund, et al.; Report and Order and Further Notice of Proposed Rulemaking in WC Docket No. 10-90, et al.; FCC 11-161; Adopted October 27, 2011; Released November 18, 2011), the Supported Services also included: (1) dual tone multi-frequency signaling or its functional equivalent, (2) single-party service, (3) access to operator services, (4) access to interexchange service, and (5) access to directory assistance. See In re T-Mobile West Corporation, Docket No. 2010-0119, Decision and Order, filed on March 14, 2011 ("T-Mobile ETC D&O") at 17-18.

²²See FCC 05-46, ¶ 42.

income or participation in certain government benefit programs. In addition, the FCC reformed the USF low-income assistance programs as follows:

The Order adopted rules for Lifeline enrollment, including enhanced initial and annual certification requirements, and confirms the program's one-per-household requirement. The Order simplifies Lifeline reimbursement and makes it more transparent. The Commission adopts a number of reforms to eliminate waste, fraud and abuse in the program, including creating a National Lifeline Accountability Database to prevent multiple carriers from receiving support for the same subscriber; phasing out toll limitation service (TLS) support; eliminating Link Up support except for recipients on Tribal lands that are served by eligible telecommunications carriers (ETCs) that participate in both Lifeline and the high-cost program; reducing the number of ineligible subscribers in the program, and imposing independent audit requirements on carriers receiving more than \$5 million in annual support.

. . .

Lifeline Reform Order at 5.

A.

Total Call's Petition

Upon review, the commission finds and concludes that Total Call meets the applicable federal and State requirements for Lifeline-only ETC designation throughout the State (both rural and non-rural service areas). This decision is based on the findings discussed below.

First, as a provider of wireless telecommunications services, Total Call is a common carrier of telecommunications services eligible to receive USF support under 47 U.S.C. §§ 214(e)(1), 153(10) and (51)(2011); and HAR § 6-81-9. In May 2006, the commission approved Total Call's request for a COR to operate as a reseller of wireless telecommunications services.²³

Second, the commission is satisfied that Total Call appropriately provides or will provide, upon designation, the mandated Supported Services required by the FCC to receive USF support. Total Call availed itself to the FCC's grant of blanket forbearance of the own-facilities requirement as set forth in the Lifeline Reform Order. Pursuant to the FCC order, Total Call filed its Compliance Plan with the FCC, which was approved on May 25, 2012 (a copy of which is attached as Exhibit 5 to the Petition).²⁴ Total Call intends to provide the mandated Supported Services in the State through the resale of the services of its underlying carrier, Sprint.²⁵ Consistent with the FCC's ruling (and 47 U.S.C. § 160(e)²⁶) the commission

²³See Total Call COR D&O.

²⁴See Petition at 10.

²⁵See *id.* at 2-3.

²⁶Under federal law, "[a] State commission may not continue to apply or enforce any provision of this chapter that the

will not apply the requirement that Total Call provide the Supported Services through, in part, its own-facilities to receive USF support, as set forth in HAR § 6-81-9. Specifically, with respect to the Supported Services, Total Call commits to providing its customers with voice grade access to the public switched network, local usage minutes, and access to 911 and E911 services; however, with respect to the requirement for toll limitation for qualifying low-income customers, Total Call states that it will not seek reimbursement for this service.²⁷

Third, the commission is satisfied with Total Call's commitment to advertise the availability of its Supported Services as required by federal and State requirements, which is detailed on pages 12-14 and Exhibit 4 of its Petition.²⁸

Fourth, the commission finds that Total Call should be able to remain functional during emergency situations and is committed to providing customer service.²⁹ In addition, as an authorized provider of telecommunications services in the State, Total Call has sufficiently demonstrated that it is financially and technically capable of providing Lifeline services in

Commission has determined to forbear from apply under subsection (a) of this section." 47 U.S.C. § 160(e).

²⁷See Petition at 10-14.

²⁸See also Total Call's Response to CA-IR-5.

²⁹See Petition at 15-16.

the State. Upon designation, Total Call will be required to provide more detailed information regarding its service plans pursuant to 47 C.F.R. § 54.401(d) to the Universal Service Administrative Company ("USAC") and the commission, and file a Lifeline service tariff with the commission.

Finally, designation of Total Call as an ETC, solely for Lifeline purposes, is in the public interest. Consistent with prior commission ETC designation proceedings,³⁰ in making its determination regarding whether designation of Total Call is in the public interest the commission weighs and considers the cost-benefit of designation, the potential for creamskimming, and the impact on the federal USF as articulated by the FCC in FCC 05-46. On these matters, the commission finds and determines as follows:

1. Designation of Total Call as a Lifeline-only ETC is in the public interest and should benefit qualified low-income consumers in Hawaii by providing additional carrier options which is especially important since Hawaii's Lifeline participation is reported to be one of the lowest in the nation. Specifically, according to Total Call, data from USAC shows that less than 10% of eligible households in the State participated in the program

³⁰See T-Mobile ETC D&O at 38-32. See also In re Pa Makani LLC dba Sandwich Isles Wireless, Decision and Order No. 30309, filed on April 10, 2012, in Docket No. 2011-0145 ("Pa Makani ETC D&O"), at 33-36.

in 2010, which means that "over 90% of low-income Hawaii households that are eligible to participate in Lifeline are not doing so."³¹ Total Call expects that availability of its Lifeline service offering in the State will result in more qualified consumers electing to participate in the federal program.

2. Total Call's Lifeline plans include a free phone, call waiting, caller ID and voicemail at no charge. In addition, Total Call does not charge an activation fee, and customer service calls are also free of charge. Total Call's Lifeline customers will have the option to choose one of the following plans:

- (a) A 150-minute plan, which includes international calling to over 250 locations for no additional per minute charge;
- (b) A 250-minute plan (domestic minutes only);
- (c) A 1000 Talk & 1000 Text retail plan for \$19.99 (regularly \$29.99);
- (d) A 30-day Unlimited Talk & Text retail plan for \$29.99 (regularly \$39.99); and
- (e) A 30-day Unlimited Talk, Text, & Data retail plan for \$39.99 (regularly \$49.99).

3. ETC Designation of Total Call should also enhance competition in the State's telecommunications market and provide an incentive to ILECs to improve their existing networks. The commission agrees with Total Call's assertion that

³¹Petition at 13.

its designation as an ETC "will help assure that quality services are available at just, reasonable, and affordable rates as envisioned in the Act."³²

4. Since Total Call is a reseller of wireless telecommunications services seeking ETC designation to provide services to qualifying low-income customers throughout the State (i.e., rural and non-rural service areas), creamskimming, which is the practice of targeting customers that are least expensive to serve, should not be a concern.

5. Total Call's Lifeline-only designation should not unduly burden the USF "or otherwise reduce the amount of funding available to other ETCs."³³ Among other things, Total Call states that as a Lifeline only ETC it will only receive support for customer they obtain, and that by implementing the safeguards set forth in the Lifeline Reform Order, it will minimize the likelihood that its customers are not eligible or are receiving duplicative support.³⁴

Based on the foregoing, the commission concludes that Total Call's Petition for ETC designation, solely to provide Lifeline service to qualifying low-income customers, should be approved. However, the commission's Lifeline-only

³²Id. at 22 (internal quotes omitted).

³³Id.

³⁴See Id.

ETC designation of Total Call is conditioned on Total Call's adherence to the conditions set forth in the section below.

B.

Conditions for ETC Lifeline-only Designation³⁵

Consistent with the requirements of the FCC's Lifeline Reform Order for forbearance, conditions imposed on other ETCs designated by the commission,³⁶ as applicable, and the Consumer Advocate's recommendations,³⁷ the commission adopts as reasonable the following requirements as conditions for Total Call's designation as a Lifeline-only ETC:³⁸

1. Total Call shall comply with the forbearance requirements set forth in the FCC's Lifeline Reform Order.³⁹ Specifically, Total Call shall provide service consistent

³⁵On December 28, 2012, the commission issued Decision and Order No. 30932, in Docket No. 2011-0052, establishing annual ETC certification requirements for all ETCs other than Lifeline-only ETCs.

³⁶See In re Sprintcom, Inc. and NPCR, Inc., Decision and Order No. 24619, filed on April 30, 2008, in Docket No. 2007-0402, at 27-30; T-Mobile ETC D&O at 39-42; and Pa Makani ETC D&O at 39-41.

³⁷See CA's Position Statement at 8.

³⁸Total Call "asserts its willingness and ability to comply with all the rules and regulations that the Commission may lawfully impose upon the Company's provision of service contemplated by this Petition." Petition at 18.

³⁹See Lifeline Reform Order at ¶ 496; ¶¶ 373-380.

with its FCC approved Compliance Plan (attached to the Petition as Exhibit 5) and:

- (a) Provide Lifeline customers with 911 and E911 access, regardless of activation status and availability of minutes;
- (b) Provide its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, non-compliant handsets;
- (c) Complying with subsections (a) and (b) starting the effective date of the FCC's order.

2. Total Call shall comply with all federal laws, rules, and requirements for participation in the federal USF program and for continued ETC designation, as applicable.

In particular, Total Call shall:

- (a) Pursuant to 47 C.F.R. § 54.401(d), file information with USAC (with a concurrent copy filed with this commission) demonstrating that its Lifeline plans meet the criteria for the federal program and describing its voice telephony service plans;
- (b) Adhere to the federal verification and certification requirements for participation in the federal USF Lifeline program, as amended by the Lifeline Reform Order; and
- (c) Comply with all other program requirements set forth in the FCC's rules concerning universal service support for low-income consumers (i.e., 47 C.F.R. §§ 54.400 through 54.422).

3. Total Call shall provide the commission a point of contact to address any customer service or service quality

complaints the commission receives. The contact person should have access to customer account information and the authority to resolve customer service issues.

4. Total Call shall file an informational tariff with the commission incorporating the rates, terms, and conditions for its Lifeline service offerings.

5. Total Call shall file with the commission its detailed advertising plan for the provision of the Supported Services, including the content and manner of its planned advertisements, and the targeted consumers.

6. Total Call shall fully cooperate and respond to any requests for information or data from the commission or the Consumer Advocate.

7. Total Call shall comply with all applicable standards governing CMRS providers in the State, including the standards set forth in HAR chapter 6-80, to the extent not modified or waived by In re Public Utilities Commission, Docket No. 03-0186, the commission's CMRS proceeding. Specifically, as set forth in the Total Call COR D&O, Total Call "shall be subject to all applicable provisions of HRS Chapter 269; HAR Chapters 6-80, 6-81, and 6-82; any other applicable

State laws and commission rules; and any orders that the commission may issue from time to time."⁴⁰

8. Total Call shall adhere to all current and future laws, decisions, and orders with respect to the federal USF and support programs, as applicable.

9. Consistent with 47 C.F.R. § 54.422(c), Total Call shall provide a copy of its ETC report(s) filed annual with the FCC and USAC, pursuant to 47 C.F.R. § 54.422, with the commission, the Consumer Advocate, and the appropriate tribal authorities (i.e., the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs). In addition, any and all other reports submitted to the FCC and USAC including, but not limited to, reports concerning the annual certification requirements under 47 C.F.R. § 54.416 shall be submitted to the commission, the Consumer Advocate, and the appropriate tribal authorities, as applicable.

III.

Orders

THE COMMISSION ORDERS:

1. Total Call's Petition for ETC designation solely to provide services supported by, and to participate in

⁴⁰Total Call COR D&O at 6.

the federal Lifeline program, the low-income program of the USF, is approved, subject to the conditions and requirements set forth in Section II.B of this Decision and Order. Total Call is designated as a Lifeline-only ETC throughout the State (both rural and non-rural service areas).

2. The information set forth in Condition Nos. 3 to 5 of Section II.B, above, shall be filed with the commission, in this docket, within thirty days of the date of this Decision and Order, with a copy served on the Consumer Advocate.

3. The commission reserves the right to revoke Total Call's ETC status: (a) should any of the essential information or data provided by Total Call in this proceeding be proven inaccurate or incorrect; (b) if Total Call's receipt or use of federal universal service support monies is inconsistent with applicable federal laws, including any FCC regulations, decisions, and orders, or applicable State laws, and commission orders or rules, including any of the conditions imposed by the commission in this Decision and Order; (c) if Total Call does not sufficiently satisfy any of the conditions or requirements imposed by the commission; or (d) if Total Call's continued designation as an ETC is no longer in the public interest.

4. This docket is closed, unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii JUL - 9 2013.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Hermina Morita
Hermina Morita, Chair

By Michael E. Champley
Michael E. Champley, Commissioner

By Lorraine H. Akiba
Lorraine H. Akiba, Commissioner

APPROVED AS TO FORM:

Ji Sook Kim
Ji Sook Kim
Commission Counsel

2012-0233.sr

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

JEFFREY T. ONO
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

ROBERT YAP
CHIEF LEGAL/ADMINISTRATIVE OFFICER
TOTAL CALL MOBILE, INC.
1411 W. 190th Street, Suite 700
Gardena, CA 90248

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: TOTAL CALL MOBILE, INC.	DOCKET NOS. ETA-2012-0007 WRU-2013-0019-4086
---------------------------------------	---

**ORDER DESIGNATING ELIGIBLE CARRIER AND
GRANTING REQUEST FOR WAIVER**

(Issued November 12, 2013)

On December 27, 2012, Total Call Mobile, Inc. (Total Call), filed with the Utilities Board (Board) an application for limited designation as a universal service eligible telecommunications carrier (ETC) in all or part of certain Iowa exchanges pursuant to 47 U.S.C. § 214(e)(2), 47 C.F.R. Part 54.101, and 199 IAC 39.2.

Total Call asks that the Board designate it as an ETC for the limited purpose of offering Lifeline services pursuant to 199 IAC 39.2 in the exchanges identified in the attachment to this order.

On February 26, 2013, Total Call supplemented its application, stating that it adopts the exchange area maps on file with the Board for the service areas listed in Exhibit 7 of its application. Total Call also committed to contributing 3 cents per month to the Dual Party Relay Service (DPRS) fund for each wireless communications service number provided in Iowa.

In its *Lifeline Reform Order* released on February 6, 2012, the Federal Communications Commission (FCC) modified its rules with respect to ETC

designations for carriers that only seek such designations for Lifeline offerings.¹ The *Lifeline Reform Order* provides that a carrier applying for ETC designation that is limited to Lifeline service must submit a compliance plan to the FCC for approval if that carrier is not using its own facilities to provide voice service.² Exhibit 5 to the application is Total Call's Compliance Plan as filed with the FCC and a copy of the FCC's May 25, 2012, public notice announcing approval of Total Call's Compliance Plan.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund (USF), as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254 (the Act). Under the Act (and the FCC regulations implementing the Act), the Board must determine that a carrier meets certain service requirements before it may be designated as an eligible carrier. Pursuant to 199 IAC 39.2(3), the carrier must do the following:

- 1) Offer the services supported by the federal universal service fund as identified in 199 IAC 39.2(1)"a" through "i";
- 2) Offer the required services using its own facilities or a combination of its own facilities and resale as described in 199 IAC 39.2(3)"a";

¹ *In the Matter of Lifeline and LinkUp Reform and Modernization*, "Report and Order and Further Notice of Proposed Rulemaking," WC Docket No. 11-42, FCC 12-11 (released Feb. 6, 2012) ("*Lifeline Reform Order*").

² *Lifeline Reform Order*, ¶¶ 379-80.

3) Advertise the availability of the supported services as described in 199 IAC 39.2(3)"b";

4) Submit an explanation of how the supported services will be provided pursuant to 199 IAC 39.2(3)"c";

5) Submit a description of the area for which ETC designation is sought as described in 199 IAC 39.2(3)"d";

6) Submit a network improvement and maintenance plan associated with the provision of supported services as described in 199 IAC 39.2(3)"e";³

7) Demonstrate compliance with applicable consumer protection standards as described in 199 IAC 39.2(3)"f";

8) Demonstrate compliance with applicable service quality standards as described in 199 IAC 39.2(3)"g";

9) Certify the ability to maintain a minimum of two hours of backup power to ensure functionality without an external power source pursuant to 199 IAC 39.2(3)"h";

10) Demonstrate a commitment to offer a local usage plan comparable to the one offered by the incumbent local exchange carrier in the areas for which ETC designation is sought as described in 199 IAC 39.2(3)"i";

³ The Board notes that the requirement of 199 IAC 39.2(3)"e" to submit a two-year network improvement and maintenance plan does not apply to Total Call in this instance. That rule applies only to carriers seeking or receiving high-cost support, and Total Call is seeking limited ETC designation for participation in the Lifeline program.

- 11) File a statement that the carrier acknowledges the FCC may require it to provide equal access as described in 199 IAC 39.2(3)"j";
- 12) Demonstrate that granting ETC designation is in the public interest as described in 199 IAC 39.2(3)"k"; and
- 13) Commit to respond to Board requests for information as described in 199 IAC 39.2(3)"l."

In its request for designation, as supplemented on February 26, 2013, Total Call states that it satisfies or will satisfy each of the requirements set forth in 199 IAC 39.2(3) with the exception of 199 IAC 39.2(3)"h," for which Total Call has filed a request for a waiver, which is discussed below. Total Call has made the necessary certifications so as to substantially comply with 199 IAC 39.2, including demonstrating to the Board that it is financially and technically capable to provide service pursuant to 47 C.F.R. § 54.201(h). Based on Total Call's unopposed representations, the Board finds that Total Call offers the services supported by the federal universal service fund in the manner required by 199 IAC 39.2 and will comply with applicable service quality standards and consumer protection rules throughout its designated service area.

Board rule 39.2(5) provides that unless otherwise ordered by the Board, the approved service area for USF support calculations will be the same as the service area currently approved for local service by the Board. Total Call states that it will adopt the exchange boundary maps of the incumbent local exchange carriers that

have been approved by the Board to provide local service in the exchanges listed on Attachment 7, which is attached to this order. The Board finds that this assertion by Total Call satisfies 199 IAC 39.2(5)"c."

In addition, Iowa Code § 477C.7 requires wireless carriers to contribute to the Dual Party Relay Service (DPRS) through an assessment of 3 cents per month on each telephone number. Lifeline services are not exempt from the DPRS assessment. Total Call states that it will be responsible for the DPRS assessment by contributing 3 cents per month on each active Iowa telephone number.

On July 17, 2013, Total Call filed a request for waiver of Board rule 199 IAC 39.2(3)"h," identified as Docket No. WRU-2013-0019-4086, which requires Total Call to certify that it has the ability to maintain a minimum of two hours of back-up power to ensure functionality without an external power source. Total Call states that it is a reseller of telecommunications services and neither owns nor operates a cell site, microwave hub, or switch and therefore this requirement does not apply. Total Call states that it will provide its customers with the ability to remain functional in emergency situations through its agreement with its underlying carrier, Sprint PCS.

To grant the waiver, the Board must find, based on clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of the public

health, safety, and welfare will be afforded by a means other than prescribed by the rule.

Based on the information provided by Total Call, the Board finds it would be an undue hardship for Total Call to certify to the back-up power requirement given that it does not operate the facility that would provide the power required. Because Total Call cannot provide this assurance on behalf of another company, the first criterion of 199 IAC 1.3 has been met.

The Board finds the second criterion of 199 IAC 1.3 has also been satisfied insofar as no person's legal rights will be substantially prejudiced by granting this waiver. The back-up power requirement identified in 199 IAC 39.2(3)"h" is not specifically mandated by statute or other provision of law and therefore the third criterion of 199 IAC 1.3 has been satisfied.

Finally, the Board finds substantially equal protection of public health, safety, and welfare are afforded because Total Call's customers will be provided the same ability to remain functional in emergency situations as is currently provided by landline local exchange carriers through Sprint PCS. The fourth criterion of 199 IAC 1.3 has been met and therefore the Board will grant Total Call's request for waiver.

IT IS THEREFORE ORDERED:

1. Limited eligible telecommunications carrier status is granted to Total Call Mobile, Inc., as requested in its application filed on December 27, 2012, as

amended on February 26, 2013, subject to the commitments described in the body of this order, in the exchanges listed in the attachment to this order.

2. The designated service area shall be the area in Iowa identified by the list of identified exchanges attached to this order.

3. The Executive Secretary of the Utilities Board shall mail copies of this order to Total Call Mobile, Inc., the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

UTILITIES BOARD

/s/ Elizabeth S. Jacobs

/s/ Nick Wagner

ATTEST:

/s/ Joan Conrad
Executive Secretary

Dated at Des Moines, Iowa, this 12th day of November 2013.

ETA-2012-0007

EXHIBIT 7

Second Revision of Wire Center List

**FILED WITH
Executive Secretary**

July 17, 2013

IOWA UTILITIES BOARD

<u>WC Code IOWA</u>	<u>CompanyName</u>	<u>RateCenter</u>
ACKLIACO	QWEST CORPORATION	ACKLEY
ADARIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	ADAIR
ADBNIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	AUDUBON
ADELIACO	QWEST CORPORATION	ADEL
AGNCIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	AGENCY
ALBRIAXO	FARMERS MUTUAL TELEPHONE CO.	ALBURNETT
ALDNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	ALDEN
ALNAIACO	QWEST CORPORATION	ALTOONA
ALSNIAB	DUMONT TELEPHONE CO.	ALLISON
ALTVIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	ALTA VISTA
ALXNIAXO	FRONTIER COMMUNICATIONS OF IOWA, INC.	ALEXANDER
AMESIATC	QWEST CORPORATION	AMES
AMESIAWS	QWEST CORPORATION	AMES
ANDRIAXO	ANDREW TELEPHONE CO., INC.	ANDREW
ANITIAOX	WEST IOWA TELEPHONE CO.	ANITA
ANKNIACO	QWEST CORPORATION	DES MOINES
ANMSIACO	QWEST CORPORATION	ANAMOSA
ANWOIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	AINSWORTH
APTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	APLINGTON
ARCDIAXO	ARCADIA TELEPHONE COOPERATIVE	ARCADIA
ARGYIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	ARGYLE
ARMSIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	ARMSTRONG
ARPKIACO	QWEST CORPORATION	ARNOLDS PK
ARTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	ARLINGTON
ATKNIAXO	ATKINS TELEPHONE CO., INC.	ATKINS
ATLSIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	ATALISSA
ATLTATC	QWEST CORPORATION	ATLANTIC
AUBNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	AUBURN
AURRIAXO	EAST BUCHANAN TELEPHONE COOPERATIVE	AURORA
AVOCIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	AVOCA
BATVIAXO	FARMERS TELEPHONE CO.	BATAVIA
BCKYIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	BUCKEYE
BGLYIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	BAGLEY
BLBGIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	BLADENSBG
BLDWIAXO	BALDWIN NASHVILLE TELEPHONE CO., INC.	BALDWIN
BLNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	BLENCOE
BLFDIAXO	CITIZENS MUTUAL TELEPHONE COOPERATIVE	BLOOMFIELD
BLLPIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	BELLEPLAIN
BLLVIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	BELLEVUE
BLTWIAXO	COON CREEK TELEPHONE CO.	BLAIRSTOWN
BNNTIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	BENNETT
BNRDIAXO	BERNARD TELEPHONE CO., INC.	BERNARD
BNTPIAAA	FARMERS MUTUAL TELEPHONE CO.	SHELLSBURG
BONPIAXO	VAN BUREN TELEPHONE CO., INC.	BONAPARTE
BOONIACO	QWEST CORPORATION	BOONE
BOTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	BOUTON

BRBGIACO	QWEST CORPORATION	BLAIRSBURG
BREDIAXO	BREDA TELEPHONE CORP.	BREDA
BRHMIAXO	VAN BUREN TELEPHONE CO., INC.	BIRMINGHAM
BRKLIAXO	BROOKLYN MUTUAL TELEPHONE CO.	BROOKLYN
BRNDIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	BRANDON
BRTNIAXO	MARNE & ELK HORN TELEPHONE CO.	BRAYTON
BRVLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	SOBRADDYVL
BSSYIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	BUSSEY
BURLIATC	QWEST CORPORATION	BURLINGTON
CASYIAXO	CASEY MUTUAL TELEPHONE CO.	CASEY
CDFLIACO	QWEST CORPORATION	CEDARFALLS
CDRRIADT	QWEST CORPORATION	CEDAR RPDS
CDRRIAMN	QWEST CORPORATION	CEDAR RPDS
CDRRIANO	QWEST CORPORATION	CEDAR RPDS
CDRRIAWS	QWEST CORPORATION	CEDAR RPDS
CFVLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	CRAWFODSVL
CGGNIACO	QWEST CORPORATION	COGGON
CHCYIATC	QWEST CORPORATION	CHARLES CY
CHLCIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	CHILICOTH
CHLSIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	CHELSEA
CHRLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	CHARLOTTE
CLBGIXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	COLESBURG
CLFXIACO	QWEST CORPORATION	COLFAX
CLJTIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	COLUMBSJCT
CLLKIAOX	CLEAR LAKE INDEPENDENT TELEPHONE CO.	CLEAR LAKE
CLMSIAXO	F&B COMMUNICATIONS, INC.	CALAMUS
CLNCIAXO	CLARENCE TELEPHONE CO., INC.	CLARENCE
CLNDIAXO	LEHIGH VALLEY COOPERATIVE TELEPHONE ASSN.	CALLENDER
CLNSIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	COLLINS
CLSPIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	COLLEGESPG
CLTNIACC	QWEST CORPORATION	CLINTON
CLTNIACO	QWEST CORPORATION	CLINTON
CLUTIAXO	FARMERS COOPERATIVE TELEPHONE CO.	CLUTIER
CLVLIAAA	BUTLER - BREMER MUTUAL TELEPHONE CO.	CLARKSVL
CMBRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	CAMBRIDGE
CMLDIAXO	CUMBERLAND TELEPHONE CO.	CUMBERLAND
CNBLIAMW	QWEST CORPORATION	COUNCILBLF
CNBLIAWA	QWEST CORPORATION	COUNCILBLF
CNCYIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	CENTRAL CY
CNJTIAXO	CENTER JUNCTION TELEPHONE CO.	CENTER JCT
CNPNIACO	QWEST CORPORATION	CENTER PT
CNRPIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	COONRAPIDS
CNRYIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	CONROY
CNSVIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	CONESVILLE
COLOIAXO	COLO TELEPHONE CO.	COLO
CRLSIACO	QWEST CORPORATION	CARLISLE
CRRLIATC	QWEST CORPORATION	CARROLL

CRSCIACO	QWEST CORPORATION	CRESCENT
CRSNIAXO	FRONTIER COMMUNICATIONS OF IOWA, INC.	CARSON
CRWTIAXP	COMMUNICATIONS 1 NETWORK, INC.	CORWITH
CSCDIAXO	CASCADE COMMUNICATIONS COMPANY	CASCADE
DAVLIAXO	DANVILLE MUTUAL TELEPHONE CO.	DANVILLE
DDHMIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	DEDHAM
DELHIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	DELHI
DESMIAAW	QWEST CORPORATION	DES MOINES
DESMIADT	QWEST CORPORATION	DES MOINES
DESMIAEA	QWEST CORPORATION	DES MOINES
DESMIANW	QWEST CORPORATION	DES MOINES
DESMIASO	QWEST CORPORATION	DES MOINES
DESMIAWS	QWEST CORPORATION	DES MOINES
DESTIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	DE SOTO
DGVLIAXO	MEDIAPOLIS TELEPHONE CO.	DODGEVILLE
DIKEIACO	QWEST CORPORATION	PARKERSBG
DIXNIAXO	DIXON TELEPHONE CO.	DIXON
DLCTIACE	QWEST CORPORATION	DALLAS CTR
DLMRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	DELMAR
DLVRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	DOLLIVER
DNMKIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	DENMARK
DNSNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	DONNELSON
DNTNIAXO	DUNKERTON TELEPHONE COOPERATIVE	DUNKERTON
DNVRIACO	QWEST CORPORATION	DENVER
DONHIAXO	CENTRAL SCOTT TELEPHONE	DONAHUE
DOWSIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	DOWS
DPRVIAOX	WINDSTREAM MONTEZUMA, INC.	DEEP RIVER
DRNTIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	DURANT
DUBQIANW	QWEST CORPORATION	DUBUQUE
DUBQIATC	QWEST CORPORATION	DUBUQUE
DUMTIAXO	DUMONT TELEPHONE CO.	DUMONT
DVCYIAXO	GRAND RIVER MUTUAL TELEPHONE CO.	DAVIS CITY
DVNIADT	QWEST CORPORATION	DAVENPORT
DVNPIAEA	QWEST CORPORATION	DAVENPORT
DVNPIANE	QWEST CORPORATION	DAVENPORT
DVNPIANW	QWEST CORPORATION	DAVENPORT
DVNPIAWS	QWEST CORPORATION	DAVENPORT
DWTTIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	DE WITT
DXTRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	DEXTER
DYSRIAXO	FARMERS COOPERATIVE TELEPHONE CO.	DYSART
DYVLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	DYERSVILLE
EDVLIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	EDDYVILLE
EDWDIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	EDGEWOOD
EGGVIACO	QWEST CORPORATION	EAGLEGROVE
EKHRIAXO	MARNE AND ELK HORN TELEPHONE COMPANY - IA	ELK HORN
EKHTIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	ELKHART
ELBRIAXO	KEYSTONE FARMS COOPERATIVE TELEPHONE COMPANY	ELBERON

ELDNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	ELDON
ELRGIA XO	CENTRAL SCOTT TELEPHONE	ELDRIDGE
ELWOIA XO	ELLSWORTH COOPERATIVE TELEPHONE ASSN.	ELLSWORTH
EPWOIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	EPWORTH
ERHMIAC O	QWEST CORPORATION	EARLHAM
ERVLIAX P	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	EARLVILLE
ESVLIAC O	QWEST CORPORATION	NOESTHERVL
EXIRIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	EXIRA
FASNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	FARSON
FLYDIA XO	FARMERS MUTUAL TELEPHONE CO. - NORA SPRINGS	FLOYD
FNTLIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	FONTANELLE
FRBGIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	FREDECKSBG
FRBNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	FAIRBANK
FRCYIAX R	WINNEBAGO COOPERATIVE TELEPHONE ASSOCIATION - IA	CRYSTAL LK
FRDRIA XO	BUTLER - BREMER MUTUAL TELEPHONE CO.	FREDERIKA
FRFDIAX C	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	FAIRFIELD
FRLYIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	FARLEY
FRMTIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	FREMONT
FRTNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	FARMINGTON
FTDDIAX C	FRONTIER COMMUNICATIONS OF IOWA, INC.	FORT DODGE
FTMDIAT C	QWEST CORPORATION	FT MADISON
FYTTIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	FAYETTE
GDRVIA XO	GRAND RIVER MUTUAL TELEPHONE CO.	GRANDRIVER
GDVWIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	GRANDVIEW
GLBKIA XP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	GLADBROOK
GLCYIAC O	QWEST CORPORATION	GILMORE CY
GLDNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	GLIDDEN
GLFDIA XO	GOLDFIELD TELEPHONE CO.	GOLDFIELD
GLMNIAX O	PARTNER COMMUNICATIONS COOPERATIVE	BAXTER
GLMNIAX O	PARTNER COMMUNICATIONS COOPERATIVE	GILMAN
GLMNIAX O	PARTNER COMMUNICATIONS COOPERATIVE	KELLOGG
GLMNIAX O	PARTNER COMMUNICATIONS COOPERATIVE	MELBOURNE
GLWDIAC O	QWEST CORPORATION	SILVERCITY
GNCTIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	GRUNDY CTR
GNFDIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	GREENFIELD
GOWRIA XO	WEBSTER - CALHOUN COOPERATIVE TELEPHONE ASSN.	GOWRIE
GRCYIA XO	ELLSWORTH COOPERATIVE TELEPHONE ASSN.	GARDENCITY
GRELIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	GREELEY
GRGVIA XO	GRAND RIVER MUTUAL TELEPHONE CO.	GARDEN GRV
GRMDIA XO	GRAND MOUNT COOPERATIVE TELEPHONE ASSN.	GRANDMOUND
GRMSIAC O	QWEST CORPORATION	GRIMES
GRNEIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	GREENE
GRNGIAC O	QWEST CORPORATION	GRANGER
GRNLIA XC	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	GRINNELL
GRNSIA XO	COOPERATIVE TELEPHONE CO.	GUERNSEY
GRSNIA XO	KEYSTONE FARMS COOPERATIVE TELEPHONE COMPANY	GARRISON
GRSWIA XO	GRISWOLD COOPERATIVE TELEPHONE CO.	GRISWOLD

GRTGIAXO	RIVER VALLEY TELECOMMUNICATIONS COOP.	GRAETTINGR
GRWNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	GARWIN
GSLKIAXO	PRESTON TELEPHONE CO.	GOOSE LAKE
GTCTIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	GUTHRIECTR
HBRDIAXO	HUBBARD COOPERATIVE TELEPHONE ASSOCIATION	HUBBARD
HDRCIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	HEDRICK
HDSNIACO	QWEST CORPORATION	HUDSON
HGTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	HOUGHTON
HILSIAXO	SHARON TELEPHONE CO.	HILLS
HLBOIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	HILLSBORO
HLBRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	HALBUR
HLCRIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	HOLY CROSS
HMBGIACO	QWEST CORPORATION	W HAMBURG
HMBLIACO	QWEST CORPORATION	HUMBOLDT
HMPNIACO	QWEST CORPORATION	HAMPTON
HNCCIAXO	FARMERS MUTUAL COOPERATIVE TELEPHONE CO.	HANCOCK
HNSNIAXO	SOUTHWEST TELEPHONE EXCHANGE, INC.	HENDERSON
HPTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	HOPKINTON
HRLNIAXR	FARMERS MUTUAL COOPERATIVE TELEPHONE COMPANY-IA	HARLAN
HRLNIAXT	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	HARLAN
HRRSIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	HARRIS
HRWKIAXO	COOPERATIVE TELEPHONE CO.	HARTWICK
HWKYIAXO	HAWKEYE TELEPHONE CO.	HAWKEYE
HXYLIAXO	HUXLEY COMMUNICATIONS COOPERATIVE	HUXLEY
HZTNIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	HAZLETON
INDNIACO	QWEST CORPORATION	INDIANOLA
INDPIACO	QWEST CORPORATION	INDEPNDNCE
IWCYIATC	QWEST CORPORATION	IOWA CITY
IWFLIACO	QWEST CORPORATION	IOWA FALLS
JAMCIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	JAMAICA
JCVLIAXO	FARMERS MUTUAL COOPERATIVE TELEPHONE CO.	JACKSONVL
JESPIAXO	FARMERS MUTUAL TELEPHONE CO.	JESUP
JEWLIACO	QWEST CORPORATION	JEWELL
JNVLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	JANESVILLE
KALNIAXO	KALONA COOPERATIVE TELEPHONE CO.	KALONA
KEKKIACO	QWEST CORPORATION	KEOKUK
KGTNIAXO	MEDIAPOLIS TELEPHONE CO.	KINGSTON
KLDFIAXO	KILLDUFF TELEPHONE COMPANY	KILLDUFF
KLLYIAXO	HUXLEY COMMUNICATIONS COOPERATIVE	KELLEY
KLTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	KELLERTON
KMRRIAXO	COOPERATIVE TELEPHONE EXCHANGE	KAMRAR
KMTNIAXO	MARNE & ELK HORN TELEPHONE CO.	KIMBALLTON
KNVLIAXC	WINDSTREAM IOWA COMMUNICATIONS, INC.	KNOXVILLE
KYSTIAXO	KEYSTONE FARMS COOPERATIVE TELEPHONE COMPANY	KEYSTONE
LADRIAXO	COOPERATIVE TELEPHONE CO.	LADORA
LAMNIAXO	GRAND RIVER MUTUAL TELEPHONE CO.	LAMONI
LAMTIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LAMONT

LBVLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	LIBERTYVL
LCLRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	LE CLAIRE
LCRGIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	LOCKRIDGE
LDDLIAXO	BREDA TELEPHONE CORP.	LIDDERDALE
LDYRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LEDYARD
LEONIAXO	GRAND RIVER MUTUAL TELEPHONE CO.	LEON
LEWSIAXO	GRISWOLD COOPERATIVE TELEPHONE CO.	LEWIS
LGRDIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LE GRAND
LGTNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	LEIGHTON
LHGHIAXP	LEHIGH VALLEY COOPERATIVE TELEPHONE ASSN.	LEHIGH
LKMLIAXO	WINNEBAGO COOP. TELEPHONE ASSN. - IOWA	BUFFALOCTR
LKMLIAXO	WINNEBAGO COOP. TELEPHONE ASSN. - IOWA	LAKE MILLS
LKMLIAXO	WINNEBAGO COOP. TELEPHONE ASSN. - IOWA	RAKE
LKMLIAXO	WINNEBAGO COOP. TELEPHONE ASSN. - IOWA	SCARVILLE
LKMLIAXO	WINNEBAGO COOP. TELEPHONE ASSN. - IOWA	THOMPSON
LKPKIACO	QWEST CORPORATION	NOLAKEPARK
LMTTIAXO	LA MOTTE TELEPHONE COMPANY	LAMOTTE
LNDNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LINDEN
LNTRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	LONE TREE
LNVLIAOX	GRAND RIVER MUTUAL TELEPHONE CO.	LINEVILLE
LOGNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LOGAN
LPCYIAXO	LA PORTE CITY TELEPHONE COMPANY	LAPORTE CY
LSBNIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	LISBON
LSNTIAXO	LOST NATION - ELWOOD TELEPHONE COMPANY	OXFORD JCT
LSTRIAXO	ALLIANCE COMMUNICATIONS COOPERATIVE, INC. - IA	LESTER
LTMRIAXO	FRONTIER COMMUNICATIONS OF IOWA, INC.	COULTER
LTMRIAXO	FRONTIER COMMUNICATIONS OF IOWA, INC.	LATIMER
LTRKIAXO	NORTHERN IOWA TELEPHONE CO.	LITTLE ROCK
LTSXIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LTL SIOUX
LTTSIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	LETTS
LVMRIACO	QWEST CORPORATION	LIVERMORE
LVRNIACO	QWEST CORPORATION	LUVERNE
LWDNIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	LOWDEN
LWLRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	LAWLER
LWMRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	LOW MOOR
LXBGIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	LUXEMBURG
LYVLIAXO	LYNNVILLE COMMUNITY TELEPHONE CO., INC.	LYNNVILLE
MABNIAXO	LA PORTE CITY TELEPHONE COMPANY	MT AUBURN
MARKIAXO	CITIZENS MUTUAL TELEPHONE COOPERATIVE	MARK
MCDNIAXO	BREDA TELEPHONE CORP.	MACEDONIA
MCHVIAOX	MECHANICSVILLE TELEPHONE CO.	MECHANCSVL
MCSLIAXO	CENTRAL SCOTT TELEPHONE	MCCAUSLAND
MDPLIAXO	MEDIAPOLIS TELEPHONE CO.	MEDIAPOLIS
MORDIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	MADRID
MENLIAXO	COON VALLEY COOPERATIVE TELEPHONE ASSN., INC.	MENLO
MGNLIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MAGNOLIA
MILOIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MILO

MILSIAXO	MILES COOPERATIVE TELEPHONE ASSOCIATION	MILES
MINDIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	MINDEN
MINGIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	MINGO
MLBGIAXO	MODERN COOPERATIVE TELEPHONE CO.	MILLERSBG
MLCHIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MELCHER
MLCMIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MALCOM
MLFRIACO	QWEST CORPORATION	MILFORD
MLVRIACO	QWEST CORPORATION	MALVERN
MNBNIAXO	MINBURN TELEPHONE CO.	MINBURN
MNCHIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MANCHESTER
MNDMIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MONDAMIN
MNLYIACO	QWEST CORPORATION	MANLY
MNNGIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	MANNING
MNPLIAXC	WINDSTREAM IOWA COMMUNICATIONS, INC.	MTPLEASANT
MNTIACO	QWEST CORPORATION	MONTICELLO
MODLIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MODALE
MOLTIAXO	FARMERS MUTUAL COOPERATIVE TELEPHONE CO.	MOULTON
MONRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MONROE
MQKTIACO	QWEST CORPORATION	MAQUOKETA
MRDLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MARTENSDL
MRLYIAXO	OLIN & MORLEY TELEPHONE CO.	MORLEY
MRNEIAXO	MARNE & ELK HORN TELEPHONE CO.	MARNE
MRNGIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MARENGO
MRNSIAXO	MUTUAL TELEPHONE CO. OF MORNING SUN	MORNINGSUN
MRTLIA XO	MARTELLE COOPERATIVE TELEPHONE ASSOCIATION	MARTELLE
MRTWIASO	QWEST CORPORATION	MARSHALLTN
MSCTIACO	QWEST CORPORATION	MUSCATINE
MSCWIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	MOSCOW
MSCYIATC	QWEST CORPORATION	MASON CITY
MSRVIA XO	FRONTIER COMMUNICATIONS OF IOWA, INC.	MESERVEY
MSSNIAXO	MASSENA TELEPHONE CO.	MASSENA
MSVYIACO	QWEST CORPORATION	MISSOURVLY
MTRSIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MONTROSE
MTUNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MOUNTUNION
MTVRIACO	QWEST CORPORATION	MT VERNON
MTZMIA XO	WINDSTREAM MONTEZUMA, INC.	MONTEZUMA
MXWLIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	MAXWELL
MYNRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	MAYNARD
NASHIACO	QWEST CORPORATION	NASHUA
NCHLIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	NICHOLS
NENGIAXO	NORTH ENGLISH COOPERATIVE TELEPHONE CO.	NO ENGLISH
NEOLIACO	QWEST CORPORATION	NEOLA
NEVDIAXC	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	NEVADA
NHFRIACO	QWEST CORPORATION	PARKERSBG
NHTNIA XC	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	NEWHAMPTON
NLBTIA XO	SOUTH SLOPE COOPERATIVE TELEPHONE CO., INC.	AMANA
NLBTIA XO	SOUTH SLOPE COOPERATIVE TELEPHONE CO., INC.	ELY

NLBTIAXO	SOUTH SLOPE COOPERATIVE TELEPHONE CO., INC.	FAIRFAX
NLBTIAXO	SOUTH SLOPE COOPERATIVE TELEPHONE CO., INC.	NEWHALL
NLBTIAXO	SOUTH SLOPE COOPERATIVE TELEPHONE CO., INC.	NO LIBERTY
NLBTIAXO	SOUTH SLOPE COOPERATIVE TELEPHONE CO., INC.	NORWAY
NRSPIAXO	FARMERS MUTUAL TELEPHONE CO. - NORA SPRINGS	NORA SPG
NRWLIACO	QWEST CORPORATION	NORWALK
NWLNIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	NEW LONDON
NWODIACO	QWEST CORPORATION	NORTHWOOD
NWSHIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	NEW SHARON
NWTNIAXC	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	NEWTON
NWVNIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	NEW VIENNA
NWVRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	NEWVIRGINI
OCHYIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	OCHEYEDAN
OGDNIAXO	OGDEN TELEPHONE CO.	OGDEN
OKLDIAXA	FRONTIER COMMUNICATIONS OF IOWA, INC.	OAKLAND
OKVLIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	OAKVILLE
OLDSIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	OLDS
OLINIAOX	OLIN & MORLEY TELEPHONE CO.	OLIN
OLWNIATC	QWEST CORPORATION	OELWEIN
ONAWIACO	QWEST CORPORATION	ONAWA
ONSLIAOX	ONSLow COOPERATIVE TELEPHONE ASSOCIATION	ONSLow
ORANIAOX	ORAN MUTUAL TELEPHONE CO.	ORAN
OSCLIAXD	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	OSCEOLA
OSKLIACO	QWEST CORPORATION	OSKALOOSA
OTCKIAOX	CASCADE COMMUNICATIONS COMPANY	OTTERCREEK
OTHOIAOX	FRONTIER COMMUNICATIONS OF IOWA, INC.	OTHO
OTLYIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	OTLEY
OTTMIATC	QWEST CORPORATION	OTTUMWA
OXFRIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	OXFORD
PABGIAOX	PRAIRIEBURG TELEPHONE CO., INC.	PRAIRIEBG
PALOIAOX	PALO COOPERATIVE TELEPHONE ASSOCIATION	PALO
PANRIAOX	PANORA COMMUNICATIONS COOPERATIVE	PANORA
PCJTIAOX	PRAIRIE TELEPHONE CO., INC.	PACIFICJCT
PCWDIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	PACKWOOD
PELLIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	PELLA
PEORIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC.	PEORIA
PERSIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	PERSIA
PERUIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	PERU
PKCYIACO	QWEST CORPORATION	POLK CITY
PLFDIAOX	BUTLER - BREMER MUTUAL TELEPHONE CO.	PLAINFIELD
PLMOIAOX	FARMERS TELEPHONE CO.	PLYMOUTH
PRBGIACO	QWEST CORPORATION	PARKERSBG
PRCVIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	PERCIVAL
PRCYIACO	QWEST CORPORATION	PRAIRIE CY
PRMRIAXO	WINDSTREAM IOWA COMMUNICATIONS, INC.	PRIMROSE
PRRYIACO	QWEST CORPORATION	DAWSON
PSGHIAOX	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	PISGAH

PSTNIA XO	PRESTON TELEPHONE CO.	PRESTON
PTMOIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	PORTSMOUTH
QSTNIA XO	EAST BUCHANAN TELEPHONE COOPERATIVE	QUASQUETON
RCRPIAAC	HEARTLAND TELECOM COMPANY OF IOWA DBA HICKORYTECH	NORKRAPIDS
RCWLIAXO	ROCKWELL COOPERATIVE TELEPHONE ASSOCIATION	ROCKWELL
RDCLIA XO	RADCLIFFE TELEPHONE CO., INC.	RADCLIFFE
RDFDIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	REDFIELD
RDLYIA XO	READLYN TELEPHONE CO.	READLYN
RNBCIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	REINBECK
RNDLIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	RANDALL
RNLSIA CO	QWEST CORPORATION	RUNNELLS
RNWCIA CO	QWEST CORPORATION	RENWICK
ROCHIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	ROCHESTER
ROLDIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	ROLAND
ROLFIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	ROLFE
ROWNIA XO	FRONTIER COMMUNICATIONS OF IOWA, INC.	ROWAN
RPPYIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	RIPPEY
RSHLIA CO	QWEST CORPORATION	ROSE HILL
RSNRIA XO	REASNOR TELEPHONE COMPANY, LLC	REASNOR
RTHVIA XO	RIVER VALLEY TELECOMMUNICATIONS COOP.	RUTHVEN
RUDDIA01	FARMERS MUTUAL TELEPHONE CO. - NORA SPRINGS	RUDD
RUDDIA01	FARMERS TELEPHONE CO.	LTL CEDAR
RUDDIA01	FARMERS TELEPHONE CO.	NEW HAVEN
RVSDIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	RIVERSIDE
RWLYIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	ROWLEY
RYANIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	RYAN
SABLIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	SABULA
SALMIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	SALEM
SBLYIAAC	HEARTLAND TELECOM COMPANY OF IOWA DBA HICKORYTECH	SIBLEY
SDNYIAXP	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	SIDNEY
SHCTIA XO	SHARON TELEPHONE CO.	SHARON CTR
SHFDIAXR	FRONTIER COMMUNICATIONS OF IOWA, INC.	SHEFFIELD
SHLBIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	SHELBY
SHRKIA XO	SHELL ROCK COMMUNICATIONS, INC.	SHELL ROCK
SLBGIA XO	FARMERS MUTUAL TELEPHONE CO.	SHELLSBURG
SLLYIA XO	SULLY TELEPHONE ASSOCIATION	SULLY
SLTRIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - NORTH	SLATER
SMNRIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC. - SYSTEMS	SUMNER
SOLNIA XO	WINDSTREAM IOWA COMMUNICATIONS, INC.	OLON
SPLKIA CO	QWEST CORPORATION	NOSPIRITLK
SPRRIA XO	SUPERIOR TELEPHONE COOPERATIVE	SUPERIOR
SPVLIAXO	SPRINGVILLE COOPERATIVE TELEPHONE ASSN., INC.	SPRINGVL
STCTIA XO	PARTNER COMMUNICATIONS COOPERATIVE	BAXTER
STCTIA XO	PARTNER COMMUNICATIONS COOPERATIVE	MELBOURNE
STCTIA XO	PARTNER COMMUNICATIONS COOPERATIVE	RHODES

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman
 Thomas E. Wright
 Shari Feist Albrecht

In the Matter of the Application of Total Call)
Mobile, Inc. for Designation as an Eligible) Docket No. 13-TCMZ-331-ETC
Telecommunications Carrier in the State of)
Kansas.)

**ORDER GRANTING ELIGIBLE TELECOMMUNICATIONS CARRIER STATUS IN
KANSAS AND GRANTING SERVICE AREA REDEFINITIONS**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On October 31, 2012, Total Call Mobile, Inc. ("Total Call") filed an Application with the Commission requesting designation as an Eligible Telecommunications Carrier ("ETC") in the state of Kansas. Total Call is only seeking ETC designation in Kansas for the purpose of receiving Lifeline funds from the Federal Universal Service Fund ("FUSF"). Total Call seeks ETC designation to provide low-income Lifeline-Only service to qualifying consumers in numerous service areas throughout Kansas listed in the attached Exhibit A. Total Call is also requesting that the Commission redefine its "service areas" in certain rural telephone company "study areas" to specific exchanges served by those companies, rather than the full study area for those companies as allowed under 47 C.F.R. § 54.207.

2. In order to receive low-income Lifeline wireless ETC designation from the Commission, the requesting carrier must make showings required under federal law. Pursuant to 47 U.S.C. § 214(e)(1)-(2), § 254(c), and 47 C.F.R. § 54.101(a), the carrier must make the following showings:

- a. The carrier will offer the services supported by federal universal service support mechanisms under 47 U.S.C. § 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC) throughout the service area for which designation is received.¹
- b. The carrier will advertise the availability of such service and the charges therefore using media of general distribution.
- c. Designation would be consistent with the public interest, convenience, and necessity.²

¹The supported services are codified in 47 C.F.R. § 54.101(a), which reads as follows:

Voice Telephony services shall be supported by federal universal service support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.

47 C.F.R. § 54.101(a). Carriers who receive forbearance from the "own-facilities" requirement for federally-supported universal service still need to meet the "own facilities" requirement in order to be eligible for Kansas Universal Service Fund ("KUSF") support. "Service area" is defined in 47 U.S.C. § 214(e)(5). In determining whether "minutes of use for local service is provided at no additional charge to end users," the Commission will consider the comparability of a competitive Eligible Telecommunications Carrier's ("ETC's") offering to the incumbent local exchange carrier's offering. See Docket No. 06-GIMT-446-GIT, Order Addressing Comments Regarding Revisions to Eligible Telecommunications Carrier Certification Forms, October 2, 2007. The Commission will evaluate the total service package, "including the local calling scope, included features, and usage that might otherwise be considered long distance." *Id.* The Commission will also consider whether an ETC applicant offers unlimited calling to government, social service, health facilities, educational institutions and emergency numbers when considering comparability. *Id.*

²The Commission will weigh certain factors to determine whether it is in the public interest to grant another carrier ETC status. Those factors include a) benefits of increased competitive choice; b) the impact of multiple ETC designations on the KUSF; c) the unique advantages and disadvantages of the carrier's service offering; d) commitments made regarding quality of telephone service provided by competing providers; and e) the carrier's ability to provide the supported services throughout the designated service area within a reasonable time frame. See Docket No. 04-RCCT-338-ETC, Order No. 14 Order Granting ETC Designation and Addressing Additional Issues, September 30, 2004. The Commission will also take into account any other relevant factors in determining whether ETC designation is in the public interest.

3. Pursuant to Federal Communications Commission ("FCC") orders, Commission orders, and Kansas law, the carrier requesting low-income Lifeline wireless ETC designation must also show:

- a. Lifeline customers will be able to apply the Lifeline discount to any calling plan offered by the carrier.³ Additionally, the entirety of the Kansas Lifeline Service Program ("KLSP") discount will be passed along to the end user consumer.⁴ If the carrier offers the same service plans in other states that do not have additional support on top of federal Lifeline subsidies, the carrier will offer a plan in Kansas that justifies the additional Lifeline funds from the KLSP.⁵
- b. The carrier will use the Kansas Lifeline Credit Application to enroll eligible customers in the federal and state Lifeline programs, or their own Credit Form which must contain all the data found in the Kansas Lifeline Credit Application.⁶
- c. The carrier is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.⁷
- d. The carrier has received approval of its Compliance Plan with the FCC (if applicable).
- e. The carrier undertakes efforts to eliminate waste, fraud, and abuse in the Lifeline program.
- f. The carrier, in its advertising, will use "meaningful language so that consumers will understand what they can expect from an ETC," and include contact information for the Commission's Office of Public Affairs and Consumer Protection ("PACP").

³See Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier, October 2, 2006.

⁴See Docket No. 10-GIMT-658-GIT, Order Addressing Issues Concerning The Kansas Lifeline Service Program, August 17, 2011.

⁵This only applies if the carrier is seeking Kansas Lifeline Service Program ("KLSP") funds.

⁶See Docket No. 10-GIMT-658-GIT, Order Requiring Eligible Telecommunications Carriers to Comply With New Lifeline Requirements and Requesting Comments, March 27, 2012; 47 C.F.R. § 54.410(d).

⁷See 47 § C.F.R. 54.201, 54.202; Docket No. 10-GIMT-658-GIT, Order Requiring Lifeline-Only ETC Applicants to Provide Kansas-Specific Information and Requesting Comments on AT&T Refund Issue, June 21, 2012. The FCC has stated that relevant considerations for such a showing include: a) Whether the Applicant previously offered services to non-Lifeline consumers; b) How long the Company has been in business; c) Whether the Applicant intends to rely exclusively on USF disbursements to operate; d) Whether the Applicant receives or will receive revenue from other sources; and e) Whether the Company has been subject to enforcement action or an ETC revocation proceeding in any state. In Docket No. 10-GIMT-658-GIT, the Commission also stated that lifeline-only ETC applicants should provide Kansas-specific information regarding technical and financial capacity similar to the information provided in the carrier's FCC Compliance Plan.

- g. The carrier has sufficient back-up power to remain functional without external power in emergency situations, is able to reroute traffic around damaged facilities, and can manage emergency traffic spikes.⁸
- h. The carrier is properly registered with the Kansas Secretary of State's Office.
- i. The carrier will provide service throughout its designated service area to all customers making a reasonable request for service.
- j. The carrier will comply with all applicable federal and state laws, rules, regulations, and orders. The carrier will inform the Commission of any changes in service made to comply with updated laws, rules, regulations, and orders.

4. Pursuant to 47 U.S.C. § 214(e)(2), 47 U.S.C. § 214(e)(5), and 47 C.F.R. § 54.207(b), the Commission shall define the scope of the "service area" the carrier seeking ETC designation must be able to offer services throughout. If the Commission wishes to redefine the "service area" of an area served by a rural telephone company from something other than the "study area" of such company, it must take into account the Federal-State Joint Board on Universal Service's ("Joint Board's") recommendations on the subject.

5. Commission Staff ("Staff") submitted a Report and Recommendation in regards to the Application on January 14, 2012 attached hereto and made a part hereof by reference. Staff thoroughly examined Total Call's Application and made detailed findings in the Report and Recommendation. A summary of those findings will be noted in this order. For a detailed account of Total Call's evidentiary showings, refer to the Report and Recommendation.

6. Staff found that Total Call is properly registered with the Kansas Secretary of State's Office and is in "*active and good standing*." Staff found that Total Call demonstrated its ability to provide the services and functionalities supported by the federal universal service support mechanisms throughout its requested service areas. Staff found that Total Call will allow Lifeline subscribers to choose any standard service plan and apply the available Lifeline

⁸See Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier, October 2, 2006.

credit. Staff found that Total Call is technically and financially capable of providing Lifeline service and will use the Kansas Lifeline Credit Application to enroll eligible customers. Staff found that Total Call's Compliance Plan has been approved by the FCC and Total Call has demonstrated its efforts to eliminate waste, fraud, and abuse in the Lifeline program. Staff found that Total Call will properly advertise its services with meaningful language and include required contact information. Staff found that Total Call has sufficient back-up power to remain functional without external power in emergency situations, is able to reroute traffic around damaged facilities, and can manage emergency traffic spikes. Staff found that taking into account the Joint Board's concerns, Total Call's service area redefinition requests were appropriate. Finally, Staff found that designating Total Call as a wireless Lifeline-Only ETC for FUSF purposes would be consistent with the public interest, convenience, and necessity.

7. Staff, satisfied with Total Call's showings, recommends approval of Total Call's Application for designation as a wireless Lifeline-Only ETC for FUSF low-income purposes in all of the AT&T Kansas and rural local exchange carrier exchanges listed in Exhibit A. Staff further recommends approval of Total Call's request for redefinition of the service areas to the exchange level for the following Local Exchange Carriers ("LECs"): Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples, Rainbow, S&A, Wamego, and Zenda. Staff notes that if the Commission approves of the redefinitions, Total Call will need to seek and receive concurrence from the Federal Communications Commission ("FCC") prior to receiving any FUSF low-income support for such areas.

8. The Commission finds Staff's analysis, findings, and recommendations to be reasonable and hereby adopts the same.

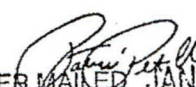
IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- A. Total Call's Application for Lifeline-Only ETC designation for the specific service areas in Kansas listed in Exhibit A is approved.
- B. Total Call's request for redefinition of the service areas to the exchange level for Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples, Rainbow, S&A, Wamego, and Zenda, is approved. Total Call must also request concurrence from the FCC prior to receiving any FUSF low-income support for such areas.
- C. Total Call shall utilize Lifeline support for its intended purpose and comply with other certification requirements developed by the Commission in Docket No. 05-GIMT-112-GIT and developed in any future proceedings. Future decisions made by the Commission regarding additional ETC requirements must also be followed to continue to receive support.
- D. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).
- E. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: JAN 23 2013


ORDER MAILED JAN 24 2013

Patrice Petersen-Klein
Executive Director

MRN

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Mark Sievers, Chairman
Thomas E. Wright, Commissioner
Shari Feist Albrecht, Commissioner



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Sam Brownback, Governor

JAN 15 2013

PATRICE PETERSEN-KLEIN
EXECUTIVE DIRECTOR

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Mark Sievers
Commissioner Thomas E. Wright
Commissioner Shari Feist Albrecht

FROM: Hal Baumhardt, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: January 14, 2013

DATE SUBMITTED TO EXECUTIVE DIRECTOR: 1/15/13

DATE SUBMITTED TO LEGAL: 1-15-13

DATE SUBMITTED TO COMMISSIONERS: 1-17-13

SUBJECT: 13-TCMZ-331-ETC

In the Matter of the Application of Total Call Mobile, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Kansas

EXECUTIVE SUMMARY:

Total Call Mobile, Inc. (Total Call) has filed an Application for designation as a wireless Eligible Telecommunications Carrier (ETC) in the state of Kansas. Total Call is a provider of commercial mobile radio service (CMRS) throughout the United States. Total Call provides pre-paid wireless telecommunications service to consumers by using the Sprint Spectrum, L.P. (Sprint) network on a wholesale basis.

Total Call seeks ETC designation to provide Lifeline service to qualifying consumers in specific Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) and specific Rural Local Exchange Carrier (RLEC) exchanges. Staff recommends approval of Total Call's request for designation as a wireless Lifeline-Only ETC for Federal Universal Service Fund (FUSF) purposes in the requested service areas.

BACKGROUND:

On October 31, 2012, Total Call filed an Application requesting designation as an ETC for the purpose of receiving low-income Lifeline FUSF support within the state of Kansas. Total Call's

Application indicates it is not seeking to receive high-cost support, only low-income Lifeline support. In its initial Application, the Company requests ETC designation in specific exchanges that are served by Blue Valley Tele-communications (Blue Valley), Sunflower/Bluestem Telephone Company (Sunflower/Bluestem), Craw-Kan Telephone Cooperative (Craw-Kan), Cunningham Telephone Co. (Cunningham), Golden Belt Telephone Association (Golden Belt), Haviland Telephone Company (Haviland), Home Telephone Company (Home), J.B.N. Telephone Company (J.B.N.), Kan-Okla Telephone Association (Kan-Okla), LaHarpe Telephone Company (LaHarpe), Madison Telephone (Madison), MoKan Dial (Mo-Kan), Moundridge Telephone Company (Moundridge), Peoples Telecommunications (Peoples), Rainbow Telecommunications Association (Rainbow), S&A Telephone Company (S&A), Southern Kansas Telephone (Southern Kansas), Totah Communications (Totah), Tri-County Telephone Association (Tri-County), Twin Valley Telephone (Twin Valley), United Telephone Companies of Kansas d/b/a CenturyLink (CenturyLink), Wamego Telecommunication Company (Wamego), Wheat State Telephone (Wheat State), Wilson Telephone Company (Wilson), Zenda Telephone Company (Zenda), and specific AT&T Kansas exchanges.¹

On May 25, 2011, Total Call availed itself to the FCC's blanket forbearance from the facilities requirement in Section 241(e)(1)(A) that the FCC approved February 6, 2012.

On March 16, 2012, Total Call filed its initial Compliance Plan with the FCC. On May 14, 2012, Total Call filed a revised Compliance Plan with the FCC that included; a) clarifying the procedures used to verify Lifeline service applicants eligibility; b) providing further explanation of its technical and financial capabilities; c) submitting two exhibits addressing its Lifeline sample Lifeline Application and KDDI Corporation's financial statements²; d) revising the Model Form clarifying eligibility for large households under the Income-Based criteria; e) adding an internal verification form used to record customer's documentation; and f) making minor adjustments throughout its Compliance Plan, which was approved by the FCC on May 25, 2012, in FCC Public Notice DA 12-828.

Total Call is a reseller of CMRS, specifically Sprint, which is acknowledged as a CMRS provider in Kansas in January 2000. Total Call is headquartered in Gardena, California, and its President and CEO is Tadashi Onodera.

ANALYSIS:

Total Call is a Foreign for Profit Corporation organized under the laws of the state of Delaware. Total Call is authorized to conduct business as a Foreign for Profit Corporation in the state of Kansas. Total Call is properly registered with the Kansas Secretary of State's Office and its status is "*active and in good standing*".

¹ Reference Exhibit [A] for exchange details.

² KDDI of America is the parent company of Total Call Mobile and a subsidiary of KDDI Japan, the second largest carrier in Japan.

Federal ETC Requirements

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier designated as an eligible telecommunications carrier shall be eligible to receive universal service support in accordance with Section 254 of the Federal Act and shall, throughout the service area for which the designation is received – (A) offer the services that are supported by federal universal service support mechanisms under Section 254(c) of the Federal Act, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and (B) advertise the availability of such service and the charges therefore using media of general distribution.³

Congress empowers the states to designate a common carrier as an ETC. Federal law, 47 U.S.C. § 214 (e)(2), states that "Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and *shall*, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission." (emphasis added).

Service or Functionalities

The FCC identifies the services or functionalities that shall be supported by the federal universal service support mechanisms, pursuant to 47 U.S.C. § 254 (c). The supported services are codified in 47 C.F.R. § 54.101(a),

Voice Telephony services shall be supported by federal universal service support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.

In its Application, Total Call provided the following explanations of how it proposes to provide Voice Telephony services.

Voice-grade access to the public switched network – Total Call provides voice grade access to the public switched telephone network (PSTN) through the purchase of wholesale CMRS service from Sprint.

Local usage – As part of the voice grade access to the PSTN, an ETC must provide minutes of use for local service at no additional charge to end-users. The FCC has not specified a minimum amount of local usage that an ETC must offer.⁴ Total Call offers a

³ 47 U.S.C. § 254.

⁴ See e.g. *In the Matter of Federal-State Joint Board on Universal Service*, Recommended Decision 15 FCC Rcd 7331 (2002).

variety of rate plans that provide its customers with minutes of use for local service at no additional charge.

Access to emergency services – Total Call provides 911 and E911 access for all of its customers to the extent the local government in its service area have implemented 911 and E911 systems. Total Call also complies with the FCC's regulation governing the deployment and availability of E911 compatible handsets.

Toll limitations for qualifying low-income consumers – In its *Lifeline and Link Up Reform Order*, the FCC stated that toll limitation would no longer be deemed a supported service.⁵ Nonetheless, Total Call's offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. Total Call's service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same. Total Call will not seek reimbursement for toll limitation service (TLS).

Total Call will make available to Lifeline customers two Lifeline Plan offerings: 1) Lifeline 150 Minute Plan; and 2) Lifeline 250 Minute Plan, both at zero cost to the Lifeline customer. With these two Lifeline plans, the Lifeline customer receives a free handset, several custom calling features, free calls to customer service, 911 emergency services and balance inquiries. Lifeline customers on the Lifeline 150 Minute Plan will have International calling to 250 locations free of charge while customers on the Lifeline 250 Minute Plan will also have the same International calling scope, but would incur a \$0.02 per minute charge. Total Call will also offer Lifeline customers the ability to choose one of three non-Lifeline plans called Lifeline Credit (discounted regular plans) at a discounted rate of \$10.00.⁶ The three non-Lifeline calling plans also share the same packaged features as the Lifeline 150 Minute Plan and the 250 Minute Plan.⁷

The Commission determined in its October 2, 2006, Order in Docket No. 06-GIMT-446-GIT [446 Docket] ("October 2nd Order") that it would follow the FCC's guidance and evaluate local usage by considering the comparability of a Competitive Eligible Telecommunications Carrier's (CETCs) offering on a case-by-case basis "by evaluating the total service package, including the local calling scope, included features and usage that might otherwise be considered long distance." The Commission further stated that it would consider whether an ETC Applicant offers unlimited calling to government, social service, health facilities, educational institutions and emergency numbers when considering comparability.¶¶7-8.

AT&T Kansas' monthly rate for a residential access line is \$21.00 in the requested AT&T Kansas exchanges before the federal Lifeline discount is applied. The local calling scope is the exchange, but local calls are unlimited.

⁵ See Lifeline Reform Order §54.401(a)(2). Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.

⁶ The discount is comprised of the maximum federal Lifeline subsidy, currently \$9.25, and a Company credit. Also see Lifeline and Link Up Reform Order at page 5.

⁷ Reference Exhibit [B] for details on all service plan offerings and the international calling scope.

CenturyLink's⁸ monthly rate for a residential access line is \$17.73 in the requested exchanges before the federal Lifeline discount is applied. The local calling scope is the exchange, but local calls are unlimited.

The monthly rate for a residential access line ranges from \$11.77 to \$15.24 in the Sunflower/Bluestem exchanges. The monthly rate for a residential access line in Craw-Kan is \$17.36. The monthly rate for a residential access line in Golden Belt is \$18.25. The monthly rate for a residential access line in Home is \$17.25. The monthly rate for a residential access line in MoKan is \$13.60. The monthly rate for a residential access line in Totah is \$17.15. The monthly rate for a residential access line in Blue Valley, Cunningham, Haviland, J.B.N., Kan-Okla, LaHarpe, Madison, Moundridge, Peoples, Rainbow, S&A, Southern Kansas, Tri-County, Twin Valley, Wamego, Wheat State, Wilson and Zenda is \$16.75, prior to the Lifeline discount.⁹

Staff does not believe the local usage that will be offered in Total Call's Lifeline Offerings is clearly comparable, but rather, Staff believes in this case local usage comparability would depend on the usage pattern of the particular customer. A customer that completes calls primarily within their exchange may not find the amount of local usage offered by Total Call to be comparable to the offering of the incumbent. However, a customer that completes calls outside of their exchange may find that the local usage is comparable. When one considers the calling scope, usage that might otherwise be considered long distance and mobility, a consumer may find Total Call's plans comparable to the incumbent's service offering.

Staff is satisfied that Total Call has demonstrated an ability to provide "voice telephony service" in the requested service areas.

Lifeline Calling Plan Rule

In the Commission's October 2nd Order, the Commission determined that, among other things, ETCs must apply the Lifeline discount to the service plan a qualifying Lifeline customer chooses. The Commission specifically ordered the following:

ETCs are required to allow Lifeline customers to choose a calling plan and to apply the Lifeline discount to the plan selected by the customers. Any ETC that does not allow customer selection at this time must do so within 180 days of the date of this Order.¹⁰

Total Call's offering of three Lifeline Credit Discount Plans satisfies the Commission's Order Adopting Requirement for Designation of Eligible Telecommunications Carriers; whereby, Lifeline subscribers may choose any standard Total Call service plan and apply the available Lifeline credit.¹¹

⁸ Operating companies include United Telephone of Kansas, Embarq Missouri d/b/a United Southeast Kansas, United of Eastern-Kansas, and United of South Central Kansas.

⁹ The rural LEC rates will be effective March 1, 2013, ref. Docket No. 13-GIMT-130-GIT.

¹⁰ In the Matter of a General Investigation Addressing Requirements for Designation of Eligible Telecommunications Carriers, Docket No. 06-GIMT-446-GIT, Order Adopting Requirements for Designations of Eligible Telecommunications Carrier, October 2, 2006, (446 Docket), ¶ 77e.

¹¹ Total Call states that the discount is comprised of the maximum federal Lifeline subsidy, currently \$9.25, and a company credit, bring the discount to \$10.00.

Consumer Eligibility and Enrollment

In the Report and Order and Further Notice of Proposed Rulemaking,¹² the FCC comprehensively reformed and began the modernization of the Universal Service Fund's Lifeline program. Part of that reform was the establishment of uniform eligibility criteria application information in all states.¹³ The Lifeline Credit Application is used to collect specific customer information on either of two qualifying programs (Income-Based or Program-Based) to make certain that the Lifeline subscriber is eligible to receive the Lifeline service. On May 14, 2012, Total Call filed an amended Compliance Plan with the FCC, which included Total Call's Lifeline Credit Application template as Exhibit [D].

When Total Call filed its Application to be designated an ETC in the state of Kansas, the Company included its Lifeline Credit Application identified as a generic Lifeline Credit Application. However, Staff's analysis found that the Lifeline Credit Application failed to meet the Kansas Lifeline program for the Program-Base criteria.

On December 21, 2012, Staff submitted RFI 1.3 addressing that the Program-Based criteria was missing one Kansas eligible program listed on Total Call's submitted Lifeline Credit Application. Therefore, Total Call's Lifeline Credit Application, as filed, was not in compliance with the Commission's 446 Docket. Staff notes all Income-Based criteria are at the 150% of the Federal Poverty Level (FPL), which meets Kansas Lifeline income parameters.

In response to Staff's RFI 1.3, Total Call revised its Kansas Lifeline Credit Application, which now conforms to the eligible Program-Base criteria. Staff is satisfied that Total Call's Kansas Lifeline Credit Application now meets the Kansas Lifeline program parameters.

Financially and Technically Capable

1. Requirements

The FCC, in its Lifeline Reform Order, amended sections 54.201 and 54.202 of its rules, governs ETC designation by states to require a carrier seeking designation as a wireless Lifeline-Only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules. Therefore, in order to ensure wireless Lifeline-Only ETCs are financially and technically capable to provide Lifeline service, the FCC included an explicit requirement in both 54.201 and 54.202 for a common carrier seeking to be designated as a Lifeline-Only ETC demonstrate its financial and technical capability to provide the supported service.

The FCC stated that among the relevant considerations for such a showing are:

- a) Whether the Applicant previously offered services to non-Lifeline consumers;
- b) How long the Company has been in business;
- c) Whether the Applicant intends to rely exclusively on USF disbursements to operate;
- d) Whether the Applicant receives or will receive revenue from other sources; and

¹² See FCC R&O and FNPM, FCC12-11, released February 6, 2012.

¹³ 47 C.F.R. §§54.410(a), (b)(1), (c)(1), 54.410(d)(1), (d)(2), (d)(3)

- e) Whether the Company has been subject to enforcement action or ETC revocation proceeding in any state.

The Commission requested comment in its March 27, 2012, Order in Docket No. 10-GIMT-658-GIT on what additional information should be provided by wireless Lifeline-Only ETCs to demonstrate their financial and technical. After reviewing the Comments filed, the Commission determined in its June 21, 2012, Order that:

The FCC requires Lifeline-only ETC applicants to provide, in their Compliance Plan, a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier's various Lifeline service plan offerings, including subscriber rates, number of minutes included and types of plans available. Lifeline-only ETC applicants should file Kansas-specific information regarding financial and technical capacity similar to the information provided in the carrier's FCC Compliance Plan when filing for Lifeline-only ETC status in Kansas.

2. Total Call's Demonstration of Financial and Technical Capacity

In Total Call's Application and Compliance Plan, the Company states the following regarding the five considerations of its financial and technical capabilities:

- a) Total Call is financially and technically capable of providing Lifeline-supported services. During the past 10 years, Total Call and Total Call International (TCI) have provided telecommunications services to non-Lifeline customers. Total Call already successfully provides wireless service in 49 states.
- b) Total Call is based in Gardena, California, and has been in business since 2005 providing service to both Lifeline and non-Lifeline customers.
- c) Total Call has not and will not be relying exclusively on Lifeline reimbursements for the Company's operating revenues — and is therefore not exclusively dependent on universal service funds.
- d) Total Call has the financial support of its parent company, KDDI of America a subsidiary of KDDI Japan, the second largest carrier in Japan.
- e) Total Call has not been subject to any enforcement actions by the FCC nor has it been subject to any ETC revocation proceedings in any state.

Total Call further stated in its Application that the Company has contracted with CGM, LLC, a Lifeline service bureau, to edit all subsidy request data including: 1) a check for duplicate same-month Lifeline subsidies (double dip); and 2) inactive lines receiving subsidies.

Staff is satisfied that Total Call meets the FCC's rules pursuant to section 54.202 as being financially and technically capable to offer Lifeline-Only support in its requested service areas.

Types of Facilities Used to Provide Service

Total Call is a provider of CMRS throughout the United States. Total Call obtains from Sprint the network infrastructure, including wireless transmission facilities, to allow the Company to operate as a Mobile Virtual Network Operator (MVNO). The Company is designated as an ETC

in Maryland, Michigan, Nevada, Texas, and West Virginia. Pending Applications reside in Arkansas, California, Illinois, Ohio, and Louisiana. The Company states that no petitions have been denied. Total Call also states in its Application that CMRS providers are treated as common carriers for regulatory purposes.¹⁴

On May 25, 2012, the FCC approved Total Call's Compliance Plan, which was filed as a condition of Total Call's FCC blanket forbearance, where the FCC in the *Lifeline Reform Order* found that a grant of blanket forbearance of the facilities requirement, subject to certain public safety and compliance obligations, is appropriate for carriers seeking to provide Lifeline-Only service.¹⁵

There are four conditions that Total Call is required to implement to prevent waste, fraud and abuse in the Lifeline program. They are as follows:

1. Make available state-specific subscriber data, including the names and addresses of Lifeline subscribers, to the Universal Service Administrative Company (USAC) and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;
2. Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
3. Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and
4. Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe¹⁶ is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.

Staff is satisfied that Total Call has applied for, and received approval of, its Compliance Plan with the FCC. The four aforementioned conditions in Total Call's Compliance Plan demonstrate its efforts to eliminate waste, fraud, and abuse in the Lifeline program, an objective that both the FCC and state Commissions are striving to achieve.

¹⁴ *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory "mobile services" category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(10)(A) ("mobile services" providers are common carriers; see also *PCIA Petition for Forbearance for Broadband PCS*, WT Docket No. 98-100, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 16857, 16911 ¶ 111 (1998)) ("We concluded [in the *Second Report and Order*] that CMRS also includes the following common carrier services: cellular service, ...all mobile telephone services and resellers of such services.")

¹⁵ See *Lifeline Reform Order*, FCC 12-11 at ¶¶ 368-381.

¹⁶ See 47 C.F.R. § 54.405(e)(1).

Service Areas

Section 214(e)(5) of the Federal Act defines "service area" as:

The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the [Federal Communications] Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

"Service areas" or "operating areas" are defined by the state act in K.S.A. 66-1,187(k), and provides that:

- (1) In the case of a rural telephone company, operating area or service area means such company's study area or areas as approved by the federal communications commission; and
- (2) in the case of a local exchange carrier, other than a rural telephone company, operating area or service area means such carrier's local exchange service area or areas as approved by the commission.

AT&T Kansas is considered a non-rural telephone company for federal support purposes. The wire center/exchange is the designated service area for federal support purposes for AT&T Kansas.

CenturyLink is considered a rural telephone company for federal support purposes. Blue Valley, Sunflower/Bluestem, Craw-Kan, Cunningham, Golden Belt, Haviland, Home, J.B.N., Kan-Okla, LaHarpe, Madison, Mo-Kan, Moundridge, Peoples, Rainbow, S&A, Southern Kansas, Totah, Tri-County, Twin Valley, Wamego, Wheat State, Wilson and Zenda are considered rural telephone companies for federal support purposes. Thus, the service area is the study area unless the Commission redefines the service area and the FCC concurs.

Total Call requests ETC designation throughout the entire study areas of LaHarpe, MoKan, Moundridge, Peoples, S & A, Embark-Missouri d/b/a CenturyLink, Wheat State, Wamego and Zenda; therefore, there is no need to redefine those study areas. However, Total Call's licensed service areas overlap several other rural carriers in Kansas, including exchanges served by Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples, S&A, Rainbow, Wamego and Zenda that require redefinition. These exchanges will be discussed further below.

AT&T Kansas is a non-rural carrier for federal support purposes; therefore, Total Call is required to provide service throughout each exchange. Reference Exhibit [A] for list of exchanges.

Staff believes Total Call is licensed to provide service to the requested exchanges and will provide the supported services. Consequently, Staff believes Total Call is eligible to be granted ETC designation in the requested AT&T Kansas exchanges, if the Commission deems it is in the public interest.

LaHarpe, MoKan, Moundridge, Peoples, S & A, Embarq-Missouri d/b/a CenturyLink, Wheat State, Wamego and Zenda

Total Call requests ETC designation throughout the entire study areas served by the aforementioned companies. Staff believes Total Call is licensed to provide service throughout the study areas served by these aforementioned companies, therefore, Staff believes Total Call is eligible to be designated as an ETC in these companies' study areas, if the Commission determines it is in the public interest.

Redefinition of Rural Local Exchange Carrier Service Areas

Seventeen of the requested rural telephone company service areas have previously been redefined: Blue Valley, CenturyLink-Eastern, CenturyLink-United, Craw-Kan, Golden Belt, Haviland, Home, J.B.N., KanOkla, Madison, Southern Kansas, Totah, Tri-County, Twin Valley, Sunflower/Bluestem, Wheat State, and Wilson. The Commission previously redefined the Haviland, Sunflower/Bluestem, and CenturyLink-United service areas to the wire center level in Docket No. 04-RCCT-338-ETC, and the FCC concurred with this Commission's decision on May 23, 2005 (by taking no action on the matter). The Commission approved the redefinition of the CenturyLink United-Eastern service area to the exchange in Docket No. 04-HBCT-1107-ETC, and the FCC concurred with this Commission's decision on March 7, 2005 (by taking no action on the matter). The Commission approved the redefinition of the Home service area to the exchange in Docket No. 08-NTWZ-1076-ETC, and the FCC concurred with this Commission's decision on March 16, 2009 (by taking no action on the matter). The Commission approved the redefinition of the Golden Belt, Tri-County, Twin Valley, and Wheat State's service area to the exchange level in Docket No. 09-NECZ-747-ETC, and the FCC concurred with this Commission's decision on May 3, 2012 (by taking no action on the matter). The Commission previously redefined the Blue Valley, Craw-Kan, J.B.N., KanOkla, Madison, Southern Kansas, Totah, and Wilson's service area to the exchange in Docket No. 10-VMBZ-657-ETC, and the FCC concurred with this Commission's decision on May 4, 2012 (by taking no action on the matter). On December 21, 2012, i-Wireless, LLC (i-Wireless) filed a Petition with the FCC requesting redefinition to the wire center for the aforementioned service areas approved by the Kansas Corporation Commission (KCC).¹⁷ Unless other action is taken, the Petition for redefinition will be approved in 90 days or April 4, 2013.

The Commission will still need to consider whether it is in the public interest to grant Total Call's request in the redefined areas and also consider redefining the Rural Local Exchange Carrier (RLEC) areas that have not previously been redefined.

If the Commission determines it is in the public interest to redefine the service areas of the rural telephone companies that have not been previously redefined, the requesting carrier must file a Petition with the FCC. Pursuant to Section 54.207(c), the Petition shall contain:

- (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state

¹⁷ On January 4, 2013, the FCC requested comments on i-Wireless' Petition filed with the FCC on December 21, 2012, to redefine the service areas of Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples Rainbow, S&A, Wamego and Zenda rural telephone companies, WC Docket 09-197. If i-Wireless' petition receives FCC approval, then redefinition of these service areas by Total Call becomes unnecessary.

commission's ruling or other reasons for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definitions of a service area served by a rural telephone company.

As stated above, the "service area" is an area served by a rural telephone company means such company's study area unless and until the FCC and the states, after taking into account recommendations of the Federal-State Joint Board (Joint Board), establish a different definition of service area for such company. The Joint Board recommended, in its November 8, 1996, *Recommended Decision*, that the FCC retain the current study areas of rural telephone companies as the service areas for such companies. The Joint Board further expressed the following concerns regarding the redefinition of rural telephone company service areas: (1) minimizing the potential for cream skimming; (2) recognizing that the 1996 Act places rural telephone companies on a different competitive footing from other Local Exchange Carriers (LECs); and (3) recognizing the administrative burden of requiring rural telephone companies to calculate costs at something other than a study area level.

With regard to the first concern, Total Call is not requesting high-cost support, only low-income Lifeline support; therefore, cream skimming is not a concern in this case. With regard to the second concern, which is considering the rural carrier's special status under the Telecommunications Act of 1996, Staff believes that if the Commission determines it is in the public interest to grant this Application, then any concerns regarding a rural carrier's special status should be alleviated. Staff will evaluate the public interest systematically in the public interest section. Finally, with regard to the Joint Board's third concern, since Total Call is only requesting Lifeline support, this Application will not affect how rural telephone companies calculate their costs.

Staff believes Total Call is qualified to provide service to the requested exchanges and will provide the supported services. Consequently, Staff believes Total Call is eligible to be granted ETC designation in the requested AT&T Kansas and rural telephone exchanges for Lifeline-Only, if the Commission deems it is in the public interest.

Advertising

Eligibility for federal universal service support is addressed by Section 214(e) of the Federal Act. Section 214(e)(1) of the Federal Act states as follows:

- (1) ELIGIBLE TELECOMMUNICATIONS CARRIERS – A common carrier designated as an eligible telecommunications carrier under paragraph (2) or (3) shall be eligible to receive universal service support in accordance with Section 254 and shall, throughout the service area for which the designation is received – (A) offer the services that are supported by Federal universal service support mechanisms under Section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and (B) advertise the availability of such services and the charges therefore using media of general distribution.

Regarding its advertising, Total Call states it regularly advertises the availability and rates for the services using media of general distribution as required by 47 C.F.R. §54.201(d)(2) of the FCC's regulations and the rules adopted by this Commission. The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline service, using mediums for outreach such as direct mail, community events, and the Internet, and promoting the availability of cost-effective wireless services to this neglected consumer segment. Total Call may also promote the availability of its Lifeline offering by distributing brochures at various state and local social service agencies and may partner with nonprofit assistance organizations in order to inform customers of the availability of its Lifeline service. Lastly, Total Call states its intention to utilize its distribution network to help promote the availability of its Lifeline plans, especially those within retail outlets that are frequented by low-income consumers.

Staff notes that the Commission required CETCs to develop "meaningful language so that consumers will understand what they can expect from an ETC" and provide it to Staff to review within 90 days as directed by the Commission's October 2nd Order ¶12. In addition, the Commission determined that all CETCs shall include contact information for the Commission's Office of Public Affairs and Consumer Protection (PACP) in its advertisements to make sure that customers know where to turn with questions and complaints.

Total Call's Application provided Staff with advertising language Total Call intends to use for its Lifeline wireless customers. Moreover, Total Call stated in its Application that the Company is aware that the Commission, in Docket No. 06-GIMT-446-GIT ¶12, requires all competitive ETCs to include contact information for the Commission's PACP in their advertisement so the customer knows where to turn with questions and complaints, and the Company will include the necessary language in its advertising. Below is that advertising language provided to Staff for review.

As a designated telecommunications carrier eligible to receive universal service support, Total Call is proud to offer the Lifeline programs in the state of Kansas. We will provide discounts off service activation (if applicable) and one basic monthly service for residential customers who qualify for income-assisted programs. To determine if you qualify for Kansas Lifeline service, customers must apply in person at a Total Call store. To activate service, customers can call (800) 661-7391. For unresolved questions or complaints, you may contact the Kansas Corporation Commission, Office of Public Affairs and Consumer Protection, at KCC – Consumer Protection, 1500 SW Arrowhead Road, Topeka, KS 66604 or toll-free 1.800.662.0027 or in Topeka 785.271.3140. Hearing or speech impaired TDD Kansas Relay Center 1.800.766.3777.

Public Interest

The FCC, in its Virginia Cellular Order,¹⁸ made new findings regarding determination of the public interest. While the FCC's decision is not binding on this Commission, the Commission found in its ALLTEL and RCC Minnesota Orders that examination of the additional factors enumerated in the FCC's Order is reasonable.

In Total Call's Application, the Company provided the following explanations of how it meets the guidelines that the FCC suggested for evaluation in the Virginia Cellular Order:

- **Benefits of Increased Competitive Choice** – Designation of Total Call as an ETC will promote competition and innovation, and spur other carriers to target low-income consumers with service offerings tailored to their needs and to improve their existing networks to remain competitive, resulting in improved services to consumers. Designating Total Call as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act. Introducing Total Call into the market as an additional wireless ETC provider will afford low-income Kansas residents a wider choice of providers and available services while enhancing a competitive marketplace as ETCs compete for a finite number of Lifeline-eligible customers. Increasing the competitive marketplace of providers has the potential to effectively increase the penetration rate and reduce the number of individuals not connected to the PSTN.
- **Competitive ETC's Ability to Provide the Support Services Throughout the Designated Service Area Within a Reasonable Time Frame** – Total Call provides service in Kansas by reselling service which it obtains from its underlying facilities-based provider. The provider's network is operational and largely built out. Thus, Total Call will be able to commence offering its Lifeline service to all locations served by its underlying carrier very soon after receiving approval from the Commission. Total Call commits to comply with the service requirements applicable to the support that it receives.
- **Impact of Multiple Designations on the Universal Service Fund** – The amount of support available to an eligible subscriber is exactly the same whether the support is given through a company such as Total Call or the Incumbent LEC operating in the same service area. Total Call will only increase the amount of USF Lifeline funding in situations where it obtains Lifeline customers not enrolled in another ETCs Lifeline program. By implementing the safeguards set forth in the *Lifeline and Link Up Reform Order*, Total Call will minimize the likelihood that its customers are not eligible or are receiving duplicative support either individually or within their household. In addition, designation of the Company as an ETC will not pose any adverse effect in the growth in

¹⁸ See *In the Matter of Federal State Joint Board on Universal Service: Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, Released: January 22, 2004, (“Virginia Cellular Order”), FCC Docket No. DA 03-338.

the high cost portions of the USF, nor will it create or contribute to an erosion of high cost funding from any rural or non-rural telephone company.¹⁹

- **Unique Advantages and Disadvantages of the Competitor's Service Offering** – The public interest benefits of the Company's wireless service include local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage at flexible and affordable amounts in the event that included usage has been exhausted, 911 service and, where available, E911 service in accordance with current FCC requirements. The Company's Lifeline customer will receive the same high-quality wireless services and exceptional customer service provided to all Company customers. Total Call's Lifeline plans will not only allow feature-rich mobile connectivity for qualifying subscribers at no cost to the subscriber, but also will bring a variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers – but at low Lifeline rates and without the burden of credit checks or contracts. In sum, ETC designation in the State of Kansas would enable Total Call to provide all of the public benefits cited by the FCC in its analysis in the *Virgin Mobile Order*. Namely, Total Call would provide “increased consumer choice, high-quality service offerings, and mobility”, as well as the safety and security of effective 911 and E911 services.
- **Commitments Made Regarding High-quality Telecommunications Services By Company** – One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is “to secure lower prices and higher quality for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” to all citizens regardless of geographic location or income. Designation of Total Call as an ETC in Kansas will further the public interest by providing Kansas consumers, especially low-income consumers, with low price and high-quality services.

The Commission determined in its October 2nd Order that an ETC Applicant shall demonstrate that it has sufficient back-up power to remain functional without external power in emergency situations, is able to reroute traffic around damaged facilities, and can manage emergency traffic spikes. In Total Call's Application, the Company stated that it commits to remain functional pursuant to Section 54.202(a)(2) of the FCC rules. Total Call further states that through its underlying carrier, it has the ability to remain functional in emergency situations. Through its agreement with Sprint, Total Call provides to its customers the same ability to remain functional in emergency situations as currently provided by Sprint to its own customers, including access to a reasonable amount of the back-up power to ensure functionality without an external power

¹⁹ On December 21, 2012, Staff submitted RFI 2.1 to obtain Total Call's specific impact to the federal USF from a Kansas perspective. In response to Staff's RFI 2.1, *Total Call stated it will depend on a multitude of varying factors, including but not limited to the effectiveness of the Company's distribution and agent networks, marketing efforts and campaigns within the state of Kansas. Based on the company data Total Call calculations anticipate impacting the USF by 5% or 6,500 unserved eligible households for an approximate \$60,125 impact to the USF (penetration multiplied by \$9.25).*

source, the ability to reroute traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

Also, in the October 2nd Order, the Commission requires all CETCs to file two-year Service Quality Improvement Plans demonstrating progress, including maps and, if targets were not met, an explanation of why on an annual basis beginning in August 2007. Because Total Call is not seeking high-cost support for its wireless service, certain requirements²⁰ concerning ETC Applications specific to high-cost support are inapplicable, and Total Call's situation is such that submission of a service quality improvement is not applicable to the Company as a Lifeline-only ETC Applicant. Staff concurs with this requirement given that the FCC revised its rules so that only high-cost ETCs are required to submit network improvement plans. The FCC amended section 54.202 to clarify that a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its Application for designation as an ETC.²¹

After reviewing Total Call's Application and its responses to Staff RFIs, Staff believes that Total Call has demonstrated that it is in the public interest to designate it as a wireless Lifeline-Only ETC for federal USF purposes in the requested service areas.

RECOMMENDATION:

Staff recommends approval of Total Call's request for designation as an ETC for FUSF low-income purposes in the requested AT&T Kansas exchanges. (Reference Exhibit [A] for AT&T Kansas exchange detail).

Staff also recommends approval of Total Call's request for ETC designation for FUSF low-income purposes in specific Blue Valley, Sunflower/Bluestem, CenturyLink, Craw-Kan, Cunningham, Golden Belt, Haviland, Home, JBN, KanOkla, LaHarpe, Madison, Mo-Kan, Moundridge, Peoples, Rainbow, S&A, Southern Kansas, Totah, Tri-County, Twin Valley, Wamego, Wheat State, Wilson and Zenda exchanges. (Reference Exhibit [A] for complete list of rural exchanges).

Staff further recommends approval of Total Call's request for redefinition of the service areas to the exchange level for the following LECs: Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples, Rainbow, S&A, Wamego and Zenda for ETC designation for the purpose of FUSF low-income support. Staff notes that should the Commission approve the request for redefinition of the aforementioned rural service areas to the exchange level, Total Call will need to seek and receive concurrence from the FCC prior to receiving any FUSF low-income support for such areas.

²⁰ See C.F.R. §54.202(a)(1)(ii)

²¹ See Lifeline and Link Up Reform Order at ¶ 386.

Staff notes i-Wireless requested the FCC's concurrence in the KCC's redefinition of the Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples, S&A, Wamego and Zenda service areas. If it is approved by the FCC, Total Call will not need to seek redefinition.²²

Total Call should be advised that support received must be used for its intended purpose each year and the company must comply with other certification requirements developed by the Commission in Docket No. 05-GIMT-112-GIT and in any future proceedings. Additionally, Total Call should be reminded that any future decisions made by the Commission resulting from the October 2nd Order, and any future decisions made by the Commission regarding additional ETC requirements, may impact the Company and the Company may be required to follow these to continue to receive support.

cc: Patrice Petersen-Klein, Executive Director

²² On January 4, 2013, the FCC requested comments on i-Wireless' Petition filed with the FCC on December 21, 2012, to redefine the service areas of Cunningham, LaHarpe, Mo-Kan, Moundridge, Peoples Rainbow, S&A, Wamego and Zenda rural telephone companies, WC Docket 09-197. If i-Wireless' petition receives FCC approval, then redefinition of these service areas by Total Call becomes unnecessary.

WIRE CENTER EXCHANGES

CLLI	EXCHANGE	COMPANY	CLLI	EXCHANGE	COMPANY
HOMKXSXA	Home City	Blue Valley Tel. Co.	OSWTKSXA	Osawatomie	CenturyLink
AMRCKSXA	Americus	Sunflower/Bluestem	OSKLSXA	Oskaloosa	CenturyLink
ALMAKSXA	Alma	CenturyLink	OSWGKSXA	Oswego	CenturyLink
ALTVKSXA	Alta Vista	CenturyLink	OVBKKSXA	Overbrook	CenturyLink
ALMTKSXA	Altamont	CenturyLink	OKFRKSXA	Oxford	CenturyLink
ARTHSXA	Arlington	CenturyLink	OZWKSXA	Ozawkie	CenturyLink
BLDWKSXA	Baldwin	CenturyLink	PRRYKSXA	Perry	CenturyLink
BXSPKSXA	Baxter Springs	CenturyLink	PIQUKSXA	Piqua	CenturyLink
BLLPKSXA	Belle Plaine	CenturyLink	POMNKSXA	Pomona	CenturyLink
BLMNKSXA	Blue Mound	CenturyLink	PSTNKSXA	Preston	CenturyLink
BCYRKSA	Bucyrus	CenturyLink	PRPRKSXA	Pretty Prairie	CenturyLink
BFLOKSXA	Buffalo	CenturyLink	PRTNKSXA	Princeton	CenturyLink
BHLRKSXA	Buhler	CenturyLink	QUNMKSA	Quenemo	CenturyLink
BRLNKSXA	Burlingame	CenturyLink	RCMDKSXA	Richmond	CenturyLink
BRRTKSXA	Burron	CenturyLink	RVTNKSXA	Riverton	CenturyLink
CNTRKSXA	Centropolis	CenturyLink	RVLKSXA	Rossville	CenturyLink
CRVLKSXA	Circleville	CenturyLink	SCMNKSXA	Scammon	CenturyLink
CNWKSA	Conway	CenturyLink	SLLKSXA	Silver Lake	CenturyLink
CNHMKSA	Cunningham	CenturyLink	SPHLKSXA	Spring Hill	CenturyLink
DELIKSA	Delia	CenturyLink	STMYKSXA	St. Mary's	CenturyLink
DESNKSXA	Denison	CenturyLink	THYRKSA	Thayer	CenturyLink
ESTNKSXA	Easton	CenturyLink	TROYKSXA	Troy	CenturyLink
EGTNKSXA	Edgerton	CenturyLink	VLFLKSXA	Valley Falls	CenturyLink
EMMTKSXA	Emmett	CenturyLink	WLTNKSXA	Walton	CenturyLink
ERSGKSXA	Eskridge	CenturyLink	WTHNKSXA	Wathena	CenturyLink
FNTAKSXA	Fontana	CenturyLink	WVRLKSXA	Waverly	CenturyLink
JNCYKSXA	Ft. Riley/Riley	CenturyLink	WLVLKSXA	Wellsville	CenturyLink
GALNKSXA	Galena	CenturyLink	WHCLKSXA	White Cloud	CenturyLink
GRNRKSXA	Gardner	CenturyLink	WNCHKSA	Winchester	CenturyLink
HVVLKSXA	Harveyville	CenturyLink	WNDMKSXA	Windom	CenturyLink
HVENKSXA	Haven	CenturyLink	GLELKSXA	Glen Elder	Cunningham Tel. Co.
HETNKSXA	Hesston	CenturyLink	ARMAKSXA	Arma	Craw-Kan Tel. Coop.
HLTNKSXA	Holton	CenturyLink	CLMBKSXB	Columbus Rural	Craw-Kan Tel. Coop.
HOYTKSXA	Hoyt	CenturyLink	CLNYKSXA	Colony	Craw-Kan Tel. Coop.
INMNKSXA	Inman	CenturyLink	GLBGKSXA	Galesburg	Craw-Kan Tel. Coop.
JNCYKSXA	Junction City	CenturyLink	GRRDKSXA	Girard	Craw-Kan Tel. Coop.
KNCDKSXA	Kincaid	CenturyLink	PLTNKSXA	Pleasanton	Craw-Kan Tel. Coop.
LNCSKSXA	Lancaster	CenturyLink	UNTWKSXA	Uniontown	Craw-Kan Tel. Coop.
LANEKSXA	Lane	CenturyLink	RSCTKSXA	Lewis	Golden Belt Tel Assn.
LEBOKSXA	Lebo	CenturyLink	CNSPKSXA	Conway Springs	Haviland Telephone Co.
LNWDKSXA	Linwood	CenturyLink	HVLDKSXA	Haviland	Haviland Telephone Co.
LYNDKSXA	Lyndon	CenturyLink	ASSRKSA	Assaria	Home Tel.
MPTNKSXA	Mapleton	CenturyLink	GALVKSXA	Galva	Home Tel.
MYTTKSXA	Mayetta	CenturyLink	AGNDKSXA	Agenda	JBN Telephone Co.
MCLTKSXA	McLouth	CenturyLink	CUBAKSXA	Cuba	JBN Telephone Co.
MLVRKSXA	Melvern	CenturyLink	HNVLSXA	Havensville	JBN Telephone Co.
MRDNKSXA	Meriden	CenturyLink	SLDRKSXA	Soldier	JBN Telephone Co.
MCVYKSXA	Michigan Valley	CenturyLink	CLWLKSXA	Caldwell	Kan Okla Tel. Co.
MORNKSXA	Moran	CenturyLink	LHRPKSXA	La Harpe	La Harpe Tel. Co.
MORLKSXA	Morrill	CenturyLink	MDSNKSXA	Madison	Madison Tel. Co.
MDCYKSXA	Mound City	CenturyLink	HLDLKSXA	Hillsdale	Mo-Kan Dial
MYVYKSXA	Mound Valley	CenturyLink	LSBGKSXA	Louisburg	Mo-Kan Dial
MRDCKSXA	Murdock	CenturyLink	RNTLKSXA	Rantoul	Mo-Kan Dial
NSFLKSXA	Neosha Falls	CenturyLink	GSSKSXA	Goessel	Moundridge
NRVLKSXA	Nortonville	CenturyLink	MNRGKSXA	Moundridge	Moundridge
OSCYKSXA	Osage City	CenturyLink	LACYKSXA	La Cygne	Peoples Telecommunications

WIRE CENTER EXCHANGES

CLLI	EXCHANGE	COMPANY	CLLI	EXCHANGE	COMPANY
EVRSKSXA	Everest	Rainbow Tel Coop. Assn.	HRPRKSMA	Harper	Kansas AT&T
ALLNKSXA	Allen	S&A Tel. Co.	HRFRKSAA	Hartford	Kansas AT&T
SCTNKSXA	Scranton	S&A Tel. Co.	HAYSKS11	Hays	Kansas AT&T
BRDNKSXA	Burden	Southern Kansas Tel. Co.	HNTNKSNA	Herington	Kansas AT&T
CLWRKSXA	Clearwater	Southern Kansas Tel. Co.	HLCMKMSA	Holcomb	Kansas AT&T
ABLNKSCD	Abilene	Kansas AT&T	HWRDKSWA	Howard	Kansas AT&T
ALMEKSMA	Almena	Kansas AT&T	HOXIKSTR	Hoxie	Kansas AT&T
ANDLKSHI	Andale	Kansas AT&T	HMBLKSBR	Humboldt	Kansas AT&T
ANTHKSWS	Anthony	Kansas AT&T	HTSNKS02	Hutchinson	Kansas AT&T
ARCYKSSO	Arkansas City	Kansas AT&T	INDPKSMA	Independence	Kansas AT&T
ATSNKSSF	Atchison	Kansas AT&T	IOLAKSSY	Iola	Kansas AT&T
ATTCKSAA	Attica	Kansas AT&T	JEWLKSHA	Jewell	Kansas AT&T
ATWDKSST	Atwood	Kansas AT&T	KGMNKSMA	Kingman	Kansas AT&T
BLVLKSMS	Belleville	Kansas AT&T	KNSLKSNI	Kinsley	Kansas AT&T
BELTSK02	Beloit	Kansas AT&T	LACRKSEL	LaCrosse	Kansas AT&T
BRCYKSRE	Bird City	Kansas AT&T	LVWOKSLN	Leavenworth/Lansing	Kansas AT&T
BLRPKSCA	Blue Rapids	Kansas AT&T	LRNDKSBR	Larned	Kansas AT&T
BCKLKSSM	Bucklin	Kansas AT&T	LWRNKSVI	Lawrence	Kansas AT&T
BRNSKSPA	Burns	Kansas AT&T	LEONKSPI	Leon	Kansas AT&T
CANYKS05	Caney	Kansas AT&T	LBRLKS04	Liberal	Kansas AT&T
CNTNKSSM	Canton	Kansas AT&T	LNCLKSLI	Lincoln	Kansas AT&T
CDVAKSPL	Cedar Vale	Kansas AT&T	LNBGKSLI	Lindsborg	Kansas AT&T
CHNTKSSS	Chanute	Kansas AT&T	LYNSKSEA	Lyons	Kansas AT&T
CPMNKS04	Chapman	Kansas AT&T	MNHTKSFA	Manhattan	Kansas AT&T
CHASKSWE	Chase	Kansas AT&T	MNKTKSCO	Mankato	Kansas AT&T
CHNYKSKI	Cheney	Kansas AT&T	MARNKSLA	Marion	Kansas AT&T
CHVAKSEM	Cherryvale	Kansas AT&T	MRQTKSKI	Marquette	Kansas AT&T
CHTPKSBE	Chetopa	Kansas AT&T	MYVIKSEL	Marysville	Kansas AT&T
CLCTKS06	Clay Center	Kansas AT&T	MCDDKSKE	McDonald	Kansas AT&T
CFVLKSDE	Coffeyville	Kansas AT&T	MCSNKSAS	Mcpherson	Kansas AT&T
CLBYKS05	Colby	Kansas AT&T	MEADKSSL	Meade	Kansas AT&T
CDWRKSLU	Coldwater	Kansas AT&T	MDLDKS01	Medicine Lodge	Kansas AT&T
CNCRKSBR	Concordia	Kansas AT&T	MPLSKS02	Minneapolis	Kansas AT&T
CTFLKSBR	Cottonwood Falls	Kansas AT&T	MNNLKSTU	Minneota	Kansas AT&T
DESTKSLU	De Soto	Kansas AT&T	MOLNKSMI	Moline	Kansas AT&T
DDCYKS01	Dodge City	Kansas AT&T	MTHPKS04	Mount Hope	Kansas AT&T
DGLSKSPI	Douglass	Kansas AT&T	NDSHKS04	Neodesha	Kansas AT&T
ELDOKSST	El Dorado	Kansas AT&T	MWTHKS05	Newton	Kansas AT&T
ELWOKSNO	Ellsworth	Kansas AT&T	NCSNKSXA	Nickerson	Kansas AT&T
EMPRKS08	Emporia	Kansas AT&T	NRTNKSNI	Norton	Kansas AT&T
ENTRKST	Enterprise	Kansas AT&T	OKLYKS03	Oakley	Kansas AT&T
ERIEKSCI	Erie	Kansas AT&T	OBRLKSHA	Oberlin	Kansas AT&T
EUDRKSKI	Eudora	Kansas AT&T	OTWAKSMA	Ottawa	Kansas AT&T
EURKKSEL	Eureka	Kansas AT&T	PAOLKSPE	Paola	Kansas AT&T
FLRNKSTR	Florence	Kansas AT&T	PRSSKSWA	Parsons	Kansas AT&T
FTCKKS01	Fort Scott	Kansas AT&T	PWRKKS04	Pawnee Rock	Kansas AT&T
FWLRKSMI	Flowler	Kansas AT&T	PBDYKSWA	Peabody	Kansas AT&T
FRFTKSLO	Franfort	Kansas AT&T	PHBGKS04	Phillipsburg	Kansas AT&T
GRCYKS07	Garden City	Kansas AT&T	PSBGLKSLO	Pittsburg	Kansas AT&T
GRDPKSLE	Garden Plain	Kansas AT&T	PLNKKSLO	Plains	Kansas AT&T
GDLDKSAB	Goodland	Kansas AT&T	PLVLKSMI	Plainville	Kansas AT&T
GRTBKST	Great Bend	Kansas AT&T	PRTTKSNI	Pratt	Kansas AT&T
BNBGKSFL	Greensburg	Kansas AT&T	PRTCKSMA	Protection	Kansas AT&T
GYPKSOW	Gypsum	Kansas AT&T	SBTHKSVI	Sabetha	Kansas AT&T
HLSTKSTE	Halstead	Kansas AT&T	SALNKSTA	Salina	Kansas AT&T
HMTNKS01	Hamilton	Kansas AT&T	SCNDKSFE	Scandia	Kansas AT&T
HNVKSED	Hanover	Kansas AT&T	SCCYKSMA	Scott City	Kansas AT&T

WIRE CENTER EXCHANGES

CLLI	EXCHANGE	COMPANY	CLLI	EXCHANGE	COMPANY
SEDNKSCH	Sedan	Kansas AT&T	ELGNKSXA	Elgin	Totah Communications
SENCKSDE	Seneca	Kansas AT&T	HOPEKSXA	Hope	Tri-County Assn.
SVRYKSRE	Severy	Kansas AT&T	BGTNKSXA	Bennington	Twin Valley Tel. Inc.
SMCTKSMA	Smith Center	Kansas AT&T	MLVAKSXA	Miltonvale	Twin Valley Tel. Inc.
SLMNKSOL	Solomon	Kansas AT&T	RILYKSXA	Riley	Twin Valley Tel. Inc.
STFNKSWA	St. Francis	Kansas AT&T	TWCTKSXA	Tescott	Twin Valley Tel. Inc.
STPLKSHI	St. Paul	Kansas AT&T	PAXCKSXA	Paxico	Wamego Telecommunications
STFRKSBO	Statford	Kansas AT&T	STGRKSXA	St. George	Wamego Telecommunications
SKTNKSAS	Stockton	Kansas AT&T	WAMGKSXA	Wamego	Wamego Telecommunications
SBLTKSOR	Sublette	Kansas AT&T	CSSDKSXA	Cassoday	Wheat State Tel. Co.
TNGNKS06	Tonganoxie	Kansas AT&T	MTGRKSXA	Matfield Green	Wheat State Tel. Co.
TWNDKSJE	Towanda	Kansas AT&T	OPLEKSXA	Olpe	Wheat State Tel. Co.
WASHKS03	Washington	Kansas AT&T	PTWNKSXA	Potwin	Wheat State Tel. Co.
WTVLKSST	Waterville	Kansas AT&T	ROCKKSXA	Rock	Wheat State Tel. Co.
WGTNKS NF	Wellington	Kansas AT&T	UDLLKSXA	Udall	Wheat State Tel. Co.
WLBGKSMA	Williamsburg	Kansas AT&T	WLSNKSXA	Wilson	Wilson Tel. Co.
WNFDKSMI	Winfield	Kansas AT&T	ZENDKSXA	Zenda	Zenda Tel. Co.
YTCTKSST	Yates Center	Kansas AT&T			

Proposed Lifeline Offerings

Option 1: Lifeline 150 Minute Plan - Net cost to Lifeline customer \$0 (free)

150 anytime minutes per month (as an option, customer may use text, inbound or outbound, which consumes 1 plan minute) (additional usage priced at 10 cents per minute and 5 cents per text message). The package also includes:

- **International Location Promo:** for the Plan minutes, no additional charge for international calling to the 250 locations listed below (i.e. only the standard per minute rate applies)
- International calls to other destinations require additional funds based on call destination.

Option 2: Lifeline 250 Minute Plan - Net cost to Lifeline customer \$0 (free)

250 anytime minutes per month (as an option, customer may use text, inbound or outbound, which consumes one plan minute) (additional usage priced at 10 cents per minute and 5 cents per text message). The package also includes:

- International calls require additional funds based on call destination. For the destinations on the 150 Minute Plan that are available at no additional charge other than airtime, customers on this Plan will be charged an additional \$0.02 per minute.

Option 3: Lifeline Credit - Discount Plan (30-Day Plans)

Lifeline eligible customers may choose the 30-day 1000 talk & 1000 text plan 30-day Unlimited Talk & Text plan; or the 30-day Unlimited Talk, Text & Data; at a \$10 discount off of retail. The pricing for Lifeline eligible customers are as follows:

- 1000 Talk & 1000 Text for 30 days at \$19.99 (retail price is \$29.99)
- Unlimited Talk & Text for 30 days at \$29.99 (retail price is \$39.99)
- Unlimited Talk, Text & Data for 30 days at \$39.99 (retail price is \$49.99)
- International calls require additional funds based on call destination. For the destinations on the 150 minute plan that are available at no additional charge other than airtime, customers on these plans will be charged an additional \$0.02 per minute.

All three Options listed above includes a Free basic handset (customer may pay for upgrade), free Voicemail, Caller-ID and Call Waiting features and free calls to customer service, 911 emergency services, and balance inquires.

Free International Location Promo

Free International Calling Destinations on the Lifeline 150 Minute Plan (Certain special or off-network locations may be excluded from the Free International Calling Destinations):

- Termination to landline phones only, termination to mobile phones and off network locations excluded (unless otherwise noted).
- Locations are subject to change from time to time.
- Calls to certain cities in these countries are part of the Free International Location Promo.
- On the Free International Locations Promo, customers will still be charged for minutes but there is no additional charge for calling the specified international destinations.

Featured Countries

Argentina	Greece	Norway
Argentina-Buenos Aires	Greece-Athens	Peru
Argentina-Cordoba	Hong Kong	Peru-Lima
Argentina-Mendoza	Hong Kong-Cellular	Poland
Argentina-Rosario	Hungary	Poland-Warsaw
Australia	Hungary-Budapest	Portugal
Australia-Melbourne	India	Singapore
Austria	India-Ahmedabad	Singapore-Cellular
Brazil	India-Bangalore	South Korea
Brazil-Belo Horizonte	India-Bombay	South Korea-Seoul
Brazil-Campinas	India-Calcutta	Spain
Brazil-Rio de Janeiro	India-Cellular	Sweden
Brazil-Sao Paolo	India-Hyderabad	Switzerland
Canada	India-Madras	Taiwan
China	India-New Delhi	Taiwan-Taipei
China-Beijing	India-Pune	Thailand
China-Cellular	India-Punjab	Thailand-Bangkok
China-Guangzhou	Ireland	Thailand-Cellular
China-Shanghai	Israel	United Kingdom
Cyprus	Italy	US Guam
Denmark	Mexico (see list below)	US Puerto Rico
France	Netherlands	US Saipan
France-Paris	Netherlands-Amsterdam	US Virgin Islands
Germany	New Zealand	

Calls to the following cities in Mexico are part of the Free International Location Promo.

Guadalajara	Ciudad Acuna	Guamuchil
Ciudad de Mexico	Ciudad Altamirano	Guanajuato
Monterrey	Ciudad Camargo B	Guasave
Acaponeta	Ciudad Constitucion	Guaymas
Acapulco	Ciudad Cuauhtemoc	Guerrero Negro/Santa Rosa
Actopan	Ciudad del Carmen	Hermosillo
Agua Prieta	Ciudad Delicias	Heroica Ciudad de Ures
Aguascalientes	Ciudad Guzman	Hidalgo
Allende	Ciudad Hidalgo	Huatabampo
Apatzingan	Ciudad Juarez	Huetamo
Apizaco	Ciudad Lazaro Cardenas	Huimanguillo
Arcelia	Ciudad Mante	Huitzuco
Atlacomulco	Ciudad Obregon	Iguala
Atliaca/Tixtla	Ciudad Sahagun	Irapuato
Atlixco	Ciudad Valles	Ixtapan de la Sal
Autlan	Ciudad Victoria	Ixtlan de Rio
Bahia de Huatulco	Coatzacoalcos	Izucar de Matamoros
Cabo San Lucas	Colima	Jalapa
Caborca	Cordoba	Jalpa
Caderevta Jimenez	Cosamaloapan	Jerez de Garcia Salinas
Campeche	Cozumel	Jojutla
Cananea	Cuautla	Juchitan
Cancun	Cuernavaca	La Barca
Celaya	Culiacan	La Paz
Cerralvo	Durnago	La Peidad
Cheumal	Encarnacion de Diaz	Lago de Moreno
Chihuahua	Ensenada	Leon
Chilapa	Estaci'on	Lerdo de Tejada
Chilpancingo	Fresnillo	Lerma
Cintalapa de Figueroa	General Tapia	Linares
Los Mochis	Puerto Vallarta	Tenancingo
Los Reyes	Puruandiro	Tenango del Aire/Tlalmanalco
Magdalena	Queretaro	Tepatitlan
Manuel	Quimichis/Tecuala	Tepic
Manuel Ojinaga	Reynosa	Tequila
Manzanillo	Rio Grande	Texcoco
Martinez de la Torre	Rio Verde	Teziutlan
Matamoros	Sabinas	Tieul
Matehuala	Sahuayo	Tijuana
Mazatlan	Salamanca	Tizayuca
Merida	Saltillo	Tizimin
Mexicali	Salvatierra	Tlapa de Commonfort/Alecozauca de Gro
Minatitlan	San Andres Tuxtla	Tlaxcala
Monclova	San Cristobal de las Casas	Toluca

Moelia	San Fernando	Torreon
Moroleon	San Jose de Garcia	Tula
Nacozari de Garcia	San Jua del Rio	Tulancingo
Navojoa	San Luis de La Paz	Tuxpan
Nogales	San Luis Potosi	Tuxtepec
Nuevo Casas Grandes	San Luis Rio Colorado	Tuxtla Guttierrez
Nuevo Laredo	San Martin Pachivia/Teloloapa	Uruapan
Oaxaca de Juarez	San Miguel de Allende	Valle de Bravo
Ocotlan	San Quintin	Veracruz
Ometepec	Santa Ana	Villa Flores
Orizaba	Santa Rosalia de Camargo	Villahermosa
Pachuca	Santiago Ixcuintla	Yurecuaro
Palenque	Santiago Papasquiario	Zacapu
Parrel	Santiago Tianguistenco	Zacatecas
Parras de la Fuente	Silao	Zamora
Patzcuaro	Tala	Zihuatanejo
Penjamo	Tampico	Zinapecuaro
Petalan	Tapachula	Zitacuaro
Piedras Negras	Taxco	Zumpango
Payas de Rosarito	Tecate	
Poza Rica del Hgo	Tecoman	
Puebla	Tecpan de Galeana	
Puerto Penasco	Tehuacan	

IN RE: DOCKET NO. 13-TCMZ-331-ETC

DATE JAN 23 2013

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL NEELEY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
LANCE J M STEINHART, ATTORNEY LANCE J.M. STEINHART, P.C. 1725 WINDWARD CONCOURSE SUITE 150 ALPHARETTA, GA 30005		
HIDEKI KATO, COO TOTAL CALL MOBILE, INC. 1411 W 190TH ST STE 700 GARDENA, CA 90248-4376		
ROBERT YAP TOTAL CALL MOBILE, INC. 1411 W 190TH ST STE 700 GARDENA, CA 90248-4376		

ORDER MAILED JAN 24 2013

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER S-32188

TOTAL CALL MOBILE, INC. EX PARTE

Docket Number S-32188 In re: Application for Certification as an Eligible Telecommunications Carrier for the purposes of receiving Low Income Federal Universal Service Support (Lifeline only).

(Decided at the Open Session dated November 13, 2013)

Overview

On December 16, 2011, Total Call Mobile, Inc. ("Total Call" or "the Company") filed an application with this Commission seeking designation as an Eligible Telecommunications Carrier ("ETC") pursuant to 47 U.S.C. § 214(e)(2) of the Communications Act of 1934, as amended (the "Act").¹ Total Call specified in its petition that it is applying for ETC designation "solely to provide Lifeline service to qualifying Louisiana consumers" and that it "will not seek access to funds from the Universal Service Fund ("USF") for the purpose of providing service to high cost areas."

The Act provides that state commissions, upon request and consistent with the public interest, convenience, and necessity, may in an area served by a rural telecommunications carrier, and shall in all other areas, designate more than one common carrier as an ETC for a service area designated by the state commission if the carrier meets the requirements of the Act.

Applicable Law

The Commission exercises jurisdiction over public utilities in Louisiana pursuant to the Louisiana Constitution Article IV, Section 21(B), which states:

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

The Commission is given broad power to regulate telephone utilities and may adopt all reasonable and just rules, regulations, and orders affecting or connected with the service or operation of such business.

Pursuant to the Act, state commissions are given the authority to designate those common carriers that meet the service requirements found in 47 C.F.R. § 54.101 as ETCs entitling them to

¹ 47 U.S.C. § 214(e) (2).

universal service support in accordance with 47 U.S.C. § 254. In its *USF/ICC Transformation Order*,² as further clarified by the *USF/ICC Order on Reconsideration*,³ the Federal Communications Commission ("FCC") eliminated its former list of nine supported services and amended section 54.101(a) of its rules to specify that "voice telephony service" is supported by the federal universal service mechanisms.

The amended service requirements enumerated in 47 C.F.R. § 54.101(a) are as follows:

- (a) Services designated for support. Voice Telephony services shall be supported by federal universal service support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.

47 C.F.R. § 54.101(b) then explicitly states that "An eligible telecommunications carrier must offer voice telephony service as set forth in paragraph (a) of this section in order to receive federal universal service support."

Under 47 C.F.R. § 54.201(d), a common carrier seeking ETC status must offer all of the above services and must advertise the availability of such services using media of general distribution. Section 214(e)(1) of the Act further provides that an ETC must offer service using its own facilities or a combination of its own facilities and resale of another carrier's services. Accordingly, pursuant to 47 C.F.R. § 54.201(i), state commissions generally cannot designate as an ETC a carrier that offers services supported by federal universal service support mechanisms exclusively through resale of another carrier's service. However, in its *Lifeline Reform Order*,⁴ the FCC decided to forbear, on its own motion, from applying the facilities requirement of Section 214(e)(1)(A) of the Act to any telecommunications carrier that seeks limited ETC

² *Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Inter-carrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform - Mobility Fund*, WC Docket 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 F.C.C.R. 27663 (rel. Nov. 18, 2011) ("*USF/ICC Transformation Order*").

³ *Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Inter-carrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform - Mobility Fund*, WC Docket 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Order on Reconsideration, FCC 11-189 (rel. Dec. 23, 2011) ("*USF/ICC Order on Reconsideration*").

⁴ *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("*Lifeline Reform Order*").

designation to participate in the Lifeline program, conditioned on the carrier's compliance with certain 911 requirements and the carrier's filing with and approval by the FCC of a compliance plan describing the carrier's adherence to certain protections prescribed by the FCC.

Consistent with the above designation of federal authority, and additional federal pronouncements, the Commission issued the General Order dated May 20, 2004 ("General Order") which created a detailed list of public interest criteria that are to be applied, on a case specific basis, to all requests for ETC designation in areas served by rural telephone carriers. Those criteria are as follows:

1. Benefits of increased competitive choice resulting from the designation.
2. Impact of multiple designations on the Universal Service Fund. Specifically, the Commission, upon the petition of any rural ILEC, shall determine if any changes by the FCC in the rules affecting how rural ILECs received Federal USF support causes a material negative impact on the rural ILECs level of Federal USF support. The Commission shall render a decision on any petition filed by a rural ILEC regarding its finding within 90 days. In the event the Commission finds the change has had an actual material negative impact and that decertifying a wireless ETC will mitigate such reduction in funding, the competitive ETC certification shall be considered to no longer be in the public interest by the LPSC and shall be immediately revoked by the LPSC, to the extent that revoking such certification will mitigate such reduction. Nothing herein shall impact a competitive ETC's certification in non-rural areas, if any.
3. Unique advantages and disadvantages of the competitive service offering.
4. Commitment to quality of service by the competitive provider.
5. Submission of records and documentation, on a quarterly basis, declaring the carriers plans for use of universal service funding received as a result of this Commission's designation, including updates as to the progress of said projects.
6. For wireless carriers, compliance with the CTIA Consumer Code for Wireless Services and submission of the number of consumer complaints per 1000 mobile headsets to the LPSC on a quarterly basis.
7. Information regarding the number of requests for service in the designated area that go unfulfilled and adoption of a process setting forth specific steps that will be considered if a request for service is received from a customer within the designated ETC service area, but outside the existing signal coverage area.
8. Compliance with all existing and future state and federal 911 and E-911 mandates.
9. Compliance with Section 401B. of the LPSC's Regulations for Competition in the Local Telecommunications Market. For all areas serviced by a wireless ETC in which the carrier received

federal USF funds, the wireless ETC shall file retail rates with the LPSC's regulations prior to implementing any such retail rates. As a condition of receiving ETC status, each wireless carrier agrees that the LPSC shall have the authority to reject any retail rate found by the LPSC to be artificially low or below the wireless ETC's costs of providing service, without considering federal USF funding. Additionally, the wireless ETC shall not offer any promotion in the rural service area that it does not offer in the remainder of its service area. Lifeline and Linkup offerings will not be subject to this provision.

10. Compliance with Section 302(A) of the LPSC's Regulations for Competition in the Local Telecommunications Market. (Annual Report Filings).
11. Compliance with Sections 301A-C and 401 of the Commission's TSP Billing Order.
12. Compliance with any additional requirements established by the Commission in Docket R-27733.
13. Conduction of a rural cream-skimming analysis.

Background and Procedural History

The Commission has previously designated ETC status to the following carriers serving non-rural service areas: Sprint Corporation,⁵ Alltel Communications Wireless, Inc.,⁶ Cox Communications,⁷ LBH, LLC,⁸ VCI Company,⁹ Nexus Communications,¹⁰ ABC Telecom,¹¹ Image Access,¹² BLC Management,¹³ dPi,¹⁴ Everycall Communications, Inc.,¹⁵ Tennessee Telephone Services, L.L.C.,¹⁶ Triarch Marketing d/b/a Triarch Communications,¹⁷ Fast Phones, Inc.,¹⁸ TracFone Wireless,¹⁹ and Affordable Phone Services, Inc.²⁰

On December 16, 2011, Total Call filed this request for designation as an ETC carrier throughout its entire service area in Louisiana (which covers both non-rural and rural ILECs) for the sole purpose of providing Lifeline service to qualifying Louisiana customers. Notice of the request was published in the Commission's Official Bulletin dated December 23, 2011, with an intervention period of twenty-five (25) days. There were no interventions at any time during or

⁵ LPSC Order No. U-28009.
⁶ LPSC Special Order No. 27-2006.
⁷ LPSC Order No. U-26437.
⁸ LPSC Special Order No. 43-2006.
⁹ LPSC Special Order No. 3-2007.
¹⁰ LPSC Order No. S-30699.
¹¹ LPSC Order No. S-30601.
¹² LPSC Order No. S-30637.
¹³ LPSC Order No. S-30589.
¹⁴ LPSC Order No. S-30502.
¹⁵ LPSC Order No. S-30891.
¹⁶ LPSC Order No. S-30982.
¹⁷ LPSC Order No. S-31003.
¹⁸ LPSC Order No. S-31090.
¹⁹ LPSC Order No. S-31097.
²⁰ LPSC Order No. S-31222.

subsequent to the intervention period.

On March 9, 2012, Total Call filed a First Amendment to Application for Designation as an Eligible Telecommunications Carrier, wherein Total Call committed to complying with the new requirements announced in the FCC's *USF/ICC Transformation Order* and *Lifeline Reform Order*. The Company's Compliance Plan was then approved by the FCC on May 25, 2012

Staff's Recommendation and Commission Consideration

After reviewing Total Call's application, Staff was of the opinion that the request should be granted and that Total Call should be designated as an ETC for the sole purpose of obtaining federal low income/Lifeline universal service fund support throughout the State of Louisiana.

In its Report and Order released March 17, 2005, FCC Docket No. 96-45, the FCC instructed states to conduct a public interest analysis regardless of whether the area sought is rural or non-rural. In its review, Staff has concluded that the designation of Total Call as an ETC would be in the public interest, as the request is very similar to those previously granted by the Commission, particularly those involving CLECs. Total Call has represented that it will provide service in Louisiana through a combination of its own facilities and by reselling service which it obtains from underlying wireless providers that currently operate their own networks; that it is able to and will provide all of the services supported by universal service (as defined by 47 C.F.R. § 54.101(a)); and that it will advertise the availability of those services using media of general distribution. Staff notes that Total Call's request should be granted particularly because Total Call's compliance program has been approved by the FCC. In its recent *Lifeline Reform Order*, the FCC adopted specific requirements for Lifeline advertising that a Company must provide in order to receive low cost Lifeline universal service support:

- Explain in clear, easily understood language that the service offered is a Lifeline service;
- Explain that only eligible consumers may enroll in the Lifeline program;
- Explain that documentation is necessary for enrollment;
- Explain that the program is limited to one benefit per household, consisting of either wireline or wireless service;
- Explain that Lifeline is a government program;
- Explain that consumers who willfully make false statements in order to obtain benefits can be punished by fine or imprisonment, or can be barred from the program;
- Disclose the company name under which the telecommunications service provider does business; and
- Disclose the details of its Lifeline service offerings in any Lifeline-related marketing and advertising.²¹

²¹ *Lifeline Reform Order* at 121, ¶ 275.

Total Call's compliance plan was approved by the FCC on May 25, 2012, and so Staff was of the opinion that designation of Total Call as an ETC for the purpose of receiving low income/Lifeline federal universal service support would be in the public interest. And because Total Call seeks designation "solely to utilize USF funding to provide Lifeline service to qualified low-income consumers" and that it "does not seek and will not accept high-cost support[.]" the designation of Total Call as an ETC for the sole purpose of receiving federal low income/Lifeline universal service fund support will have no impact on the definition of local exchange carrier service areas. As Lifeline funds are designed only to lower the costs of telecommunications services on an eligible per-customer basis, the designation of Total Call as an ETC will have no impact on the size of the universal service fund. And considering that there were no interventions or protests filed in response to Total Call's application, Staff concluded that the proposed designation of Total Call as an ETC would be in the public interest. Staff therefore issued a recommendation on October 29, 2013 concluding that the request should be granted and that Total Call should be designated as an ETC throughout its entire service area in Louisiana (which covers both non-rural and rural ILECs) for the sole purpose of obtaining federal low income/Lifeline universal service fund support.

Staff's Recommendation was considered by the Commission at its November 13, 2013 Business and Executive Session. On motion of Commissioner Campbell, seconded by Commissioner Boissiere, with Commissioner Skrmetta and Commissioner Angelle concurring and Commissioner Holloway opposing, the Commission voted to designate Total Call Mobile, Inc. as an Eligible Telecommunications Carrier in both the non-rural and the rural service areas of the State of Louisiana for the limited purpose of qualifying for federal low income/Lifeline support.

"This space is intentionally left blank."

IT IS THEREFORE ORDERED THAT:

1. Total Call Mobile, Inc. is designated as an eligible telecommunications carrier in both the non-rural and the rural service areas of the State of Louisiana for the limited purpose of qualifying for federal low income/Lifeline support; and
2. This Order shall be effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**


November 22, 2013

/S/ ERIC F. SKRMETTA
DISTRICT I
CHAIRMAN ERIC F. SKRMETTA

OPPOSED
DISTRICT IV
VICE CHAIRMAN CLYDE C. HOLLOWAY

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III


EVE KAHAO GONZALEZ
SECRETARY

/S/ SCOTT A. ANGELLE
DISTRICT II
COMMISSIONER SCOTT A. ANGELLE

COMMISSIONERS

DOUGLAS R. M. NAZARIAN
CHAIRMAN

HAROLD D. WILLIAMS
LAWRENCE BRENNER
KELLY SPEAKES-BACKMAN
W. KEVIN HUGHES

STATE OF MARYLAND



PUBLIC SERVICE COMMISSION

#9, 12/21/11 AM; ML# 135539, TE-10637

December 21, 2011

Lance J. M. Steinhart, Esquire
Lance J.M. Steinhart, P.C.
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005

Dear Mr. Steinhart:

The Commission has reviewed the Petition for Designation as an Eligible Telecommunications Carrier in Maryland for the Limited Purpose of Offering Wireless Lifeline and Link-Up Service to Qualified Households (Low Income Only) filed on November 16, 2011 by Total Call Mobile, Inc.

After considering this matter at the December 21, 2001 Administrative Meeting, the Commission found that designation of the Applicant as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. §214(e) is in the public interest and granted designation as an Eligible Telecommunications Carrier for the service territory specified in the Application for the limited purpose of offering Lifeline and Link-Up services to qualified households in Maryland, subject to a 30-day comment period, in which no adverse comments are submitted.

By Direction of the Commission,

A handwritten signature in cursive script, reading "David J. Collins".

David J. Collins
Executive Secretary

DJC/gjd

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000

Toll Free: 1-800-492-0474

FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice)

Website: www.psc.state.md.us/psc/

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
TOTAL CALL MOBILE, INC.,)
for designation as an eligible)
telecommunications carrier pursuant to)
Section 214(e)(2) of the Communications Act)
of 1934, as amended.)
_____)

Case No. U-16941

At the June 26, 2012 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John D. Quackenbush, Chairman
Hon. Orjiakor N. Isiogu, Commissioner
Hon. Greg R. White, Commissioner

ORDER

On December 29, 2011, Total Call Mobile, Inc. (Total Call) filed an application, pursuant to Section 214(e)(2) of the federal Communications Act of 1934, 47 USC 214(e)(2), for designation as an eligible telecommunications carrier (ETC) for purposes of Universal Service Fund (USF) support for wireless services. Total Call filed supplements to the application on January 3, 2012, March 12, 2012, and March 13, 2012.

Total Call requests that the Commission enter an order designating it as an ETC, for purposes of Lifeline, in the wire centers listed in Exhibit 5 to the December 29, 2011 filing. Total Call currently offers wireless service through a combination of resale agreements with Sprint PCS and Total Call-owned facilities, which consist of switches and facilities located in Los Angeles, California.

On February 6, 2012, the Federal Communications Commission (FCC) released a Report and Order and Further Notice of Proposed Rulemaking in WC Docket No. 11-42 (*Lifeline Reform Order*),¹ comprehensively reforming the Universal Service Fund's Lifeline program. Lifeline/Link-up programs are intended to ensure that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates. *See*, 47 CFR 54.405(a), 54.411(a); and MCL 484.2316.

On March 16, 2012, Total Call filed a compliance plan with the FCC seeking forbearance from the "own facilities" requirement based on the terms of the *Lifeline Reform Order*. *See*, 47 USC 214(e)(1)(A). Total Call submitted an amended compliance plan on May 14, 2012. The May 14 compliance plan was approved on May 25, 2012. Total Call's approved compliance plan is attached to this order as Attachment A.

According to Total Call's compliance plan, the FCC is requiring Total Call to implement the following measures: (1) provide its Lifeline subscribers with access to 911 and E911; (2) provide its Lifeline subscribers with E911-compliant handsets free of charge; (3) comply with the uniform eligibility criteria established in the FCC's rules, as well as any additional certification and verification requirements for Lifeline eligibility set by the Commission; (4) review documentation establishing eligibility pursuant to Lifeline rules if a prospective subscriber's eligibility cannot be determined by accessing income databases or program eligibility databases; (5) notify the

¹*In the Matter of Lifeline and Link Up Reform and Modernization* (WC Docket No.11-42), *Lifeline and Link Up* (WC Docket No. 03-109), *Federal-State Joint Board on Universal Service* (CC Docket No. 96-45), *Advancing Broadband Availability through Digital Literacy Training* (WC Docket No. 12-23), Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 12-11, *rel'd* February 6, 2012 (*Lifeline Reform Order*). In this order, directory assistance and operator services, among other things, were removed from the list of supported services under voice telephony. As a result, many Lifeline-only ETC's did not meet the facilities based requirement. Thus, the FCC found that a blanket forbearance was necessary for carriers seeking to provide Lifeline-only service.

subscriber of impending termination in writing if they no longer meet the eligibility criteria and give the subscriber 30 days to demonstrate continued eligibility; (6) implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance; (7) notify the applicant for Lifeline service that the prepaid service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days; (8) annually re-certify all subscribers by querying the appropriate eligibility databases or obtaining a signed certification from each subscriber; (9) report the results of these re-certifications to the Universal Service Administration Company (USAC); (10) de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification; (11) implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household; (12) certify that it is in compliance with all of the FCC's Lifeline rules and has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement; (13) offer its wireless Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying providers; and (14) comply with the service requirements applicable to the support the company receives. Additionally, Total Call must submit an annual certification to USAC, under penalty of perjury, that it: (1) has policies and procedures in place to review consumers' documentation of income- and-program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services; (2) is in compliance with all federal Lifeline certification procedures; and (3) has obtained a valid certification from for each subscriber.

After reviewing the application and subsequent filings, the Commission finds that ETC designation, limited to Low Income Lifeline, should be conditionally granted to Total Call. The Commission is persuaded that ETC designation for Total Call promotes the availability of

universal service and is in the public interest. This conditional approval is granted for the supported telecommunications services as defined in the Michigan Telecommunications Act and with the understanding that the following conditions shall also be met prior to Total Call's request for Low Income Lifeline reimbursement from the USF:

- Total Call shall submit a certification letter to each county 9-1-1 coordinator² in Michigan explaining the Lifeline service, with information on Total Call's product and service specifications, and including a letter from Total Call's resale partner, Sprint PCS, stating that it will be providing the 9-1-1 service to Total Call's customers.
- Total Call shall provide information quarterly to the Commission on the number of Lifeline customers they are serving and the amounts paid to individual counties³ and the State of Michigan for 9-1-1 surcharges.⁴
- Total Call shall advertise its Lifeline product in media of general distribution including newspaper, radio, its own website, and other direct advertising methods, and provide a copy of the advertisement to the Commission. The advertisement shall include information on monthly service plans, the cost of initiating service, and information needed for the forbearance compliance issues.
- Total Call shall promptly notify the Commission of any future changes to its rates, terms and conditions regarding its low income offerings.

²A list of Michigan 911 County Coordinators may be found at http://www.michigan.gov/documents/msp/List_of_CountyCoordinators_175553_7.xls

³Michigan 9-1-1 County Surcharges, effective July 1, 2012, may be found at <http://www.dleg.state.mi.us/mpsc/comm/911index/911charges.pdf>

⁴Michigan's Emergency 9-1-1 Service Enabling Act, Act 32 of 1986 (as amended), is at <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-32-of-1986.pdf>

The application for ETC designation is granted on condition that Total Call comply with the service requirements contained in FCC Report and Order 11-161 (rel'd October 27, 2011), the *Lifeline Reform Order*, Attachment A, and the Commission's October 18, 2005 order in Case No. U-14530 and April 17, 2012 order in Case No. U-17019. This approval is for the remainder of 2012. Total Call will be required to re-apply to the Commission for ETC designation for 2013, and annually thereafter.

THEREFORE, IT IS ORDERED that the application filed by Total Call Mobile, Inc., for designation as an eligible telecommunications carrier for purposes of Lifeline universal service support is approved.

—The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

John D. Quackenbush, Chairman

By its action of June 26, 2012.

Orjiakor N. Isiogu, Commissioner

Mary Jo Kunkle, Executive Secretary

Greg R. White, Commissioner

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

_____)	
In the Matter of)	
)	
Telecommunications Carrier Eligibility to Receive	)	WC Docket No. 09-197
Universal Service Support)	
)	
Lifeline and LinkUp Reform and Modernization	)	WC Docket No. 11-42
)	
Total Call Mobile, Inc. (Compliance Plan))	
_____)	

TOTAL CALL MOBILE, INC.'S REVISED COMPLIANCE PLAN

Steven A. Augustino
Denise N. Smith
Kelley Drye & Warren, LLP
3050 K Street, NW
Suite 400
Washington, D.C. 20007
(202) 342-8400

Counsel to Total Call Mobile, Inc.

May 14, 2012

TABLE OF CONTENTS

	Page
I. TOTAL CALL MOBILE'S COMPLIANCE PLAN.....	3
A. Total Call Mobile's Access to 911 and E911 Services.....	3
B. Procedures To Enroll A Subscriber in Lifeline.....	4
1. Policy	4
2. Eligibility Determination	5
3. Subscriber Certifications for Enrollment	7
4. Call Center Procedures	9
5. In-Person Sales Efforts	9
6. Applications, Information and Disclosures.....	10
C. Annual Verification Procedures.....	13
D. Activation and Non-Usage.....	14
E. Additional Measures to Prevent Waste, Fraud and Abuse	15
F. Company Reimbursements From the Fund	18
G. Annual Company Certifications	19
H. Cooperation with State and Federal Regulators.....	20
II. DESCRIPTION OF LIFELINE SERVICE OFFERINGS	21
III. DEMONSTRATION OF FINANCIAL AND TECHNICAL CAPABILITIES AND CERTIFICATIONS REQUIRED FOR ETC DESIGNATION.....	21
IV. CONCLUSION.....	25

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carrier Eligibility to Receive)	
Universal Service Support	)	WC Docket No. 09-197
	)	WC Docket No. 11-42
Lifeline and LinkUp Reform and Modernization)	
)	
Total Call Mobile, Inc. (Compliance Plan))	
)	

TOTAL CALL MOBILE, INC.'S REVISED COMPLIANCE PLAN

On May 25, 2011, Total Call Mobile, Inc. ("TCM" or "Company")¹ filed a Petition for Forbearance ("Petition") requesting the Commission forbear from enforcement of section 214(e)(1)(A) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(1)(A), which requires eligible telecommunications carriers ("ETCs") to use their own facilities to provide services supported by the Universal Service Fund ("USF").

On February 6, 2012, the Federal Communications Commission ("FCC" or "Commission") granted TCM's Petition for Forbearance, conditioned on fulfillment of the

¹ The Company hereby also reports its corporate and trade names, along with its holding company, operating companies and affiliates as follows: Total Call International is the parent of Total Call Mobile; KDDI of America is the majority owner of Total Call International; Locus Telecommunications and KDDI Global are affiliates of Total Call International. A copy of KDDI Corporation's "Financial Statements Summary for the Year ended March 31, 2012 [Japan GAAP]" and biographies for all of the Executive Board Directors showing KDDI's technical and financial capabilities is attached hereto as Exhibit A.

obligations detailed in the *Lifeline Reform Order*,² which also required each carrier to submit to the Commission for approval a Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.

The Company will comply fully with all conditions set forth in the *Lifeline Reform Order*, as well as with the Commission's Lifeline rules and policies more generally.³ Company will comply with 911 requirements as described below in its Compliance Plan. Company also will implement the foregoing objectives and the other objectives described in the *Lifeline Reform Order*. Specifically, this Compliance Plan: (1) describes the specific measures that the Company will take to implement the obligations contained in the *Lifeline Reform Order*, including the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Fund; (2) describes the materials related to initial and ongoing certifications and the sample marketing materials; and (3) provides a detailed description of how the Company offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

² See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice of Proposed Rulemaking, FCC 12-11, ¶¶ 521, 523 (Feb. 6, 2012) ("*Lifeline Reform Order*"). TCM herein submits the information required by the Compliance Plan Public Notice. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012).

³ In addition, this Compliance Plan is consistent with the compliance plan filed by Cricket Communications, Inc. See Notice of *Ex Parte* Communication of Cricket Communications, Inc., WC Docket No. 09-197 (Sept. 23, 2011) ("Cricket Compliance Plan"). The Wireline Competition Bureau approved the Cricket Compliance Plan on February 7, 2012. See *Telecommunications Carriers Eligible for Universal Service Support, Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, DA 12-158 (Feb. 7, 2012).

I. TOTAL CALL MOBILE'S COMPLIANCE PLAN

A. Total Call Mobile's Access to 911 and E911 Services

Pursuant to the *Lifeline Reform Order*, forbearance is conditioned upon Company (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.⁴ Company will comply with these conditions upon initiation of its Lifeline service.

Company will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all Company customers will have available access to emergency calling services at the time that the handset is activated, and that such 911 and E911 access will be available from Company handsets, even if the account associated with the handset has no minutes remaining.

The Company's existing practices currently provide access to 911 and E911 services for all customers. Company uses Sprint as its underlying network provider/carrier. Sprint routes 911 calls from Company's customers in the same manner as 911 calls from Sprint's own retail customers. To the extent that Sprint is certified in a given PSAP territory, this 911 capability will function the same for Company. Company (via Sprint) also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active, suspended or terminated. Finally, the Company (via Sprint) transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

⁴ See *Lifeline Reform Order*, ¶ 373.

Company will ensure that all handsets used in connection with the Lifeline service offering are E911-compliant. In point of fact, Company's phones have always been and will continue to be 911 and E911-compliant. Company uses phones that have been through a stringent certification process with Sprint, which, among other things, ensures that the handset models used meet all 911 and E911 requirements. As a result, any customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

B. Procedures To Enroll A Subscriber in Lifeline

1. Policy

The Company will comply with the uniform eligibility criteria established in new section 54.409 of the Commission's rules (when it becomes effective on June 1, 2012), as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC. In states where there are no state-imposed requirements, the Company will comply with the certification and verification procedures in effect in that state as reflected on the website of the Universal Service Administration Company ("USAC").⁵ For any states that do not have established rules of procedure in place, the Company will comply with the certification and verification procedures in effect in that state as reflected in the *Lifeline Reform Order* and the rules.

All subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that

⁵ See Cricket Compliance Plan at 3.

size; or (2) the household's participation in one of the federal assistance programs listed in new section 54.409(a)(2) and 54.409(a)(3) of the Commission's rules. In addition, through the certification requirements described below, Company will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

2. Eligibility Determination

If Company cannot determine a prospective subscriber's eligibility for Lifeline by accessing income databases or program eligibility databases, Company's employees or agents ("Company personnel") will review documentation establishing eligibility pursuant to the Lifeline rules.⁶ All personnel who interact with actual or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on the federal and state-specific income-based and/or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies the *Lifeline Reform Order* and state-specific eligibility requirements using state-specific checklists.⁷

Proof of Eligibility. Company personnel will be trained on acceptable documentation required to establish income-based and program-based eligibility.⁸ Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state or federal program; (2) a notice letter of participation in a qualifying state or federal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid

⁶ See *Lifeline Reform Order*, ¶ 100; 47 C.F.R. §§ 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B); Cricket Compliance Plan at 4.

⁷ See Cricket Compliance Plan at 6.

⁸ See *Lifeline Reform Order*, ¶ 101.

participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state or federal program.⁹

Acceptable documentation of income eligibility includes the prior year's state or federal tax return, current income statement from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal notice letter of participation in General Assistance, or a divorce decree, child support award, or other official document containing income information for at least three months time.¹⁰

Company personnel will examine supporting documentation for each Lifeline applicant, and will record the type of documentation used to satisfy the income- or program-based criteria.¹¹ As specified in FCC rules, the Company will not retain a copy of the documentation reviewed.¹² However, for audit and recordkeeping purposes, the Company will record eligibility verification information on a separate form. This "Company-only" form will be completed by Total Call Mobile personnel, who will be trained to complete the form, indicating what proof of eligibility was reviewed, and retain the form for each applicant determined to be eligible for service. The separate form is attached hereto as Exhibit B.

Where the Company personnel conclude that proffered documentation is insufficient to establish such eligibility, the Company will deny the associated application and

⁹ *Id.* and 47 C.F.R. § 54.410(c)(1)(i)(B).

¹⁰ *See Lifeline Reform Order*, ¶101; 47 C.F.R. § 54.410.(b)(1)(i)(B).

¹¹ *See Lifeline Reform Order*, ¶101; 47 C.F.R. §§ 54.410(b)(1)(iii), 54.410(c)(1)(iii).

¹² *See Lifeline Reform Order*, ¶101; 47 C.F.R. §§ 54.410(b)(1)(ii), 54.410(c)(1)(ii).

inform the applicant of the reason for such rejection.¹³ In the event that Company personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel.¹⁴ In addition, as described in Section I.B.3, below, subscribers will complete certification forms that, among other things, demonstrate the subscriber's eligibility to receive Lifeline support.

De-Enrollment for Ineligibility. If Company has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, Company will notify the subscriber of impending termination in writing and in compliance with any applicable state dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.¹⁵ A demonstration of eligibility must comply with the annual verification procedures below and found in new rule section 54.410(f), including the submission of a certification form.

3. Subscriber Certifications for Enrollment

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.¹⁶ The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these

¹³ See Cricket Compliance Plan at 6.

¹⁴ See Cricket Compliance Plan at 6.

¹⁵ See *Lifeline Reform Order*, ¶ 143; 47 C.F.R. § 54.405(e)(1).

¹⁶ *Lifeline Reform Order*, ¶ 61; 47 C.F.R. § 54.410(a).

procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally.¹⁷

TCM will implement certification procedures that require consumers to demonstrate their eligibility for Lifeline assistance. Customers will be able to sign up for Lifeline assistance by contacting TCM via telephone, facsimile, or the internet. Company personnel will verbally explain the eligibility criteria to consumers when they are enrolling in person or over the phone.¹⁸ At the point of sale, consumers will be provided with printed information describing TCM's Lifeline program in detail, including federal and state specific eligibility requirements, and instructions for enrolling, a description of the one-per-household rule and a copy of USAC's printed material describing the one-per-household rule.¹⁹ These materials (like all Lifeline marketing materials) also will clearly identify supported plans as "Lifeline" plans, consistent with TCM's current practice and policies. Consumers will be directed to a toll-free telephone number and to TCM's website, which will contain a link to information regarding the Company's Lifeline service plan, including a detailed description of the program, rates, and federal and state-specific eligibility criteria.

TCM will have direct contact with all customers applying for participation in the Lifeline program either by mail or by phone and all marketing materials will include TCM's customer service number. Retailers and distributors will be able to assist customers in completing applications but will provide TCM's customer service number for further questions and assistance. Retailers or customers will then directly send the applications and supporting

¹⁷ See Cricket Compliance Plan at 3.

¹⁸ See *Lifeline Reform Order*, ¶ 123.

¹⁹ See *Lifeline Reform Order*, ¶79.

documents to TCM. Retailers will not retain any copies of the customer application or supporting documentation, and company personnel will review and process all applications.

4. Call Center Procedures

Consumers will be directed to call a toll-free number to complete an application over the phone. The application will then be mailed to the customer for signature under penalty of perjury and for the submission of supporting documentation. The signed application and support documentation must be mailed to the address provided by the Company (or, if available to the consumer, returned by facsimile or electronic transmission). Processing of consumers' applications, including review of all application forms and relevant documentation will be performed under TCM's supervision by managers thoroughly trained in the requirements of the Lifeline program. TCM will ensure that all required documentation is taken care of properly by using federal and state-specific compliance checklists.

TCM will emphasize the "one Lifeline phone per household" restriction during the initial interview with the potential customer when they call into the call center. The call center introduction script substantially in the form TCM would use is attached as Exhibit C.

5. In-Person Sales Efforts

TCM will promote its Lifeline services through many channels. One sales channel will be in-person sales events staffed by TCM representatives or agents. At these events, customers will be allowed to sign up, in-person, for Lifeline service. TCM representatives or agents, fully trained in Lifeline requirements, will conduct an interview, ensuring that the potential customer does not already receive a Lifeline subsidy. Documentation proving eligibility for the program will also be collected and an application will be completed by

the customer. Only after completing all required eligibility verification will TCM issue phones to the customer.

At retail outlets where trained TCM representatives or agents are not present, customers will not have access to Lifeline services (or receive a Lifeline handset) at the retail location. Instead, customers will be directed via print ads and information brochures to contact TCM directly, and to submit the Lifeline service application directly to TCM. Through TCM's certification procedures, the company would verify that the individual qualifies for a Lifeline plan (*i.e.* that there is no duplication, and that the individual qualifies by virtue of participation in an eligible state or federal low income program). Only after the customer is verified as qualifying to receive Lifeline will the phone be provided to the customer via mail or subsequent pickup.

6. Applications, Information and Disclosures

Every applicant will be required to complete an application/certification process containing disclosures, and collecting certain information and certifications as discussed below.²⁰

Disclosures. TCM's application and certification process will include the following disclosures: (1) Lifeline is a federal benefit and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the applicant's de-enrollment

²⁰ See Model Application/Certification Form (Maryland), included as Exhibit D. See Compliance Plan Public Notice at 3.

from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.²¹

Applicants will also be informed that (1) the service is a Lifeline service, (2) Lifeline is a government assistance program, and (3) only eligible consumers may enroll in the program.²²

In addition, Company will notify the applicant that the prepaid service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days.²³

Information Collection. TCM will also collect the following information from the applicant in the application/certification process: (1) the applicant's full name;²⁴ (2) the applicant's full residential address (P.O. Box is not sufficient²⁵); (3) whether the applicant's residential address is permanent or temporary; (4) billing address will not be requested as the service will be on TCM's prepaid platform (i.e. there will be no bill sent); (5) the applicant's date of birth; (6) the last four digits of the applicant's Social Security number; (7) if the applicant is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits;²⁶ and (8) if the applicant is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.²⁷

²¹ See *Lifeline Reform Order*, ¶ 121; 47 C.F.R. § 54.410(d)(1).

²² See 47 C.F.R. § 54.405(c).

²³ See *Lifeline Reform Order*, ¶ 114.

²⁴ See Cricket Compliance Plan at 4.

²⁵ See *Lifeline Reform Order*, ¶ 87.

²⁶ See Cricket Compliance Plan at 4.

²⁷ See 47 C.F.R. § 54.410(d)(2). See Cricket Compliance Plan at 4.

Applicant Certification. Consistent with new rule section 54.410(d)(3), TCM will require the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,²⁸ the following:

1. the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline;
2. the applicant will notify the Company immediately, and, in any event, within a maximum of 30 days, if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, if the applicant is receiving more than one Lifeline benefit, or if another member of the applicant's household is receiving a Lifeline benefit;
3. if the applicant moves to a new address, he or she will provide that new address to the Company within 30 days;
4. if the applicant provided a temporary residential address to the Company, the applicant will be required to verify his or her temporary residential address every 90 days;
5. the applicant's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the applicant's household is not already receiving a Lifeline service;²⁹
6. the information contained in the applicant's certification form is true and correct to the best of the applicant's knowledge;
7. the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
8. the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to the applicant's continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits pursuant to the de-enrollment policy included below and in the Commission's rules.

Applicants will also be required to certify under penalty of perjury that they are head of their household and receive Lifeline-supported service only from TCM. Penalties for

²⁸ See *Lifeline Reform Order*. ¶¶ 168-69; 47 C.F.R. § 54.419.

²⁹ See Cricket Compliance Plan at 4.

perjury will be clearly stated on the certification form.³⁰ This will be accomplished by a certification form substantially similar in format to the Model Application/Certification Form (Maryland), included as Exhibit D. Customers will be required to sign and date this statement.

In addition, the applicant will be required to authorize TCM to access any records required to verify the applicant's statements in the application/certification process and to confirm the applicant's eligibility for the Company Lifeline credit.³¹ The applicant must also authorize TCM to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in an Lifeline program eligibility database.³²

C. Annual Verification Procedures

TCM will annually re-certify all subscribers by querying the appropriate eligibility databases (when it becomes available) or, if no eligibility database is available, by obtaining a signed certification from each subscriber consistent with the certification requirements above and new section 54.410(d) of the rules. This certification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.³³ Company will notify each participating Lifeline customer prior to his or her service anniversary date that he or she must confirm his or her continued eligibility in accordance with the applicable requirements.³⁴ Further, the verification materials will inform the subscriber that

³⁰ See Cricket Compliance Plan at 5.

³¹ See Cricket Compliance Plan at 5.

³² See 47 C.F.R. § 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. See *id.* See also Cricket Compliance Plan at 5.

³³ See *Lifeline Reform Order*, ¶ 120 and Cricket Compliance Plan at 8.

³⁴ See Cricket Compliance Plan at 8.

he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled in the program.³⁵

2012 Verification. Company will re-certify (if applicable) the eligibility of each of its existing subscribers as of June 1, 2012 on a rolling basis by the end of 2012 and report the results to USAC by January 31, 2013.³⁶ Company will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, email or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

Verification De-Enrollment. Company will give subscribers 30 days to respond to the annual verification inquiry. Company will de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification.³⁷ If the subscriber does not respond, the Company will send a separate written notice explaining that failure to respond within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days, Company will de-enroll the subscriber within five business days thereafter.

D. Activation and Non-Usage

Each subscriber activates the service by placing a call to TCM. Company will not consider a prepaid subscriber activated, and will not seek reimbursement for Lifeline for that subscriber, until the subscriber places this call demonstrating usage of the phone.³⁸ In addition, after service activation, Company will provide a de-enrollment notice to subscribers that have

³⁵ See *Lifeline Reform Order*, ¶ 145.

³⁶ See *Lifeline Reform Order*, ¶ 130.

³⁷ See *Lifeline Reform Order*, ¶ 142; 47 C.F.R. § 54.54.405(e)(4).

³⁸ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.407(c)(1).

not used their service for 60 days. After 60 days of non-use, Company will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.³⁹ For these purposes, subscribers will be considered to “use” the service by: (1) completing an outbound; (2) purchasing minutes from Company to add to the subscriber’s plan; (3) answering an incoming call from a party other than Company; or responding to a direct contact from Company and confirming that the subscriber wants to continue receiving the service.⁴⁰

If the subscriber does not respond to the notice, the subscriber will be de-enrolled and Company will not request further Lifeline reimbursement for the subscriber. Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁴¹

E. Additional Measures to Prevent Waste, Fraud and Abuse

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, the Company will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.⁴²

In addition to checking the national database when it becomes available, Company personnel will emphasize the “one Lifeline phone per household” restriction in their

³⁹ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3). See Cricket Compliance Plan at 2 (stating that it did not need to implement a non-usage policy because it offered only plans with unlimited local and long distance calling).

⁴⁰ See *Lifeline Reform Order*, ¶ 261; 47 C.F.R. § 54.407(c)(2).

⁴¹ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3).

⁴² See Cricket Compliance Plan at 9.

direct sales contacts with potential customers.⁴³ Training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction.⁴⁴

Database. When the National Lifeline Accountability Database (“National Database”) becomes available, Company will comply with the requirements of new rule section 54.404. Company will query the National Database to determine whether a prospective subscriber is currently receiving a Lifeline service from another ETC and whether anyone else living at the prospective subscriber’s residential address is currently receiving Lifeline service.⁴⁵

One-Per-Household. Company will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household⁴⁶ through the use of its application and certification forms discussed above, internal database checks and its marketing materials discussed below. Upon receiving an application for Company’s Lifeline service, Company will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.⁴⁷ If it does discover

⁴³ See Cricket Compliance Plan at 6, 9.

⁴⁴ *Id.*

⁴⁵ See *Lifeline Reform Order*, ¶ 203. Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *Lifeline Reform Order*, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, Company will update each subscriber’s information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. See 47 C.F.R. § 54.404(b)(8),(10).

⁴⁶ A “household” is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. See *Lifeline Reform Order*, ¶ 74; 47 C.F.R. § 54.400(h).

⁴⁷ See *Lifeline Reform Order*, ¶ 78 and See Cricket Compliance Plan at 7.

duplicate service at an address, Company will require the applicant to complete and submit a written USAC document containing the following: (1) an explanation of the Commission's one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income, pursuant to the Commission's definition; and (4) the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).⁴⁸ Further, if a subscriber provides a temporary address on his or her application/certification form collected as described above, Company will verify with the subscriber every 90 days that the subscriber continues to rely on that address.⁴⁹

Finally, Company personnel will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and will facilitate the applicant's understanding of what constitutes "Lifeline-supported services." The Company personnel will also assist the applicant in determining if he or she is already benefiting from Lifeline support, by identifying the leading Lifeline offerings in the relevant market by brand name.⁵⁰

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, TCM will include the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service,⁵¹ (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household, consisting of either one

⁴⁸ *Id.*

⁴⁹ *See Lifeline Reform Order*, ¶ 89.

⁵⁰ *See Cricket Compliance Plan* at 7.

⁵¹ *See Cricket Compliance Plan* at 4.

wireline or one wireless service; (6) what documentation is necessary for enrollment;⁵² (7) TCM's name as the ETC; and (8) consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.⁵³ These statements will be included in all print, audio video and web materials (including social networking media) used to describe or enroll customers in Company's Lifeline service offering, as well as Company's application forms and certification forms.⁵⁴ This specifically includes Company's website (totalcallmobile.com/lifeline).⁵⁵ A sample of Company's Lifeline marketing materials is included as Exhibit E.

F. Company Reimbursements From the Fund

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, Company will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.⁵⁶ Company will verify customers as described in the Compliance Plan before submitting requests for reimbursement for service provided to the subscriber. In addition, Company will keep accurate records as directed by USAC⁵⁷ and as required by new section 54.417 of the Commission's rules.

Further the Company will submit its FCC Forms 497 on the eighth day of each month in order to be reimbursed the same month, and inform USAC, to the extent necessary, to

⁵² See Cricket Compliance Plan at 4.

⁵³ See *Lifeline Reform Order*, ¶ 275; 47 C.F.R. § 54.405(c).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See *Lifeline Reform Order*, ¶ 128; 47 C.F.R. § 54.407(d).

⁵⁷ See *id.*

reimburse it for actual claims rather than projected claims over the course of more than one month.⁵⁸

G. Annual Company Certifications

Company will submit an annual certification to USAC, signed by a Company officer under penalty of perjury, that Company: (1) has policies and procedures in place to review consumers' documentation of income- and program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁵⁹ (2) is in compliance with all federal Lifeline certification procedures;⁶⁰ and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.⁶¹

In addition, Company will provide the results of its annual re-certifications/verifications on an annual basis to the Commission, USAC and the applicable state commission as appropriate.⁶² Further, as discussed above, Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁶³

The Company will also annually report to the Commission, USAC and relevant state commissions as appropriate, the company name, names of the company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation) as well as relevant universal service identifiers for each entity by Study Area Code.⁶⁴ Company will report annually information regarding the terms and conditions of its Lifeline plans for voice

⁵⁸ See *Lifeline Reform Order*, ¶¶ 302-306.

⁵⁹ See *Lifeline Reform Order*, ¶ 126; 47 C.F.R. § 54.416(a)(1).

⁶⁰ See *Lifeline Reform Order*, ¶ 127; 47 C.F.R. § 54.416(a)(2).

⁶¹ See 47 C.F.R. § 54.416(a)(3).

⁶² See *Lifeline Reform Order*, ¶¶ 132,148; 47 C.F.R. § 54.416(b).

⁶³ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3).

⁶⁴ See *Lifeline Reform Order*, ¶¶ 296, 390; 47 C.F.R. § 54.422(a).

telephony service offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁶⁵ Finally, Company will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that Company is able to function in emergency situations.⁶⁶

H. Cooperation with State and Federal Regulators

The Company will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;⁶⁷
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and
- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe⁶⁸ is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.⁶⁹

⁶⁵ See *Lifeline Reform Order*, ¶ 390; 47 C.F.R. § 54.422(b)(5).

⁶⁶ See *Lifeline Reform Order*, ¶ 389; 47 C.F.R. § 54.422(b)(1)-(4).

⁶⁷ The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

⁶⁸ See 47 C.F.R. § 54.405(e)(1).

⁶⁹ See Cricket Compliance Plan at 10.

II. DESCRIPTION OF LIFELINE SERVICE OFFERINGS

Company will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying provider Sprint. The Company's Lifeline offering, as described in Exhibit F, will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit G) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM's 30-day Unlimited Talk & Text plan or TCM's 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement at Exhibit E and in Exhibit F. Lifeline customers can also purchase additional bundles of minutes and service (*i.e.* if they run out of minutes or if they want to make international calls) by purchasing TCM's refill cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

In addition to free or discounted voice services, Company's Lifeline plan will include a free handset (with an option to buy an upgrade) and custom calling features at no charge, including Caller ID and Voicemail. All plans include domestic long-distance at no extra per minute charge. Calls to customer service and 911 emergency services are always free, regardless of service activation or availability of minutes.

III. DEMONSTRATION OF FINANCIAL AND TECHNICAL CAPABILITIES AND CERTIFICATIONS REQUIRED FOR ETC DESIGNATION⁷⁰

Financial and Technical Capabilities. Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires carriers petitioning for ETC designation to demonstrate financial

⁷⁰ See Compliance Plan Public Notice at 3.

and technical capability to comply with the Commission's Lifeline service requirements.⁷¹ The Compliance Plan Public Notice requires that a carrier's compliance plan also include this demonstration. Among the factors the Commission will consider are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate; whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding. This section summarizes TCM's financial and technical capabilities to provide the service.

TCM provides affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets and high quality customer service. The majority of TCM's products and plans are specially geared toward serving lower income communities, and its service models and pricing plans reflect this mission. TCM offers nationwide non-Lifeline prepaid services as an MVNO using the Sprint network. In addition, TCM is applying for certification as an ETC with the FCC (for Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia), Arkansas, California, Louisiana, Michigan, Nevada, and West Virginia. TCM received ETC approval in Maryland on December 23, 2011.⁷²

TCM is the wholly-owned subsidiary of Total Call International ("TCI"), a national prepaid telecommunications services provider. TCI provides international prepaid calling cards, which are often used by low income or unbanked consumers, many of whom are members of ethnic communities. TCI has been providing telecommunications services to

⁷¹ See *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

⁷² The Arkansas PSC initially granted TCM's application, but on March 22, 2012, the PSC issued a stay and remand in light of the *Lifeline Reform Order*.

customers for over 10 years. TCI, in turn, is majority owned by KDDI America, a subsidiary of Japan's second largest telecommunications carrier (KDDI Corporation). KDDI Corporation and its affiliates provide mobile services (voice and data) and fixed line services (broadband, domestic and international telecommunications and data center services) in Japan and globally. KDDI's technical and financial capabilities are further described in Exhibit A.

TCM will benefit from the experience of its parent entities in its provision of ETC services. TCM also will benefit from TCI's knowledge of low income markets when conducting outreach to eligible consumers. During the past 10 years, TCM and TCI have provided telecommunications services to non-Lifeline customers and, consequently, TCM has not and will not be relying exclusively on Lifeline reimbursement for the Company's operating revenues. TCM receives revenues from these prepaid wireless services and also has access to the financial resources of its parent company. The Company has not been the subject of any enforcement actions by the FCC nor has it been subject to any ETC revocation proceedings.

Service Requirements Applicable to Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under newly amended section 54.202 of the Commission's rules."⁷³ Company certifies that it will comply with the service requirements applicable to the support the Company receives.⁷⁴ TCM provides all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout the states in which it is designated as an ETC.⁷⁵ TCM's services include voice telephony services that provide voice grade access to the public

⁷³ Compliance Plan Public Notice at 3.

⁷⁴ 47 C.F.R. § 54.202(a)(1).

⁷⁵ In addition to voice telephony services, TCM's services include the nine features, *i.e.*, dual tone multi-frequency signaling, single party service and access to operator services, *etc.* previously identified in Commission rule 54.101(a).

switched network or its functional equivalent. Further, TCM's service offerings provide its customers with minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local exchange service free of charge to its subscribers and will abide by any Commission-required minimum usage amounts. TCM's Lifeline offering will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit G) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM's 30-day Unlimited Talk & Text plan or TCM's 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement attached as E and in F. Lifeline customers can also purchase additional bundles of minutes and service (*i.e.* if they run out of minutes or if they want to make international calls) by purchasing TCM's refill cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, TCM will comply with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

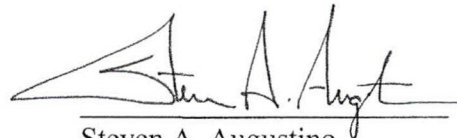
Finally, toll limitation services do not apply because TCM, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.⁷⁶

⁷⁶ See *Lifeline Reform Order*, ¶ 230.

IV. CONCLUSION

TCM submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's *Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules. Accordingly, the Company respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven A. Augustino", written over a horizontal line.

Steven A. Augustino
Denise N. Smith
Kelley Drye & Warren, LLP
3050 K Street, NW
Suite 400
Washington, D.C. 20007
(202) 342-8400

Counsel to Total Call Mobile, Inc.

May 14, 2012

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-16941

County of Ingham)

Mignon Middlebrook being duly sworn, deposes and says that on June 26, 2012 A.D. she served a copy of the attached Commission Order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

Mignon Middlebrook

Subscribed and sworn to before me
This 26th day of June 2012

Gloria Pearl Jones
Notary Public, Ingham County, MI
My commission expires June 5, 2016
Acting in Eaton County

Service List U-16941

Lance J.M. Steinhart, Esq.
Lance J.M. Steinhart PC
1725 Windward Concourse
Suite 150
Alpharetta GA 30005

Total Call Mobile, Inc.
c/o Lance J.M. Steinhart, P.C.
1725 Windward Concourse, Suite 150
Alpharetta GA 30005

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
Dan Lipschultz
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of Total Call
Mobile, Inc. for Designation as an Eligible
Telecommunications Carrier

ISSUE DATE: July 15, 2014

DOCKET NO. P-6892/M-12-1182

ORDER GRANTING ETC
DESIGNATION WITH CONDITIONS

PROCEDURAL HISTORY

On October 30, 2012, Total Call Mobile, Inc. (Total Call) filed a petition for designation as an eligible telecommunications carrier (ETC).

On February 25, 2014, the Department of Commerce filed comments recommending that the Commission deny the petition on the grounds that the petition lacked sufficient information.

On March 12, 2014, the Department filed a request to submit supplemental comments to revise its initial recommendation, if warranted, based on additional information obtained from Total Call.

On June 3, 2014, the Department filed supplemental comments recommending that the Commission grant the petition with conditions.

On June 13, 2014, Total Call filed reply comments concurring with the Department's recommended conditions.

On June 13, 2014 Open Access Connections filed reply comments supporting Total Call's petition for ETC designation.

On June 26, 2014, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Background

Under the Federal Telecommunications Act of 1996, a telecommunications carrier must be designated an eligible telecommunications carrier (ETC) to qualify for subsidies from the

Universal Service Fund for serving high-cost geographical areas and low-income consumers.¹ In 2011, the Federal Communications Commission (FCC) made changes to the requirements a telecommunications carrier must meet to receive designation as an ETC. To qualify as an ETC, a carrier must now offer, throughout its designated service area, the following services, which the Federal Communications Commission (FCC) has determined merit support with universal service funding, including:²

- Voice grade access to the public switched network
- Local usage
- Access to emergency services, including 911 and enhanced 911
- Toll limitation for qualifying low-income customers

On February 6, 2012, the FCC released its Report and Order and Further Notice of Proposed Rulemaking, which reforms the federal Lifeline and Link Up programs (Lifeline and Link Up Reform Order). Under the new reforms, the FCC granted Lifeline-only ETCs, such as Total Call, forbearance from the requirement that these services be provided using the carrier's own facilities or using a combination of its own facilities and the resold services of other carriers on two conditions.

First, the carrier must comply with certain 911 requirements, including providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability, and providing its Lifeline subscribers with E911-compliant handsets. Second, the carrier must file for approval of a compliance plan that includes specific information about the carrier's service offerings and outlines the measures the carrier will take to implement the Order's requirements.³ In addition, carriers must advertise the supported services and the prices of those services using media of general distribution.⁴

State regulatory commissions have primary responsibility for designating ETCs, but the FCC acts on applications when no state has jurisdiction. In either case, the application must be consistent with the public interest, convenience, and necessity. Under the FCC's recent reforms, an ETC must meet the following requirements:⁵

- Certify that it will comply with the service requirements applicable to the support it receives.
- Demonstrate its ability to remain functional in emergency situations.
- Demonstrate that it will satisfy applicable consumer-protection and service-quality standards.
- Demonstrate financial and technical ability to provide Lifeline service.
- Provide a description of its Lifeline service offering.
- Demonstrate that its ETC designation is in the public interest.

¹ 47 U.S.C. §§ 214 (e) (1); 254 (e).

² 47 C.F.R. § 54.101 (a).

³ Lifeline and Link Up Reform Order, p. 368.

⁴ 47 U.S.C. § 214 (e) (1) (B) and 47 C.F.R. § 54.405 (b).

⁵ 47 C.F.R. § 54.202 (a), (b).

Finally, under Minn. Stat. § 403.11, subd. 3d, an ETC may not provide service until and unless the Commissioner of the Department of Public Safety certifies that it is not in arrears in amounts owed to the 911 emergency telecommunications service account.

II. Total Call's Petition

Total Call is not seeking ETC designation to qualify for funding from the federal Universal Service High Cost Fund for serving high-cost geographical areas. Rather, the Company has requested ETC designation for the limited purpose of qualifying for federal Universal Service Fund subsidies for serving customers enrolled in the federal Lifeline program. Under the Lifeline program, qualifying low-income households receive assistance to reduce the cost of telecommunications services.

Total Call stated that it will advertise its Lifeline services and their charges, using media of general distribution, including television and print advertising throughout its designated service area.

Total Call stated that it will offer the services required by the FCC as necessary for qualification for ETC status, as set forth below:

- *Common Carriage and Supported Services.* Total Call stated that it is a common carrier and commits to providing voice telephony services, including voice grade access to the public switched telephone network or its functional equivalent; minutes of local usage at no additional charge; and access to 911 and E-911 services; Total Call offers a set number of minutes and does not distinguish between toll and non-toll calls, and stated that therefore its Lifeline services are consistent with the requirement to make available toll limitation to qualifying low-income customers.

- *Facilities Ownership.* In response to the FCC's Lifeline and Link Up Reform Order, Total Call filed its compliance plan, which was approved on May 25, 2012. Total Call therefore has forbearance from the requirement that it provide the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services, enabling it to rely on the resold services of another carrier.

- *Services Offering.* Total Call has described the terms and conditions of its voice telephony offering and stated that the offering meets the FCC's requirements.

- *Advertising Plan.* Total Call commits to advertising its services in a manner reasonably designed to reach those most likely to qualify for Lifeline services, and if granted ETC status on a conditional basis, it will file an advertising plan within 30 days of the date of this Order.

- *Emergency Functionality.* Total Call stated that it can meet this criterion through its underlying service provider, Sprint, and states that it has the capability to remain functional in a variety of emergency situations. Through Sprint, Total Call stated that it is able to manage traffic spikes resulting from emergency situations and can reroute traffic in the event of damaged facilities. Total Call stated that Sprint has sufficient back-up power to ensure functionality if an external power supply is unavailable.

- *Consumer Protection and Commitment to Provide Quality Services.* Total Call stated it commits to complying with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Services, a commitment which is sufficient to satisfy 47 C.F.R. § 54.202(a)(3).

- *Submission of an Informational Tariff.* Total Call has submitted a proposed informational tariff, setting out the rates, service plans, and costs of related equipment and installation charges related to the universal service offering. Total Call commits to filing an updated informational tariff within 30 days of this Order.

- *Financial and Technical Capability.* Total Call stated that it is financially and technically capable of providing Lifeline-supported services, adding that it has been in business for six years, provides service to both Lifeline and non-Lifeline customers, and provides wireless services in 49 states. Further, it stated that it has not been subject to enforcement action or ETC revocation proceedings in any state.

- *Certification by the Commissioner of Public Safety Regarding Payment of 911 Fees.* Total Call stated that it will comply with the certification requirements of Minn. Stat. § 403.11, subd. 3d, and is in the process of obtaining such certification. The Company agrees that it will not offer Lifeline service until it has received and filed proof of certification from the Department of Public Safety.

- *Public Interest.* Total Call proposes to offer various rate plans, including: the 250 minute plan that includes 250 minutes of anytime minutes with texts at a rate of 1 text per minute. The Company will also offer Lifeline customers the option of applying the Company's \$10.00 Lifeline discount to any of the following: the \$19.99 plan that includes 1,000 minutes for 30 days; the \$29.99 plan that includes unlimited talk and text for 30 days; and the \$39.99 plan that includes unlimited talk, text, and data plan for 30 days. These plans will be available to non-tribal Lifeline customers. Tribal Lifeline customers will have the option of either unlimited talk and text at no charge; or unlimited talk, text, and data at \$39.99 off the retail price of \$49.99.

- *PSAP Certification.* Total Call commits to obtaining certification from the Department of Public Safety Answering Points that its handsets are 911 and E-911 compliant and agrees that it will not offer Lifeline service until it has obtained such certification.

III. The Department

The Department recommended that the Commission approve Total Call's petition, subject to the following conditions:

- a) Total Call must offer, in Minnesota, the highest number of free minutes of usage offered in any jurisdiction by Total Call, and supplementary minutes offered at the lowest price offered in any other jurisdiction in which Total Call provides wireless Lifeline service, provided that the available support is the same.

- b) Within 30 days of the Commission's Order conditionally approving Total Call's petition, Total Call must submit a formal advertising and outreach plan listing the specific local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service and a proposed schedule or anticipated frequency of such advertising.
- c) Within 30 days of the Commission's Order conditionally approving Total Call's petition, Total Call must file its updated informational tariff. Total Call must also be required to ensure that the terms and conditions applicable to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff.
- d) Total Call must be required to notify the Commission and the Department, in writing, immediately upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. Total Call must submit a revised tariff or customer service agreement page to reflect such changes.
- e) Total Call must report any unfulfilled requests for service from Lifeline-qualified customers. If it determines that it cannot reasonably serve a consumer, it must report the unfulfilled request to the Department and the Commission within 10 days after making such a determination.
- f) Total Call must comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
- g) Total Call must complete the certification process required by the Department of Public Safety and file its certificate, signed by the Commissioner of the Department of Public Safety, prior to operating in Minnesota.
- h) Total Call must provide customers with access to usable phones. Frequent static or other interference on the line, lack of clarity, dropped calls, inability to place a call, or receive a call under normal circumstances are not acceptable. If the buttons on phones are too small to use, for example, Total Call must provide customers an opportunity to try a different make or model. Total Call must make hearing-aid compatible handsets available to Lifeline-qualified customers, at no charge.
- i) Policies regarding repair, maintenance, replacement of handsets, batteries, and chargers and options to purchase handsets must be clear to consumers, and available to consumers who do not have web access. Total Call must provide detailed information in writing, at the time of enrollment, of repair and replacement policies for phones and accessories (batteries, chargers) and purchase options.
- j) Total Call must offer instruction manuals to consumers at the point of sale and make them available upon request. Total Call must continue to maintain cell phone instruction manuals for the free handsets it distributes.

- k) Total Call must provide its customers access to customer service without lengthy hold-times and without use of air-time minutes.
- l) To the extent that Total Call conducts, or employ agents to conduct, in-person distribution events, it must provide consumers with access to information, via telephone as well as website, on its Minnesota distribution events, locations, and times. At a minimum, Total Call must provide such information, when available, to social service agencies whose clients may qualify for Lifeline in order that consumers may make reasoned decisions about the Lifeline provider that best suits their needs.

IV. Open Access Connections

Open Access Communications is a provider of free voice mail services to homeless and low-income Minnesotans and stated that it strongly supports the federal Lifeline program. Open Access filed comments in support of Total Call's petition for ETC designation, stating that the Company's proposed Lifeline plans are comparable to other Lifeline programs found within the marketplace and that granting the petition is in the public interest.

V. Commission Action

The Commission has examined Total Call's petition and the filings of the parties and concurs that Total Call meets the requirements for ETC designation. The Commission appreciates the Department's careful and thorough analysis and concurs that granting ETC designation to Total Call is in the public interest. The Commission will therefore grant Total Call's petition for ETC designation, subject to conditions as recommended by the Department and as set forth in the ordering paragraphs below.

ORDER

1. The Commission hereby finds that Total Call has made a credible showing of its capability and intent to provide and advertise an affordable, quality Lifeline offering throughout its proposed service area.
2. The Commission finds that Total Call's designation for the limited purpose of qualifying for federal Universal Service Fund subsidies for serving customers enrolled in the federal Lifeline program is in the public interest.
3. Total Call's ETC designation is subject to the following conditions:
 - a. Total Call must offer, in Minnesota, the highest number of free minutes of usage offered in any jurisdiction by Total Call, and supplementary minutes offered at the lowest price offered in any other jurisdiction in which Total Call provides wireless Lifeline service, provided that the available support is the same.

- b. Within 30 days of the Commission's Order conditionally approving Total Call's petition, Total Call must submit a formal advertising and outreach plan listing the specific local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service and a proposed schedule or anticipated frequency of such advertising.
- c. Within 30 days of the Commission's Order conditionally approving Total Call's petition, Total Call must file its updated informational tariff. Total Call must also be required to ensure that the terms and conditions applicable to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff.
- d. Total Call must immediately notify the Commission and the Department, in writing, upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. Total Call must file a revised tariff or customer service agreement page to reflect such changes.
- e. Total Call must report any unfulfilled requests for service from Lifeline-qualified customers. If it determines that it cannot reasonably serve a consumer, it must report the unfulfilled request to the Department and the Commission within 10 days after making such a determination.
- f. Total Call must, prior to offering Lifeline service, demonstrate to the Commission that it is not in arrears for amounts owed to the 911 emergency telecommunications service account in the special revenue fund.
- g. Total Call must, prior to offering Lifeline service, demonstrate to the Commission that it has obtained certification of its handsets from the Department of Public Safety.
- h. Total Call must provide customers with access to usable phones. Frequent static or other interference on the line, lack of clarity, dropped calls, inability to place a call, or receive a call under normal circumstances are not acceptable. If the buttons on phones are too small to use, for example, Total Call must provide customers an opportunity to try a different make or model. Total Call must make hearing-aid compatible handsets available to Lifeline-qualified customers, at no charge.
- i. Policies regarding repair, maintenance, replacement of handsets, batteries, and chargers and options to purchase handsets must be clear to consumers, and available to consumers who do not have web access. Total Call must provide detailed information in writing, at the time of enrollment, of repair and replacement policies for phones and accessories (batteries, chargers) and purchase options.
- j. Total Call must offer instruction manuals to consumers at the point of sale and make them available upon request. Total Call must continue to maintain cell phone instruction manuals for the free handsets it distributes.

- k. Total Call must provide its customers access to customer service without lengthy hold-times and without use of air-time minutes.
 - l. To the extent that Total Call conducts, or employ agents to conduct, in-person distribution events, it must provide consumers with access to information, via telephone as well as website, on its Minnesota distribution events, locations, and times. At a minimum, Total Call must provide such information, when available, to social service agencies whose clients may qualify for Lifeline in order that consumers may make reasoned decisions about the Lifeline provider that best suits their needs.
4. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 1st day of
May, 2013.

In the Matter of the Application of Total Call)
Mobile, Inc. for Limited Designation as an Eligible)
Telecommunications Carrier)

File No. RA-2013-0348

**ORDER GRANTING APPLICATION FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: May 1, 2013

Effective Date: May 11, 2013

Syllabus: The Missouri Public Service Commission grants eligible telecommunications carrier ("ETC") status to Total Call Mobile, Inc., ("Total Call") solely for the purpose of receiving federal universal service fund support for low-income customers through the Lifeline program as a wireless carrier in Missouri.

Procedural History

On December 28, 2012, Total Call applied to the Commission for designation as an eligible telecommunications carrier ("ETC"), for the purpose of receiving wireless low-income customer support. Total Call's application is limited to a request to receive only low-income federal Universal Service Fund support. Total Call is not requesting federal high-cost USF support or Missouri state USF support.

Staff filed its Recommendation on April 16, 2013, requesting that the Commission grant Total Call the requested relief. No parties responded to Staff's pleading.

Discussion

The application is within the Commission's jurisdiction to decide.¹ Because no party objects to Total Call's application, no evidentiary hearing is required.² Thus, the Commission deems the hearing waived³, and bases its findings on the verified filings, and makes its conclusions as follows.

Total Call is a Delaware corporation authorized to do business in Missouri. The federal Universal Service Fund was established in the Telecommunications Act of 1996. The stated purpose of the fund is to ensure that telephone customers in rural and high cost areas, as well as low-income customers, have access to quality telecommunications services at reasonable and affordable rates.⁴

To meet that goal, the Universal Service Fund redistributes money paid into the fund by telecommunications customers to telecommunications service providers who serve rural and high cost parts of the country. Before a telecommunications service provider is eligible to receive funding from the Universal Service Fund, it must be designated as an Eligible Telecommunications Company, referred to by the acronym ETC. The Telecommunications Act established two factual criteria for determining whether an applicant may be designated as an ETC. First, the applicant must offer the services that are supported by the Universal Service Fund throughout the service area for which the

¹ 47 U.S.C. § 214(e)(2).

² *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo.App. 1989).

³ Section 536.060, RSMo 2000.

⁴ 47 U.S.C. 254(b).

designation is received.⁵ The applicant can offer those services either through its own facilities, or a combination of its own facilities and the resale of another carrier's services. Second, the applicant must advertise the availability of such services and the charges therefore using media of general distribution.⁶

The Commission finds the allegations in the Application and its supplements, and Staff's Memorandum and Recommendation to be true. The Commission may grant Total Call eligible telecommunications carrier designation if it offers the services set out in Section 254 of the Act and if it advertises the availability of those services using media of general distribution.⁷ The Commission finds that Total Call has met those requirements. Therefore, the Commission will designate Total Call as a wireless eligible telecommunications carrier.

THE COMMISSION ORDERS THAT:

1. Total Call Mobile, Inc., is designated as a wireless eligible telecommunications carrier solely for the purpose of receiving Lifeline support throughout Missouri, under the provisions of 47 U.S.C. §§ 214 and 254.

2. Total Call Mobile Inc., is not authorized to receive Missouri Universal Service Fund support.

⁵ 47 CFR 54.101(a) (which requires ETCs to offer (1) Voice grade access to the public switched network; (2) Local usage; (3) Dual tone multi-frequency signaling or its functional equivalent; (4) Single-party service or its functional equivalent; (5) Access to emergency services; (6) Access to operator services; (7) Access to interexchange service; (8) Access to directory assistance; (9) Toll limitation for qualifying low-income consumers; and (10) Access to telecommunications relay services by dialing 711.

⁶ 47 U.S.C. 214(e)(1).

⁷ 47 U.S.C. § 214(e)(1), (2).

3. Total Call Mobile, Inc., shall advertise the availability of Lifeline services using media of general distribution, in compliance with 47 U.S.C § 214(e)(1).

4. This order shall become effective on May 11, 2013.

5. This case shall be closed on May 12, 2013.

BY THE COMMISSION



Joshua Harden
Secretary

R. Kenney, Chm., Jarrett, Stoll,
and W. Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Total Call Mobile, Inc.
Designated Eligible Carrier
Application**

Case No. PU-12-820

ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

December 18, 2013

Preliminary Statement

On December 20, 2012 Total Call Mobile, Inc. (Total Call), a Delaware Corporation with its principal offices located at 1411 W. 190th Street, Suite 700, Gardena, California, 90248, filed an application for designation as an eligible telecommunications carrier (ETC) for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E. This designation is also known as Lifeline-only ETC designation. Total Call proposed to provide prepaid Lifeline universal services to qualifying low income customers as a commercial mobile radio service (CMRS) carrier throughout every telephone exchange in North Dakota.

On January 30, 2013, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until March 19, 2013 for comments and requests for hearing. No comments or requests for hearing were received. The Notice identified the issues to be considered in this matter are:

1. Is the applicant qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the applicant as an ETC in the public interest?

The Notice stated that the Commission can determine the matter without a formal hearing.

On July 15, 2013, the Commission requested additional information and submitted a certification to Total Call for its signature. On November 1, 2013 the Company provided its responses as well as a signed certification relating to order provisions.

On December 4, 2013, the Commission held an Informal Hearing to discuss the issues with Total Call.

ETC Designation

The Telecommunications Act of 1996 provides financial support for universal services to common carriers that have been designated as ETCs and that (1) offer the universal services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services and (2) advertise the universal services, advertise the availability of such services, and advertise the charges for such services, using media of general distribution.

In its *Report and Order and Further Notice of Proposed Rulemaking* released February 6, 2012 in Docket No. FCC 12-11 at paragraph 368, the Federal Communications Commission found that it would forbear from the "own-facilities" requirement contained in section 214(e)(1)(A) for carriers that seek to become, Lifeline-only ETCs, subject to the following conditions: (1) the carrier must comply with certain 911 requirements and (2) the carrier must file, and the FCC must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement Lifeline service obligations as well as further safeguards against waste, fraud and abuse the FCC may deem necessary.

Under 47 CFR 54.201, a carrier seeking Lifeline-only ETC designation must demonstrate that it is financially and technically capable of providing Lifeline service in compliance with 47 CFR Subpart E. Total Call is seeking Lifeline-only ETC designation. Total Call is not seeking high-cost support as part of its ETC Application.

Both federal law and state law give the Commission the authority to designate a common carrier as an ETC. In areas served by a rural telephone company, the Commission must find that ETC designation is in the public interest.

Total Call, based in Gardena, California, was organized and incorporated in the State of Delaware on August 11, 2005. Total Call is a common carrier and reseller of commercial mobile radio service, and will offer all of the services and functionalities detailed in Section 54.101(a) of the FCC Rules. Total Call focuses its telecommunications services primarily to qualified low-income subscribers and provides services to both Lifeline and non-Lifeline customers. Total Call is therefore not exclusively dependent on universal service funds for its revenue.

Total Call provides wireless services in 49 states. Total Call is currently authorized as a lifeline only wireless ETC in 17 states and has approximately 125,000 Lifeline only wireless customers. Total Call has the financial support of its parent company, KDDI of America, which is a subsidiary of KDDI of Japan, the second largest carrier in Japan. Total Call's parent company and its affiliates provide mobile services (voice and data) and fixed line services (broadband, domestic and international telecommunications and data center services in Japan and globally. Total Call has not been subject to any enforcement action at the FCC or in any state.

Total Call has resale agreements with Sprint, and will be using their network to provide wireless services in North Dakota.

Total Call will offer qualified consumers five Lifeline Plan choices:

1. 150 Minute Plan: Under this plan, eligible customers receive a free handset, 150 anytime minutes per month for either domestic calls or international calling to 250 locations for no additional per minute charge. As an option, customers may use text, inbound or outbound, which consumes 1 Plan minute. Additional usage is priced at 10 cents per minute and 5 cents per text. Except for the 250 included international locations, there is an additional per minute charge to make international calls.
2. 250 Minute Plan: Under this plan, eligible customers receive a free handset and 250 anytime minutes per month. As an option, customers may use text, inbound or outbound, which consumes 1 Plan minute. Additional usage is priced at 10 cents per minute and 5 cents per text.
3. Discounted Regular Plans: Eligible customers receive a free handset and may apply the Company's Lifeline discount of \$10.00 (i.e. which is greater than the \$9.25 currently provided by the FCC) to the Company's 1000 Talk & 1000 Text retail plan which costs \$29.99 prior to the application of the discount.
4. 30-day Unlimited Talk & Text retail plan: The cost of this plan is \$39.99 and is similar to Plan 3, i.e. the Company's discount for lifeline eligible customers is applied to reduce the monthly costs and the customers receive a free handset.
5. 30-day Unlimited Talk, Text & Data retail plan: The cost of this plan is \$49.99 and is similar to Plans 3 and 4 above, i.e. the Company's discount for lifeline eligible customers is applied to reduce the monthly costs. The customer still receives a free handset.

Total Call seeks only Lifeline support from the low-income mechanism of the federal Universal Service Fund and does not seek support from the high-cost support mechanism. This program is designed to reduce the monthly cost of telecommunication services for eligible consumers, is distributed on a per-customer basis, and is directly reflected in the price that the eligible customer pays. Because Total Call does not seek support from the high-cost support mechanism, designation of Total Call as a Lifeline-only ETC will not pose any adverse effect on the growth in the high-cost portions of the Universal Service Fund (USF), nor will it create or contribute to an erosion of high-cost funding from any rural or non-rural telephone company. Increasing the number of designated Lifeline-only ETCs in North Dakota will provide the opportunity for increased participation by qualified consumers in the Lifeline program.

NDAC § 69-09-05-12(6)(a) requires a full description of available services in the ETC's official telephone directory. Since Total Call is a CMRS provider, it does not have an official telephone directory in North Dakota and requests a waiver from this requirement pursuant to NDAC §§ 69-09-05-12(2)(c) and (d).

Total Call filed a Compliance Plan with the FCC on May 17, 2012. The FCC approved Total Call's Compliance Plan on May 25, 2012, and thereby granted Total Call

forbearance from the statutory requirement that Total Call provide service using its own facilities in order to be designated as a Lifeline-only ETC.

The Certification Relating to Order Provisions as signed by Hideki Kato, Chief Operating Officer of Total Call Mobile, Inc. and filed on November 1, 2013 is incorporated by reference and attached to this order.

Consumers qualifying for the Lifeline discounts offered by Total Call will receive the benefits of nationwide and international calling areas and the convenience and security of mobile telephone service. Total Call will bring increased customer choice and the benefits of competition.

Universal Service Support Area

The Commission must establish a geographic area (service area) for the purpose of determining universal service obligations and support mechanisms for the designated ETC. 47 U.S.C. § 214(e)(5).

The Act defines service area:

SERVICE AREA DEFINED-- The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In its *Memorandum Opinion and Order*, FCC 13-44, released April 15, 2013, the Federal Communications Commission has determined that carriers may be designated as a Lifeline-only ETC in partial rural service areas.

In this proceeding, Total Call is requesting ETC designation throughout the state of North Dakota.

Total Call has demonstrated that it is financially and technically capable of providing Lifeline service in compliance with 47 CFR Subpart E.

Based on the evidence in this proceeding, Total Call is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E.

It is in the public interest that Total Call be designated as a Lifeline-only ETC in all North Dakota telephone exchanges.

Total Call is registered with the Commission to provide commercial mobile radio and long distance services.

Total Call is registered with the Secretary of State of North Dakota and is in good standing.

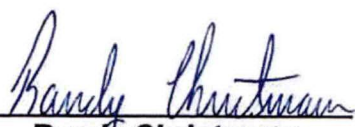
Having allowed all interested persons an opportunity to be heard and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

Order

The Commission orders:

1. Total Call Mobile, Inc. is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support for low-income consumers under 47 CFR Part 54 Subpart E. The designated service area in this proceeding consists of all study areas in North Dakota.
2. Total Call Mobile, Inc. shall comply with the applicable annual reporting requirements set forth in North Dakota Administrative Code §69-09-05-12.1.
3. Under North Dakota Administrative Code §69-09-05-12(2)(c) and (d), Total Call Mobile, Inc. is granted a waiver of the requirements of North Dakota Administrative Code § 69-09-05-12(6)(a) regarding the publication of a full description of its services in an official telephone directory.
4. Until further notice, Total Call Mobile, Inc. shall file at least annually, or more often if requested by the Public Service Commission, a complete list of Total Call's customers and waivers, including North Dakota Department of Human Services Department Form SFN 1059, Authorization for Release of Information 449-55-05, for each customer on the list.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Total Call Mobile, Inc.
Eligible Telecommunications Carrier
Application

Case No. PU-12-820

CERTIFICATION

I am Hideki KATO, a representative of Total Call Mobile, Inc. (TCM) with authority to bind TCM and I certify that:

1. TCM understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Wireless Lifeline Only Eligible Telecommunications Carriers (ETC), and that TCM will be responsible for compliance with this Certification, the Public Service Commission's order designating TCM as an ETC, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Eligible Telecommunications Carriers offering Lifeline Only services.
2. TCM agrees to comply with all statements, processes and procedures set forth in its Application for designation as an ETC in the non-rural and rural wire centers in North Dakota identified in its Application. TCM agrees that all statements made and matters set forth in its Application are true and correct to the best of TCM's knowledge, information, and belief.
3. TCM will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
4. TCM meets all of the prerequisites to be designated as an ETC throughout its proposed ETC Designated Area in the state of North Dakota.
5. TCM provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47 C.F.R. § 54.101, and will offer these supported services in North Dakota upon designation as an ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
6. TCM will provide the supported services on a timely basis to requesting customers within TCM's designated service area where TCM's underlying carriers' network exists.

7. TCM will provide service within a reasonable period of time, if the potential customer is within TCM's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (a) Modifying or replacing the requesting customer's equipment;
 - (d) Adjusting network or customer facilities; or
 - (e) Reselling services from another carrier's facilities to provide service.
8. TCM is not seeking Universal Service Fund high-cost support as part of its Application.
9. TCM will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal default eligibility criteria in 47 C.F.R. § 54.409(2) and the relevant proof documentation specified in 47 C. F. R. § 54.410. TCM will check all available databases including the FCC's National Accountability Database and the National Lifeline Eligibility Database when fully functional to prevent duplication and determine eligibility.
10. TCM has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
11. TCM will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.
12. TCM will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.
13. TCM will offer the services described in its Application.
14. TCM understands and agrees that if TCM has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the effective date of TCM's designation as a Lifeline-only ETC, the Public Service Commission may revoke TCM's ETC designation and TCM may reapply to be designated as a Lifeline-only ETC in North Dakota.

15. TCM understands and agrees that it may be required by the FCC to provide equal access to long distance carriers in the event that no other ETC provides equal access within TCM's designated ETC service area.
16. TCM will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each report filed with the FCC, within 30 days of filing with the FCC.
17. TCM will file at least annually or more often if requested by the Public Service Commission, a complete list of its customers and waivers, including North Dakota Department of Human Services' Form SFN 1059, Authorization for Release of Information 449-55-05, for each customer on the list.
18. TCM understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
19. TCM agrees to maintain the records to demonstrate that TCM has complied with the requirements of the Public Service Commission's order(s) and that TCM will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
20. TCM understands and agrees that, to the extent there are any conflicts or inconsistencies between TCM's Application and the provisions in this Certification, the Certification provisions control.

Dated this 31st day of October, 2013.

TCM-WIRELESS, LLC TOTAL CALL MOBILE, INC.

By Hideki KATO
[Signature]

Its JK

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. NUSF-85/
Application of Total Call	)	C-4550
Mobile, Inc., Gardena,)	
California, seeking)	
designation as an Eligible	)	GRANTED
Telecommunications Carrier,)	
for the limited purpose of)	
participating in the)	
Lifeline program.	)	Entered: November 13, 2013

APPEARANCES:

For the Applicant:

Russell A. Westerhold
500 Energy Plaza
409 South 17th Street
Omaha, NE 68102

For the Commission:

Nichole A. Mulcahy
1200 N Street
Suite 300
Lincoln, NE 68508

Background

By Application filed with the Nebraska Public Service Commission ("Commission") on December 20, 2012, Total Call Mobile, Inc., ("Total Call" or "Company"), seeks designation as an Eligible Telecommunications Carrier ("ETC") for the limited purpose of receiving federal and state universal service support for participating in the low income programs of the Federal Universal Service Fund ("USF"), the Lifeline program, and the Nebraska Universal Service Fund ("NUSF"), called the Nebraska Telephone Assistance Program ("NTAP"), on a wireless basis. Total Call seeks designation pursuant to Section 214(e) of the Telecommunications Act of 1996, as amended (the "Act"), and provisions of Nebraska Administrative Code, Title 291, Chapter 5 and Chapter 10, ("Commission Rules"). Total Call does not seek USF or NUSF high-cost support. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on December 27, 2012. No protests or interventions were filed.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NUSF-85/C-4550

Page 2

A Hearing on the Application was held on August 6, 2013, in the Commission Hearing Room, Lincoln, Nebraska, with appearances as shown above. The Company agreed to file certain late-filed exhibits with the Commission in response to Commission questions at the hearing. The late-filed exhibits were received on September 16, 2013.

E V I D E N C E

Hideki Kato, Chief Operating Officer for Total Call, testified at the hearing on behalf of the Company. Total Call's Application states that the Company provides prepaid and postpaid wireless services that are unique, easy to use, competitive and affordable for low-income users. The Company's application states it meets all the statutory and regulatory requirements for designation as an ETC and a Nebraska ETC in the State of Nebraska. The Company's application further states Total Call's service is especially attractive to low-income consumers because it provides affordable, easy to use service with access to emergency services and a reliable means of communications. Total Call does not conduct credit checks or require customers to enter into long-term contracts as a prerequisite to obtaining service.¹

Total Call's application states that Total Call is a Delaware corporation with its principal offices located in Gardena, California. Total Call has been designated a wireless ETC in Colorado, Kansas, Maine, Maryland, Michigan, Missouri, Nevada, Ohio, Texas, Utah, West Virginia, and Wisconsin.²

Total Call is a common carrier and reseller of commercial mobile radio services ("CMRS") that it provides on a prepaid and postpaid basis to consumers. Total Call resells service it obtains from its underlying wireless provider, Sprint PCS ("Sprint").³

Total Call is registered with the Nebraska Secretary of State's office and has been duly authorized to conduct business in Nebraska. Total Call has not been the subject of enforcement sanctions or ETC revocation proceedings in any state.⁴

¹ See Total Call Application, Hearing Ex. 1, at P. 3.

² See Total Call Data Request Responses, Hearing Ex. 4, at P. 1.

³ See Total Call Application, Hearing Ex. 1, at P. 3.

⁴ See Total Call Data Request Responses, Hearing Ex. 4, at P. 2.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NUSF-85/C-4550

Page 3

The Company states in its application it is seeking statewide ETC designation in non-rural and rural service areas, but would only be serving in the territories served by Sprint in Nebraska for the limited purpose of participating in the Lifeline and NTAP programs. A list of the Sprint exchanges in which Total Call is requesting limited ETC and NETC designation are identified in Exhibit 7 attached to the Company's Application.⁵ Upon questioning at the hearing, Mr. Kato agreed that Total Call was seeking designation only in the wire centers served by Sprint and therefore would not be in a position to serve the entire state.⁶ Total Call filed a late-filed exhibit reaffirming it is only seeking ETC designation in the Sprint wire centers, and not statewide authority as originally stated in its application.⁷

The Company states its service offering will provide Lifeline customers with a choice of Lifeline Service Plans. Lifeline customers can choose a plan with 250 anytime minutes or texts per month at no charge or a number of what the Company calls 30-day plans which include a 1000 talk and text plan and three different unlimited talk, text, and/or data plans at a discounted rate. All plans include a free basic handset, voicemail, caller-ID, call waiting, customer service calls, 911 service, and balance inquiries. Each customer will also have the option of purchasing additional minutes or paying to upgrade from the basic handset.⁸

Mr. Kato detailed that Total Call operates on the internet and conducts mobile operations the company calls "street events" to promote Lifeline.⁹ Mr. Kato further testified that the company will send the free handsets to applicants in the mail only after the applicant has been determined eligible for NTAP by the Commission.¹⁰

Total Call stated that it satisfies both state and federal requirements to be designated as an ETC and NETC in Nebraska. Total Call has received forbearance from the Federal Communications Commission ("FCC") from the requirement to use its own facilities at least in part contained in Section 214(e)(1)(A). The Company filed a Compliance Plan with the FCC

⁵ See Total Call Application, Hearing Ex. 1, at P. 15.

⁶ Application No. C-4550/NUSF-85, Hearing Transcript, 18:16 - 22:18. (Hereinafter "TR page number:line number").

⁷ Total Call Late Filed Exhibits, Hearing Ex. 10.

⁸ Total Call Late Filed Exhibits, Hearing Ex. 12.

⁹ TR 12:19 - 13:11.

¹⁰ ID.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NUSF-85/C-4550

Page 4

that received approval on May 25, 2012.¹¹ A copy of the approved Compliance Plan was included with the Company's Application as Exhibit 5.

Total Call also states it demonstrated that it is a common carrier as defined by the FCC and provides all the required services and functionalities to participate in the Lifeline and NTAP program. Further, the Company committed to advertising the availability of supported services using media of general distribution. Finally, Total Call committed to comply with all the Nebraska-specific requirements for ETCs and NETCs, including only using the approved NTAP enrollment form, not distributing handsets until eligibility was determined by the Commission and all NTAP reporting requirements.

O P I N I O N A N D F I N D I N G S

Section 214(e) of the Act sets forth the standards and processes for a state commission to grant carriers the designation of a federal eligible telecommunications carrier. Nebraska Administrative Code, Title 291, Chapter 5, §§ 009.01-009.02C and Chapter 10, § 004 of the Commission Rules contain the requirements for Commission designation of ETCs and NETCs. The Commission's rules largely reflect the FCC requirements. As Total Call is only seeking ETC designation for purposes of participating in Lifeline and NTAP, the Commission will not consider the issues and requirements regarding high cost support.

The three general requirements listed in Section 214(e) are: 1) the carrier must be a common carrier; 2) the carrier must offer the services supported by the federal fund; and 3) the carrier must advertise the availability of those services. The carrier must also demonstrate the ability to fulfill the requirements throughout the service area for which the carrier is seeking ETC designation.

Common Carrier

The Act defines a common carrier as a person engaged as a common carrier on a for-hire basis in interstate communications

¹¹ *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking, Docket Nos. 96-45, 03-109, 11-42, and 12-23, FCC 12-11 (rel. February 6, 2012) ("Lifeline Reform Order").*

customers, at no additional charge, are emergency service-compatible. Total Call states it will provide its customers access to 911 or E911 services, and will comply with Commission requirements regarding E911-compatible handsets and the FCC's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.¹⁶

Toll Limitation for Qualified Low-Income Customers

Regarding toll limitations, the FCC has found that toll limitation would no longer be deemed a supported service.¹⁷ The FCC further found that ETCs that provide Lifeline customers with a set amount of minutes and do not distinguish between toll and non-toll calls are not required to provide toll limitation service.¹⁸ Total Call provides prepaid wireless services, which by its very nature, provides effective toll limitation, providing a set amount of minutes and not distinguishing between toll and non-toll minutes.¹⁹

Other Services

In addition to the required supported services, Total Call will also provide all the services and functionalities supported by the universal service program such as dual tone multi-frequency signaling, or its functional equivalent, single-party service or its functional equivalent, access to operator services, access to interexchange services, and access to directory assistance.²⁰

Upon review of the application and testimony presented, the Commission finds that Total Call has the ability and has committed to provide the supported services listed above.

Facilities Requirement

Section 009.02A2 of the Commission Rules requires an ETC to demonstrate that it will offer the supported services above using either its own facilities or a combination of its own facilities and resale of another carrier's services.

However, the FCC, in its *Lifeline Reform Order* has granted blanket forbearance to all carriers seeking only Lifeline support. Carriers wishing to avail themselves of the forbearance

¹⁶ See Total Call Application, Hearing Ex. 1, at P. 12.

¹⁷ See *Lifeline Reform Order* at ¶ 367.

¹⁸ *Id.* at ¶ 49.

¹⁹ See Total Call Application, Hearing Ex. 1, at PP. 12-13.

²⁰ *Id.* at P. 11.

utilizing either a wire or radio technology.¹² The FCC's rules also specifically provide that CMRS providers, like the Applicant, are treated as common carriers.¹³ Upon review of the application and testimony presented, the Commission finds that Total Call is a common carrier for purposes of ETC designation.

Supported Services

Chapter 47 C.F.R. Sections 54.101(a) and 54.202(a) of the FCC's Rules and Section 009.02A2 of the Commission Rules require an ETC to demonstrate that it will offer the services that are supported by federal universal service. The FCC's supported services were revised in its *Lifeline Reform Order* and are as follows:

- a. voice-grade access to the public switched network or its functional equivalent;
- b. minutes of use for local service without additional charge to the end user;
- c. access to emergency services; and
- d. toll limitation for qualifying low-income consumers.¹⁴

Voice Grade Access to the Public Switched Network

Total Call provides voice grade access to the public switched network through the purchase of wholesale CMRS services from Sprint, its underlying carriers as required under 47 C.F.R. § 54.101(a).

Local Usage

Total Call's proposed low income wireless offering under its Lifeline Plan offers a choice of rate plans that provide customers with minutes of local use at no additional charge. Under Total Call's plan, eligible subscribers will receive 250 anytime prepaid minutes per month at no charge and with no additional activation fees or other charges.¹⁵

Access to Emergency Services

The Company states that it complies with all FCC regulations governing the deployment and availability of E911 compatible handsets. The handsets provided to eligible

¹² See 47 C.F.R. § 153(10).

¹³ See 47 C.F.R. § 54.20.9(a).

¹⁴ See *Lifeline Reform Order* at pp. 207-208.

¹⁵ Total Call Late Filed Exhibits, Hearing Ex. 12.

must file a compliance plan with and receive FCC approval of such plan.²¹ Total Call states in its application that it has filed its Compliance Plan and received FCC approval on May 25, 2012.²²

We find that Total Call, with the approval of its Compliance Plan by the FCC, has met the requirements of Rule Section 009.02A2.

Advertising Supported Services

Section 009.02A3 of the Commission Rules requires an ETC to advertise the availability of supported services and related charges using media of general distribution. ETCs must also publicize the availability of Lifeline or NTAP services in a manner reasonable calculated to reach those that qualify for the service.

Based on the application, we find Total Call has provided sufficient commitments to advertise the availability of such services and charges using media of general distribution and in a manner that is designed to reach those likely to qualify for such services. Total Call's application states that the Company will specifically target its advertising so as to reach its intended market base of low-income consumers. The Company states it will utilize a wide variety of media outlets including direct mail and internet.²³

Designated Service Area

Initially Total Call's application requested statewide authority; however, the Sprint wire centers identified as the service area in which the Company intends to serve are not statewide. Therefore, we find Total Call is only seeking ETC designation in the areas identified in its application. Total Call's designation as an ETC shall be for the areas identified in Exhibit 7 to its application, served by Sprint. If the company at a later date is able to serve in other areas of the state, it shall apply for an expansion of its designated ETC area with the Commission.

Provisioning of Continuous Service

Rule 009.02A4 of the Commission Rules requires that an ETC not only demonstrate the ability and commitment to providing the

²¹ See Lifeline Reform Order at ¶¶ 368, 373, and 379.

²² See Total Call Application, Hearing Ex. 1, at P. 11.

²³ Id. at P. 13.

supported services listed above, but must also demonstrate the ability to continuously provide such services in its designated Service Area. We find upon our review of the application and testimony that Total Call has demonstrated and committed to providing the supported services listed above continuously throughout its Service Area.

Provision of Service to Requesting Customers

Section 009.02A5 of the Commission's Rules require an ETC to demonstrate its commitment to provide service throughout the designated area to all customers who make reasonable request for service.

As demonstrated by Total Call in the Company's Application, the Company is currently able to provide the Supported Services throughout its requested service areas by reselling the service which it obtains from its underlying facilities-based provider Sprint.²⁴ We find that Total Call has demonstrated an ability and commitment to satisfy its obligation to provide service upon reasonable request throughout the Company's requested service areas.

Ability to Remain Functional in Emergency Situations

Section 009.02A7 of the Commission's Rules requires an ETC applicant to demonstrate an ability to remain functional during emergency situations. This provision of the Rules only applies to companies seeking high-cost support, however, Total Call in its application demonstrated that it will provide its customers with the same level of emergency functionality as the ILECs provide to their own customers. Total Call, through its underlying carrier, will provide access to a reasonable amount of back-up power to ensure functionality without an external power source, reroute traffic around damaged facilities, and has the capability of managing traffic spikes resulting from emergency situations.²⁵

Public Interest

Rule 009.02A1 of Chapter 5 of the Commission Rules requires any company seeking ETC designation to demonstrate that such designation is consistent with the public interest, convenience, and necessity. The public interest consideration may include the benefits of increased consumer choice and the unique

²⁴ *Id.* at P. 16.

²⁵ *Id.* at P. 17.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NUSF-85/C-4550

Page 9

advantages and disadvantages of the Applicant's service offerings.²⁶

In its application, Total Call states the public interest benefits of the Company's wireless service include lower priced and higher quality service by increasing the competition in the wireless market. The Company also states the public interest benefits of the Company's wireless service include a larger local calling area, the convenience and security afforded by a mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, with the ability to purchase additional usage as needed, and 911 and E911 service.²⁷

The Company also states designating Total Call as an ETC will increase the provision of advanced communications services to low-income residents of Nebraska. Total Call committed to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service and further committed to satisfying all applicable state and federal guidelines related to consumer protection and service quality standards. Additionally, Total Call committed to comply with the applicable rules and regulations of the Commission. Based on the evidence before us, we conclude that Total Call's service offerings will provide a public interest benefit and its business plan provides a unique advantage to low-income consumers. We find Total Call has demonstrated that its designation as an ETC would be consistent with the public interest, convenience, and necessity.

Nebraska ETC Designation

Rule 004.04A and 004.04B of Chapter 10 of the Commission Rules requires carriers designated as ETC for purposes of receiving USF support to participate in NTAP and comply with Section 006 of Chapter 10 of the Commission Rules or the "NTAP Rules". Total Call in its application committed to complying with the Commission's orders, rules and regulations regarding NTAP including the requirement to use only the Commission's approved NTAP Application Form, requirements regarding additions and removals of NTAP subscribers from the NTAP program and the semiannual reporting of NTAP customer lists. Mr. Kato also expressed an understanding on behalf of the Company that all eligibility determinations of NTAP applicants are made exclusively by the Commission. Total Call further committed to

²⁶ See 47 C.F.R. § 54.202(c).

²⁷ See Total Call Application, Hearing Ex. 1, at PP. 21-23.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NUSF-85/C-4550

Page 10

complying with those requirements recently adopted by the FCC in its *Lifeline Reform Order* to annually verify the eligibility of NTAP subscribers²⁸ in cooperation with NTAP Department of the Commission.

We do have concern with the ability of Total Call to comply with the Commission filing requirements in NTAP. During the application process, the Company demonstrated an issue with timely responding to requests for information and/or documents. While we do not think these issues constitute grounds to not grant the Company ETC status, we are concerned about its timely compliance with Commission rules and regulation and its responsiveness to Commission inquiries.

We therefore put Total Call on notice that the Commission will closely scrutinize its compliance with our rules and regulations and will take any and all administrative action it deems appropriate, including revocation of Total Call's ETC designation, if it becomes evident the Company is not in full compliance. Failure by the Company to comply with its commitments made to the Commission during this proceeding will not be tolerated.

Conclusion

In summary, upon review of the application and evidence presented at the hearing, we find the Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e), the supplemental requirements set out in the *Lifeline Reform Order*, and applicable state and federal law for the designation of eligible telecommunications carriers in the proposed geographic area for the limited purpose of participation in the Lifeline and Nebraska Telephone Assistance Program and the application should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4550/NUSF-85, should be and it is hereby granted and Total Call Mobile, Inc., is designated as an eligible telecommunications carrier in the State of Nebraska for the limited purpose of receiving federal universal service support to participate in the Lifeline program as requested in the application consistent with the findings and conclusions made herein.

²⁸ Lifeline Reform Order at PP. 240-242.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NUSF-85/C-4550

Page 11

IT IS FURTHER ORDERED that Total Call Mobile, Inc., is hereby declared to be a Nebraska Eligible Telecommunications Carrier for the limited purpose of receiving state universal service support to participate in the Nebraska Telephone Assistance Program.

IT IS FURTHER ORDERED that Total Call Mobile, Inc., shall file information with the Commission evidencing it is advertising through media of general distribution on or before July 1st each year hereafter.

IT IS FINALLY ORDERED that Total Call Mobile, Inc. shall file a copy of this Order with the Universal Service Administrative Company ("USAC") and the FCC to commence its receipt of federal universal service support effective as of the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of November, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram
Gerald L. Up

//s//Rod Johnson

Acting-Chair

Rod Johnson

ATTEST:

Jane Meredith

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Total Call Mobile, Inc. to be designated)
as an Eligible Telecommunications Carrier in the state of)
Nevada pursuant to NAC 704.680461 and Section 254 of)
the Telecommunications Act of 1996.)
_____)

Docket No. 12-03026

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on August 7, 2012.

PRESENT: Chairman Alaina Burtenshaw
Commissioner Rebecca D. Wagner
Commissioner David Noble
Assistant Commission Secretary Breanne Potter

ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following
findings of fact and conclusions of law:

I. INTRODUCTION

Total Call Mobile, Inc. ("Total Call") filed the Application requesting to be designated as an Eligible Telecommunications Carrier ("ETC") in the State of Nevada pursuant to Nevada Administrative Code ("NAC") 704.680461 and Section 254 of the Telecommunications Act of 1996.

II. SUMMARY

The Commission approves the Stipulation, attached hereto as Attachment 1, and grants the Application as modified by the Stipulation.

III. PROCEDURAL HISTORY

- On March 22, 2012, Total Call Mobile, Inc. ("Total Call") filed the Application. This matter has been designated by the Commission as Docket No. 12-03026.
- The filing was made pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") Chapters 703 and 704, including but not limited to NAC 704.680461 et seq. and Section 254 of the Telecommunications Act of 1996.
- The Regulatory Operations Staff ("Staff") of the Commission participates as a matter of right pursuant to NRS 703.301.

DOCUMENT REVIEW AND APPROVAL ROUTING	
DRAFTED BY: <u>DAJ</u>	
FINAL DRAFT ON <u>8/7/12</u> AT <u>10:00</u> <u>A</u> M	
REVIEWED & APPROVED BY:	DATE
<input type="checkbox"/> ADMIN/ASST. (_____)	<u>1/1</u>
<input checked="" type="checkbox"/> COMM/COUNSEL <u>GW</u>	<u>8/7/12</u>
<input type="checkbox"/> SECRETARY/ASST. SEC. _____	<u>1/1</u>
<input type="checkbox"/> OTHER (_____)	<u>1/1</u>

- On March 29, 2012, the Commission issued a Notice of Application to be Designated as an Eligible Telecommunications Carrier and Notice of Prehearing Conference.
- On April 19, 2012, a prehearing conference was held and appearances were made by Staff and Total Call (the "Parties"). At the prehearing conference the Parties requested a deviation from the 90-day timeframe in NAC 704.680461(2) in light of Total Call's pending compliance plan at the Federal Communications Commission ("FCC").
- On April 23, 2012, the Presiding Officer issued Procedural Order No. 1, granting the Parties' request to deviate from the 90-day timeframe in NAC 704.680461(2) to allow for additional information to be obtained for review and analysis of Total Call's ETC application once the FCC acts on the compliance plan.
- On June 22, 2012, the Presiding Officer issued Procedural Order No. 2, setting the procedural schedule.
- On July 16, 2012, the Parties filed the Stipulation.
- On July 17, 2012, a continued prehearing conference was held. Appearances were made by the Parties. At the conclusion of the prehearing conference, the Presiding Officer granted an oral motion to accept Exhibits 1-2 into the record pursuant to NAC 703.730.

IV. STIPULATION

Parties' Position

1. In the Stipulation, the Parties request approval of the Application as modified by the Stipulation.
2. The Parties agree that they have reviewed and negotiated potential alternatives for resolving this matter in a mutually agreeable manner.
3. The Parties agree that the ETC Application filed by Total Call should be approved, designating Total Call as a competitive ETC for the service areas specified in Exhibit 6 of the Stipulation for purposes of qualifying for federal Universal Service Fund support to provide Lifeline service.
4. The Parties agree that the request for deviation from NAC 704.680461(1)(a) should be granted in this case because it is for just cause, is in the public interest, and is not

contrary to statute.

5. The Parties agree that it is in the public interest to grant ETC status to Total Call in Nevada for purposes of receipt of federal Lifeline funding only.

Commission Discussion and Findings

6. The Commission finds that the Stipulation is a consensus resolution of the issues pursuant to the Parties' negotiations, and is a reasonable recommendation and resolution of the issues in this proceeding. Therefore, the Commission finds that it is in the public interest to approve the Stipulation and grant the Application as modified by the Stipulation.

7. Pursuant to NAC 704.0097, the Commission may allow deviation from any provision of NAC Chapter 704 if good cause appears, it is in the public interest, and is not contrary to statute. NAC 704.680461(1)(a) states that "[a] provider of telecommunication service who seeks designation as an eligible telecommunications carrier must file with the Commission an application in which the provider affirms that it: [h]olds a certificate of public convenience and necessity issued by the Commission that authorizes the provider or telecommunication service to provide basic service or is a county line or system." The Commission finds that Total Call is a commercial mobile radio service ("CMRS") provider with registration number CMRS 97 issued by the Commission in Docket No. 09-09021 on September 28, 2009. As a result, Total Call is not required to obtain a certificate of public convenience and necessity in Nevada. Based on the foregoing, the Parties' request to deviate from NAC 704.680461(1)(a) is granted.

8. All arguments of the Parties raised in these proceedings not expressly discussed herein have been considered and either rejected or found to be non-essential for further support of this Order.

THEREFORE, it is ORDERED that:

1. The Stipulation filed by Total Call Mobile, Inc. and the Regulatory Operations Staff, attached hereto as Attachment 1, is APPROVED.
2. The Commission's approval of the Stipulation does not constitute precedent regarding any legal or factual issue.
3. Total Call Mobile, Inc.'s Application in Docket No. 12-03026 is GRANTED, as modified by the Stipulation.

Compliances:

4. Total Call Mobile, Inc. shall submit an advertising plan for the eligible voice telephony service it provided in the Proposed Designated Area to Staff within 60 days of the issuance of this Order.
5. Total Call Mobile, Inc. shall file an advisory tariff providing information regarding all rates, terms and conditions, and proposed local calling areas with the Commission within 60 days of the issuance of this Order.
6. Total Call Mobile, Inc. shall provide the Consumer Complaint Resolution Division of the Commission with a regulatory contact to whom to address any complaints within 30 days of the issuance of this Order.

Directives:

7. Total Call Mobile, Inc. shall not seek Lifeline support from the Nevada Fund to maintain the Availability of Telephone Service.
8. Total Call Mobile, Inc. shall implement the following non-usage policy: after 60-days of non-use, Total Call Mobile Inc. will attempt to contact the customer to see if he or she still wants Lifeline service. If there is no customer response, the customer will be de-enrolled

from Lifeline 30 days thereafter.

9. Total Call Mobile, Inc. shall submit any Eligible Telecommunications Carrier - related consumer complaints to the Consumer Complaint Resolution Division of the Commission.

10. Total Call Mobile, Inc. shall allow the Regulatory Operations Staff of the Commission to verify via discovery or other reasonable means of auditing that federal Universal Service Fund support is used for the provisioning of eligible voice telephony service.

11. Total Call Mobile, Inc. shall advise the Regulatory Operations Staff of the Commission annually as to whether or not the rate, terms, conditions or local calling area set forth in the advisory tariff on file with the Commission has changed and to update the advisory tariff if such changes have been made.

12. Total Call Mobile, Inc. shall fulfill the annual reporting obligations pursuant to NRS 704.68871(2) that apply to competitive suppliers.

13. In the above referenced annual report, Total Call Mobile, Inc. shall report the number of Lifeline customers, by quarter, served during the calendar year; and will include information pertaining to its Eligible Telecommunications Carrier outreach efforts as required by NAC 704.680465.

14. Total Call Mobile, Inc. shall comply with the Federal Communications Commission's Lifeline Reform order. Total Call Mobile, Inc. shall also comply with all direction provided by the Commission in Docket No. 12-03019, the Commission's Investigation and rulemaking regarding recent Federal Communications Commission decisions that could affect all Nevada telecommunication carriers, including the Declaratory Order.


15. Failure to comply with the compliances and/or directives in this Order may

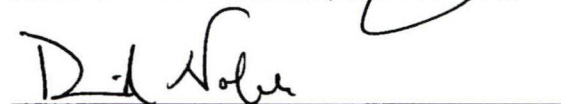
subject Total Call Mobile, Inc. to administrative fines pursuant to Nevada Revised Statute 703.380 and/or revocation of the underlying relief granted as appropriate.


16. The Commission may correct errors that have occurred in the drafting or issuance of this Order.

By the Commission,


ALAINA BURTENSHAW, Chairman


REBECCA D. WAGNER, Commissioner

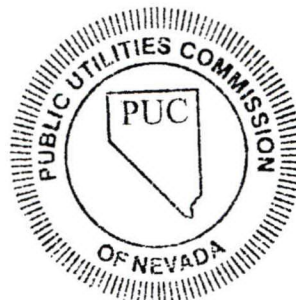

DAVID NOBLE, Commissioner and
Presiding Officer

Attest: 
BREANNE POTTER,
Assistant Commission Secretary

Dated: Carson City, Nevada

8-10-12

(SEAL)



ATTACHMENT 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of Total Call Mobile, Inc.)
to be designated as an Eligible Telecommunications)
Carrier in the state of Nevada pursuant to) Dkt. No. 12-03026
NAC 704.680461 and Section 254 of the)
Telecommunications Act of 1996.)

STIPULATION

Pursuant to provisions of the Nevada Administrative Code ("NAC") 703.570 and NAC 703.845 of the Rules of Practice and Procedure before the Public Utilities Commission of Nevada ("Commission"), this Stipulation is made and entered into between the Applicant, Total Call Mobile, Inc. ("Total Call") and the Regulatory Operations Staff of the Commission ("Staff"). Collectively Staff and Total Call are referred to as the Parties.

WHEREAS, pursuant to Chapters 703 and 704 of the Nevada Revised Statutes ("NRS") and the NAC, including but not limited to, NAC 704.680461, and Sections 254(c) and 214(e) of the Communications Act of 1934, as amended, Total Call filed an application with the Commission on March 22, 2012, requesting state certification as a competitive Eligible Telecommunications Carrier ("ETC") for purposes to receive available support from the federal Universal Support Fund¹ to provide Lifeline service to qualifying customers ("ETC Application"), including customers in areas of the certificated service territories of Central Telephone Company d/b/a CenturyLink, and Nevada Bell Telephone Company d/b/a AT&T Nevada and AT&T Wholesale, and which are more specifically described in Exhibit 6 attached hereto ("Proposed Designated Area"). The ETC Application was designated Docket No. 12-03026;

¹ Total Call is not seeking Lifeline support from the Nevada Universal Service Fund.

1 WHEREAS, on March 29, 2012, the Commission issued a public notice of this matter in
2 accordance with state law and the Commission's Rules of Practice and Procedure;

3 WHEREAS, Staff participates as a matter of right;

4 WHEREAS, the Commission issued a Notice of Application to be Designated as an
5 Eligible Telecommunications Carrier and Notice of Prehearing Conference on March 29, 2012,
6 which requested comments or petitions for leave to intervene be filed by April 18, 2012, and
7 scheduled a Prehearing Conference for April 19, 2012;

8 WHEREAS, on April 19, 2012, the Commission held a Prehearing Conference in this
9 matter, and at the request of Staff and Total Call, scheduled a continued Prehearing Conference
10 for July 17, 2012;

11 WHEREAS, NAC 704.7862 requires CMRS providers in Nevada to register with the
12 Commission;

13 WHEREAS, Total Call is registered as a CMRS provider with the Commission and holds
14 registration CMRS 97, issued in Docket No. 09-09021;

15 WHEREAS, CMRS providers are not required to obtain a Certificate of Public
16 Convenience and Necessity ("CPCN") from the Commission pursuant to NAC 704.68026;

17 WHEREAS, NAC 704.680461(1)(a) requires that an ETC affirm that it holds a CPCN
18 from the Commission;

19 WHEREAS, pursuant to NAC 704.0097, Total Call requested a deviation from NAC
20 704.680461(1)(a) so that Total Call could be designated as an ETC apart from the requirement it
21 hold a CPCN;

22 WHEREAS, pursuant to 47 U.S.C. § 214(e)(1), any "common carrier" is eligible for ETC
23 status;

24 WHEREAS, a CMRS provider is considered a common carrier under 47 U.S.C.
25 § 332(c)(1)(A), unless otherwise determined by the FCC;

26 WHEREAS, Total Call represents that it is a common carrier as required by Section
214(e)(1) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214(e)(1);

1 WHEREAS, Total Call offers telecommunications to the public or to such classes of users
2 to be effectively available directly to the public;

3 WHEREAS, Total Call holds all necessary FCC licenses and is duly recognized to provide
4 CMRS service in the areas in which it requests designation as an ETC;

5 WHEREAS, based upon the foregoing, the Parties agree the request for deviation from
6 NAC 704.680461(1)(a) is for just cause, is in the public interest, is not contrary to statute and
7 should be granted;

8 WHEREAS, Section 214(e)(1) of the Act, 47 C.F.R. § 54.201(d)(1) and NAC
9 704.680461(1)(b) provide that carriers designated as ETCs shall, throughout their service area,
10 offer the services that are supported by federal universal service support mechanisms under 47
11 C.F.R. § 54.101(a) and section 254(c) of the Act, either using its own facilities or a combination
12 of its own facilities and resale of another carrier's services (including the services offered by
13 another eligible telecommunications carrier);

14 WHEREAS, 47 C.F.R. § 54.101(a) stated that "eligible voice telephony" services will be
15 supported by the federal Universal Service Fund ("USF") mechanisms;

16 WHEREAS, pursuant to 47 C.F.R. § 54.101(a), eligible voice telephony must provide
17 voice grade access to the public switched network or its functional equivalent; minutes of use for
18 local service provided at no additional charge to end users; access to the emergency services
19 provided by local government or other public safety organizations, such as 911 and enhanced 911,
20 to the extent the local government in an eligible carrier's service area has implemented 911, or
21 enhanced 911 systems; and toll limitation services to qualifying low-income consumers;

22 WHEREAS, on February 6, 2012, the FCC issued a Lifeline and Link Up Reform and
23 Modernization Report and Order and Further Notice of Proposed Rulemaking (FCC 12-11)
24 ("Lifeline Reform Order"), which amended the FCC's rules applicable to the Lifeline program,
25 including services that are supported by the USF pursuant to 47 C.F.R. § 54.101;²

26

2 The services that are supported by federal USF are defined as eligible voice telephony pursuant to 47 C.F.R. § 54.101(a). As such, Staff utilizes the term "eligible voice telephony service" to generally refer to the services that are now supported pursuant to the FCC's revised regulations.

1 WHEREAS, in the ETC Application, Total Call states that it does not own facilities and
2 relies on the facilities of its underlying carrier;

3 WHEREAS, as a non-facilities based carrier, Total Call filed a Compliance Plan with the
4 FCC on March 16, 2012, seeking forbearance from the facilities requirement in accordance with
5 the requirements in the Lifeline Reform Order, FCC 12-11, at paragraph 379;

6 WHEREAS, Total Call filed a revised Compliance Plan on May 17, 2012 with the FCC;

7 WHEREAS, on May 25, 2012 the FCC released notice that the revised Compliance Plan
8 for Total Call had been approved;

9 WHEREAS, Total Call filed its approved Compliance Plan with the Commission on June
10 20, 2012;

11 WHEREAS, Total Call will provide voice-grade access to the public switched network or
12 a functional equivalent through interconnection agreements by its underlying carrier with Nevada
13 incumbent local exchange carriers;

14 WHEREAS, Total Call will offer minutes of use for local service provided at no
15 additional charge to end users consistent with 47 C.F.R. § 54.101(a);

16 WHEREAS, Total Call will initially offer three calling plans. The first plan, which
17 includes 150 anytime-minutes, is available at no cost to the lifeline customer. This includes an
18 international local promotion in which the end user may call designated international locations at
19 no additional charge. The second plan includes 250 any-time minutes for local and interstate calls
20 at no cost to the customer; but does not offer the international promotion. The third plan offers
21 the federal lifeline discount of \$9.25 to either the Company's 30 Day Unlimited Talk, Text, and
22 Data prepaid retail plan or the 30 Day Unlimited Talk and Text prepaid retail plan.

23 WHEREAS, all plans include a free handset, free voice mail, free caller ID and call
24 waiting, free calls to 911 services and the ability to purchase additional minutes of usage;

25 WHEREAS, Total Call will provide its customers access to the emergency services
26 provided by local government or other public safety organizations, such as 911 and enhanced 911,

1 to the extent the local government in an eligible carrier's service area has implemented 911 or
2 enhanced 911 systems, consistent with 47 C.F.R. § 54.101(a)

3 WHEREAS, Total Call allows all its customers to make and receive interexchange or toll
4 calls through Total Call's network;

5 WHEREAS, in the Lifeline Reform Order, the FCC has stated that an ETC is not required
6 to provide toll control or toll blocking if the carrier's plan includes a set amount of calling
7 minutes available for either local or domestic long-distance calls and the carrier does not charge
8 an extra fee for toll calls.⁴ Total Call's call plans do not distinguish between local and toll calls at
9 the point of dialing, such that Total Call cannot offer toll limitation without blocking all service to
10 a customer. In addition, all of Total Call's plans include local and long distance calling, thus toll
11 blocking is unnecessary;

12 WHEREAS, Total Call agrees to allow Staff to verify that federal USF support was used
13 for the provisioning of eligible voice telephony service as defined 47 C.F.R. § 54.101(a);

14 WHEREAS, Section 214(e)(1)(B) of the Act and 47 C.F.R. § 54.201(d)(2) provide that
15 ETC carriers shall, throughout their service area, advertise the availability of such services and the
16 charges using media of general distribution;

17 WHEREAS, Total Call will ensure the availability of the eligible voice telephony service
18 it offers and the charges for such service will be advertised using media of general distribution
19 through out its Proposed Designated Area, pursuant to section 214(e)(1)(B) of the Act and 47
20 C.F.R. § 54.201(d)(2);

21 WHEREAS, pursuant to NAC 704.680461(1)(c), Total Call will ensure that, at least once
22 every three months, the availability of the eligible voice telephony service detailed above, as well
23 as the rates and charges applicable for that service, are advertised through prominent presentation
24 in media of general distribution throughout the Proposed Designated Area;

25 WHEREAS, Total Call will promote the availability of Lifeline benefits throughout its
26 service area in advertising and it will ensure that community health, welfare and employment

4 Lifeline Reform Order at p. 101-02, ¶ 230.

1 offices are provided with information about Lifeline to ensure that this information reaches those
2 most likely to qualify for Lifeline benefits;

3 WHEREAS, if Total Call's ETC Application is granted, Total Call will submit an
4 advertising plan for the eligible voice telephony service it provides in its Proposed Designated
5 Area to Staff within 60 days after designation;

6 WHEREAS, based on the foregoing, Staff believes Total Call will satisfy its obligation to
7 advertise the availability of the eligible voice telephony;

8 WHEREAS, to ensure against multiple Lifeline lines or discounts being provided to the
9 same household (as the FCC has defined the term in 47 C.F.R. § 54.400(h)), at the time of
10 establishment of service, Total Call will utilize NAC 704.680474 (qualifying criteria and method
11 of showing qualification), NAC 704.6804743 (continued eligibility verification) and NAC
12 704.6804745 (certification of documentation by ETC), along with Total Call's internal training
13 and verification process, as well as comply with all new FCC regulations regarding the FCC's
14 effort to reduce waste, fraud and abuse;

15 WHEREAS, to further support reduction in waste, fraud and abuse in the Lifeline
16 program, Total Call will implement a non-usage policy as follows: after 60 days of non-use, the
17 Company will attempt to contact the customer to see if he or she still wants lifeline service. If
18 there is no customer response, the customer will be de-enrolled from Lifeline 30 days thereafter;

19 WHEREAS, the FCC's regulations adopted as part of the Lifeline Reform Order requires
20 Total Call to have any Lifeline subscriber complete a certification form;

21 WHEREAS, Total Call will comply with all of the FCC's new requirements regarding
22 these certification forms, including the FCC's new regulations regarding document retention that
23 apply to the certification forms;

24 WHEREAS, this Commission issued a Declaratory Order in Docket No. 12-03019 on July
25 5, 2012 ("Declaratory Order"), that speaks to how the certification forms will be collected in
26 connection with enrollment pursuant to NRS 707.470 and NRS 707.480 (the list from the

1 Department of Health and Human services), and Total Call commits to following the Declaratory
2 Order;

3 WHEREAS, Total Call will not utilize the list from the Department of Health and Human
4 Services as a marketing tool;

5 WHEREAS, to further prevent waste in the USF, the FCC created and mandated the use
6 by ETCs of a National Lifeline Accountability Database ("NLAD") to ensure that multiple ETCs
7 do not seek and receive reimbursement for the same Lifeline subscriber;⁵

8 WHEREAS, as required by the Lifeline Reform Order, Total Call will submit to USAC to
9 be included in the NLAD the name, address, and phone number of each of its Lifeline subscribers,
10 the subscribers' service initiation and de-enrollment dates (when de-enrollment occurs), the
11 means through which the subscriber qualified for support, the last four digits of the Social
12 Security number and date of birth of the subscriber, the amount of Lifeline support received by
13 the subscriber each month, as well as whether the subscriber has also received Tribal Link Up
14 support, and if so, the address, and date of service initiation to which Tribal Link Up support
15 applied;

16 WHEREAS, Total Call will also review the NLAD prior to enrolling a new subscriber to
17 determine whether a prospective subscriber is already receiving Lifeline from another ETC;

18 WHEREAS, pursuant to the amended 47 C.F.R. § 54.410, Total Call will re-certify the
19 eligibility of its Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the
20 results to USAC by January 31, 2013;

21 WHEREAS, Total Call will continue to verify the eligibility of its Lifeline subscribers
22 annually (as required by the FCC's new regulations) after 2012 to the extent Total Call cannot
23 access automated means of verifying subscriber eligibility;

24 WHEREAS, in conformance with the FCC's requirements for ETC designation, Total Call
25 has provided information to assert its ability to remain functional in emergency situations.
26 Specifically, Total Call, through an agreement with its underlying carrier, will have the ability to

⁵ At the time of this Stipulation, the NLAD is not available for use by ETCs. The statements in this Stipulation shall be applicable to ETCs once the NLAD is made available by the FCC.

1 remain functional in emergency situations since the underlying carrier maintains a reasonable
2 amount of back-up power to ensure the functionality of its service without an external power
3 source, is able to reroute traffic around damaged facilities and is capable of managing traffic
4 spikes resulting from emergencies;

5 WHEREAS, based upon the foregoing, Total Call has provided the necessary
6 commitments to Staff about its ability to remain functional in emergency situations;

7 WHEREAS, in conformance with the FCC's requirements for ETC designation, Total Call
8 has provided specific information about consumer protections;

9 WHEREAS, Total Call states it will adhere to the CTIA Consumer Code for Wireless
10 Service, which pursuant to 47 C.F.R. § 54.202(a)(3), demonstrates compliance with applicable
11 FCC consumer protection and service quality standards;

12 WHEREAS, Total Call will submit any ETC-related consumer complaints to the
13 Commission's Division of Consumer Complaint Resolution ("Division") and will provide the
14 Division with a regulatory contact to whom to address any complaints;

15 WHEREAS, based upon the foregoing, Total Call has provided the necessary
16 commitments to Staff regarding consumer protections;

17 WHEREAS, Section 214(e)(2) of the Act provides that ETC designations shall be made
18 for a "service area" designated by the state commission;

19 WHEREAS, Total Call has requested that the Commission designate its service area in
20 parts of the certificated service territories of Central Telephone Company d/b/a CenturyLink, and
21 Nevada Bell Telephone Company d/b/a AT&T Nevada and AT&T Wholesale, and which are
22 more specifically described in Exhibit 6;

23 WHEREAS, to support a finding that Total Call's ETC Application is in the public
24 interest, Total Call has provided evidence that its designation will provide additional choices to
25 consumers that cannot afford or qualify for other telecommunications service because it offers flat
26 rate and unlimited service plans without credit checks, long term agreements and early
termination fees;

1 WHEREAS, Total Call specifically commits to provide service to consumers upon
2 reasonable request;

3 WHEREAS, Staff's investigation verifies that Total Call's designation as an ETC in the
4 Proposed Designated Area will provide wireless service choices to served and underserved
5 consumers;

6 WHEREAS, Total Call has committed that it will contribute to both the Nevada Fund to
7 Maintain the Availability of Telephone Service and the Nevada program for telecommunications
8 services for the speech and hearing impaired, as required, as well as any other surcharges required
9 of wireless providers, including 911 charges in applicable jurisdictions;

10 WHEREAS, Total Call commits to fulfilling the annual reporting obligations pursuant to
11 NRS 704.68871(2) that apply to competitive suppliers;

12 WHEREAS, Total Call will file an advisory tariff with the Commission within 60 days of
13 an order designating Total Call as an ETC providing information regarding all rates, terms and
14 conditions, and proposed local calling areas;

15 WHEREAS, the Parties agree that Total Call meets all applicable state and federal
16 requirements and is entitled to be designated an ETC in the Proposed Designated Area for
17 purposes of receiving federal universal service support;

18 WHEREAS, the Parties believe this Stipulation is in the public interest; and

19 WHEREAS, the Parties have agreed to resolve the outstanding issues as set forth herein.

20 NOW THEREFORE, based upon mutual covenants and obligations reflected in this
21 Stipulation, it is hereby agreed by and between the Parties as follows:

22 1. The Parties agree to the following:

- 23 a. The ETC Application filed by Total Call in Docket No. 12-03026 should be
24 approved, designating Total Call as competitive Eligible Telecommunications
25 Carrier for the service areas specified in Exhibit 6 for purposes of qualifying for
26 federal Universal Service Fund support to provide Lifeline service;

1 b. The Parties agree the request for deviation from NAC 704.680461(1)(a) should be
2 granted in this specific case because it is for just cause, is in the public interest
3 and is not contrary to statute;

4 c. The Parties agree it is in the public interest to grant ETC status to Total Call in
5 Nevada for purposes of receipt of federal Lifeline funding only.

6 2. In accordance with the agreements set forth in Section 1 above, the Parties agree
7 that Total Call shall satisfy the following compliances:

8 a. Total Call will submit an advertising plan for the eligible voice telephony service
9 it provides in the Proposed Designated Area to Staff within 60 days of ETC
10 designation in a final order of the Commission;

11 b. Total Call will file an advisory tariff with the Commission within 60 days of a
12 final order designating Total Call as an ETC providing information regarding all
13 rates, terms and conditions, and proposed local calling areas; and

14 c. Total Call will provide the Consumer Complaint Resolution Division with a
15 regulatory contact to whom to address any complaints within 30 days of a final
16 order designating Total Call as an ETC.

17 3. In accordance with the agreements set forth in Section 1, the Parties agree that
18 Total Call shall satisfy the following directives:

19 a. Total Call will not seek Lifeline support from the Nevada Fund to Maintain the
20 Availability of Telephone Service;

21 b. Total Call will implement the following non-usage policy: after 60 days of non-
22 use, the Company will attempt to contact the customer to see if he or she still
23 wants Lifeline service. If there is no customer response, the customer will be de-
24 enrolled from Lifeline 30 days thereafter;

25 c. Total Call will submit any ETC-related consumer complaints to the Commission's
26 Division of Consumer Complaint Resolution;

- 1 d. Total Call agrees to allow Staff to verify via discovery or other reasonable means
2 of auditing that federal Universal Service Fund support is used for the
3 provisioning of eligible voice telephony service;
- 4 e. Total Call agrees to advise Staff annually as to whether or not the rate, terms,
5 conditions or local calling area set forth in the advisory tariff on file with the
6 Commission has changed and to update the advisory tariff if such changes have
7 been made;
- 8 f. Total Call will fulfill the annual reporting obligations pursuant to NRS
9 704.68871(2) that apply to competitive suppliers;
- 10 g. In the above annual report, Total Call will report the number of Lifeline
11 customers, by quarter, served during the calendar year; and will include
12 information pertaining to its ETC outreach efforts as required by NAC
13 704.680465; and
- 14 h. Total Call will comply with the FCC's Lifeline Reform Order and all subsequent
15 federal rules related to the Lifeline Reform order. Total Call will also comply
16 with all direction provided by the Commission in Docket No. 12-03019, the
17 Commission's Investigation and rulemaking regarding recent Federal
18 Communications Commission decisions that could affect all Nevada
19 telecommunication carriers, including the Declaratory Order.

20 4. Based upon the foregoing, if the Compliances and/or Directives are not met based
21 upon Staff's review, Staff will raise the issue with Total Call and afford Total Call 30 days to
22 respond to Staff's concern; and if Staff's concern is not resolved by Total Call, Staff will seek
23 relief from the Commission, which may include the filing of a complaint pursuant to NAC
24 704.680467 seeking revocation of Total Call's ETC designation.

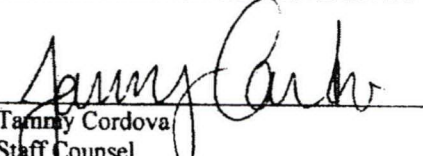
25 5. This Stipulation is made with the express understanding that it constitutes a
26 negotiated settlement. It is not severable. In the event this Stipulation is not approved by the
Commission without changes, it shall be deemed withdrawn without prejudice to any claims or

1 contentions which may have been made by any Party, and it shall not be admissible as evidence in
2 any way described or discussed in any proceeding hereafter.

3 6. This Stipulation represents a compromise of the Parties. Except as set forth herein,
4 the provisions of this Stipulation shall not be construed as or deemed to be a precedent by any
5 party or the Commission with respect to any issue, principle or interpretation or application of law
6 and regulations, for any purpose or in connection with any proceeding before a court of law, or
7 any state or federal government regulatory body.

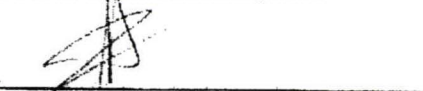
8 7. This Stipulation may be executed in counterparts and via facsimile.

9
10 REGULATORY OPERATIONS STAFF

11
12 
13 Tammy Cordova
14 Staff Counsel

Dated: July 16, 2012

15 TOTAL CALL MOBILE, INC.

16 
17 Lance J. M. Steinhart
18 Counsel for Total Call Mobile, Inc.

Dated: July 16, 2012

EXHIBIT 6

Wire Centers

<u>CLI</u>	<u>WIRE CENTER</u>	<u>ILEC</u>
JEANNVXF	JEAN	CENTRAL TEL. CO. - NV
BDMDNVXS	LAS VEGAS	CENTRAL TEL. CO. - NV
BLCYNVXF	LAS VEGAS	CENTRAL TEL. CO. - NV
HNSNNVXF	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXH	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXI	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXK	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXL	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXM	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXR	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXT	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXU	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXV	LAS VEGAS	CENTRAL TEL. CO. - NV
LSVGNVXW	LAS VEGAS	CENTRAL TEL. CO. - NV
NLVGNVXF	LAS VEGAS	CENTRAL TEL. CO. - NV
NLVGNVXG	LAS VEGAS	CENTRAL TEL. CO. - NV
LGLNNVXF	LAUGHLIN	CENTRAL TEL. CO. - NV
MTCHNVXF	MT CHARLESTON	CENTRAL TEL. CO. - NV
NLSNNVXB	NELSON	CENTRAL TEL. CO. - NV
SRCHNVXF	SEARCHLIGHT	CENTRAL TEL. CO. - NV
BTYNNV12	BEATTY	NEVADA BELL
CRCYNV01	CARSON CITY	NEVADA BELL
DYTNV11	CARSON PLAINS	NEVADA BELL
INVGNV11	CRYSTAL BAY	NEVADA BELL
GABBNV11	GABBS	NEVADA BELL
INSPNV12	INDIAN SPRINGS	NEVADA BELL
LTWLV13	LATHROP WELLS	NEVADA BELL
FRNLNV11	NIXON	NEVADA BELL
PHRMNV12	PAHRUMP	NEVADA BELL
LCWDNV11	RENO	NEVADA BELL
RENONV13	RENO	NEVADA BELL
RENONV14	RENO	NEVADA BELL
SNVYNV11	RENO	NEVADA BELL
SPRKNV11	RENO	NEVADA BELL
SPRKNV12	RENO	NEVADA BELL
STEDNV11	RENO	NEVADA BELL
SDVYNV11	SANDY VALLEY	NEVADA BELL
SVSPNV11	SILVER SPRINGS	NEVADA BELL
RENONV15	SPARKS	NEVADA BELL
CHBTNV11	STAGECOACH	NEVADA BELL
VERDNV11	VERDI	NEVADA BELL
VRCYNV12	VIRGINIA CITY	NEVADA BELL
WASONV11	WASHOE VALLEY	NEVADA BELL

PROOF OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by electronic mail to the recipient's current electronic mail address and mailing a copy thereof, properly addressed to:

Lance J.M. Steinhart, Esq.
TOTAL CALL MOBILE, INC.
1725 Windward Concourse, Ste 150
Alpharetta, GA 30005
lsteinhart@telecomcounsel.com
hkirby@telecomcounsel.com

DATED at Carson City, Nevada, on the 16th day of July, 2012.



An employee of the Public Utilities
Commission of Nevada

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of Total)
Call Mobile, Inc., for Designation as a) Case No. 12-1883-TP-UNC
Low-Income Competitive Eligible)
Telecommunications Carrier.)

FINDING AND ORDER

The Commission finds:

- (1) On May 7, 1997, the Federal Communications Commission (FCC) issued a Report and Order in CC Docket 96-45 (96-45), *In the Matter of the Federal-State Board on Universal Service*, adopting rules to promote universal service consistent with the requirements of the Telecommunications Act of 1996 (the Act). In its 96-45 decision, the FCC, among other things, set forth parameters for the states to determine those carriers eligible to receive federal universal service support.
- (2) Consistent with the FCC's 96-45 decision, the Commission, on November 20, 1997, in Case No. 97-632-TP-COI (97-632), *In the Matter of the Commission Investigation of the Intrastate Universal Service Discounts*, adopted filing procedures for carriers seeking status as either a rural or nonrural eligible telecommunication carrier for the purpose of receiving federal universal service funding.
- (3) On February 6, 2012, the FCC released a Report and Order in *In the Matter of Lifeline and Link-Up Reform and Modernization, Lifeline and Link-Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23 (*Lifeline Reform Order*), adopting reforms that address waste, fraud, and abuse with regard to the federal Universal Service Fund (USF).
- (4) On May 23, 2012, the Commission issued a Finding and Order in Case No. 10-2377-TP-COI, *In the Matter of the*

Commission Investigation into the Provision of Nontraditional Lifeline Service by Competitive Eligible Telecommunications Carriers (10-2377 Order). In that Finding and Order, the Commission took steps to prevent waste, fraud, and abuse of the federal USF with regard to the provision of nontraditional Lifeline service.

- (5) On June 21, 2012, and as supplemented on February 1, 2013, Total Call Mobile, Inc. (TCM) filed an application seeking designation as a Eligible Telecommunications Carrier (ETC) in Ohio. TCM submitted the application pursuant to 214(e)(2) of the Communications Act of 1934, and 47 C.F.R. 54.101- 54.207 and Rule 4901:1-6-19, Ohio Administrative Code (O.A.C.). The application was filed pursuant to 47 U.S.C. §214(e)(2), which provides that a state commission "shall . . . upon request designate a common carrier that meets the requirements of paragraph 1 [of Section 214(e)] as an [ETC] for a service area designated by the state commission." Therefore, the Commission has reviewed TCM's application as discussed herein.
- (6) In its application, TCM states that it seeks ETC designation solely to provide resold prepaid wireless Lifeline service to qualifying Ohio consumers and that it will not seek access to funds from the USF for high-cost support. TCM adds that receiving designation as an ETC would not unduly burden the universal service fund, as "the amount of support available to an eligible Lifeline subscriber is exactly the same whether the support is given through a carrier such as TCM or the Incumbent Local Exchange Carrier (ILEC) operating in the same service area." TCM requests in its application designation that is statewide in scope, but subject to its underlying carrier's facilities and corresponding service coverage.

TCM currently provides non-Lifeline wireless services in Ohio by reselling the network services that it obtains from Sprint PCS (Sprint). As a non-facilities based wireless provider choosing to provide Lifeline services, TCM notes that it sought forbearance of the facilities requirement for ETCs from the FCC through the *Lifeline Reform Order*. In addition, TCM filed its compliance plan with the FCC's

Wireline Competition Bureau as required by the *Lifeline Reform Order*. The compliance plan was approved by the FCC on May 25, 2012. In the instant application for ETC designation, TCM commits to providing Lifeline service in accordance with its FCC compliance plan. Additionally, TCM included a copy of its FCC-approved compliance plan with its application to the Commission.

- (7) Pursuant to 47 C.F.R. 54.202(a)(4) carriers seeking ETC designation must demonstrate financial and technical capability in accordance with the FCC's Lifeline service requirements.¹ Further, a carrier's FCC compliance plan must also include these demonstrations for the FCC's consideration. In its FCC compliance plan, TCM submitted that it is a wholly owned subsidiary of Total Call International, a national prepaid telecommunications service provider. TCM included in its compliance plan detailed financial statements and management biographies to demonstrate financial and technical capabilities.
- (8) In accordance with 47 C.F.R. 54.202(a)(2), TCM states it has the ability to remain functional in emergency situations through its agreement with its underlying carrier. In particular, TCM assures the Commission that its service, through its underlying carrier, will provide (a) a reasonable amount of back-up power to ensure functionality without an external power source; (b) the ability to reroute traffic around damaged facilities; and, (c) the capability of managing traffic spikes resulting from emergency situations.

TCM contends that receiving designation in Ohio as a wireless Lifeline service provider will benefit the public interest. According to TCM, Ohio low-income consumers will benefit from the added competition through a wider choice of providers and services.

TCM does not conduct credit checks or require customers to enter into long-term contracts as a prerequisite to obtaining its service. Furthermore, TCM does not charge

¹ See *Lifeline Reform Order* at ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

any activation or re-activation fees. Additionally, TCM states that its proposed discounted retail prepaid wireless Lifeline plans are affordable to low-income and low-volume consumers and offers access to emergency services and communication with friends, family, and prospective employers.

Finally, TCM represents that it will satisfy all applicable state and federal requirements related to consumer protection and service quality standards. Specifically, TCM commits to comply with the Cellular Telecommunications and Internet Association Consumer Code for Wireless Service in accordance with 47 C.F.R. 54.202(a)(3).

- (9) In its application, TCM proposes to offer five Lifeline service plans to eligible consumers. Each Lifeline service plan includes a free E 9-1-1 compatible handset, voicemail service, call waiting, caller ID, free calls to customer service, and access to 9-1-1 for all customers, including those with a zero balance of airtime remaining on the handset.

Lifeline customers have the choice of two plans that provide free monthly minutes. Alternatively, the Lifeline customers may choose one of three regular retail plans and receive a discount off the monthly retail price of the plan. Lifeline Plan 1 provides 150 free anytime minutes per month at no cost to the customer. Additionally, Plan 1 allows the free minutes to be used for international calls to 250 specific locations. Lifeline Plan 2 provides 250 free anytime minutes per month, again at no cost to the customer. The free minutes on this plan may be used for the same list of 250 specific call destinations as Plan 1, but there is an additional charge of \$0.02 per minute for these calls on Plan 2. Any other non-specified international destination calls on either plan requires additional funds based on the destination. Texting may be used on either plan at the rate of 1 minute per text, incoming or outgoing.

Alternatively, customers may choose to subscribe to any one of three retail plans, each offered with a \$10 discount per month. Each of the optional retail discount plans are

30-day plans that the customer may change without charge at the end of the month. Plan 3, the 1000 Talk & 1000 Text Plan, will cost the Lifeline customer \$19.99 per month (retail price is \$29.99). Plan 4, the Unlimited Talk & Text Plan, will cost \$29.99 per month (retail price is \$39.99). Plan 5, the Unlimited Talk, Text, and Data Plan, will cost \$39.99 per month (retail price is \$49.99). All three optional retail plans provide other texting options as well. If the Lifeline customer has upgraded to one of the retail discount plans and fails to make the required monthly payment, the service will default to the free Lifeline Plan 1, which consists of 150 free anytime minutes per month at no cost to the customer.

- (10) Pursuant to FCC and Commission requirements, TCM states that it will provide 9-1-1 and E 9-1-1 services to its customers regardless of activation status or availability of minutes. Customers will be able to access emergency service even if there are no minutes remaining on the account. TCM seeks to ensure that all customers have an E 9-1-1 compliant handset. Toward this end, TCM will replace, without charge, any handset that is not E 9-1-1 compliant with one that is E 9-1-1 compliant. New customers who enroll in the program will be assured of receiving E 9-1-1 complaint handsets.
- (11) TCM states it will enroll customers in accordance with 47 C.F.R. 54.409. This revised rule sets forth the customer qualifications for Lifeline eligibility by identifying the income qualifying threshold, lists the acceptable federal assistance programs, and requires that the customer or another household member not already be subscribed to a Lifeline service. Additionally, TCM confirms it will comply with 47 C.F.R. 54.410 which outlines the carrier responsibility for implementing policies and procedures for subscriber eligibility determination, certification, and re-certification.
- (12) Furthermore, TCM indicates that it will comply with the Commission's rules governing certification and verification of Lifeline eligibility, the Commission's 10-2377 Order, and the Lifeline requirements contained in Rule 4901:6-19,

O.A.C. Additionally, TCM understands that it must annually re-certify its entire Lifeline customer base and report the results to Universal Service Administrative Company (USAC), FCC, and the Commission. In its attached approved FCC compliance plan, TCM provides the details regarding consumer enrollment, consumer eligibility criteria, and its recertification procedures as required by the *Lifeline Reform Order*. Furthermore, contained in its compliance plan are detailed explanations regarding marketing and disclosure requirements, procedures to prevent waste, fraud, and duplicate subsidies within its own subscriber base.

- (13) TCM commits that it will contribute to Ohio's Telephone Relay Service on behalf of its Lifeline customers. Additionally, TCM will pay the applicable Ohio Commission's assessment fee.

TCM intends to enroll customers in its Lifeline service in person at various events or by internet, fax, or telephone contact. TCM states that it will train its representatives and agents in Lifeline requirements. Its representatives or agents will conduct an interview to determine eligibility and obtain the requisite qualifying documentation from the potential Lifeline customer. TCM maintains its own database to store its customer base information and its internal operations team is in charge of reviewing Lifeline applications. TCM will use software from CGM, LLC (CGM), a Georgia-based premier Lifeline service bureau, to check for TCM duplicates as well as duplicates with other CGM clients who are involved in the inter-company duplicates database (IDD) compiled by CGM. Additionally, the IDD can identify if Lifeline service is already provided at a particular address. The IDD can also identify a duplicate name, Social Security Number, birth date, and other similar information. If the database reveals that an entire record is a duplicate, TCM will reject the application. If only the address is a duplicate, TCM will provide the applicant with information regarding the definition of a household and provide the requisite application. TCM states that it will take thorough

precautions to ensure that only one Lifeline phone is provided per household.

- (14) According to TCM, once a consumer receives approval for Lifeline service, the consumer activates service by placing a call directly to TCM. TCM will not consider a prepaid subscriber account activated until the subscriber places a call to TCM demonstrating usage of the phone.²
- (15) To address concerns regarding the potential for waste, fraud, and abuse regarding the disbursement of federal Lifeline support, subscriber eligibility shall be established and verified pursuant to the processes as set forth in the FCC's rules and the *Lifeline Reform Order*, as well as the Commission's *10-2377 Order*. With regard to the issue of waste, TCM explains that its billing system allows it to determine on a monthly basis whether a Lifeline subscriber is actively using the service. In accordance with both the FCC and Commission orders, TCM will notify any Lifeline customer who does not use his or her Lifeline service during any continuous 60-day period that he or she is no longer eligible for Lifeline benefits. Following such notice, TCM will provide the customer with a 30-day grace period during which the customer may demonstrate usage. If the customer fails to demonstrate usage during this 30-day period, TCM will terminate the customer's Lifeline service. TCM will then remove the customer from its Lifeline rolls and will not include the customer on its USAC Form 497 submission for that month. In addition, TCM will update USAC's Lifeline database within one business day of the de-enrollment. TCM will assess no termination charge to the customer and there is no reconnection or reactivation fee for a customer who subsequently reinstates Lifeline service.
- (16) TCM asserts that it will advertise the availability and rates for its services using media of general distribution as required by 47 C.F.R. 54.201(d)(2)³ and in accordance with

² See *Lifeline and Link Up Reform Order* at ¶ 257; 47 C.F.R. 54.407(c)(1).

³ See 47 C.F.R. 54.201.

the requirements set forth in the *Lifeline Reform Order*.⁴ TCM will advertise Lifeline services and plans using multiple mediums for outreach including direct mail, the internet, and face-to-face contact at community events. The advertisements will be designed to reach those likely to qualify for Lifeline services. TCM will also distribute brochures at state and local social service agencies, and will distribute posters, print ads, pamphlets, and flyers at various retail locations that sell TCM products.

- (17) In accordance with 47 U.S.C. 214(e)(2), a state commission "may designate a requesting carrier as an ETC if it meets the requirements outlined in the law." Additionally, 47 U.S.C. 254 provides that "only an [ETC] designated by Section 214(e) shall be eligible to receive specific federal universal service support."
- (18) Based on a review of the record in this proceeding, the Commission determines that the pending application seeking ETC status for Lifeline-only support should be conditionally approved, as discussed below. The designation shall be limited to the service area set forth in TCM's application.

In granting this interim approval, the Commission relies upon TCM's representation that it provides its customers in the state of Ohio with access to 9-1-1 and enhanced 9-1-1 services provided by local governments or other public safety organizations. Additionally, TCM states that it is capable of delivering automatic numbering information and automatic location information over its existing network, and otherwise applicable state and federal E 9-1-1 requirements.

Consistent with the ETC designation granted pursuant to this Order, TCM must offer Lifeline service to subscribers throughout the designated service area who meet the requisite eligibility requirements. The Commission emphasizes that this ETC designation is limited to Lifeline service only and is granted for an interim one-year period,

⁴ See *Lifeline and Link Up Reform Order* at Section VII.F.

commencing from the date of this Order. At the conclusion of this interim period, the Commission will review the company's operations for compliance with the FCC's ETC requirements and the requirements of the Commission's 10-2377 Order to determine if renewal of the ETC designation is appropriate. During this review, the company can continue to provide its Lifeline service without interruption, subject to verification of compliance, until the Commission orders otherwise.

The Commission's approval in this Order is contingent upon the company complying with our 10-2377 Order, all applicable FCC rules and orders pertaining to the company's operations as an ETC, and applicable Commission rules, as well as satisfying the conditions delineated below. Subject to these stated conditions, the Commission finds that TCM's application is consistent with the requirements of the Act, the applicable FCC decisions, and Rules 4901:1-6-09 and 4901:1-6-19, O.A.C. For the purpose of the designation as an ETC, TCM's service shall be considered as the primary household line, notwithstanding the fact that it is a wireless service. Only the primary household line is eligible for Lifeline support and Lifeline support is limited to a single Lifeline subscription per household.

In determining that TCM should be designated as an ETC on an interim basis, the Commission finds that TCM is financially and technically capable of providing Lifeline service and that TCM's provisioning of Lifeline services will be in the public interest by providing an additional alternative provider of those services delineated in 47 C.F.R. 54.101.

- (19) The Commission recognizes that the federal USF, which is already facing an unprecedented demand, supports TCM's service. Given the mobile nature of wireless, it is more difficult to ensure that only eligible customers are receiving the service. Thus, to help guard against the potential for waste, fraud, and abuse, we find that TCM must first comply with the certification criteria as set forth in Rule 4901:1-6-19(H), O.A.C.

To properly address concerns regarding the potential for waste, fraud, and abuse regarding the disbursement of federal Lifeline support, subscriber eligibility shall be established and verified pursuant to the processes as set forth in the FCC's *Lifeline Reform Order* and the Commission's *10-2377 Order*. With regard to the issue of waste, the Commission notes that TCM will notify Lifeline customers that have not utilized their service for any continuous 60-day period that their discount will be removed, subject to a 30-day grace period.

- (20) The record reflects that TCM will advertise the availability of the Lifeline services and the corresponding rates via media of general circulation throughout its service territory. This shall include all media of general distribution. While TCM may utilize various methods of promoting its Lifeline service and providing company-specific contact information, TCM, itself, must have direct contact with all customers applying for participation in and seeking eligibility determinations relative to the Lifeline program, prior to activating the service.
- (21) TCM must provide its requisite contribution to Ohio's Telephone Relay Service for all of its subscribers, including those enrolled in Lifeline service. TCM must also pay its annual Commission assessment consistent with Section 4905.10, Revised Code. The Commission reserves the right to perform an audit regarding TCM's contributions into Ohio's Telephone Relay Service fund. The Commission further directs TCM to make available to the Commission Staff (Staff), upon request, information concerning TCM's contributions into Ohio's Telephone Relay Service fund.
- (22) The Commission reminds TCM that it must comply with the Commission's rules regarding telephone number optimization (Rule 4901:1-7-25, O.A.C.) and the FCC's rules in 47 C.F.R. 52. These rules require, among other things, that the company participate in all available number conservation requirements including, but not limited to, the return of TCM's assigned telephone number(s) to its underlying carrier(s) for donation to the appropriate number pool, upon termination of service by a TCM

customer, absent the porting of the number to another provider. The Commission further directs TCM to make available to Staff, upon request, information concerning the applicant's utilization of telephone numbers.

- (23) To the extent that TCM amends the existing rates, terms, and conditions of its Lifeline service offering, it must notify the Commission by filing such modifications in this docket. TCM is directed to provide all records and documents requested by Staff for the purpose of monitoring the company's provision of Lifeline service and compliance with the terms and conditions of this Order.
- (24) TCM must maintain the following Ohio-specific information on a monthly basis, and informally provide Staff with quarterly reports reflecting data for that time frame. TCM should submit the first quarterly report to Staff no later than September 1, 2013, and should encompass data beginning from May 15, 2013. The scope of the quarterly reports may change as Staff deems it appropriate.
 - (a) The number of Lifeline service applications received by TCM;
 - (b) The number of Lifeline service applications approved by TCM. The response should include a numerical breakdown of the basis for approval (e.g., the number of applications approved based on income eligibility or program-based eligibility);
 - (c) The current total number of Lifeline customers served by the company;
 - (d) The number of customers subscribed to each individual plan (e.g. Lifeline Plan 1 - Call Anytime 150 Minute Plan, Lifeline Plan 2 - 250 Minute Plan, Lifeline Plan 3 - 1000 Talk/1000 Text month Plan, Lifeline Plan 4 - 30-day Unlimited Talk & Text; Lifeline Plan 5 - Unlimited Talk, Text & Data plan);

- (e) The number of Lifeline service applications that were denied by TCM. The response should include a numerical breakdown of the basis for denial (e.g., address found to be receiving other Lifeline benefits, improper documentation, or incomplete documentation);
- (f) The number of handsets that were deactivated after 60 days of nonusage. For the purpose of this question, deactivated implies that TCM is no longer receiving Lifeline support from the USF for the handset;
- (g) The number of handsets that have been deactivated on a monthly basis due to the failure of subscribers to recertify or verify. For the purpose of this question, deactivated implies that TCM is no longer receiving Lifeline support from the USF for the handset;
- (h) The number of Lifeline service subscribers whose handsets were deactivated and who subsequently re-enrolled in the Lifeline program;
- (i) The number and percentage of Lifeline customers who deplete the Lifeline Plan 1, Call Anytime 150 Minute Plan, Lifeline Plan 2, 250 Minute Plan, and Lifeline Plan 3, 1000 Talk/1000 Text plan minutes by the end of the month;
- (j) The number and percentage of Lifeline customers who deplete the Lifeline Plan 1, Call Anytime 150 Minute Plan, Lifeline Plan 2, 250 Minute Plan, and Lifeline Plan 3, 1000 Talk/1000 Text Plan minutes within the first two weeks of the month;

- (k) The number of subscribers under the Lifeline Plan 1, Call Anytime 150 Minute Plan, Lifeline Plan 2, 250 Minute Plan, and Lifeline Plan 3, 1000 Talk/1000 Text who purchased additional minutes;
- (l) The average number of additional minutes purchased under the 150 minute, 250 minute, and the 1000 Talk/1000 Text plans;
- (m) The percentage of minutes used for voice and text under the 150 minute, 250 minute, and the 1000 Talk/text plans;
- (n) The average number of unused minutes under the 150 minute, 250 minute, and the 1000 Talk/Text plans; and
- (o) The number of Lifeline contacts received by TCM from Ohio customers each month. The response should include a numerical breakdown of the reason for the contact (e.g., coverage availability, service denied, did not receive a phone, did not receive monthly minutes, etc.).

It is, therefore,

ORDERED, That TCM be granted conditional designation as an ETC for the limited purpose of providing Lifeline service for an interim one-year period of time consistent with Finding (18). It is, further,

ORDERED, That TCM comply with the provisions of this Finding and Order, including the submission of quarterly reports consistent with Finding (24). It is, further,


ORDERED, That nothing contained in this Finding and Order shall be deemed binding upon the Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby


M. Beth Trombold

JML/sc

Entered in the Journal
MAY 15 2013


Barcy F. McNeal

Barcy F. McNeal
Secretary

Petitioner

RESOLUTION AND ORDER

The present *Resolution and Order* sets forth the Telecommunications Regulatory Board ("Board" or "TRB")'s decisions regarding two requests presented before us by Total Call Mobile, Inc. ("Total Call" or "Petitioner"). Both requests were presented by the Petitioner on August 21, 2013. The first one is titled *Application of Total Call Mobile, Inc. for Limited Designation as an Eligible Telecommunications Carrier*, ("Application"), and the second one was submitted as *Solicitud de Total Call Mobile, Inc., Para Presentar Su Petición Sobre Designación Limitada Como Compañía de Telecomunicaciones Elegible en el Idioma Inglés al Amparo de la Regla 7.4*,¹ ("Solicitud").

I. Background:

Application of Total Call Mobile, Inc. for Limited Designation as an Eligible Telecommunications Carrier (ETC):

In their *Application*, Petitioner explains that the Board has already designated Total Call as a Commercial Mobile Radio Service ("CMRS")², as per required by 47 U.S.C. §214(e)(2). Furthermore, Petitioner points out that it seeks ETC designation solely to provide *Lifeline* service to qualifying Puerto Rico customers, and will not seek access to funds from the federal Universal Service Fund ("USF") for the purpose of participating in the *Link-Up* program or providing service to high cost areas under the High Cost Fund Program. Total Call included with their Petition, exhibits showing that they are in compliance with all of the statutory and regulatory requirements for designation as an ETC in Puerto Rico, including the new requirements established in the Federal Communication Commission's ("FCC") *USF/ICC Transformation Order* and *Lifeline and Link Up Reform Order*.

In order to prevent user fraud and abuse of *Lifeline* funds, in addition to complying with the Board's validation processes, Total Call has contracted with a software company to verify all subsidy requests, ensuring protection of the integrity of such funds. Moreover, the Petitioner points out that it satisfies the requirements for designation as an ETC.

Finally, Total Call points out in their *Petition*, that their requests is conformity with the purposes of the Telecommunications Act of 1996, which seeks to secure lower prices and higher quality services for consumers of telecommunications services, regardless of geographic location or income bracket.

Solicitud de Total Call Mobile, Inc. Para Presentar Su Petición Sobre Designación Limitada Como Compañía de Telecomunicaciones Elegible en el Idioma Inglés, al Amparo de la Regla 7.4:

In their *Solicitud*, the Petitioner requests that the Board accepts Total Call's Petition in English, since Petitioner is a California corporation; thus, it is not their practice to prepare legal documents in Spanish. Total Call specifies that having to translate their application to Spanish would result in undue delays and would adversely affect the efficiency of their services. Such request is based on this Board's Regulation Number 7848³, which seeks an

expeditious and economic resolution of any issues presented before the Telecommunications Regulatory Board of Puerto Rico.

II. Discussion:

Submission of Petition in English:

As a threshold issue, we will first address the request to be able to submit their petition in English, without an accompanying translation into Spanish. On that subject, Rule 7.4(a) of our *Regulation Number 7848* states:

All submissions, requests, motions, pleadings, and other documents filed with the Board or noticed to any party, shall be presented in Spanish. However, they may be submitted in English, if accompanied by translations into Spanish.

...

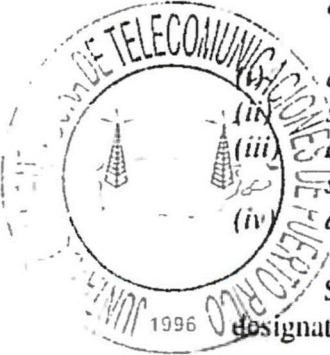
The Board may allow certain documents to be submitted in English without said translations, or may establish a term for the translations to be submitted
...⁴

Taking into account that the Board personnel analyzing Total Call's *Application* fully understands the terms included therein, that such *Application*, taken together with its exhibits, is comprised of 73 pages, and inasmuch as our *Regulation Number 7848* allows the Board to forego the translation requirement, this Board finds it acceptable for Total Call to submit their *Application* solely in the English language.

Petitioner's Application for Limited Designation as an Eligible Telecommunications Carrier:

The *Telecommunications Act of Puerto Rico*, (Act 213)⁵, the Federal Communication Act and the FCC Rules establishes the requirements for a telecommunications company to be designated as eligible to receive funds from the Universal Service Fund. Specifically, it states:

Universal service shall include the following services as a minimum, without excluding any other service...

- 
- (i) access to all public switched telephone networks with voice grade capacity;
 - (ii) single party service;
 - (iii) access, free of charge, to emergency services, including the 911 emergency service; and
 - (iv) access to operator services⁶

Section 54.101 of FCC Rules (47 CFR 54.101) as amended, establishes the services designated for support. ETC's must offer voice telephony service as set forth in that rule.

Act 213 also bestows the TRB with the authority to designate companies as ETCs in Puerto Rico. To grant such designation, the Board shall consider, *inter alia*, the public interest, convenience, and the necessity of such service⁷. Taking into account such responsibility, the Board enacted *Regulations Numbers 7795*⁸ and *8093*⁹, both comprising

⁴ *Todas las alegaciones, solicitudes, mociones, alegatos, y demás documentos presentados ante la Junta o notificados a cualquier parte, deberán formularse en español. Sin embargo, podrán formularse en inglés, siempre que se acompañen traducciones al español.*

...
La Junta podrá permitir que ciertos documentos se presenten en inglés sin dichas traducciones, o podrá disponer en términos normativos que ciertos documentos se presenten en inglés.

Universal Service Rules and their respective amendments. Those rules establish the conditions for the designation of ETC's and the obligations to be complied with in order to receive funds from the Lifeline Program.

Those regulations also require that a company petitioning for designation as an ETC must identify the area or areas in which it shall provide universal service, including a certification that the company is able to provide all services that are mandatory under the USF Rules. Additionally, Section 14.7(f) of Regulation 8093, provides for the promotion of the Lifeline Services and in particular requires that ETCs include in their monthly billing statements, a brief and concise paragraph, explaining the availability and scope of the Lifeline program. Such explanation shall first be approved by this Board.

In their *Application*, Petitioner states that Total Call will provide all the services required by both the FCC and the TRB:

- Voice grade Access to the public switched telephone network,
- Minutes of use for local service,
- Access to 911 and E911 emergency service,
- Toll limitation for qualified low income customers

The Petitioner also anticipates that many of its customers will be from low income backgrounds, who have not previously enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. The Petitioner indicates that their company does not conduct credit checks or require long term contracts as requirements to obtaining its proposed *Lifeline* service. One of the main purposes for the creation of the TRB was to "allow and ensure for the people of Puerto Rico, better and more varied telecommunications services at reasonable rates, in order to promote the economic development for the general welfare of our island."¹⁰

After careful and thorough evaluation of Total Call's *Application* and accompanying exhibits, this Board has determined that Petitioner complies with all of the required prerequisites to be designated as an ETC. To that effect, and taking into consideration the current circumstances of the USF, we shall proceed to grant Total Call a limited designation as an eligible telecommunications carrier.

Orders:

Based on the broad primary jurisdiction of the Telecommunications Regulatory Board, over all telecommunications services, all persons who provide such services within the Commonwealth of Puerto Rico, and over any person with a direct or indirect interest in said services and/or companies, this Board RESOLVES and ORDERS:

(1) *Regarding Total Call Mobile, Inc.'s petition to submit their Application in English for consideration by this Board, without a translation in Spanish: IT IS HEREWITH GRANTED.*

(2) *Regarding Total Call Mobile, Inc.'s Application for Limited Designation as an Eligible Telecommunications Carrier: IT IS HEREWITH GRANTED.*

Such designation encompasses a narrow scope, limited solely to the federal Universal Service Fund for the Lifeline program, until this Board notifies otherwise regarding the Puerto Rico USF Lifeline Program.

This Board assigns ETC number: JRT-ETC-0017 to Total Call Mobile, Inc.



It is of paramount importance to emphasize to Total Call Mobile, Inc. that our Regulation No. 7795 requires that every two (2) years, the Board conducts a revision of ETC designations. The information required to oversee such revision shall be submitted before this Board on April 1 of every applicable year.¹¹ Once the Board receives such information, it shall determine whether the Petitioner shall continue to be designated as an ETC.

Total Call Mobile, Inc. shall comply with all the obligations under the USF Rules, in particular with Section 14.7(f) of Regulation No. 8093, which requires that ETCs publicize the availability of Lifeline services through advertising mechanisms that reasonably ensure the promotion and outreach to those who may qualify for them.

Furthermore, Total Call Mobile, Inc. shall comply with all reporting requirements and the annual recertification of the Lifeline subscriber eligibility.

Finally, this Board reminds Total Call Mobile, Inc. of their obligation to submit copy of this ETC designation to the Universal Service Administration Company.

Provided that any party adversely affected by the present Administrative Order, may file a Motion for Reconsideration before the Clerk's Office of the Puerto Rico Telecommunications Regulatory Board ("Board"), within the term of twenty (20) days from the date of the filing of the notice of this Order. The Petitioner shall send a copy of such motion, by mail, to all the parties involved in this case.

This Board shall consider the motion for reconsideration within fifteen (15) days of its filing. Should it reject it forthright, or fail to act upon it within the mentioned fifteen (15) days, a new term to request judicial review shall commence from the date of notice of such denial, or from the expiration of the fifteen (15) day term, whichever may apply to each particular case. If a determination is made in the merits of the Motion for Reconsideration, the term to petition for judicial review shall commence from the date a copy of the notice of the Order or Resolution of the Board definitely resolving the motion, is filed in the record of the case. Such Order or Resolution shall be issued and filed in the record of the case within ninety (90) days after the motion to reconsider has been filed. If the Board accepts the Motion for Reconsideration, but fails to take any action with respect to such motion within ninety (90) days of its filing, it shall lose jurisdiction of the same, and the term to file for judicial review before the United States District Court for the District of Puerto Rico shall commence upon the expiration of said ninety (90) day term, unless the Board, for just cause and within those ninety (90) days, extends the term to resolve for a period that shall not exceed thirty (30) additional days.

Notwithstanding, the Board may accept or make a determination with respect to a timely filed motion for reconsideration, even after fifteen (15) days of its filing, as long as the term to seek judicial review has not elapsed and a petition for such review has not been filed. The Board may also reconsider, by its own initiative, the instant Resolution and Order (or Administrative Order, as it may apply), as long as the term to seek judicial review has not elapsed and a petition for such review has not been filed.

If the party adversely affected or aggrieved by the present Administrative Order chooses not to file for reconsideration, pursuant to Sections 252 (e)(1) and 252 (e)(4) of the Communications Act of 1934, as amended, and Section 269d (e)(5) of the Puerto Rico Telecommunications Act of 1996, as amended (Act No. 212 of September 12, 1996, as




amended), said party may seek judicial review before the United States District Court for the District of Puerto Rico.

NOTIFY the present Resolution and Order to Petitioner, through their legal representative, Yvonne M. Menéndez Calero, Menéndez Calero Law & Mediation, PO Box 6517, Bayamón, PR 00960.

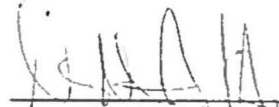
This was agreed by the Board on October 18, 2013.




Javier Rúa Jovet
President



Sandra Torres López
Associate Member



Nixyvette Santini Hernández
Associate Member



Gloria I. Escudero Morales
Associate Member

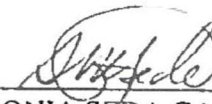


María M. Reyes Guevara
Associate Member

CERTIFICATION

I CERTIFY that the present document is a true and exact copy of the Resolution and Order approved by the Telecommunications Board on October 18, 2013. I also CERTIFY that today, October 18, 2013, I have sent copy of the present Resolution and order to the parties to this case and proceeded to file a copy for our Records.

FOR THE RECORD, I sign the present Resolution and Order in San Juan, Puerto Rico, today, October 18, 2013.



SONIA SEDA GAZTAMBIDE
Interim Secretary of the Board



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: PETITION OF TOTAL CALL MOBILE, INC.	:	
FOR DESIGNATION AS AN ELIGIBLE	:	
TELECOMMUNICATIONS CARRIER IN THE	:	DOCKET NO. 4383
STATE OF RHODE ISLAND FOR THE	:	
PURPOSE OF OFFERING LIFELINE SERVICE	:	
TO QUALIFIED HOUSEHOLDS	:	

ORDER

WHEREAS, On June 3, 2013,¹ Total Call Mobile, Inc. (Company) filed with the Public Utilities Commission (PUC) a Petition for Designation as an Eligible Telecommunications Carrier (ETC) throughout its service area in the State of Rhode Island pursuant to 47 U.S.C. § 214(e)² in order to provide discounted service to low income customers and receive certain subsidies from the Federal Universal Service Fund; and

WHEREAS, Under this pre-paid wireless telecommunications service, the Company will offer handsets to lifeline participants free of charge (only one participant per household) on a month-to-month basis without requiring a security deposit or credit check.³; and

WHEREAS, the Company will offer five Lifeline Plan choices with various mixes of voice and text messaging, some with international capabilities;⁴ and

¹ Total Call Mobile originally submitted its ETC petition on December 28, 2012, but did not have designated local counsel until June 3, 2013.

² 47 U.S.C. § 214(e) imposed statutory responsibility upon the Commission to certify telecommunications service providers as "eligible" to receive funds from the Federal Universal Service Fund.

³ Total Call Mobile, Inc. Petition at 4-5, Exhibits 2-3.

⁴ *Id.*

WHEREAS, Because it is a pre-paid service, there is no concern that customers will not be protected from long-distance charges as there is with landline ETC service; and

WHEREAS, As part of its petition, the Company represented that it has been allowed ETC status in five other states, with petitions pending in several others; and

WHEREAS, As part of its petition, the Company filed with the PUC a copy of its Rhode Island-specific Enrollment Form which includes the federal eligibility and state-specific eligibility requirements along with its marketing materials and call center script; and

WHEREAS, The Company offered that it has several measures in place to protect against duplicate enrollments, waste and fraud;⁵ and

WHEREAS, On June 10, 2013, the PUC issued a Notice to Solicit Comments on the Company's petition with a June 21, 2013 deadline for filing comments; and

WHEREAS, On June 17, 2013, the Division of Public Utilities and Carriers filed a Memorandum with the PUC recommending approval of the Company's Petition, subject to PUC approval of the Company's Class VI carrier application, on the basis that the Company had adequately met all of the PUC's requirements in its Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund; and

⁵ *Id.* at 6-8. According to the Universal Service Administration Company's website, commencing on February 27, 2014, ETCs in Rhode Island will begin using the National Lifeline Accountability Database (NLAD) to enroll and de-enroll customers. This should avoid duplicate enrollments by RI residents. See <http://www.usac.org/li/tools/nlad/nlad-migration.aspx>.

WHEREAS, The Company's Class VI application was approved by the PUC on January 16, 2014; and

WHEREAS, The PUC is of the opinion that the Company's petition for ETC designation is proper, complies with the federal and state requirements, and is in the best interest of ratepayers.

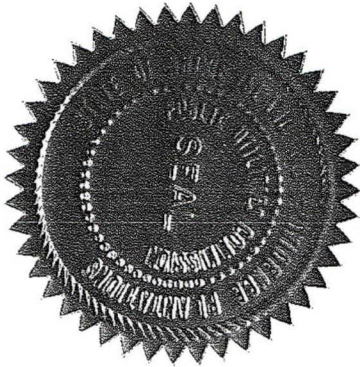
Accordingly, it is hereby

(21375) ORDERED:

- 1) Total Call Mobile, Inc. is hereby designated as an Eligible Telecommunications Carrier throughout its service area to solely provide lifeline service to qualifying Rhode Island low-income households such that Total Call Mobile, Inc. may receive universal service support.
- 2) To the extent 47 C.F.R. § 54.401 requires any additional information to be filed with the FCC or Universal Service Administration Company, Total Call Mobile, Inc. is hereby ordered to make such a filing.
- 3) Total Call Mobile, Inc. shall comply with all reporting requirements set forth in the PUC's Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund.

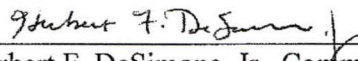
EFFECTIVE AT WARWICK, RHODE ISLAND ON FEBRUARY 27, 2014
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
MARCH 7, 2014.

PUBLIC UTILITIES COMMISSION




Margaret E. Curran, Chairperson


Paul J. Roberti, Commissioner


Herbert F. DeSimone, Jr., Commissioner

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws § 39-5-1, any person aggrieved by a decision or order of the PUC may, within seven days (7) from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.

FAX

To: Lance J. M. Steinhart

Company:

Fax: (770) 232-9208

Phone: (770) 232-9200

From: Ruby Hicks

Fax: 512-936-7208

Phone: 512-936-7249

E-mail: Ruby.Hicks@puc.texas.gov

NOTES:

Docket #40704 - Order No. 3 - this has been filed on 10/11/12 @ 3:49 p.m.

Date and time of transmission: Thursday, October 11, 2012 4:30:18 PM
Number of pages including this cover sheet: 04

DOCKET NO. 40704

APPLICATION OF TOTAL CALL	§	PUBLIC UTILITY COMMISSION
MOBILE, INC. FOR DESIGNATION	§	
AS AN ELIGIBLE	§	OF TEXAS
TELECOMMUNICATIONS CARRIER	§	
IN THE STATE OF TEXAS FOR THE	§	
LIMITED PURPOSE OF OFFERING	§	
LIFELINE SERVICE	§	

ORDER NO. 3
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Procedural History

On August 29, 2012, Total Call Mobile, Inc. (Total Call or the Company) filed with the Public Utility Commission (Commission) an application for designation as an eligible telecommunications carrier (ETC), pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418 for the limited purpose of providing Lifeline service to qualifying Texas households. No parties sought intervention in this proceeding.

On August 31, 2012, the Commission issued Order No. 1 in this proceeding, which established a procedural schedule, including deadlines for comment, motions to intervene, and publication of notice in the *Texas Register*. Notice was published in the *Texas Register* on September 14, 2012. The Company provided a copy of the application to the Office of Public Utility Counsel at the time of filing. On September 10, 2012, Total Call filed a supplement to the application. Pursuant to P.U.C. SUBST. R. 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later.

Total Call is a commercial mobile radio service (CMRS) reseller by reselling mobile services from the underlying commercial mobile radio service provider, Sprint Spectrum, L.P. (Sprint). Total Call requested designation as an ETC for the non-rural wire centers of the ILECs AT&T Texas, Verizon Southwest, and Central Telephone of Texas d/b/a CenturyLink in which Sprint's spectrum covers an entire wire center, and in which it serves only part of the wire center

as shown in Exhibit 6 of the application. The Company provided an updated wire center list for which it is seeking ETC designation as Exhibit 3 of the supplement to its application.

On October 8, 2012, Commission Staff filed its final recommendation requesting administrative approval of the application of Total Call for ETC designation for the limited purpose of providing Lifeline service based on the following:

Designation as Eligible Telecommunications Carrier (ETC)

To qualify for ETC status, a carrier must meet the following criteria:¹

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA), Section 3(10).
2. The carrier must offer the following voice telephony services² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network or its functional equivalent;
 - (b) minutes of use for local service provided at no additional charge to end users;
 - (c) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and
 - (d) toll limitation for qualifying low income customers.
3. The carrier must advertise the availability of the above services and charges for the services in a media of general distribution.⁴
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁵

Total Call meets all of the requirements to be designated as an ETC. In addition, Total Call commits to meeting all of the additional ETC requirements as listed in 47 C.F.R.

¹ 47 C.F.R. § 54.201(b)-(d).

² 47 C.F.R. § 54.101.

³ 47 C.F.R. § 54.201.

⁴ 47 C.F.R. § 54.201.

⁵ 47 C.F.R. § 54.405.

§ 54.202(a)(1)(i). Consistent with 47 C.F.R § 54.202(a)(1)(ii), Total Call is not required to file a five-year plan that specifies proposed improvements or upgrades to its network because Total Call does not seek high-cost support.

Ordering Paragraph

In accordance with Commission Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, Total Call's application for ETC designation for the limited purpose of providing Lifeline service throughout the non-rural wire centers of the non-rural ILECs: AT&T Texas, Verizon, and Central Telephone Company of Texas (CenturyLink), as listed in Exhibit 3 of the supplement to its application is **APPROVED.**

SIGNED AT AUSTIN, TEXAS the _____ day of October 2012.

PUBLIC UTILITY COMMISSION OF TEXAS

ANDREW KANG
ADMINISTRATIVE LAW JUDGE

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of Total Call
Mobile, Inc. for Limited Designation as an
Eligible Telecommunications Carrier

)
)
)
)
)
)

DOCKET NO. 12-2561-01
ORDER APPROVING SETTLEMENT
STIPULATION

ISSUED: April 8, 2013

By The Commission:

BACKGROUND

On November 14, 2012, Total Call Mobile, Inc. ("Total Call") filed an application for designation as an eligible telecommunications carrier. On December 27, 2012, Total Call filed an amended application. On December 6, 2012, the Commission held a duly-noticed scheduling conference and set the schedule for this docket, including an intervention deadline. Utah Rule Telecom Association ("URTA") and Salt Lake Community Action Program ("SLCAP") requested and were granted permission to intervene. Thereafter, the parties held a settlement conference and, on February 8, 2013, the Commission entered an order suspending the scheduling order in this docket pending filing of a settlement agreement.

On March 26, 2013, Total Call filed an executed settlement stipulation ("Settlement Stipulation" or "Stipulation"), a copy which is attached hereto as Exhibit #1. See Exhibit #1. The Settlement Stipulation clarifies that "Total Call seeks ETC designation for the limited purpose of providing federal universal service low-income Lifeline service in Utah. Total Call will not be seeking universal service high-cost support in its service area, nor will Total Call seek to provide universal service low-income Link Up service." Id. at 4, ¶ 2. "Total Call is not currently seeking any Utah USF funding. If Total Call seeks Utah USF funding in the future,

DOCKET NO. 12-2561-01

-2-

Total Call will file a separate application requesting such state support.” *Id.* at 5, ¶¶ 11(B)-(C). The Settlement Stipulation is signed by Total Call, the Division of Public Utilities (“Division”), and the Office of Consumer Services (“Office”).

On April 4, 2013, the Commission held a duly-noticed hearing. At the hearing, Cheryl Murray of the Office represented that Betsy Wolf of SLCAP authorized her to represent to the Commission that SLCAP does not oppose the Stipulation. *See* Transcript of Hearing at 17, lines 1-2. Similarly, Casey Coleman of the Division represented that URTA was involved in settlement discussions and it was his understanding that URTA did not object. Neither SLCAP nor URTA appeared at the hearing. The Administrative Law Judge for the Commission took judicial notice of the Stipulation. Nathaniel Law, General Counsel and representative for Total Call, testified that the Stipulation is just and reasonable in result. *See id.* at 17, lines 15-18. Both the Division and Office testified the Stipulation is just and reasonable in result, and they each recommended the Commission approve it. *See* Transcript of Hearing at 13, lines 24-25; *id.* at 14, lines 1-2; *id.* at 15, lines 19-22, *and id.* at 16, lines 15-17. “[A]ll of the [p]arties [to the Stipulation] agree that this Stipulation as a whole is just and reasonable in result and in the public interest.” Exhibit #1 at 6, ¶ 2. No one opposed the Stipulation.

FINDINGS, CONCLUSIONS AND ORDER

As set forth by statute and as previously noted by the Commission in other orders, settlements of matters before the Commission are encouraged at any stage of the proceedings.¹

¹ *See* Utah Code Ann. § 54-7-1 (2010). *See also In the Matter of the Notice of Rocky Mountain Power of Intent to File a General Rate Case, Docket No. 11-035-200 (Report and Order; Sept. 19, 2012), at 26; and In the Matter of the Application of Questar Gas Company to Adjust Rates for Natural Gas Service in Utah, Docket No. 04-057-04 (Report and Order; Feb. 6, 2006), at 26.*

DOCKET NO. 12-2561-01

-3-

The Commission may approve a settlement proposal after considering the interests of the public and other affected persons, if it finds the settlement proposal in the public interest.² With this background in mind, and based on our consideration of the evidence before us, the testimony and recommendations of the parties, and the applicable legal standards, we find approval of the Settlement Stipulation to be in the public interest. Accordingly, the Commission approves the Stipulation.

DATED at Salt Lake City, Utah, this 8th day of April, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and confirmed this 8th day of April, 2013, as the Order Approving Settlement Stipulation of the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ Dave R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#243177

² See Utah Code Ann. § 54-7-1(2)(a). See also *Utah Dept. of Admin. Services v. Public Service Comm'n*, 658 P.2d 601, 613-14 (Utah 1983).

DOCKET NO. 12-2561-01

-4-

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 Commission 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 Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission'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.

DOCKET NO. 12-2561-01

-5-

CERTIFICATE OF SERVICE

I CERTIFY that on the 8th day of April, 2013, a true and correct copy of the foregoing, was served upon the following as indicated below:

By Electronic-Mail:

Robert Yup (roberty@totalcallusa.com)
Total Call Mobile, Inc.

Kira M. Slawson (kslawson@blackburn-stoll.com)
Brett N. Anderson (bretta@blackburn-stoll.com)
Stanley K. Stoll (stans@blackburn-stoll.com)
Blackburn & Stoll, LC

Betsy Wolf (bwolf@slcap.org)
Salt Lake Community Action Program

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Paul Proctor (pproctor@utah.gov)
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant

DOCKET NO. 12-2561-01

-6-

Exhibit #1

In the Matter of the Petition of Total Call Mobile,
Inc. for Limited Designation as an Eligible
Telecommunications Carrier

1. On May 8, 1997, the Federal Communications Commission (“FCC”) issued its Universal Service Report and Order, 12 FCC Rcd 8776 (1997) (“Universal Service Order”) implementing the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the “Federal Act”). The FCC provided further guidance on Eligible Telecommunications Carrier (“ETC”) designation in its Lifeline and Link Up Reform Order released February 6, 2012, Federal-State Joint Board on Universal Service, WC Docket No. 11-42, WC Docket No. 03-109,

CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11.¹

2. The Universal Service Order provides that only ETCs designated by a state public utilities commission ("State Commission") shall receive federal universal service support. Under 47 U.S.C. § 214(e), a State Commission shall, upon its own motion or upon request, designate a common carrier that meets the requirements set forth by the FCC as an ETC for a service area designated by the State Commission. The FCC defines a service area as a geographic area established by a State Commission for the purpose of determining universal service obligations and support mechanisms.

3. To be designated as a federal ETC under the Federal Act, a carrier must: (1) be a common carrier; (2) demonstrate an intent and ability to provision the supported services set forth in 47 C.F.R. § 54.101(a) throughout its designated service areas; and (3) demonstrate an intent and ability to advertise its universal service offerings and the charges therefore, using media of general distribution. 47 U.S.C. § 214(e); Universal Service Order, 12 FCC Red at 8791.

4. The FCC's supported services set forth in 47 C.F.R. § 54.101(a) are:

- a. voice grade access to the public switched telephone network or its functional equivalent;
- b. minutes of use for local service provided at no additional charge to end users;

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("Lifeline and Link Up Reform Order").

- c. access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and
- d. toll limitation services to qualifying low-income consumers.

5. In areas served by a rural telephone company, 47 U.S.C. § 214(e)(2) further requires the Commission to determine that the designation of an additional ETC is in the public interest.

6. On November 14, 2012, Total Call filed a Petition seeking Designation as an ETC in the State of Utah, Docket Number 12-2561-01. Total Call seeks designation throughout Sprint's coverage area, as identified by wire centers in Exhibit 7 to its Petition.

7. Total Call, the DPU, and the OCS engaged in settlement discussions in an attempt to resolve their differences regarding issues raised by Total Call's Petition. Utah Rural Telecom Association (URTA), and Salt Lake Community Action Program (SLCAP) were invited to participate.

8. The Parties have now reached agreement on the issues raised in this docket, as set forth herein. The Parties agree this Stipulation should have no legal effect outside of the instant docket.

AGREEMENT

WHEREFORE, based on their review of all discovery, testimony and exhibits submitted and upon their settlement discussions, the Parties hereby stipulate and agree as follows:

- 1. Total Call is a wireless reseller of Sprint PCS's (Sprint) network.

2. Total Call seeks ETC designation for the limited purpose of providing federal universal service low-income Lifeline service in Utah. Total Call will not be seeking universal service high-cost support in its service area, nor will Total Call seek to provide universal service low-income Link Up service.

3. Total Call's Lifeline program furthers the statutory goal that basic service be available and affordable to all citizens of the state of Utah.

4. Total Call's Lifeline product offering will offer an additional choice of providers offering service for low-income consumers, which represents a benefit for those consumers and is in the public interest.

5. Total Call is a commercial mobile radio service ("CMRS") provider, and a common carrier as defined by 47 U.S.C. § 332(c)(1)(A).

6. Total Call provides each of the supported services set forth in 47 C.F.R. § 54.101(a) and it has shown an intent and ability to offer those services once designated throughout its requested service areas.²

7. Total Call submitted its Amended Compliance Plan on May 17, 2012. Total Call's Amended Compliance Plan outlines the measures it will take to implement the conditions imposed by the FCC.³ The FCC approved Total Call's Compliance Plan, as amended, on May 25, 2012.

8. Total Call will make available Lifeline service to qualifying low-income consumers. Total Call will not offer Link Up to qualifying low-income consumers.

² With respect to toll limitation, in its Lifeline and Link Up Reform Order, the FCC stated that toll limitation would no longer be deemed a supported service in the case of ETCs. See Lifeline and Link Up Reform Order at ¶¶ 49 and 367. Nonetheless, Total Call's offerings inherently allow Lifeline subscribers to control their usage because of the prepaid nature of Total Call's Lifeline plans. Total Call's service is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same. The nature of Total Call's service and plans act as a toll limitation. Total Call will not seek reimbursement for toll limitation service.

³ See Lifeline and Link Up Reform Order.

9. Total Call shall make available five (5) different Lifeline plan choices, the details of which are provided in Exhibit 2 to its Petition. Total Call agrees that it will seek the \$9.25 federal reimbursement from the Universal Service Administrative Company ("USAC").

10. The Parties stipulate and agree that designating Total Call as an ETC in the wire centers set forth in Exhibit 7 to its Petition serves the public interest, convenience and necessity, as defined in 47 U.S.C. § 214(e)(2).

11. The Parties stipulate and agree that Total Call shall provide its ETC Lifeline universal service offerings in Utah pursuant to this Stipulation (including attachments). The Parties recommend that Total Call's provision of its universal service offering as an ETC be governed by the following additional requirements:

- A. Total Call will use a Utah-specific fact sheet that provides customers with concise and complete information about the services they will receive. Such fact sheet is attached hereto as Attachment 1. Total Call agrees to promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.
- B. Total Call is not currently seeking any Utah USF funding.
- C. If Total Call seeks Utah USF funding in the future, Total Call will file a separate application requesting such state support.
- D. Total Call will comply with all state service quality and consumer protection requirements.
- E. Total Call acknowledges that approval of its Petition will be 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

- F. Total Call agrees to adopt any changes to the certification and verification process developed within Docket No. 10-2528-01.
- G. Total Call meets the requirements for federal ETC designation.
- H. Upon implementing any changes to its Lifeline offerings, Total Call will timely file a notice with the DPU and OCS describing the changed plans.

GENERAL PROVISIONS

1. The Parties stipulate to the admission into evidence in this docket of Total Call's Petition and pre-filed Testimony and exhibits. This stipulation to the admission of the Testimony does not represent an agreement by the Parties as to any positions taken in such Testimony.
2. Not all Parties agree that each aspect of this Stipulation is warranted or supportable in isolation. Utah Code Ann. § 54-7-1 authorizes the Commission to approve a settlement so long as the settlement is just and reasonable in result. While the Parties are not able to agree that each specific component of this Stipulation is just and reasonable in isolation, all of the Parties agree that this Stipulation as a whole is just and reasonable in result and in the public interest.
3. All negotiations related to this Stipulation are confidential, and no Party shall be bound by any position asserted in negotiations. Except as expressly provided in this Stipulation, and in accordance with Utah Admin. Code R746-100-10.F.5, neither the execution of this Stipulation nor the order adopting it shall be deemed to constitute an admission or acknowledgment by any Party of the validity or invalidity of any principle; nor shall they be construed to constitute the basis of an estoppel or waiver by any Party; nor shall

they be introduced or used as evidence for any other purpose in a future proceeding by any Party except in a proceeding to enforce this Stipulation.

4. The Parties agree that no part of this Stipulation or the formulae and methodologies used in developing the same or a Commission order approving the same shall in any manner be argued or considered as precedential in any future case except with regard to issues expressly called-out and resolved by this Stipulation. This Stipulation does not resolve and does not provide any inferences regarding, and the Parties are free to take any position with respect to any issues not specifically called-out and settled herein.

5. The Parties request that the Commission hold a hearing on this Stipulation. Total Call, the DPU, and the OCS shall, and other Parties may make one or more witnesses available to explain and offer further support for this Stipulation. The Parties shall support the Commission's approval of this Stipulation. As applied to the DPU and the OCS, the explanation and support shall be consistent with their statutory authority and responsibility.

6. The Parties agree that if any person challenges the approval of this Stipulation or requests rehearing or reconsideration of any order of the Commission approving this Stipulation, each Party will use its best efforts to support the terms and conditions of this Stipulation. As applied to the DPU and the OCS, the phrase "use its best efforts" means that they shall do so in a manner consistent with their statutory authority and responsibility. In the event any person seeks judicial review of a Commission order approving this Stipulation, no Party shall take a position in that judicial review proceeding in opposition to the Stipulation.

7. Except with regard to the obligations of the Parties under the four immediately preceding paragraphs of this Stipulation, this Stipulation shall not be final and binding on

the Parties until it has been approved without material change or condition by the Commission.

8. This Stipulation is an integrated whole, and any Party may withdraw from it if it is not approved without material change or condition by the Commission or if the Commission's approval is rejected or materially conditioned by a reviewing court. If the Commission rejects any part of this Stipulation or imposes any material change or condition on approval of this Stipulation or if the Commission's approval of this Stipulation is rejected or materially conditioned by a reviewing court, the Parties agree to meet and discuss the applicable Commission or court order within five business days of its issuance and to attempt in good faith to determine if they are willing to modify the Stipulation consistent with the order. No Party shall withdraw from the Stipulation prior to complying with the foregoing sentence. If any Party withdraws from the Stipulation, any Party retains the right to seek additional procedures before the Commission, including presentation of testimony and cross-examination of witnesses, with respect to issues resolved by the Stipulation, and no party shall be bound or prejudiced by the terms and conditions of the Stipulation.

9. This Stipulation may be executed by individual Parties through two or more separate, conformed copies, the aggregate of which will be considered as an integrated instrument.

WHEREFORE, the Parties respectfully submit this Stipulation and Settlement Agreement for approval by the Commission and request that the Commission grant such approval.

Dated this ____ day of _____, 2013.

FOR TOTAL CALL MOBILE, INC.:

Hideki Kato
Chief Operating Officer
Total Call Mobile, Inc.
1411 W. 190th Street, Suite 700
Gardena, CA 90248
(310) 818-4300 (Phone)
(310) 818-4310 (Fax)

**FOR THE UTAH DEPARTMENT OF
PUBLIC UTILITIES:**

Chris Parker
Director
Division of Public Utilities
160 E 300 S, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-6751

**FOR THE UTAH OFFICE OF
CONSUMER SERVICES:**

MICHELE BECK
Director
Office of Consumer Services
160 E 300 S, 2nd Floor
Salt Lake City, UT 84114-6782

ATTACHMENT 1

Utah-specific Fact Sheet

IMPORTANT INFORMATION ABOUT YOUR TOTAL CALL MOBILE WIRELESS LIFELINE SERVICE

TOTAL CALL MOBILE Lifeline Service is brought to you by TOTAL CALL MOBILE, INC. ("Total Call") and includes the provision of a free "base-level" E911 compliant wireless handset and mobile phone service. This government sponsored Lifeline service is subject to continuing eligibility and annual recertification. Only one Lifeline subsidy per household is allowed; your participation in this program requires that you do not receive Lifeline subsidy on any other phone, either wireless or wireline. If you no longer receive the low-income assistance or your income exceeds the qualifying amount, you must notify TOTAL CALL. As a recipient of Lifeline service you may not give away or sell this phone.

- Your enrollment in the program will be for 12 months. (Unless your eligibility status changes, you select a different carrier, or there is no activity on your phone for 90 consecutive days.)
- You will receive a minimum of 150 free minutes each month (Lifeline Plan 1). This offer may increase depending on the Plan option you choose but will not decrease without prior notice. Total Call will inform you of any changes. You must follow the procedures described in the "Getting Started" booklet and Lifeline Terms and Conditions to begin using Lifeline service on your phone.
- Unused free minutes will not carry over to the following month.
- Minutes will be charged for both outgoing and incoming calls.
 - Note: Calls to directory assistance and time you are on hold will also count as minutes used.
 - Emergency calls to 911 will not count against your minutes
 - Calls to Total Call customer service will not count against your minutes.
 - Partial minute usage is rounded up to the nearest minute.
 - Text messages are charged against Plan minutes at one minute per incoming or outgoing text.
- To contact Total Call customer service, please dial 611 from your Total Call handset or dial Total Call's toll-free number 1-800-550-5265. You can also contact Total Call customer service representatives via the "Contact Us" page on Total Call's website www.totalcallmobile.com.
- Emergency calls to 911 CAN be made even if you have NO remaining minutes.
- Additional minutes and text messages can be added by calling Total Call customer service, or via Total Call's website.
 - Purchase additional minutes at \$0.10 per minutes
 - Purchase additional text messages at \$0.05 per text message
- You may also purchase Total Call 30-day retail plans at a discount: 1000 Talk & 1000 Text (Lifeline Plan 3), Unlimited Talk & Text (Lifeline Plan 4), and Unlimited Talk, Text & Data (Lifeline Plan 5).
- At the end of 12 months Total Call will contact you to verify that you are still eligible for Lifeline support to continue to receive free minutes monthly.
- Access to the internet is available on Total Call's Lifeline Plan 5. There is no internet access on Total Call's Lifeline Plan 1 (150 Minute Plan), Lifeline Plan 2 (250 Minute Plan), Lifeline Plan 3 (1000 Talk & 1000 Text), and Lifeline Plan 4 (Unlimited Talk & Text). You are advised to carefully review the availability of this feature in your Total Call Lifeline Service Guide and Terms and Conditions.
- If you have purchased additional airtime and have remaining minutes and days of service at the end of your Lifeline eligibility, you will be subject to the terms and conditions of Total Call's retail wireless services.

YOU ARE ENCOURAGED TO READ THE "GETTING STARTED" BOOKLET AND LIFELINE TERMS AND CONDITIONS CAREFULLY FOR COMPLETE DETAILS REGARDING YOUR TOTAL CALL MOBILE LIFELINE SERVICE.

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET UT-121524
)	
Total Call Mobile, Inc.,	)	ORDER 01
)	
Petitioner,)	
)	
Seeking Designation as an Eligible)	
Telecommunications Carrier in the	)	ORDER GRANTING ELIGIBLE
state of Washington pursuant to	)	TELECOMMUNICATIONS CARRIER
47 U.S.C. § 214(e)(2) (Low Income	)	DESIGNATION WITH CONDITIONS
Only)	)	AND EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On September 18, 2012, Total Call Mobile, Inc. (Total Call or Company) filed its original petition (petition) with the Washington Utilities and Transportation Commission (Commission) requesting designation as an Eligible Telecommunications Carrier (ETC) in the state of Washington under the Communications Act of 1934,¹ applicable FCC rules, and WAC 480-123. Total Call proposes to provide qualified Washington consumers with Lifeline services, which are federal Universal Service Fund (USF) supported services.² ETC designation would allow the Company to receive federal low-income universal service support for prepaid wireless service applicable to Lifeline services. In support of its petition, Total Call filed its FCC-approved compliance plan with the Commission³ and a list of Washington wire centers for which the company requests ETC designation.⁴
- 2 On February 21, 2014, Total Call filed an amended petition with the Commission to request an exemption from WAC 480-123-030(1). The amended petition also updated the Company's terms of service, including a detailed description of its no charge Lifeline offerings for specified customer plans. Total Call also filed a revised exhibit listing the actual Washington exchanges for which the company requests ETC designation.⁵

¹ 47 U.S.C. § 214 (e)(2).

² The USF subsidizes monthly and initial connection charges for qualified low-income households.

³ Petition, Exhibit 5. The FCC approved Total Call's compliance plan on May 25, 2012.

⁴ *Id.*, Exhibit 6.

⁵ Amended Petition, Revised Exhibit 6.

3 Total Call states that designating the Company as an ETC will further the public interest by providing Washington's low-income consumers with lower prices and higher quality services. The Company contends that adding Total Call to the marketplace will significantly benefit low-income consumers in Washington by providing:

- 1) A larger local calling area (as compared to traditional wireline carriers);
- 2) The convenience and security afforded by mobile telephone service;
- 3) The opportunity for customers to control cost by receiving a pre-set amount of monthly airtime at no charge with the ability to purchase additional low-cost usage at flexible and affordable amounts in the event that included usage has been exhausted; and
- 4) 911 and, where available, enhanced 911 service in accordance with current FCC requirements, even if a handset has a zero balance.⁶

Total Call also points out that granting its petition would serve the public interest by increasing competitive choice and by offering a range of six Lifeline service plans to its customers.⁷

4 Total Call proposes to resell wireless service from Sprint to provide Lifeline services. Therefore, Total Call's petition also seeks an exemption from the following provisions of WAC 480-123-030(1):

- WAC 480-123-030(1)(d) requires high-cost program participants to file a substantive plan of the investments to be made with initial federal support for the first two years of their programs. Total Call indicates that it does not seek ETC designation for the purpose of participating in the USF high-cost program, making the substantive investment plan inapplicable to its petition.⁸
- WAC 480-123-030(1)(f) requires submission of cell site maps of geographic service areas. Total Call states that it does not own, control, or plan to develop cell sites, but instead will rely on those owned and operated by Sprint in

⁶ Petition at 19-20.

⁷ Amended Petition at 3-4.

⁸ Amended Petition at 7-8.

Washington. Therefore, Total Call requests a waiver of this requirement to provide coverage maps.⁹

- WAC 480-123-030(1)(g) requires ETCs to demonstrate the ability to remain functional in emergency situations. As noted above, Total Call resells facilities owned by Sprint and therefore relies on those carriers' facilities for backup battery power at each cell site, backup generators at each microwave hub, and backup battery and generators at each switch located in Washington. Again, Total Call seeks a waiver of this filing requirement.¹⁰

- 5 Commission Staff (Staff) agrees with Total Call that the Company meets all applicable regulatory requirements to be designated as an ETC. However, Staff presented, and the Company agreed to comply with, a list of conditions the Commission previously imposed on other similarly situated Lifeline ETCs seeking to operate in Washington. These include compliance filings, customer communications, customer eligibility audits with the Department of Social and Health Services, and quarterly reports to be filed with the Commission. A complete list of these conditions is set forth in Appendix A to this order.
- 6 Staff also agrees with and recommends granting Total Call's request for exemptions from the filing requirements of WAC 480-123-030(1)(d), (f), and (g).

DISCUSSION

- 7 Common carriers receiving designation as ETCs under 47 U.S.C. § 214 are eligible to receive funds from the federal USF for Lifeline services. State utility commissions are responsible for designating common carriers as ETCs for the purpose of receiving such funds, and may impose conditions on a common carrier so designated.¹¹ The Commission will approve petitions from carriers requesting ETC designation if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.¹²

⁹ Petition at 14-15.

¹⁰ Petition at 15-16.

¹¹ *In the Matter of the Petition of TracFone Wireless, Inc. for Exemption from WAC 480-123-030(1)(d),(f) and (g); and Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Lifeline Support from the Federal Universal Service Fund*, Order 03 (June 24, 2010), UT-093012, ¶ 78.

¹² WAC 480-123-040.

- 8 State commissions may designate more than one carrier as an ETC in an area if such designation is consistent with the public interest, convenience, and necessity and the carrier seeking ETC designation meets these two requirements of 47 U.S.C. § 214(e)(1):
- (A) Offer the services that are supported by federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and
 - (B) Advertise the availability of such services and the charges therefor using media of general distribution.
- 9 We agree with Staff that Total Call is capable of providing services supported by federal universal service mechanisms, as defined in 47 C.F.R. § 54.101(a), by reselling wireless service from Sprint, its underlying network carrier. If the FCC approves a carrier's compliance plan, the FCC does not apply the Act's "own facilities" requirement to carriers that seek limited ETC designation solely to participate in the Lifeline program. The compliance plan must demonstrate that the ETC applicant commits to fight waste, fraud, and abuse in the Lifeline program and will adhere to federal Lifeline rules. Here, Total Call seeks ETC designation for the limited purpose of participating in the Lifeline program, and the FCC approved Total Call's compliance plan on May 25, 2012.¹³ Further, Total Call commits to advertise its Lifeline services.¹⁴
- 10 Staff is correct that certain additional conditions should be imposed on Total Call as we have done when designating other similarly situated ETCs in Washington. Appendix A to this order provides the Company specific guidance on our expectations for regulatory compliance, customer service, consumer protection, and various reporting requirements that will ensure Staff can monitor Total Call's operations for strict adherence to all ETC requirements.
- 11 We also agree that Total Call has demonstrated that the requirements of WAC 480-123-030(1)(d) should not apply to the Company because the rule only applies to high-cost program participants and Total Call is not a high-cost program participant. WAC 480-123-030(1)(f) and (g) also do not apply to Total Call's proposed operations as an ETC because the Company will not use its own facilities to provide service; rather, Total Call

¹³ *Wireline Competition Bureau Approved the Compliance Plans of American Broadband & Telecommunications, Budget Prepay, Consumer Cellular, Global Connection, Terracom and Total Call*, FCC Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-828 (rel. May 25, 2012).

¹⁴ Petition at 12-13.

will rely on an underlying carrier's facilities and backup services. The Company's request for exemption from these portions of WAC 480-123-030 should be granted.

FINDINGS AND CONCLUSIONS

- 12 (1) The Commission has jurisdiction over the subject matter of this order and is authorized to designate Eligible Telecommunications Carriers in Washington under 47 U.S.C. § 214(e)(2), 47 C.F.R. §54.201(b)-(c), and WAC 480-123.
- 13 (2) Total Call Mobile, Inc. is a telecommunications company seeking to do business in the state of Washington. Total Call meets the requirements for designation as an ETC because the FCC has approved Total Call's compliance plan and Total Call has committed to advertise the availability of its services and the charges therefor using media of general distribution. Total Call's designation as an ETC will advance the purpose of universal service because Total Call will offer voice telephony services, which facilitate universal service. Total Call has also demonstrated that its designation as an ETC is in the public interest.
- 14 (3) The Commission may grant an exemption from any of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. Total Call has demonstrated that the requirements of WAC 480-123-030(1)(d), (f), and (g) should not apply to the Company and that granting the requested exemption is in the public interest and consistent with applicable laws and rules.
- 15 (4) This matter came before the Commission at its regularly scheduled meeting on March 27, 2014.

ORDER

THE COMMISSION ORDERS:

- 16 (1) Total Call Mobile, Inc.'s request for designation as an ETC is hereby GRANTED, subject to the conditions set out in Appendix A and limited to the list of Washington exchanges set forth in Appendix B to this order.
- 17 (2) Total Call Mobile, Inc.'s request for exemption from WAC 480-123-030(1)(d), (f), and (g) is hereby GRANTED.
- 18 (3) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Olympia, Washington, and effective March 27, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

JEFFREY D. GOLTZ, Commissioner

APPENDIX A

Washington State Conditions on Designation of Total Call Mobile, Inc. as an Eligible Telecommunications Carrier

1. Within 30 days of approval of its ETC designation in Washington and prior to offering Lifeline services, Total Call Mobile, Inc.'s (Total Call or Company) must make a compliance filing for approval by the commission containing the following:
 - a. Total Call's Lifeline rate plans, terms and conditions. The rates, terms and conditions shall include all provisions that apply to the Lifeline services offered by Total Call in Washington State and detailed procedures explaining how customers can participate in a particular Lifeline plan.
 - b. Total Call's proposed language to be used in all advertising of Lifeline services and on its websites. The language shall include information directing customers to the Washington State Office of the Attorney General for complaints regarding any Lifeline service issues.
 - c. Total Call's Lifeline Customer Application Form.

Commission staff shall review Total Call's compliance filing and recommend to the commission whether it should be approved or rejected within ten business days. Total Call shall not offer Lifeline services until the commission has approved its compliance filing.

2. Total Call shall utilize federal default eligibility criteria only, i.e., not utilizing Washington Telephone Assistance Program eligibility criteria that are not on the federal list.
3. Total Call shall file with the Commission any future changes to its rates, terms, conditions or Lifeline customer application form at least one day prior to the effective date of the change.
4. The information on Total Call's rates, key terms and conditions, e.g., return policy, usage definition, refill methods, annual recertification requirement, and customer service contact, shall be provided in a package sent or given to Lifeline customers after enrollment in Total Call's Lifeline program, as well as at Total Call's official Lifeline website.
5. For the rate plans free of charge to customers, Total Call must offer at least one plan with a minimum of 250 minutes per month. The Company may invoke Condition

No. 2 only for the purpose of increasing the number of minutes or enhancing the features in the Lifeline plan, but not decreasing the number of minutes.

6. Total Call shall deactivate a Lifeline account if the customer has no usage for 60 consecutive days pursuant to 47 C.F.R. § 54.407(c)(2). No fewer than eight business days before deactivation, Total Call shall send the customer a written notice by mail about the potential deactivation and ways to avoid unwanted deactivation. The customer shall have a 30 day grace period from the deactivation date to reactivate the Lifeline account by incurring "usage" as defined in 47 C.F.R. § 54.407(c)(2). When a customer reactivates the account, Total Call must deposit the minutes the customer is entitled to for the grace period.
7. On a quarterly basis, Total Call shall provide the number of Lifeline customers that it enrolls each month. Total Call shall also report the number of deactivated Lifeline customers each month by service plan and the reasons for deactivation, e.g., no usage for 60 consecutive days, annual verification unsuccessful, or voluntary exit. Quarterly reports shall be filed with the Commission no later than 30 days after the end of each quarter.
8. Total Call shall respond within 30 days to Commission Staff's information requests on Total Call's Lifeline operations, including but not limited to Lifeline customers' usage patterns and Lifeline customer records.
9. Total Call shall cooperate with the commission and the Department of Social and Health Services (DSHS) to work out a procedure to verify Total Call Lifeline customers' eligibility. Total Call shall maintain access to DSHS's online query database to verify the eligibility of Lifeline applicants who qualify based on their participation in Medicaid, Supplemental Nutrition Assistance Program, Supplemental Security Income and Temporary Assistance for Needy Families. This condition shall be required until the national Lifeline eligibility database is fully functional.
10. Total Call must not deduct airtime minutes for calls to customer care made from the customer's handset by dialing 611. Total Call shall explicitly state the policy of free 611 calls in its Lifeline service agreements. Total Call may require the customer to call the toll-free customer care number from another phone if necessary to resolve technical issues related to the handset or its programming.
11. Total Call shall have DSHS audit its Washington Lifeline customers' eligibility at least once a year. By January 31 of each year, Total Call shall provide DSHS with its complete Washington Lifeline customer records of the prior calendar year. The records must have all the necessary information and be in an electronic format required by DSHS. After DSHS notifies Total Call of the results of the review, Total Call must take appropriate measures to either correct the customer records or stop

providing services to ineligible customers and report the resolutions to the commission and DSHS within 60 days of the DSHS notice. This condition shall be required until the national accountability database for duplicate Lifeline claims and the national Lifeline eligibility database are fully functional.

12. Total Call shall provide the commission a copy of its annual Lifeline Re-certification results within 30 days it files with the Universal Service Administration Company (USAC) each year.
13. Total Call shall file with the commission, by March 31 of each year, a report on the number of complaints, categorized by the different nature of complaints that it received from Washington Lifeline customers during the prior calendar year, e.g., billing disputes and service quality complaints. This report shall include complaints filed with Total Call, the commission's Consumer Protection and Communications Section, the Washington State Office of the Attorney General, and the Federal Communications Commission (FCC). This report shall not include calls from customers with regard to general inquiries such as account balance, additional purchases, service availability or technical support. The Commission reserves the rights to revoke Total Call's ETC designation if Total Call fails to provide reasonable quality of service.
14. Total Call shall cooperate with the Washington State Enhanced 911 Program (E911) and all Public Safety Answering Points on E911 issues and shall, upon request, designate a representative to serve as a member or alternate member of the Washington State E911 Advisory Committee or its Communications Sub-committee.
15. Total Call shall comply with rules on cessation of business as specified in WAC 480-120-083.
 - a. Prior to cessation of business, Total Call shall make arrangements with its underlying carriers to provide minutes already sold to customers under the same terms and conditions it has with the customers, or provide refunds to the existing customers.
 - b. Total Call shall provide written notice to the following persons at least 30 days in advance of cessation of service:
 - i. The Commission;
 - ii. The state 911 program;
 - iii. Each of its customers;
 - iv. The national number administrator.

- c. The notice to the Commission and the state 911 program must include the same information required by WAC 480-120-083(3).
 - d. The notice to the customers must include the same information required by WAC 480-120-083(4).
 - e. The notice to the national number administrator must include the same information required by WAC 480-120-083(7).
 - f. Total Call shall file with the Commission at least 30 days in advance of its cessation of business and request the relinquishment of its ETC designation in Washington.
16. Total Call shall collect and maintain necessary records and documentation to ensure its compliance with the applicable FCC and Commission requirements, including existing requirements and any future modifications. The records and documentation shall be provided to Commission Staff upon request.
17. Total Call shall cooperate with Commission Staff on phone number conservation issues and shall comply with 47 C.F.R. § 52.
18. Total Call shall comply with all applicable federal and Washington state statutes and regulations, including E911 tax contributions.
19. Total Call shall file with the Commission of the results of any audits (including in-depth data validations) or investigations on the Company's Lifeline operation in any states or jurisdictions conducted by the FCC or USAC within 14 calendar days from the receipt of results. The Company must also notify the Commission of any ongoing investigation that has resulted in monetary or administrative penalty (e.g., suspension of Universal Service Fund reimbursement, suspension of Lifeline program operation) within 14 calendar days of the occurrence of such events. To the extent the Company deems the above information confidential, the Company may submit the notification on a confidential basis consistent with Commission rules.

APPENDIX B

Total Call Mobile, Inc.
Areas for Eligible Telecommunications Carrier Designation

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
ASOTIN TELEPHONE CO.	
	ANATONE
	ASOTIN
CENTURYTEL OF COWICHE, INC.	
	COWICHE
	RIMROCK
	TIETON
CENTURYTEL OF INTER-ISLAND, INC.	
	BLAKELY ISLAND
	EAST SOUND
	FRIDAY HARBOR
	LOPEZ
CENTURYTEL OF WASHINGTON, INC.	
	ALMIRA
	AMES LAKE
	ARLETTA
	ASHFORD
	BASIN CITY
	CARNATION
	CATHLAMET
	CHENEY
	CHEWELAH
	CHINOOK
	CONNELL
	COULEE CITY
	CRESTON
	CURTIS
	DAVENPORT
	EDWALL-TYLER
	ELMA
	ELTOPIA
	EUREKA
	FALL CITY

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	FORKS
	FOX ISLAND
	GIG HARBOR
	HARRINGTON
	HUMPTULIPS
	HUNTERS
	KAHLOTUS
	KETTLE FALLS
	KINGSTON
	LAKEBAY
	LAKE QUINAULT
	LIND
	LONG BEACH
	MATHEWS CORNER
	MCCLEARY
	MEDICAL LAKE
	MESA
	MONTESANO
	MORTON
	NEAH BAY
	NESPELEM
	NORTH BEND
	OCEAN PARK
	OCOSTA
	ODESSA
	ORTING
	OTHELLO
	PACIFIC BEACH
	PACKWOOD
	PUGET ISLAND
	RANDLE
	REARDAN
	RITZVILLE-BENGE
	SNOQUALMIE PASS
	SOUTH BEND
	SOUTH PRAIRIE
	SPANGLE

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	SPRAGUE
	STARBUCK
	TWISP
	VADER
	VASHON
	WASHTUCNA
	WILBUR
	WILSON CREEK
	WINTHROP
	YACOLT
ELLENSBURG TELEPHONE CO.	
	ELLENSBURG
	KITTAS
	SELAH
	THORP
	VANTAGE
FRONTIER COMMUNICATIONS NORTHWEST INC.	
	ACME-DEMING-WHATCOMCTY
	ALGER
	ANACORTES
	ARLINGTON
	BENTON CITY
	BIG LAKE
	BLAINE-BIRCH BAY-GTLD
	BOTHELL
	BURLINGTON
	BREWSTER
	BRIDGEPORT
	CAMAS-WASHOUGAL
	CASHMERE
	CHELAN
	CONCRETE
	CONWAY
	CUSTER-GTLD
	DEMING-WHATCOMCTY
	EDISON
	ENTIAT
	EVERETT

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	EVERSON-GTLD
	FAIRFIELD
	FARMINGTON
	FERNDALE-GTLD
	GARFIELD
	GEORGE
	GRANITE FALLS
	GRAYLAND
	HALLS LAKE
	KENNEWICK
	KIRKLAND
	LA CONNER
	LATAH
	LAUREL-WHATCOMCTY
	LEAVENWORTH
	LOOMIS
	LYMAN-HAMILTON
	LYNDEN
	MANSFIELD
	MAPLE FALLS
	MARBLEMOUNT
	MARYSVILLE
	MONROE
	MOLSON
	MOUNT VERNON
	NACHES
	NEWPORT
	NILE
	OAK HARBOR
	OAKESDALE
	PALOUSE
	PULLMAN
	QUINCY
	REPUBLIC
	RICHLAND
	RICHMOND BEACH
	ROCKFORD

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	ROSALIA
	SEDRO WOOLLEY
	SEDRO WOOLLEY-CONTEL
	SILVER LAKE
	SKYKOMISH
	SNOHOMISH
	SOAP LAKE
	STEVENS PASS
	SULTAN
	SUMAS-GTLD
	TEKOA
	TONASKET
	WATERVILLE
	WENATCHEE
	WESTPORT
	WOODLAND
HAT ISLAND TELEPHONE CO.	
	HAT ISLAND
HOOD CANAL TELEPHONE CO.	
	UNION
INLAND TELEPHONE CO.	
	DEWATO
	PRESCOTT
	ROSLYN
	UNION TOWN
KALAMA TELEPHONE CO.	
	KALAMA
LEWIS RIVER TELEPHONE CO., INC.	
	AMBOY
	COUGAR
	LA CENTER
	YALE
MASHELL TELECOM, INC.	
	EATONVILLE
MCDANIEL TELEPHONE CO.	
	MOSSYROCK
	SALKUM

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
PEND OREILLE TELEPHONE CO.	
	CUSICK
	IONE
	METALINE FALLS
PIONEER TELEPHONE CO.	
	ENDICOTT
	LACROSSE
QWEST CORPORATION	
	ABERDEEN-HOQUIAM
	AUBURN
	BAINBRIDGE ISLAND
	BATTLE GROUND
	BELFAIR
	BELLEVUE
	BELLINGHAM-GTLD
	BLACK DIAMOND
	BREMERTON
	BUCKLEY
	CASTLE ROCK
	CENTRALIA
	CHEHALIS
	CLARKSTON
	CLE ELUM
	COLFAX
	COLVILLE
	COPALIS
	COULEE DAM
	CRYSTAL MT.
	DAYTON
	DEER PARK
	DES MOINES
	EASTON
	ELK
	ENUMCLAW
	EPHRATA
	GRAHAM
	GREEN BLUFF

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	HOODSPORT
	ISSAQUAH
	KENT
	LIBERTY LAKE
	LONGVIEW-KELSO
	LOON LAKE
	MAPLE VALLEY
	MOSES LAKE
	NEWMAN LAKE
	NORTHPOINT
	OLYMPIA
	OMAK
	OROVILLE
	OTHELLO
	PASCO
	PATEROS
	POMEROY
	PORT ANGELES
	PORT LUDLOW
	PORT ORCHARD
	PORT TOWNSEND
	PUYALLUP
	RENTON
	RIDGEFIELD
	ROCHESTER
	ROY
	SEATTLE
	SEQUIM
	SHELTON
	SILVERDALE
	SPOKANE
	SPRINGDALE
	SUMNER
	TACOMA
	TACOMA WAVERLY
	TOUCHET
	VANCOUVER

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	WAITSBURG
	WALLAWALLA
	WARDEN
	WINLOCK
	YAKIMA
SKYLINE TELECOM COMPANY	
	MT. HULL
ST. JOHN TELEPHONE CO.	
	ST JOHN
TENINO TELEPHONE CO.	
	BUCODA
	TENINO
TOLEDO TELEPHONE CO., INC.	
	TOLEDO
UNITED TELEPHONE - NORTHWEST	CHIMACUM-CENTER
	COLUMBIA
	DALLESFORT
	GLENWOOD
	GOLDENDALE
	GRANDVIEW
	GRANGER
	HARRAH
	HOOD CANAL
	KLICITAT
	LYLE
	MABTON-BICKLETON
	MATTAWA
	PATERSON
	PORT ANGELES-GARDINER
	POULSBO
	PROSSER
	ROOSEVELT
	STEVENSON
	SUNNYSIDE
	TOPPENISH-ZILLAH

<u>INCUMBENT LOCAL EXCHANGE CARRIER</u>	<u>EXCHANGE</u>
	TROUT LAKE
	WAPATO
	WHITE SALMON
	WHITE SWAN
	WHITSTRAN
	WILLARD
WESTERN WAHKIAKUM COUNTY TELEPHONE CO.	
	GRAYS RIVER
	NASELLE
WESTGATE COMMUNICATIONS	
	STEHEKIN
WHIDBEY TELEPHONE CO.	
	POINT ROBERTS
	SOUTH WHIDBEY
YCOM NETWORKS, INC.	
	RAINIER
	YELM

SERVICE DATE
May 07, 2013

PSC REF#:184510

Public Service Commission of Wisconsin
RECEIVED: 05/07/13, 1:28:01 PM

PUBLIC SERVICE COMMISSION OF WISCONSIN

**Application of Total Call Mobile, Inc., for Designation as an Eligible
Telecommunications Carrier**

8838-TI-100

FINAL DECISION

This is the Final Decision in the investigation to determine whether to designate Total Call Mobile, Inc., (Total Call), as an Eligible Telecommunications Carrier (ETC), pursuant to 47 U.S.C. § 214(e)(2) and Wis. Admin. Code § PSC 160.13. Designation as an ETC makes a provider eligible to receive federal and state Universal Service Fund (USF) monies. Total Call is seeking designation solely for the purpose of receiving USF support for the low income program. This Final Decision designates Total Call as an ETC only for the purposes of receiving Low-Income support.

Introduction

Total Call filed a petition for designation as an ETC on December 6, 2012.¹ This application was affected by changes by Federal Communications Commission (FCC) actions during the pendency of the application. The Commission issued a notice requesting comments on April 12, 2013, with comments due on or before May 1, 2013. No comments were filed.

Total Call requested ETC designation throughout its service territory, for the purpose of receiving low income program support. The list of wire centers for which Total Call seeks ETC designation is shown in Exhibit 6 of its application.

¹ A copy of the application can be found on the Commission's Electronic Regulatory Filing (ERF) system under PSC REF # 177549. Additional application information can be found in ERF under docket number 8838-TI-100.

Findings of Fact

1. Total Call is a cellular mobile radio reseller offering prepaid wireless service in the wire centers served by Sprint.

2. Total Call has committed to providing service to all requesting customers, and to advertising the availability of its service, throughout area in which it is designated as an ETC, as required under 47 U.S.C. § 214(e) and Wis. Admin. Code § PSC 160.13.

3. Total Call has committed to providing service that meets most of the requirements set forth in Wis. Admin. Code § PSC 160.13. Total Call has sought modification of the other requirements, as discussed below.

4. Total Call has an approved compliance plan filed with the FCC, as required to obtain forbearance from the “own-facilities” requirement found in 47 U.S.C. § 214(e)(1)(A).

5. Total Call’s business plan and status as a prepaid wireless provider together with the administrative difficulty of applying some requirements of Wis. Admin. Code ch. PSC 160 creates an unusual circumstance that justifies adopting different requirements concerning the pay phone requirement, the minimum monthly charge, and the minimum monthly discount.

6. It is reasonable to adopt a requirement concerning pay phones other than the one set forth in Wis. Admin. Code §§ PSC 160.13(1)(d) and 165.088. It is reasonable to require Total Call to work with other providers to ensure that there is at least one pay phone in each municipality.

7. It is reasonable to require Total Call to provide a monthly credit in the form of minutes, in lieu of the dollar discounts set forth in Wis. Admin. Code § PSC 160.062(2)(b).

8. It is reasonable to *not* require Total Call to charge a minimum monthly fee, as set forth in Wis. Admin. Code § PSC 160.062(2)(c).

9. It is reasonable to require that Total Call discontinue service to, and collection of Lifeline support related to, any Lifeline phone with no usage in a 60-day period.

10. It is reasonable to require that Total Call file periodic reports, as described in the opinion section of this decision, on the numbers of phones disconnected due to no usage in a 60-day period.

11. It is reasonable and in the public interest to designate Total Call as an ETC for the purpose of receiving Lifeline support in the areas indicated in its application and consistent with this Decision.

Conclusions of Law

1. The Commission has jurisdiction and authority under Wis. Stat. §§ 196.02 and 196.218; Wis. Admin. Code ch. PSC 160; 47 U.S.C. §§ 214 and 254; and other pertinent provisions of Wis. Stat. ch. 196 and the Federal Telecommunications Act of 1996 to make the Findings of Fact and to issue this Decision.

2. The Commission has the authority to adopt different ETC requirements under Wis. Admin. Code § PSC 160.01(2)(b).

Opinion

ETC status was created by the 1996 Telecommunications Act and codified in 47 U.S.C. § 214(e)(2). Under FCC regulations 47 U.S.C. § 214(e)(2) and 47 C.F.R. § 54.201(b), state commissions designate providers as ETCs. Designation as an ETC is required if a provider is to

Docket 8838-TI-100

receive federal universal service funding. ETC designation is also required to receive funding from the state universal service High Rate Assistance Credit program.

The FCC has established a set of minimum criteria that all ETCs must meet, which is codified at 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.101(a), *et seq.* States have the authority to adopt additional requirements, provided that the additional requirements are “not inconsistent with the [Federal Communication] Commission’s rules to preserve and advance universal service.” 47 U.S.C. § 254(f). The United States Court of Appeals for the Fifth Circuit upheld the states’ right to impose additional conditions on ETCs in *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393, 418 (5th Cir. 1999).

The Commission promulgated Wis. Admin. Code ch. 160 and specifically Wis. Admin. Code § PSC 160.13 to govern ETC designations and requirements in Wisconsin. Those rules established the process for ETC designation and set forth a minimum set of requirements for providers seeking ETC designation from the Commission.

Total Call plans to offer prepaid wireless Lifeline service without a monthly fee, in much the same manner as other providers previously designated as ETCs by the Commission.² Under its proposal, Total Call would supply the Lifeline customer with a cell phone at no monthly charge. In place of the traditional Lifeline service discount to the monthly rate, Total Call would provide a set amount of minutes, without charge, each month. Doing so would normally be at odds with Wis. Admin. Code § PSC 160.062(2)(c), which requires a minimum monthly charge for service.³ Total Call seeks the same treatment as other prepaid wireless providers, namely

² Other providers include TracFone Wireless, Inc. (TracFone) (docket 9385-TI-100); Nexus Communication, Inc. (docket 7648-TI-101); and Millennium 2000, Inc., (docket 9593-TI-100).

³ Wis. Admin. Code § PSC 160.062(2)(c) states: “Notwithstanding par. (b), in no case shall the Lifeline monthly rate be less than \$3 or more than \$15.”

Docket 8838-TI-100

that no minimum charge apply. The Commission has the authority to do so under Wis. Admin. Code § PSC 160.01(2)(b).⁴

In the TracFone docket, the Commission expressed concern that the lack of a minimum charge would eliminate automatic notification that a customer had lost, abandoned or otherwise ceased using the service. With traditional service, this becomes apparent when the customer stops paying his or her bills. In the earlier dockets, the Commission required the companies to develop a plan to monitor usage, to cease receiving subsidies for inactive phones, and to report certain information to the Commission on a quarterly basis. More recently, the FCC has imposed similar requirements. Total Call has committed to discontinue service to any cell phone that does not have usage in a two-month period, and to not seek USF reimbursement from the Lifeline program for that phone. That commitment, coupled with the reporting requirements, would meet the objectives the Commission set forth in previous dockets.

Total Call has requested that the monthly discount set forth in Wis. Admin. Code § PSC 160.062(2)(b) not be applied to Total Call. Instead, Total Call will provide a monthly discount in the form of a set number of minutes of use to such customers. Initially, Total Call would provide customers a minimum of 250 free minutes, in lieu of the monthly credit. In the future, this equivalency may change. The Administrator of the Telecommunications Division has delegated authority to approve or deny changes to the monthly minute allocation. Changes to the number of minutes may be approved without reopening the docket, issuing a notice or providing opportunity for comment.

⁴ Wis. Admin. Code § PSC 160.01(2)(b) states: "Nothing in this chapter shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances involved, the adoption of requirements as to individual providers or services that may be lesser, greater, other or different than those provided in this chapter."

Providing free monthly minutes of service in lieu of a monthly discount is an alternative approach to Lifeline service. Total Call's business plan and status as a prepaid wireless provider together with the administrative difficulty of applying some requirements of Wis. Admin. Code ch. PSC 160 creates an unusual circumstance that justifies adopting different requirements concerning these items. The Commission adopted a different method of applying discounts and a different minimum charge in earlier dockets. It is reasonable to modify the monthly discount requirement in the administrative rules and adopt a similar approach to Total Call as has been adopted in past dockets.

Also, in the earlier prepaid wireless ETC dockets, the Commission required the companies to make quarterly filings of the number of customers who were deactivated after 60 days of non-usage and the number of days between the 60th day and deactivation, reported as a range and an average. It is reasonable to apply the same reporting requirements to Total Call.

Total Call has also requested a waiver from the requirement that an ETC provide a pay phone in each municipality, as set forth in Wis. Admin. Code §§ PSC 160.13(1)(d) and PSC 165.088. In earlier dockets, the Commission determined that it would be burdensome and redundant for each prepaid wireless provider to provide a pay phone. Given this, it is reasonable to apply waiver of this requirement as has been done in the past. Total Call is required to work with the other providers in their service areas to jointly ensure that pay phones are available.

The FCC has determined that an applicant should be designated as an ETC only where such designation serves the public interest, regardless of whether the area where designation is sought is served by a rural or non-rural provider.⁵ The Commission finds that it is in the public interest to designate Total Call as an ETC in the areas for which Total Call requests such

⁵ In the Matter of Federal-State Joint Board on Universal Service, 20 FCC Rcd. 6371, 6373, ¶ 3 (2005).

designation. The Commission finds that Total Call meets the requirements for ETC designation, for the limited purpose of obtaining Lifeline support.

As part of the public interest determinations for other ETCs, the Commission has considered whether there is a concern that an ETC will “cream skim” the most profitable customers. While it may not be necessary to do so in the Lifeline-only ETC context,⁶ the Commission staff has investigated this issue. Since Total Call has requested ETC status for the entirety of its service territory, the Commission finds no evidence of cream-skimming in this docket.

Order

1. Total Call is designated as an ETC, for the purpose of receiving Lifeline support, throughout the wire centers identified in Exhibit 6.

2. Total Call is an ETC within the meaning of 47 U.S.C. § 214(c), and is eligible to receive federal USF funding, for Lifeline service, pursuant to 47 U.S.C. § 254(2). This Decision constitutes the Commission’s certification to that effect.

3. Total Call is not required to meet the requirement under Wis. Admin. Code § PSC 165.088 that it provide a pay phone in each incorporated municipality. Total Call is required to work with other providers in its service territory to jointly ensure that pay phones are available.

4. Total Call does not have to meet the monetary discount or minimum charge requirements under Wis. Admin. Code § PSC 160.062(2), but Total Call is instead required to

⁶ The FCC has identified that with respect to at least some low-income, wireless ETCs that are not seeking high-cost support, “cream skimming” is not a significant concern. *NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b) Cricket Communications, Inc. Petition for Forbearance*, 26 FCC Rcd 13,723, 13,729 (2011).

Docket 8838-TI-100

provide 250 minutes of free service per month to Lifeline customers. The Commission delegates to the Administrator of the Telecommunications Division the authority to approve changes to that number of minutes. Changes to the number of minutes may be approved without reopening the docket, issuing a notice or providing opportunity for comment.

5. Total Call shall deactivate any Lifeline phone that has had no usage in a 60-day period. Total Call may not collect Lifeline support for phones deactivated in this manner.

6. Total Call shall report, on a quarterly basis, the number of customers who were deactivated after 60 days of non-usage and the number of days between the 60th day and deactivation, reported as a range and an average.

7. Jurisdiction is maintained.

8. This Final Decision is effective the day after the date of service.

Dated at Madison, Wisconsin, 7 May 2013

By the Commission:



Gary A. Evenson
Acting Administrator
Telecommunications Division

GAE: DL:00722402

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.⁷ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013
DL: 00698858

⁷ See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

Entered: July 12, 2012

FINAL

8/1/2012

CASE NO. 11-1797-C-PC

TOTAL CALL MOBILE, INC.

Petition for consent and approval for to be designated
as an eligible telecommunications carrier.

RECOMMENDED DECISION

This Recommended Decision grants the petition of Total Call Mobile, Inc. (Total Call), for designation as an eligible telecommunications carrier (ETC) for the sole purpose of receiving federal universal service fund (USF) support for providing wireless services through the Lifeline low-income program.

PROCEDURE

On December 27, 2011, Total Call, a Delaware corporation, filed a petition with the Public Service Commission of West Virginia, pursuant to Section 214(e)(2) of the *Telecommunications Act of 1996*, as amended (*Act*) and §§54.101 through 54.207 of the Rules of the Federal Communications Commission (*FCC Rules*), seeking designation as an ETC on a wireless basis throughout West Virginia, providing resold telecommunications services by using the Sprint PCS network on a wholesale basis in addition to using Total Call facilities, for the sole purpose of receiving federal USF support for providing wireless services through the Lifeline low-income program. Total Call does not seek designation for the Link-Up America program or for purposes of the high-cost fund. Total Call asserted that it meets all of the qualifications necessary to be designated as an ETC under *Act* §214(e)(1) solely to provide services supported by and participating in the low-income programs of the USF. Total Call proposed to provide competitive wireless services throughout its service area and is committed to providing those services at reasonably priced rates to areas where such services are not currently available. Total Call proposes to provide a handset at no cost to the subscriber. Total Call proposes to provide wireless services through a combination of its own facilities and the resale of other carriers' services while advertising the availability of those services using media of general distribution. Total Call obtains services through commercial mobile radio service (CMRS) providers that allow it to supplement the services provided through Total Call-owned facilities, enabling Total Call to offer all of the services required for ETC designation. Total Call asserted that its proposal would benefit wireline and wireless customers by increasing customers' competitive choices. Total Call summarized several other components of its offering in support of receiving designation as an ETC.

On January 27, 2012, Staff Attorney Lisa L. Wansley filed the Initial Joint Staff Memorandum, attaching the January 24, 2012 Utilities Division Initial Recommendation from Utilities Analyst David Kennedy, indicating that, once it had completed its investigation, Commission Staff would submit a substantive recommendation. Staff detailed the specific requirements that Total Call must meet before the Commission can designate it as an ETC and outlined several documents and other information that Staff required before it could make a final substantive recommendation. Staff explained that Total Call is seeking ETC designation solely to qualify for the Lifeline program for low-income customers, but not including the Link-Up America program, and not for the high-cost program. Staff noted that Total Call seeks ETC designation in the entire state of West Virginia and proposes to provide 911 service and, where available, E-911 service. Staff explained the following material and relevant recent development:

The Federal Communications Commission (FCC) in Order No. FCC 11-161, effective 11/29/2011, changed the definition of supported services by amending 47 *CFR Section* 54.101, removing the access to directory assistance and operator service from the list of supported services. The supported service that must be provided over an ETC's own facilities is "voice telephony." Everything else mentioned in *Section* 54.101 is simply a required functionality of "voice telephony."

The FCC in Order No. FCC 11-189, provided further explanation of its new definition of "voice telephony" and how new ETCs are to be treated. Paragraph 4 of FCC Order 11-189 states, "Additionally, we hereby affirm that only carriers that provide "voice telephony" as defined under 47 *CFR Section* 54.101(a) as amended using their own facilities will be deemed to meet the requirements of 47 *CFR Section* 214(e)(1). Paragraph 4 of FCC 11-189 goes on to explain:

Thus, a Lifeline-only ETC does not meet the "own facilities" requirement of *Section* 214(e)(1) if its only facilities are those used to provide functions that are no longer supported "voice telephony service" under amended *FCC Rule* 54.101, such as access to operator service or directory assistance."

Finally, the FCC provides further clarification of the meaning of this rule change by stating:

Therefore, to be in compliance with our rules, Lifeline-only carriers that seek ETC designation after the December 29, 2011 effective date of the *USF/ICC Transformation Order*, as well as such carriers that had previously obtained ETC designation prior to December 29, 2011, on the basis of facilities associated solely with, for example, access to operator service or directory assistance, must either use their own facilities, in whole or in part, to provide the supported "voice telephony service" or obtain forbearance from the "own facilities" requirement from the Commission.

Staff noted that Total Call's petition indicated that its plan was to use a combination of its own facilities and the Sprint PCS network and that Total Call "maintains the ability to route operator services and directory assistance calls, which are among the supported services. These services are delivered over Total Call-owned switches, which are housed in a secure data center." Staff requested additional information from Total Call to complete its investigation.

By the Commission Referral Order entered on February 8, 2012, the Commission referred this matter to the Division of Administrative Law Judges (ALJ Division) for decision no later than July 24, 2012.

On March 8, 2012, Total Call filed a detailed response to Staff's January 27, 2012 initial recommendations.

On March 21, 2012, Staff Attorney Wansley filed the Final Joint Staff Memorandum, attaching the March 15, 2012 Utilities Division Final Staff Recommendation from Mr. Kennedy. Together, these Memoranda comprised Commission Staff's final substantive recommendation at the time. Staff opined that Total Call had satisfactorily addressed most of the shortcomings of the petition which Staff had identified in the January 27, 2012 Memoranda. However, Staff recommended that the Commission not rule on the petition until Total Call had time to obtain a forbearance order from the FCC.

On March 29, 2012, Total Call responded to Staff's final substantive recommendation asserting that no impediment remains to the Commission granting ETC status to Total Call.

On April 19, 2012, Staff Attorney Wansley filed the Further Final Joint Staff Memorandum recommending that the decision due date be extended to allow Total Call time to obtain the FCC forbearance order.

On June 1, 2012, Total Call filed a voluminous response to Staff's earlier recommendations, including an FCC Public Notice, released May 25, 2012, that gave notice that the FCC had approved the compliance plan of Total Call.

On June 25, 2012, Staff Attorney Wansley filed the Further Joint Staff Memorandum, attaching the June 19, 2012 Utilities Division Final Recommendation from Mr. Kennedy. Together, these Memoranda comprise Commission Staff's final substantive recommendation. Staff recommended that the Commission approve Total Call's petition for ETC designation. Staff outlined the requirements that a telecommunications provider must meet in order to receive ETC status. Total Call will provide 911 service and, where available, E-911 service, and will provide each customer with a free E-911 handset. Total Call will provide three plans from which customers can choose, i.e., the 150-minute plan, the 250-minute plan and the Lifeline Credit Plan. Under the 150-minute plan, each customer receives a free handset, 150 minutes per month and international calling to 250 locations for no additional per minute charge. Additional usage is priced at \$0.10 per minute and \$0.05 per minute per text. Also, except for the 250 included international locations, there is an additional per minute charge to make international calls. Under the 250-minute plan the customer is entitled to a free handset and 250 anytime minutes per

month, with additional usage priced at \$0.10 per minute and \$0.05 per minute per text. Under the Lifeline Credit Plan, the Lifeline-eligible customers may apply the Lifeline discount to either Total Call's 30-day Unlimited Talk, Text and Data prepaid retail plan for \$36.49 per month or use the 30-day Unlimited Talk and Text prepaid retail plan for \$26.49. Lifeline customers will additionally receive a free telephone and other additional features such as Voicemail, Caller ID and Call Waiting. In the event the customer no longer meets the Lifeline program criteria, Total Call will stop collecting reimbursement from the USF, the customer will no longer receive the monthly free minute allotment and the customer will not be charged a terminate fee.

Total Call is seeking ETC status only for the low-income Lifeline program, not the Link-Up America and not for the high-cost program. Total Call meets its universal service obligations throughout its service territory. Total Call can provide voice-grade access to the public switched telephone network; local usage; dual-tone multi-frequency signal or its equivalent function; single party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange services; access to directory assistance; and toll limitation for qualifying low-income customers. Total Call will provide the proposed services through a combination of its own facilities and resold facilities. Total Call must satisfy applicable consumer protection and quality standards; file annually a report showing consumer complaints per 1,000 customers; and demonstrate its ability to remain functional during emergency situations. Total Call does not have to submit a five-year plan describing proposed improvements or upgrades to its network since it is just seeking ETC status for the Lifeline service and not the high-cost programs. Total Call also assured Staff that it would ensure that a single customer only receives one Lifeline discount by requiring each affected customer to certify annually, in writing, that the customer is the head of the household; participates in one of the state-approved means-tested programs; receives Lifeline-supported services solely through Total Call; and will notify Total Call if the customer is no longer eligible for Lifeline assistance. Total Call asserted that it will use 100% of the USF support for providing the Lifeline program. Based on the above, Staff recommended that the Commission grant Total Call ETC status for the sole purpose of offering prepaid wireless Lifeline service to low-income households in West Virginia supported by the USF, and not for purposes of the high-cost program. As long as the customer remains legitimately eligible for the Lifeline program, Total Call will provide the following services:

1. Customers will incur no contractual obligation to continue service;
2. Customers will incur no roaming charges;
3. No cash deposit obligation is required for customers enrolled in the Lifeline program;
4. Customers may purchase additional minutes in denominations of \$5 (100 minutes, \$0.05 per minute); \$10 (200 minutes, \$0.05 per minute), \$20 (400 minutes, \$0.05 per minute); and \$29.99 (1,000 minutes \$0.029 per minute);
5. Purchased minutes will expire at the end of the 30-day service cycle;
6. Eligible customers qualifying under the Lifeline program will receive a free handset with E911 capability;
7. Eligible customers qualifying under the Lifeline program will receive 100 free minutes each month. Unused minutes will roll over to the next month and do not expire for active customers; and

8. Eligible customers qualifying under the Lifeline program will receive free voice mail, caller ID, call waiting and call forwarding features which will remain in effect after the free minutes have been consumed.

Finally, Staff recommended that the Commission require that Total Call publish the proper notice and file an appropriate tariff outlining the terms and conditions of service for wireless customers qualifying for the Lifeline program.

On June 25, 2102, the Executive Secretary served Total Call with a copy of Staff's final substantive recommendation, granting it 10 days within which to respond, in writing, and, if it did not respond, giving notice that the Commission may waive any hearing and enter a final order based on Staff's final recommendation and the material contained in the Commission's file.

Total Call did not file a written response to the June 25, 2012 Memoranda from Staff.

DISCUSSION

Having considered all of the above, since no dispute remains to be resolved in this proceeding, the ALJ will consider the parties to have waived their rights under *West Virginia Code* §24-1-9(b) to file proposed findings of fact and conclusions of law, or briefs, in this proceeding, or to a hearing.

By filing the Public Notice released by the FCC on May 25, 2012, including its approved compliance plan, Total Call has proven that it has received forbearance from the facilities requirement and approval of its Compliance Plan. The FCC's grant of forbearance to Total Call with regard to the facilities requirement, together with all of the information contained in the Commission's file, has satisfied the requirements for Total Call to receive ETC designation for the limited purposes of the Lifeline program, but not for Link-Up America service and not for the purposes of the high-cost programs.

The ALJ holds that, since Total Call has satisfied Staff's concerns regarding the facilities issue, and since Staff has recommended that the Commission grant ETC status to Total Call, as prescribed by Staff, he will grant Total Call ETC status to the extent recommended by Staff.

FINDINGS OF FACT

1. Total Call filed a petition under §214(e)(2) of the Communications Act of 1934, as amended, seeking designation by the Commission as an ETC for the sole purpose of providing "Lifeline" service to qualifying low income West Virginia consumers through wireless telecommunications services only. Total Call indicated that it will not seek access to the USF for the purpose of providing service to high-cost locales. Total Call will provide facilities-based services and resold telecommunications throughout West Virginia. Total Call asserted that it meets all of the qualifications necessary to be designated as an ETC under *Act* §214(e)(1) solely to provide wireless telecommunications services supported by and participating in the low-income Lifeline program of the USF. Total Call is committed to providing those services at

reasonably priced rates to areas where such services are not currently available. Total Call's offer in this case includes providing a handset at no cost to the subscriber. Total Call asserted that its proposal would benefit wireline and wireless customers by increasing customers' competitive choices; increasing the customers' geographical local calling areas by providing the customers with this service for a preset amount of air time at no charge, with the flexibility to purchase additional air time (with 911 and E911 services not using air time minutes); and otherwise make Total Call's service offering more appealing and valuable to its customers, outweighing any potential harms. Total Call will provide Lifeline service that benefits needy low-income consumers, which enables many to obtain wireless services who otherwise would not be able to obtain those services. (See, petition filed December 27, 2011).

2. Staff recommended that the Commission designate Total Call as an ETC throughout the State of West Virginia, provided that Total Call provides its customers access to basic 911 and enhanced E911 services, provides E911-compliant handsets to all new Total Call customers and replaces non-compliant handsets at no charge to existing customers and meets all of the FCC requirements. The ETC status to be granted to Total Call is solely for the purpose of Total Call offering prepaid wireless Lifeline service to low-income households in West Virginia, but not for Link-Up America service, and not for the purposes of the high-cost program, supported by the USF. (See, Further Final Joint Staff Memorandum, with attachment, filed June 25, 2012).

3. Total Call will provide a 150-minute plan, a 250-minute plan and the Lifeline Credit Plan. Under the 150-minute plan, each customer receives a free handset, 150 minutes per month and international calling to 250 locations for no additional per minute charge. Additional usage is priced at \$0.10 per minute and \$0.05 per minute per text. Also, except for the 250 included international locations, there is an additional per minute charge to make international calls. Under the 250-minute plan the customer is entitled to a free handset and 250 anytime minutes per month, with additional usage priced at \$0.10 per minute and \$0.05 per minute per text. Under the Lifeline Credit Plan, the Lifeline-eligible customers may apply the Lifeline discount to either Total Call's 30-day Unlimited Talk, Text and Data prepaid retail plan for \$36.49 per month or use the 30-day Unlimited Talk and Text prepaid retail plan for \$26.49. Lifeline customers will additionally receive a free telephone and other additional features such as Voicemail, Caller ID and Call Waiting. In the event the customer no longer meets the Lifeline program criteria, Total Call will stop collecting reimbursement from the USF, the customer will no longer receive the monthly free minute allotment and the customer will not be charged a termination fee. (See, Further Final Joint Staff Memorandum, with attachment, filed June 25, 2012).

4. As long as the customer remains legitimately eligible for the Lifeline program, Total Call will provide the following services:

- (a) Customers will incur no contractual obligation to continue service;
- (b) Customers will incur no roaming charges;
- (c) No cash deposit obligation is required for customers enrolled in the Lifeline program;

- (d) Customers may purchase additional minutes in denominations of \$5 (100 minutes, \$0.05 per minute); \$10 (200 minutes, \$0.05 per minute), \$20 (400 minutes, \$0.05 per minute); and \$29.99 (1,000 minutes \$0.029 per minute);
- (e) Purchased minutes do not expire at the end of the 30-day service cycle and remain available until used or the customer account is terminated;
- (f) Eligible customers qualifying under the Lifeline program will receive a free handset with E911 capability;
- (g) Eligible customers qualifying under the Lifeline program will receive 100 free minutes each month. Unused minutes will roll over to the next month and do not expire for active customers; and
- (h) Eligible customers qualifying under the Lifeline program will receive free voice mail, caller ID, call waiting and call forwarding features which will remain in effect after the 100 free minutes have been consumed.

(See, Further Final Joint Staff Memorandum, with attachment, filed June 25, 2012).

5. Staff also recommended that the Commission require that Total Call file an appropriate tariff outlining the terms and conditions of service for wireless customers qualifying for the Lifeline program. (See, Further Final Joint Staff Memorandum, with attachment, filed June 25, 2012).

6. Eligibility for participation in Total Call's Lifeline program will be based upon customer enrollment in certain public assistance programs. Under Total Call's eligibility plan, applicants will be required to self-certify under penalty of perjury that they are enrolled in one of those qualifying public assistance programs. (See, Further Final Joint Staff Memorandum, with attachment, filed June 25, 2012).

7. Total Call has demonstrated that it will comply with each of Staff's final substantive recommendations. (See, Further Final Joint Staff Memorandum, with attachment, filed June 25, 2012).

8. Total Call has received forbearance from the facilities requirement of the FCC and its Compliance Plan has been approved by the FCC. (See, June 1, 2012 filing from Total Call).

CONCLUSIONS OF LAW

1. Total Call has demonstrated that it is a common carrier capable of offering and advertising all of the service offerings set forth in Section 214(e) of the Telecommunications Act of 1996 for eligible telecommunications carriers throughout West Virginia using either its own facilities or a combination of its own facilities and the resale of another carrier's services, for the sole purpose of providing Lifeline service to all qualifying customers who request such service in West Virginia.

2. Total Call should be designated as an ETC to provide Lifeline service to all qualifying customers who request such service in West Virginia.

3. It is reasonable to require that the Commission's Executive Secretary provide the FCC and the Universal Service Administrative Company a certified copy of this Order designating Total Call as an ETC to provide Lifeline service to all qualifying customers who request such service in West Virginia.

4. It is reasonable to require that Total Call publish a Notice of the granting of its petition for designation as an ETC solely to provide Lifeline service to all qualifying customers who request such service in West Virginia, as a Class I legal advertisement one time each in newspapers qualified under *West Virginia Code §59-3-1 et seq.*, published and generally circulated in each of the 19 cities designated for statewide legal publications.

ORDER

IT IS, THEREFORE, ORDERED that the petition filed with the Commission on December 27 2011, by Total Call Mobile, Inc., under §214(e)(2) of the *Telecommunications Act of 1996*, as amended, seeking designation by the Commission as an Eligible Telecommunications Carrier for the sole purpose of providing "Lifeline" service to qualifying low-income West Virginia consumers, be, and hereby is, approved, provided that Total Call provides the following to its customers:

1. Access to basic 911 and enhanced E911 services;
2. E911 compliant handsets to all new Total Call customers and replacement of non-compliant handsets at no charge to existing customers;
3. Total Call will provide a 150-minute plan, a 250-minute plan and the Lifeline Credit Plan. Under the 150-minute plan, each customer receives a free handset, 150 minutes per month and international calling to 250 locations for no additional per minute charge. Additional usage is priced at \$0.10 per minute and \$0.05 per minute per text. Also, except for the 250 included international locations, there is an additional per minute charge to make international calls. Under the 250-minute plan the customer is entitled to a free handset and 250 anytime minutes per month, with additional usage priced at \$0.10 per minute and \$0.05 per minute per text. Under the Lifeline Credit Plan, the Lifeline-eligible customers may apply the Lifeline discount to either Total Call's 30-day Unlimited Talk, Text and Data prepaid retail plan for \$36.49 per month or use the 30-day Unlimited Talk and Text prepaid retail plan for \$26.49. Lifeline customers will additionally receive a free telephone and other additional features such as Voicemail, Caller ID and Call Waiting. In the event the customer no longer meets the Lifeline program criteria, Total Call will stop collecting reimbursement from the USF, the customer will no longer receive the monthly free minute allotment and the customer will not be charged a terminate fee.

4.
 - (a) Customers will incur no contractual obligation to continue service;
 - (b) Customers will incur no roaming charges;
 - (c) No cash deposit obligation is required for customers enrolled in the Lifeline program;
 - (d) Customers may purchase additional minutes in denominations of of \$5 (100 minutes, \$0.05 per minute); \$10 (200 minutes, \$0.05 per minute), \$20 (400 minutes, \$0.05 per minute); and \$29.99 (1,000 minutes \$0.029 per minute);
 - (e) Purchased minutes expire at the end of the 30-day service cycle;
 - (f) Eligible customers qualifying under the Lifeline program will receive a free handset with E911 capability;
 - (g) Eligible customers qualifying under the Lifeline program will receive the customer-designated credit each month; and
 - (h) Eligible customers qualifying under the Lifeline program will receive free voice mail, caller ID, call waiting and call forwarding features which will remain in effect after the 100 free minutes have been consumed.
5. Eligibility for participation in Total Call's Lifeline program will be based upon customer enrollment in certain public assistance programs. Under Total Call's eligibility plan applicants will be required to self-certify under penalty of perjury that they are enrolled in one of those qualifying public assistance programs.

IT IS FURTHER ORDERED that the designation of Total Call Mobile, Inc., as an Eligible Telecommunications Carrier in this proceeding is limited to the Lifeline program and is not for the Link-Up America service and is not for the purpose of receiving support from the high-cost fund.

IT IS FURTHER ORDERED that the Commission's Executive Secretary provide the Federal Communications Commission and the Universal Service Administrative Company a certified copy of this Order designating Total Call Mobile, Inc., as an Eligible Telecommunications Carrier solely for the purpose of providing Lifeline service to all qualifying customers who request such service in West Virginia. Total Call will not seek access to funds from the federal Universal Service Fund for the purpose of providing service to high cost locales.

IT IS FURTHER ORDERED that Total Call Mobile, Inc. be, and hereby is, directed to publish the Notice of ETC Status, attached as Appendix A, as a Class I legal advertisement one time each in newspapers qualified under *West Virginia Code* §59-3-1 *et seq.*, published and generally circulated in each of the 19 cities designated for statewide legal publications.

IT IS FURTHER ORDERED that, within 30 days of this Recommended Decision becoming final, Total Call Mobile, Inc., file with the Commission an original and at least five copies of a proper tariff setting forth the rates and charges hereby approved.

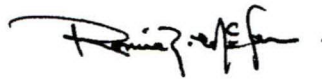
IT IS FURTHER ORDERED that this matter be, and hereby is, removed from the Commission's docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary serve a copy of this order upon the Commission by hand delivery; by electronic service upon all parties of record who have filed an e-service agreement with the Commission; and by United States Certified Mail, return receipt requested, upon all parties of record who have not filed an e-service agreement with the Commission.

Leave hereby is granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen (15) days of the date this Recommended Decision is mailed. If exceptions are filed, the parties filing exceptions shall certify to the Executive Secretary that all parties of record have been served said exceptions.

If no exceptions are so filed this Recommended Decision shall become the order of the Commission, without further action or order, five (5) days following the expiration of the aforesaid fifteen (15) day time period, unless it is ordered stayed or postponed by the Commission.

Any party may request waiver of the right to file exceptions to an Administrative Law Judge's recommended decision by filing an appropriate petition in writing with the Executive Secretary. No such waiver will be effective until approved by order of the Commission, nor shall any such waiver operate to make any Administrative Law Judge's recommended decision the order of the Commission sooner than five (5) days after approval of such waiver by the Commission.



Ronnie Z. McCann
Deputy Chief Administrative Law Judge

RZM:s
110724a.doc

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 11-1797-C-PC

TOTAL CALL MOBILE, INC.

Petition for consent and approval to be designated
an eligible telecommunications carrier.

NOTICE OF ETC STATUS

On January 19, 2011, Total Call Mobile, Inc. (Total Call), a public telephone utility, Marietta, Georgia, filed a petition with the Public Service Commission of West Virginia, pursuant to Section 214(e) of the *Telecommunications Act of 1996*, as amended (*Act*) and §§54.101 through 54.207 of the Rules of the Federal Communications Commission (FCC), seeking designation as an eligible telecommunications carrier (ETC) throughout the State of West Virginia for the purposes of receiving federal universal service fund (USF) support for providing wireless services through the Lifeline low-income program. Total Call asserted that it meets all of the qualifications necessary to be designated as an ETC under *Act* §214(e)(1) solely to provide services supported by and participating in the Lifeline low-income program of the USF. Total Call proposed to provide competitive wireless services throughout its service area and is committed to providing those services at reasonably priced rates to areas where such services are not currently available. Total Call's offer in this case includes providing a handset at no cost to the subscriber. Total Call proposes to provide wireless services through a combination of its own facilities and the resale of other carriers' services while advertising the availability of those services using media of general distribution. Total Call obtains services through commercial mobile radio service (CMRS) providers that allow Total Call to supplement the services provided through Total Call-owned facilities, enabling Total Call to offer all of the services required for ETC designation. Total Call asserted that its proposal would benefit wireless customers by increasing customers' competitive choices. Total Call summarized several other components of its offering in support of receiving designation as an ETC.

According to the Commission's guidelines, a carrier seeking ETC status must advertise, on a quarterly basis, in media targeted to the general residential market throughout the carrier's service areas and substantially similar to the media in which the serving incumbent local exchange carrier advertises its service in the particular service area. In addition, such carriers must maintain an Internet site where members of the public can obtain information regarding services and rates provided by the carrier. The Total Call website is located at <https://www.totalcallmobile.com>.

Also, carriers seeking ETC status must offer the supported services required by §214(e)(2). These services include: voice-grade access to the public switched telephone network; local usage; dual tone multi-frequency signaling or its functional equivalent; single party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance service; and toll limitation for qualifying low-income subscribers. Total Call is capable of providing all of these required service offerings and currently is offering them in its service territory.

By Recommended Decision entered on July 12, 2012, Total Call's petition was granted.

This Notice is being provided in accordance with the Commission's requirements and is not for the purpose of seeking public comment or protest.

TOTAL CALL MOBILE, INC.



THE STATE

OF WYOMING

MATTHEW H. MEAD
GOVERNOR

Public Service Commission

HANSEN BUILDING, SUITE 300

2515 WARREN AVENUE

CHEYENNE, WYOMING 82002

(307) 777-7427

FAX (307) 777-5700

TTY (307) 777-5723

<http://psc.state.wy.us>

COMMISSIONERS

ALAN B. MINIER, Chairman

BILL RUSSELL, Deputy Chairman

KARA BRIGHTON, Commissioner

CHRISTOPHER PETRIE

Secretary and Chief Counsel

DARRELL ZLOMKE

Commission Administrator

September 27, 2013

Robert Yap
Chief Legal/Administrative Officer
Total Call Mobile, Inc.
1411 W. 190th St., Ste. 700
Gardena, CA 90248

Re: IN THE MATTER OF TOTAL CALL MOBILE, INC., FOR LIMITED DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER PURSUANT TO PSC RULE SECTION
513 – DOCKET NO. 62058-1-RA-12 (RECORD NO. 13422)

Dear Mr. Yap:

Enclosed is a copy of the Commission's *Order Granting Limited Designation* in the
above-entitled matter.

Should you have any questions regarding this matter, please contact the undersigned at
(307) 777-7427.

Very truly yours,

STEVE MINK
Assistant Secretary

SM/mtb

Enclosure

cc: Hideki Kato, Chief Operating Officer of Total Call Mobile, Inc

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION)
OF TOTAL CALL MOBILE, INC., FOR)
LIMITED DESIGNATION AS A WIRELESS)
ELIGIBLE TELECOMMUNICATIONS)
CARRIER PURSUANT TO PSC RULE 513)

Docket No. 62058-1-RA-12
(Record No. 13422)

ORDER GRANTING LIMITED DESIGNATION
(Issued September 27, 2013)

This matter is before the Wyoming Public Service Commission (Commission) upon the application of Total Call Mobile, Inc., (Total Call or the Company) for limited designation as a wireless Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. § 214(e)(2) and Commission Rule § 513. The Commission, having reviewed the application and attached exhibits, the record, its files concerning Total Call, applicable Wyoming and federal telecommunications law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. Total Call filed the instant application on December 31, 2012. Total Call seeks statewide limited designation as a wireless ETC in Wyoming as a reseller in the service areas covered by Sprint. Total Call requests ETC designation for the limited purpose of providing Lifeline service to Wyoming residents. Lifeline is a federally-funded universal service program which provides a financial subsidy to qualified low income participants to help them afford voice telephone service. The program is jointly administered by the federal, state, and tribal governments. Section 214(e)(2), as amended, of the federal Telecommunications Act of 1996 (the federal Act) delegates the authority to designate ETCs for purposes of receiving federal universal service support to state regulatory commissions. W.S. § 37-15-104(a)(vi)(B) of the Wyoming Telecommunications Act provides for the Commission to designate wireless ETCs in accordance with the federal Act.

2. In its application, Total Call represents it is a Delaware corporation, headquartered in Gardena, California and authorized to conduct business as a foreign corporation in the state of Wyoming. As a wireless telecommunications service provider, the Company is a common carrier as defined under 47 U.S.C. § 153(11) and a telecommunications carrier under 47 U.S.C. § 153(51). The Federal Communications Commission (FCC) regulates Total Call as a Commercial Mobile Radio Services (CMRS) provider pursuant to 47 U.S.C. § 332(c)(1).

3. Total Call states in its application it meets all the applicable requirements for limited designation as a wireless ETC, is currently designated as such in 5 states and has applications pending in another 29 states and the District of Columbia. Total Call represents it will provide throughout its designated service area each of the "Supported Services" identified in Section 54.101 of C.F.R. Title 47. The federal Rule requires that in order to receive federal universal service support, eligible voice telephony services must provide: [i] voice grade access to the public switched network or its functional equivalent; [ii] minutes of use for local service provided at no additional charge to end users; [iii] access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local

government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and [iv] toll limitation services to qualifying low-income consumers.

4. In its application, Total Call commits it will advertise the availability of the Supported Services throughout its designated service areas using media of general distribution in a manner that is designed to reach those likely to qualify for such services as required by 47 U.S.C. § 214(e)(1)(B). Total Call indicates it will promote the availability of its Lifeline services by distributing brochures through various state and local social service agencies, if permitted. Total Call states it intends to use point of sale materials and printed materials in its distribution network with retail outlets frequented by low income consumers. Samples of its advertising materials were attached to Total Call's application.

5. 47 U.S.C § 214(e)(1)(A) and Commission Rule 513(b)(xii) require that an ETC offer the Supported Services either using its own facilities or a combination of its own facilities and resale of another carrier's services. In light of recent FCC Lifeline reforms, see *The Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, ¶ 368 (rel. Feb. 6, 2012) (the "Lifeline Reform Order") and concurrent federal Rules changes, the FCC granted blanket forbearance from the "own facilities" requirement to Lifeline-only carriers if the carriers comply with certain conditions. These conditions include that: [i] the carrier must provide Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes, and with E911 compliant handsets; and [ii] the carrier must receive approval by the FCC of its compliance plan. The compliance plan details the verification, certification, and other anti-fraud measures the carrier will take to comply with state and federal requirements and to ensure that Lifeline support is provided only to consumers who are truly eligible, and also must include the Lifeline program calling plans to be offered by the carrier.

6. Total Call has committed that all its customers will have access to emergency calling services at the time Lifeline service is initiated, and such access will be available for compliant Total Call handsets even if the associated account has no minutes remaining. Further, on March 16, 2012, Total Call submitted a *Revised Compliance Plan* for FCC approval in WC Docket Nos. 09-197 and 11-42. On May 25, 2012, the FCC issued a public notice that it had approved Total Call's *Revised Compliance Plan*. Total Call also included in its application its proposed calling plans for Wyoming residents, consisting of five wireless prepaid Lifeline offerings throughout its designated service area. The one entitled "250 Minute Plan" retails for \$10.00 per month. This price is offset by Total Call and the qualified customer's \$9.25 Lifeline subsidy and provides 250 minutes of local and domestic long distance calling, caller ID, call waiting and basic voicemail.

7. On January 10, 2013, the Commission issued its *Notice of Application (Notice)*, describing the application and setting a protest or intervention deadline of February 11, 2013. It was published once a week for two consecutive weeks in the *Casper Star-Tribune*; and a public service announcement was aired five times a week for two weeks on *KTWO-AM* in Casper. No protests or interventions were filed.

8. Total Call's application for limited designation as an ETC came before the

Commission for consideration pursuant to due notice at its open meeting of September 19, 2013. Amy Inagaki, in-house counsel, appeared on behalf of Total Call. Inagaki summarized the application stating Total Call was seeking Wyoming wireless ETC designation solely to participate in Lifeline and provide low income supported services to customers in the state. The underlying network service is provided by Sprint. The Commission queried Total Call about its limited service area and how Total Call was planning to market its services, noting Sprint does not appear to offer service outside Cheyenne, Jackson, Laramie and Rock Springs. Inagaki explained customers would be made aware of its limited coverage and blocked roaming with the Company's marketing. The Company further committed to conferring with Commission Staff regarding the content of the Company's advertisements to make sure it is clear to consumers that roaming is blocked, and to thereby forestall consumer misunderstanding about the limits of the services being offered.

9. In response to Commission questioning in regard to its business model, Inagaki stated the Company plans to market its program with a combination of third party distributors and its own employees.

10. Total Call agreed to report quarterly its statewide operations in Wyoming including information regarding all agents, vendors, and points of process it uses in the state to advertise and to acquire customers. Total Call also agreed to confer with Commission Staff regarding the content of its advertising prior to initiating service in Wyoming. Commission Advisory Staff recommended approval of the application.

11. Section 513(b) of the Commission's Rules contains a detailed list of information that must be provided by an applicant to the Commission in order to be considered for designation as an ETC. It provides:

(b) Each carrier seeking designation by the Commission as an ETC throughout a specified service area shall:

(i) Demonstrate the carrier's commitment and technical, financial and managerial ability to provide the supported services/functionalities throughout the service area for which it is requesting ETC designation to all customers making a reasonable request for service.

(ii) Demonstrate the carrier's commitment and technical, financial and managerial ability to advertise the availability of, and charges for, the supported services/functionalities using media of general distribution.

(iii) Demonstrate the carrier will advertise the prices and availability of the Lifeline and Linkup programs in a manner designed to reach those likely to qualify for these programs, throughout the service area for which the carrier is seeking ETC designation.

(iv) Demonstrate the carrier's commitment and technical, financial and managerial ability to provide service on a timely basis to requesting customers within the

carrier's service area where the carrier's network already passes the potential customer's premises.

(v) Demonstrate the carrier's commitment and technical, financial and managerial ability to provide service within a reasonable period of time, if the potential customer is within the carrier's licensed or certificated service area but outside its existing network coverage, if service can be provided at reasonable cost by:

- (A) Modifying or replacing the requesting customer's equipment;
- (B) Deploying a roof-mounted antenna or other equipment;
- (C) Adjusting the nearest cell tower;
- (D) Adjusting network or customer facilities;
- (E) Reselling services from another carrier's facilities to provide service; or
- (F) Employing, leasing or constructing an additional cell site, cell extender, repeater or other similar equipment.

(vi) Submit a three-year plan describing in detail proposed improvements or upgrades to the carrier's network on a wire center by wire center basis, exchange by exchange (or some other basis) throughout the carrier's proposed designated service area. Each carrier shall demonstrate how signal quality, coverage or capacity will improve due to the receipt of federal high cost support; the projected start date and completion date for each improvement and the estimated amount of investment for each project to be funded by federal high cost support; the specific geographic area where the improvements will be made; and the estimated population to be served as a result of the improvements.

(vii) Demonstrate the carrier's commitment and technical, financial and managerial ability to remain functional in all emergency situations.

(viii) Demonstrate the carrier's commitment to comply with applicable Wyoming service quality standards, consumer protection rules and the Cellular Telecommunications and Internet Association (CTIA) Consumer Code, as applicable.

(ix) Demonstrate the carrier will offer a local usage plan or plans, considering but not limited to minutes, price and coverage area, comparable to those offered by the incumbent Local Exchange Carrier (LEC) in the service area for which the carrier is seeking ETC designation.

(x) Certify the carrier acknowledges the Commission may require it to provide equal access to long distance carriers in the event no other ETC is providing equal access within the service area.

(xi) Provide a detailed map of the service area for which the carrier is seeking ETC designation showing the location and the effective coverage area of each cellular tower, as applicable. The Commission may require such maps be submitted in a designated electronic format.

(xii) Demonstrate the carrier will offer the supported services using either entirely its own facilities or a combination of its own facilities and resale of another carrier's services.

(xiii) Provide a copy of the carrier's application to the affected tribal government and tribal regulatory authority, as applicable, at the time the carrier files with the Commission for any tribal lands included as part of the carrier's request for ETC designation.

12. The Commission finds that Total Call has demonstrated the ability to provide services necessary to qualify for a limited statewide ETC designation for the purposes of providing Lifeline supported services to Wyoming customers. The Commission finds the overall data provided demonstrates Total Call is capable of meeting the requirements for ETC designation under Section 513 of the Commission's Rules. To the extent that certain subsections of Commission Rules 513 and 514 relate to physical facilities, or the receipt or use of high cost support, the Commission finds them inapplicable under these circumstances to a limited ETC designation for the sole purpose of receiving federal low income Lifeline support.

13. The Commission further finds that Total Call's *Revised Amended Compliance* plan was approved by the FCC as evidenced by the public notice it issued on May 25, 2012. Further, the Commission finds limited ETC designation of Total Call in the service areas of Wyoming is in the public interest in order to provide eligible Wyoming citizens the opportunity to take advantage of the federally subsidized Lifeline service, and thus further the goal of providing universal telephone access to the people of Wyoming. The ability of Wyoming residents to afford wireless telephone service can have a material positive effect on them and in turn on the economic development in the state.

14. Total Call proposes to provide common carrier wireless telecommunications service in Wyoming. The Commission has authority to approve this application for ETC designation under 47 U.S.C. § 214(e)(2), W.S. § 37-15-104(a)(vi)(B) and Commission Rule 513. The Commission has specific authority under W.S. § 37-15-104(a)(vi)(B) to grant such designations to wireless carriers.

15. The Commission's findings and conclusions, as set forth herein are supported by the preponderance of the evidence in the record of this case. The Commission concludes that approval of Total Call's application for limited statewide ETC designation serves the public interest.

IT IS THEREFORE ORDERED:

1. The instant application for limited designation as an eligible telecommunications carrier on a state-wide basis is granted effective September 19, 2013, going forward subject to Total Call's successful annual applications to retain this status;

2. Total Call shall submit quarterly status reports to the Commission regarding its statewide operations in Wyoming and particularly listing all agents, vendors, and points of process it uses in the state to advertise, and to acquire customers.

3. Total Call shall submit all advertising materials to Commission Staff for review. Staff and Total Call shall confer about such advertising to ensure marketing efforts clearly convey Total Call's limited non-roaming coverage in Wyoming.

4. Total Call's *Petition for Confidential Treatment* filed September 19, 2013, is granted.

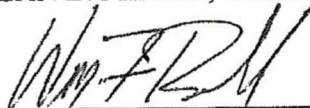
5. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on September 27, 2013.

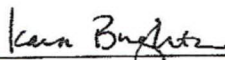
PUBLIC SERVICE COMMISSION OF WYOMING




ALAN B. MINIER, Chairman



WILLIAM F. RUSSELL, Deputy Chairman



KARA BRIGHTON, Commissioner


STEVE MINK, Assistant Secretary

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2012-00465

February 14, 2013

TOTAL CALL MOBILE, INC.
Request for Designation as an Eligible
Telecommunications Carrier

ORDER

WELCH, Chairman; LITTELL and VANNOY, Commissioners

I. SUMMARY

By this Order we designate Total Call Mobile, Inc. (Total Call) as an Eligible Telecommunications Carrier (ETC) pursuant to Section 214(e) of the Telecommunications Act of 1996 (TelAct) (47 U.S.C. § 214(e)), 47 C.F.R. § 54.201, and Chapter 206 of the Commission's Rules for the limited purpose of providing Lifeline service throughout the state of Maine. We also grant Total Call's request for waivers of Chapter 206, §§ 3(C) and 3(E)(1) of the Commission's Rules.

II. BACKGROUND

On September 18, 2012, Total Call filed an Application for designation as an ETC for the limited purpose of providing Lifeline service in Maine. In its Application, Total Call requested a waiver of Sections 3(C) and 3(E)(1) of Chapter 206 of the Commission's Rules.

On January 22, 2013, at the request of Commission Staff, Total Call filed a supplement to its application containing a service area map. Also on January 22, 2013, Commission Staff issued a Recommended Decision recommending that the Commission approve Total Call's Application. The Commission did not receive any comments or exceptions to the Recommended Decision.

III. LEGAL STANDARDS

Title 47 C.F.R. § 54.101 requires that, to be eligible for federal universal service support, providers of voice telephony service must provide voice grade access to the public switched network (PSTN) or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers.

Pursuant to the FCC's Lifeline Reform Order (*In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb 6, 2012)), telecommunications

carriers that seek limited ETC designation to participate in the Lifeline program are no longer subject to the "own facilities" requirement of 47 U.S.C. § 214(e)(1)(A), provided they comply with certain conditions. *Lifeline Reform Order*, ¶ 368. The carrier must (1) provide its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (2) provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; (3) comply with the above conditions starting on the effective date of Lifeline Reform Order; and (4) file, and the FCC's Wireline Competition Bureau (WCB) must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in the Lifeline Reform Order as well as further safeguards against waste, fraud and abuse the WCB may deem necessary. *Id.* ¶¶ 368, 373.

Chapter 206, § 3 of the Commission's Rules require that ETC applicants provide the following additional information: (1) a description of the services for which ETC designation is sought and a statement that the provider will offer the services for which support is sought throughout that service area; (2) a statement that the provider will provide service on a timely basis to customers within the service area; (3) a plan of the investments to be made with federal support and how those investments will benefit customers; (4) a statement that the provider will advertise, throughout its service area, the availability of the services for which support is sought; (5) maps depicting the existing and planned locations of cell sites; (6) information demonstrating the provider's ability to remain functional in an emergency; (7) a certification that the provider will comply with Chapters 290 and 294 of the Commission's Rules; (8) that the provider offer a local usage plan comparable to the one offered by the ILEC in the proposed service area; (9) a statement that the provider will provide equal access to long distance carriers; and (10) any additional information that the Commission may require.

The Commission will approve an application for designation as an ETC if the petition meets the requirements of Chapter 206, the carrier's designation as an ETC advances some or all of the purposes of universal service in 47 U.S.C. § 254, and the ETC designation is in the public interest. Chapter 206, § 4(A).

Chapter 206, § 8 states that, upon request, the Commission, the Director of the Consumer Assistance Division, or the Presiding Officer assigned to a proceeding may, for good cause grant a waiver of any provision of Chapter 206 that is not required by statute.

IV. DISCUSSION

In its Application, Total Call describes how it meets the federal requirements for designation as an ETC in Maine.

A. Voice Grade Access

Total Call states that it will provide its customer with voice grade access to the PSTN by enabling its customers to make and receive calls using the PSTN.

B. Minutes of Use for Local Service at No Additional Charge

Total Call states that the Lifeline plans it offers will provide local usage at no additional charge.¹

C. Access to Emergency Services

Total Call states that all of the handsets the Company will distribute to its Lifeline customers comply with FCC regulations governing the deployment and availability of E911 compatible handsets.

D. Toll Limitation

Total Call states that its Lifeline service inherently allows for toll limitation.

E. Compliance Plan

On May 17, 2012, Total Call submitted a revised Compliance Plan to the FCC's WCB for approval. *In the Matter of Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, Total Call Wireless LLC's Third Amended Compliance Plan (July 30, 2012). On May 25, 2012, the WCB approved Total Call's Compliance Plan as in conformance with the Lifeline Reform Order. *In the Matter of Telecommunications Carriers Eligible to Receive Universal Service Support*, WC Docket No. 09-197, Wireline Competition Bureau Approves the Compliance Plans of American Broadband and Telecommunications, Budget Prepay, Consumer Cellular, Global Connection and Total Call, DA 12-828 (rel. May 25, 2012).

F. Chapter 206

Total Call's Application describes how it meets the requirements for designation as an ETC contained in Chapter 206 of the Commission's Rules that pertain to carriers that are not seeking high-cost support, including: a description of the service are for which Total Call is seeking ETC designation (§ 3(A)), a statement that Total Call will provided service on a timely basis to customers in the Company's service area (§

¹ Total Call offers five Lifeline plans. Plan 1: 150 free anytime minutes, international long distance to designated countries at no additional charge, text messaging at \$0.05 per text. Plan 2: 250 free anytime minutes and text messaging at \$0.05 per text. Plan 3: A \$10 discount to Total Call's 1000 Talk & 1000 Text retail plan (regularly \$29.99). Plan 4: A \$10 discount to Total Call's 30-Day Unlimited Talk & Text retail plan (regularly \$39.99). Plan 5: A \$10 discount to Total Call's 30-Day Unlimited Talk, Text & Data retail plan (regularly \$49.99). All plans include the handset, Caller ID, Call Waiting, and Voicemail at no extra charge.

3(B)); a statement that Total Call will advertise the availability of its Lifeline service offerings (§ 3(D)); provision of a map of Total Call's coverage area (§ 3(E)(2));² information sufficient to demonstrate Total Call's ability to remain functional in an emergency (§ 3(F))³ a statement that Total Call will comply with the consumer standards in the Commission's rules and the CTIA Consumer Code for Wireless (§ 3(G)); information regarding its local usage plan (§ 3(H)); a statement acknowledging that Total Call may be required to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area (§ 3(I)). Total Call seeks waivers from Sections 3(C) and 3(E)(1) which pertain only to carriers seeking high-cost support.

V. DECISION

A. Waivers

Total Call asks that the Commission waive Sections 3(C) and 3(E) of Chapter 206 of the Commission's Rules to the extent those rules apply to carriers receiving high-cost support.

1. Chapter 206, Section 3(C)

Section 3(C) of Chapter 206 requires that a petition for designation as an ETC contain "[a] substantive plan of the investments to be made with initial federal support during the first five years in which support is received and a substantive description of how those expenditures will benefit customers." Because Total Call is not seeking federal high cost support, and will not be making any infrastructure investments, Section 3(C) is inapplicable to Total Call and the Company's request for a waiver of this requirement is granted.

2. Chapter 206, Section 3(E)

Section 3(E) of Chapter 206 contains two separate requirements for petitions for designation as an ETC. First, Section 3(E)(1) requires that a petition include "a map of the State of Maine in .shp format, showing existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals, and with an indication of signal strength of each such cell site shown through shading or as a depiction of coverage at -95 dB and -85 dB." Second, Section 3(E)(2) requires that a petition contain "a map or maps created pursuant to standards incorporated into the CTIA's Consumer Code for Wireless Service, showing the coverage in Maine provided to the applicant's customers

² Total Call's service area map was provided by the Company on January 22, 2013, subsequent to the filing of its Application.

³ Total Call uses Sprint as its underlying carrier and relies on the facilities of this major national cellular telephone service provider to meet the Section 3(F) requirement.

by the applicant's own system and, to the extent practicable, the coverage provided to the applicant's customers by its roaming partners."

Because Total Call does not own or control any of the cell sites by which it proposes to provide Lifeline service in Maine, and does not have access to maps in the format described in Section 3(E)(1), the Company's request for a waiver of Section 3(E)(1) is granted. On January 22, 2013, subsequent to the filing of its Application, Total Call submitted a map in compliance with Section 3(E)(2). Accordingly, Total Call's request for a waiver of Section 3(E)(2) is moot.

B. ETC Designation

Based on our review of Total Call's Application, and our decisions regarding Total Call's waiver requests as described above, we find that Total Call's application for designation as an ETC for the limited purpose of providing Lifeline service meets the requirements of Chapter 206 of the Commission's Rules, will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, complies with the requirements of 47 C.F.R. § 54.101 *et seq.* and the FCC's Lifeline Reform Order, and the designation is in the public interest. Accordingly, we approve Total Call's application and designate Total Call as an ETC for the limited purpose of providing Lifeline in Maine.

In light of the foregoing, we

ORDER

1. That the request by Total Call Mobile, Inc. for a waiver of Chapter 206, §§ 3(C) and 3(E)(1) of the Commission's Rules is **GRANTED** for the limited purpose of Total Call's designation as an Eligible Telecommunications Carrier to provide Lifeline service in Maine;
2. That the September 18, 2012 Application of Total Call Mobile, Inc. for Designation as an Eligible Telecommunications Carrier in the State for the Limited Purpose of Offering Lifeline Service to Qualified Households is **APPROVED**; and
3. That Total Call Mobile, Inc. is **DESIGNATED** as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.201, and 65-407 CMR 206 for the limited purpose of providing Lifeline service throughout the state of Maine;

Dated at Hallowell, Maine, this 14th day of February, 2013

BY ORDER OF THE COMMISSION

/s/ Nancy Goodwin

Nancy Goodwin
Acting Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Littell
 Vannoy

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.