

March 28, 2025

Via Electronic Filing

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: TruConnect Communications, Inc. Response to Bureau of Consumer Services
Staff Second Data Requests Docket No. P-2024-3045567

Dear Ms. Chiavetta:

Enclosed for filing, please find TruConnect Communications, Inc.'s ("TruConnect") responses to the Second Data Request issued by the Pennsylvania Public Utility Commission's Bureau of Consumer Services Staff. All responses are provided by Danielle Perry, TruConnect's Chief Compliance Officer. The total filing including exhibits is less than 100 MB, but exceeds 250 pages. Therefore, in accordance with the Commission's electronic filing instructions, TruConnect will provide a hard copy via mail.

If you have any questions regarding this submission, please contact the undersigned.

Respectfully submitted,



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Counsel for TruConnect Communications, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TruConnect Communications, Inc.

Petition for Designation as an Eligible
Telecommunications Carrier

Docket No. P-2024-3045567

**TRUCONNECT COMMUNICATIONS, INC.'S RESPONSE TO
BUREAU OF CONSUMER SERVICES STAFF DATA REQUESTS**

TruConnect Communications, Inc. (“TruConnect”) provides the following responses to the Data Requests issued by the Pennsylvania Public Utility Commission’s Bureau of Consumer Services Staff. All responses are provided by Danielle Perry, TruConnect’s Chief Compliance Officer.

II-1. Reference the Company’s response to Set I Data Requests, No. I-3: “Once TruConnect’s ETC designation expansion process has been completed, TSC intends for the existing Lifeline business to utilize the TruConnect ETC designations and the TruConnect brand, while the Sage Telecom Communications, LLC d/b/a TruConnect ETC designations would be used to support a distinct Lifeline brand with differentiated service offerings for consumers.”

- (a) Does TSC or Sage have any concrete plan and/or timeline whereby Sage will initiate offering Lifeline service that are differentiated from those which Sage currently provides and/or those which the Company will provide in Pennsylvania?**
- (b) If Sage does begin offering Lifeline service with service offerings that are differentiated from those that it currently provides in Pennsylvania will Sage seek any further approvals from the Commission in connection with changed service offerings?**

Response

- (b) If Sage Telecom Communications, LLC d/b/a TruConnect (“Sage Telecom”) begins offering Lifeline service with service offerings that differ from its current offering to Lifeline-eligible Pennsylvania customers, it will comply with the conditions included in the ETC designation order regarding changes in Lifeline

service. See Petition of Sage Telecom Communications, LLC, Order, Docket No. P-2013-2395687 (January 15, 2015) (“ETC Order”). Page 41 of the ETC Order includes the following requirements:

ETC status is granted to Sage based upon the services and equipment described herein. Should the company wish to alter its services or equipment, Sage shall provide notice to this Commission of any addition, change or new offering which is in addition to the basic Lifeline offering. Moreover, Sage shall petition this Commission for prior approval of any future change to the basic Lifeline offering that represents a limitation or reduction of Lifeline services/equipment now approved. This includes an imposition of any activation fee.

In accordance with the foregoing condition, Sage Telecom will notify the Commission about any change to its Lifeline service offering. Sage will only seek prior approval of a change to its Lifeline service offering if the change represents a limitation or reduction in Lifeline services.

II-2. Pursuant to 47 C.F.R. § 54.405(d), an ETC must “[d]isclose the name of the eligible telecommunications carrier on all materials describing the service.” Given that TruConnect and Sage will at least temporarily be providing the same Lifeline services to customers in Pennsylvania, explain how each company will comply with this requirement? In other words, how will a Pennsylvania Lifeline customer know whether it is signing up for and/or receiving service from TruConnect as opposed to Sage?

Response

Current Lifeline customers who enrolled in Lifeline service provided by Sage Telecom will continue to receive Lifeline service from Sage Telecom. Sage Telecom’s customers are highly familiar with the TruConnect brand name and any change to that brand name would cause confusion to current customers who enrolled in Lifeline with Sage Telecom d/b/a TruConnect. When TruConnect is designated as an ETC in Pennsylvania, Sage Telecom’s Lifeline subscribers will continue to receive service in the same manner that they currently receive Lifeline service.

Given that both companies offer the same service plan at this time, current Sage Telecom customers would have no reason to consider switching their Lifeline service to TruConnect and no need to distinguish TruConnect from Sage Telecom.

Potential customers primarily would be enrolled in Lifeline service via TruConnect after TruConnect is designated as an ETC. Having two ETCs marketing under the same brand name is temporary. When the multi-state project to expand TruConnect's ETC footprint has been completed, Sage Telecom ETC designations in Pennsylvania and elsewhere will be used to develop and support a new Lifeline brand with differentiated service offerings and marketing strategies that will provide low-income consumers with more competitive choices. At that time, Sage Telecom will notify customers of all relevant changes to their Lifeline service.

Furthermore, at the time when Sage Telecom's new Lifeline brand is launched, all customers who enrolled with TruConnect will not be subject to any changes in that they will continue to receive service from TruConnect. For these reasons, neither current nor potential customers will need to distinguish TruConnect from Sage Telecom.

II-3. If granted designation as an ETC in Pennsylvania, TruConnect will be required to submit an annual Lifeline Tracking Report. Explain how TruConnect and Sage will comply with this requirement during the period in which both companies are offering Lifeline service in Pennsylvania. Explain how TruConnect and Sage will ensure that each company will accurately report data specific to itself and eliminate any potential contamination of data between companies.

Response

The computer systems used by Sage Telecom and TruConnect enable the companies to differentiate Lifeline customers who enrolled under Sage Telecom's ETC designation and Lifeline subscribers who will enroll under TruConnect's ETC designation so that each company's customer records can be identified and maintained. Moreover, upon designation as an ETC in Pennsylvania, TruConnect will request the Universal Service Administrative

Company (USAC) to assign the company a unique Study Area Code (SAC) for Pennsylvania. Thus, USAC and the FCC will have the ability to easily differentiate Lifeline subscribers who enrolled under Sage Telecom's SAC and Lifeline subscribers who will enroll under TruConnect's SAC.

II-4. Please provide copies of any finding or order issued over the past three (3) years by the FCC, USAC, or the relevant state authority having oversight of ETCs in any state in which TruConnect or Sage operates, alleging that TruConnect, Sage or any corporate affiliate thereof, violated any provision of federal or state law applicable to ETCs.

Response

Not applicable.

II-5. Please provide copies of any order issued over the past three (3) years by the FCC, USAC, or the relevant state authority having oversight of ETCs in any state in which TruConnect or Sage operates, granting, denying or otherwise disposing of any application by TruConnect, Sage, or any corporate affiliate thereof, for designation as an ETC, or relinquishing, revoking or terminating any existing ETC designation.

Response

Copies of relevant orders granting applications by TruConnect for designation as an ETC are provided as Exhibit II-5. There are no other orders responsive to this Data Request.

I, Danielle Perry, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Signature: _____
Signed by: 
9A546B19BB174C5...

Title: Chief Compliance Officer

Exhibit II-5



STATE OF ALABAMA
PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

TRUCONNECT COMMUNICATIONS, INC.,

Petitioner

**PETITION: FOR DESIGNATION AS A LIFELINE ONLY
ELIGIBLE TELECOMMUNICATIONS CARRIER**

DOCKET 25980

PROCEDURAL RULING GRANTING DESIGNATION AS A LIFELINE-ONLY ETC

I. Introduction and Background

By Petition filed on or about September 14, 2023, TruConnect Communications, Inc. ("TruConnect" or the "Company") seeks designation as an eligible telecommunications carrier ("ETC") for purposes of providing lifeline service to qualifying Alabama consumers. The Company's petition was filed pursuant to §214(e)(2) of the Communications Act of 1934, as amended (the "Act"),¹ Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),² and the rules and regulations of the Alabama Public Service Commission (the "Commission").

TruConnect is a Delaware corporation with its principal office located at 1149 South Hill Street, Suite 400, Los Angeles, California 90015.³ TruConnect provides nationwide prepaid wireless telecommunications services to consumers using the underlying wireless networks of facilities-based providers, T-Mobile USA, Inc. ("T-Mobile") and Verizon Wireless (collectively "Underlying Carriers") on a wholesale basis. TruConnect is currently designated and operating as a wireless ETC in California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, and the U.S. Virgin Islands.

¹ 47 U.S.C. §214(e)(2).

² 47 C.F.R. §§54.101-54.207.

³ TruConnect was formerly known as Telscape Communications, inc.

TruConnect's service offerings will include: (1) local and long-distance calling; (2) access to the following custom calling features at no charge: (a) Caller ID; (b) Call Waiting; (c) Call Forwarding; (d) 3-Way Calling; and (e) Voicemail; (3) text messaging; (4) broadband access; and (5) the option for a customer to "bring their own device". TruConnect may also provide user-friendly handsets or hotspot devices. TruConnect's products and plans will be specifically geared towards serving lower income communities, especially in rural areas that are predominately unserved by other ETC's designated in the state.

TruConnect acknowledges that §214(e)(1)(A) of the Act states that ETC's shall offer services, at least in part, over their own facilities. TruConnect also concedes that §54.201(i) of the FCC's rules (47 C.F.R. §54.201(i)) prohibits state commissions from designating a telecommunications carrier that offers services exclusively through the resale of another carrier's services as an ETC. However, TruConnect asserts that the FCC has granted forbearance from enforcement of this facilities requirement for carriers seeking Lifeline-only ETC designation.

TruConnect notes that Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules provide that applicants for ETC designation must be common carriers that shall, throughout the designated service area, offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, *except where the FCC has forbore from the "own facilities" requirement*. TruConnect maintains that the FCC has at least in part forbore from that facilities requirement with respect to carriers such as TruConnect. In particular, TruConnect emphasizes that in the *Lifeline and Link Up Reform Order*, the FCC granted forbearance 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:⁴

- (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

⁴ *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")* at ¶¶368, 373, and 379.

- (2) the carrier must file, and the Bureau 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 this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.

In accordance with the *Lifeline and Link Up Reform Order*, TruConnect filed a Compliance Plan with the FCC, which the FCC approved on December 26, 2012, a copy of which is attached hereto as part of Exhibit 1. TruConnect commits to providing Lifeline service in Alabama in accordance with its FCC-approved Compliance Plan, as amended, and in compliance with applicable state and federal regulations, to the extent amendments thereto may supersede commitments made in the Compliance Plan.

Given the provisions of section 10(e) of the Act (47 U.S.C. §160(e)), which provide that: “[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”, TruConnect represents that the Commission must act in accordance with the FCC's grant of forbearance, and may not apply the facilities-based requirement to TruConnect. TruConnect thus maintains the Commission has the authority under Section 214(e)(2) of the Act to grant TruConnect's request for designation as a Lifeline-only ETC throughout the State of Alabama.

TruConnect asserts that it is a common carrier and will provide all supported Voice Telephony Service including Voice Grade Access to the Public Switched Telephone Network, Local Usage At No Additional Charge, and Access to Emergency Services. TruConnect'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 which treats local and domestic long-distance minutes the same. Although not required under 47 C.F.R. §54.101(a), TruConnect will provide Broadband Internet access service (“BIAS”) to ensure its Lifeline customers receive full Lifeline support via resale of T-Mobile and Verizon's services.

TruConnect requests ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying, facilities-based providers have wireless coverage. The attached zip code coverage

footprint which is attached to this order as Exhibit 2 reflects the footprint of TruConnects underlying carriers. TruConnect acknowledges that its service area overlaps with rural carriers in Alabama, but asserts that it will not cause growth in the high-cost portions of the USF and will not erode high-cost support from any rural telephone companies because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers.

TruConnect further asserts that it will advertise the availability and rates for the services described above using media of general distribution as required by 47 C.F.R. §54.201(d)(2). TruConnect represents it will also comply with the FCC's rules regarding the information required to be included in marketing materials, including FCC rule section 54.405(c).

In accordance with 47 C.F.R. §54.202(a)(1)(i), and by the certification attached as Exhibit 3⁵ to this Ruling, TruConnect commits to comply with the service requirements applicable to the low-income support that it receives, including the rules set forth in the FCC's *Fifth Report and Order*.⁶ TruConnect did not submit a five-year network improvement plan as part of its application for designation as an ETC because it seeks designation as a Lifeline-only ETC.

In accordance with 47 C.F.R. §54.202(a)(2), TruConnect represents that it has the ability to remain functional in emergency situations given the extensive and well-established network and facilities of the carriers it will utilize to provide service, T-Mobile and Verizon. TruConnect noted that its Underlying Carriers have access to a reasonable amount of back-up power to ensure functionality without an external power source, can reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations.

⁵ Said Exhibit does not include the original attachments referenced therein.

⁶ *In the Matter of Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) (hereinafter, "*Fifth Report and Order*").

TruConnect further asserts that in accordance with 47 C.F.R. §54.202(a)(3), it complies with all applicable consumer protection and service quality standards through its commitment to comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service.

TruConnect maintains that its long track record of providing service speaks to the company's financial and technical capability of providing Lifeline-supported services in accordance with 47 C.F.R. §54.202(a)(4). TruConnect further represents that it is capable of providing all services supported by the universal service program, as detailed in 47 C.F.R. §54.101(a), throughout Alabama. More specifically, TruConnect commits that its Lifeline-supported voice services will meet or exceed the minimum service standards set forth in 47 C.F.R. §54.408.

TruConnect further asserts that its Lifeline-supported broadband services will also meet the minimum service standards set forth for mobile broadband internet access services, including for service speed and data usage allowance. To the extent TruConnect provides devices for use with Lifeline-supported broadband service, the Company asserts such devices will meet the equipment requirements set forth in 47 C.F.R. §54.408(f), and that it will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

TruConnect also represents that it will comply with all applicable Lifeline Certification and Verification Requirements, as well as the prevention of waste, fraud, and abuse requirements of section 54.404 of the FCC's rules. In particular, TruConnect states that it will rely on the National Verifier for initial and annual verification of Lifeline eligibility in accordance with Section 54.410 of the FCC's Rules. TruConnect lastly asserts that it will comply with all applicable reporting requirements and all of the rules and regulations promulgated by the Commission with respect to Lifeline ETCs.

II. The Jurisdiction of the Commission to Designate Wireless ETCs

Section 214(e)(2) of the Act provides state public utility commission with the "primary responsibility" for the designation of ETCs. Although Section 332(c)(3)(a) of the Act prohibits states from regulating the entry of or the rates charged by any provider of commercial mobile radio service or any private mobile service, this prohibition does not allow states to deny wireless carriers ETC status.⁷ Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1).

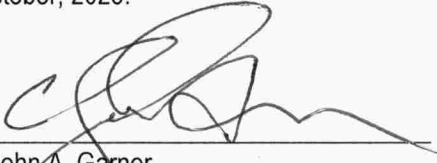
Pursuant to Alabama Legislative Act # 2023-469 ("Act 2023-469"), the Commission is now authorized to designate certain providers of commercial mobile radio services as eligible to offer and receive universal service support. Act 2023-469 specifically states as follows:

"Section 1. Notwithstanding any provision of Section 40-21-120(1) a. or (2) to the contrary, upon petition to the Alabama Public Service Commission, the commission may designate the petitioning commercial mobile radio service provider as an eligible telecommunications carrier to be eligible to offer and receive universal service support pursuant to 47 U.S.C. §§214(e) and 254."

Thus, the Alabama Public Service Commission now has jurisdiction over wireless ETC designation requests. Having reviewed the Petition of TruConnect as discussed in detail herein, it appears TruConnect has met all necessary requirements and is hereby granted status as a Lifeline-only ETC for the entirety of the State of Alabama.

IT IS SO RULED.

Done at Montgomery, Alabama this 18th day of October, 2023.



John A. Garner
Chief Administrative Law Judge

c: All parties of record

⁷ See *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) ("USF Order").

EXHIBIT 1

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

_____)	
In the Matter of)	
)	
Federal-State Joint Board on)	WC Docket No. 09-197
Universal Service)	
)	
Lifeline and Link Up Reform Modernization))	WC Docket No. 11-42
)	
_____)	

REVISED COMPLIANCE PLAN OF TELScape COMMUNICATIONS, INC.

Telscape Communications, Inc. dba Telscape Wireless (“Telscape”), by its attorneys, respectfully submits this Revised Compliance Plan (“Plan”). Telscape’s original Compliance Plan was filed July 2, 2012, and an initial revised version of the plan was filed September 24, 2012.

In the *Lifeline Reform Order*,¹ the Commission adopted rules and procedures through which it instituted “blanket forbearance” from the applications of the facilities requirement to all telecommunications carriers seeking a limited ETC designation to provide wireless Lifeline services. In order to qualify for this blanket forbearance, the Commission requires carriers to comply with certain 911 requirements and file and receive approval of a compliance plan providing specific information about its service offerings and procedures to safeguard against waste, fraud and abuse.

¹ *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 11-12, ¶ 172 (rel. Feb. 6, 2012) (“*Lifeline Reform Order*”).

Therefore, Telscape respectfully submits this Plan in accordance with the Lifeline Reform Order and instructions set forth in the Wireline Competition Bureau *Public Notice* issued on February 29, 2012.² Telscape seeks approval of this compliance plan only for the provision of Lifeline support to provide wireless services nationwide, as the company offers wireline service as a facilities-based carrier under the approval of state commissions. This Plan sets forth Telscape's service offerings and the procedures and measures it will use to safeguard against waste, fraud and abuse. In support of this request, Telscape provides the following information:

(1) Information about the carrier and the Lifeline plans it intends to offer:

(a) names and identifiers used by the carrier, its holding company, operating company and all affiliates;

Telscape is a competitive local exchange carrier ("CLEC") based in Los Angeles, California. The company has provided traditional wireline service since 1996 and wireless service in California as a non-ETC carrier since 2007. Telscape is also a provider of broadband Internet services. Telscape's service primarily focuses on offering specialized services to meet the needs of the Spanish-speaking market, as well as low-income consumers. Telscape is also an ETC in California, having provided wireline service to low income consumers under California's state low income support program. Telscape has authority to operate as a wireless ETC from the California PUC as well.

Telscape is a Delaware corporation with offices located at 355 South Grand Avenue, Ste. 3100, Los Angeles, CA 90071. Telscape has authority to provide local exchange and interstate

² Public Notice, Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order, DA 12-314, (Rel. Feb. 29, 2012).

telecommunications services in California and seven other states.³ On October 6, 2011, the California Public Utilities Commission designated Telscape as an ETC for both wireless and wireline services in the state of California for purposes of participating in the Lifeline program. Telscape provides its wireless service under the name “Telscape Wireless” and does not offer wireless services under any other brand or company names.

Telscape is wholly-owned by TSC Acquisition Corporation (“TSC”). On July 2, 2012, TSC completed its acquisition of Sage Telecom, Inc. (“Sage”), a CLEC that provides service in numerous states including Arkansas, California, Connecticut, Illinois, Kansas, Michigan, Missouri, Ohio, Oklahoma, Nevada, Texas and Wisconsin. Sage’s service to customers in these 12 states complements, in part, Telscape’s focus on the southwestern United States. As a result of the acquisition, Telscape, through its common ownership with Sage, has gained collective access to a broader market and combined subscriber growth. The majority of Sage’s current customers are non-Lifeline customer, but Sage currently has wireline Lifeline customers in five states for which it is reimbursed through both state and federal programs, depending upon the state and the customer.⁴ In addition, through this combined ownership, Telscape has also gained access to the expertise of Sage’s managers and operations.⁵

Telscape is also affiliated with TruConnect Mobile, LLC (“TruConnect”), through partial common ownership. TruConnect is 40% owned by TSC, Telscape’s parent company as described above. TruConnect provides mobile broadband data services and does not provide any services supported by the low income program.

³ These states are Arizona, Florida, Illinois, Nevada, New York, New Jersey and Texas.

⁴ In California, Sage receives support only from the CPUC’s Low Income Programs. Sage also receives support from state programs in Kansas, Texas and Wisconsin. Sage receives support on a federal level for service in these three states and Oklahoma.

⁵ Additional information concerning TSC ownership structure and qualifications is set forth in its application to acquire Sage Telecom, Inc. filed in WC Docket No. 12-119.

(b) detailed information demonstrating the carrier is financially and technically capable of providing the supported Lifeline services in compliance with the Commission's rules;

As a long-time provider of both wireline and wireless services in California, Telscape has a proven record of technical and financial qualifications. For example, Telscape owns and operates its own switching facilities back-office and operations support systems ("OSS"), which allows it to operate at lower costs and pass those savings on to its subscribers. Throughout the years, Telscape has invested substantial revenue to develop, integrate and maintain its systems.

As a carrier who has provided service in California for over 15 years, Telscape possesses the financial viability, as well as the expertise to continue to provide affordable and quality service to customers and has the proven experience to maintain its compliance with all applicable federal and state regulatory guidelines. Telscape derives the majority of its revenue from the telecommunications services it provides to its customers. Telscape does not and will not rely exclusively on the Universal Service Fund ("USF") disbursements to operate, but rather relies on revenues it receives from providing non-Lifeline wireline and wireless service, the payment for service by Lifeline customers,⁶ as well as high-speed Internet services. In addition, Telscape is a fully audited corporation and has not been subject to any type of enforcement action or ETC revocation proceeding by the FCC or California.

Telscape is already working with Sprint Spectrum and resells Sprint's wireless services to its non-Lifeline customers in California. As a Lifeline service provider, Telscape will continue to work with Sprint, who provides the necessary network infrastructure and wireless facilities necessary for the operation of Telscape's services as a Mobile Virtual Network Operator ("MVNO"). As the Commission is aware, Sprint is a large, nationwide carrier who provides

⁶ All of Telscape's Lifeline wireline customers currently pay a monthly fee for the discounted service.

similar service to other wireless Lifeline providers operating as MVNOs. Telscape's agreement and partnership with Sprint further demonstrates its financial and technical capability to provide these services.

(c) detailed information, including geographic locations, of the carrier's current service offerings if the carrier currently offers service;

As detailed in response to Question 1(a) above, Telscape currently provides local and interstate wireline and wireless services in California as well as broadband Internet services in that state.

(d) the terms and conditions of each Lifeline service plan offering, including rates, the number of minutes provided and additional charges, if any, for toll calls;

At this time, Telscape plans to offer the following Lifeline plans and services to customers in California and eventually similar plans nationwide. The California service plans are listed below and were approved by the CPUC as part of the ETC application process. The basic plan provides 300 minutes a month to Lifeline customers for \$2.50 a month. A similar plan is marketed to non-lifeline customers at \$15.00, but would be discounted to \$2.50 for Lifeline eligible customers (after reimbursement). All plans require a monthly payment by the customer.

Plan 1 – 300 Minutes \$2.50 a month

Call Waiting	Included
3 Way Calling	Included
Caller ID	Included
Voicemail	Included
911	Free
611 (Customer Service)	Free
Directory Assistance	\$1.50 per call

Plan 2 – 1,100 Minutes \$20.00 a month

Call Waiting	Included
3 Way Calling	Included
Caller ID	Included
Voicemail	Included
911	Free
611 (Customer Service)	Free
Directory Assistance	\$1.50 per call

Additional Minutes. For both Plans above, if the subscriber wishes to purchase additional minutes, they may do so at any time during a given month and such minutes will be available at \$0.03 per minute, with a minimum purchase of 200 minutes. For example, 200 additional minutes will cost \$6.00 and 500 additional minutes will cost \$15.00.

Text Messages. Plans above include text messaging and text messages will be assessed at a rate of 1 minute per text message sent and 1 minute per text message received. In other words, each text message is the equivalent of one minute of calling.

Other. Telscape's plans will include a free handset and the customer calling features listed above. Customers are not limited by a local calling area and may use the minutes for any type of call other than international calls. Calls to 911 are free and customers may call 911 regardless of the availability of minutes. There is a \$30.00 activation fee for Telscape wireless service.

Outside of California, Telscape will offer plans similar to the following, subject to state specific requirements or requests from state PUCs. As with California, these plans are offered to both Lifeline and non-Lifeline subscribers, with a discount applied to the Lifeline customer. Services will be offered on a prepaid basis, and potentially also on a postpaid basis, as is done in California. All services will normally have an activation fee and will likely require a monthly payment from the customer. The prices listed below show the basic, non-Lifeline price and the price to the consumer with the \$9.25 Lifeline credit applied. All plans will likely require a monthly payment by the customer. Telscape commits to providing a minimum of 250 minutes per month for the \$9.25 subsidy.

Telscape is still determining the exact plans it will offer (reiterating the condition that plans will provide a minimum of 250 minutes for the \$9.25 subsidy), but a sample plan would be as follows:

ValuMobile Plus Price: \$24.25 per month/Lifeline Price: \$15.00

Features	Cost
500 minutes Voice/Text	Included
Call Waiting	Included
3 Way Calling	Included
Caller ID	Included
VoiceMail	Included
911	Free
611 (Customer Service)	Free
Directory Assistance	\$1.50

Activation Fee: \$25.00

Additional Minutes: For all service plans the customer can purchase additional voice, data, MMS, text minutes for \$0.05 per minute with a minimum purchase of \$5.00. For example, 100 additional minutes will cost \$5.00. The customer will have the ability to purchase 100 minutes (\$5.00); 200 minutes (\$10.00); 300 minutes (\$15.00) and 500 minutes (\$25.00). For Unlimited service plans the customer will not need additional voice or text but will need to purchase additional minutes for data and MMS. MMS is priced at \$0.15 per minute and Data is \$0.05 per MB.

Text Messages: The service plans include text messaging; text messaging rates are assessed at 1 minute per text message sent and 1 minute per text message received.

Other: Plans do not permit rollover minutes. Top Ups are available for a 30 day period as long as the customer renews the service at the normal plan rate. Plans do not allow roaming. The \$25.00 Activation Fee includes selection of a basic handset which is activated and provided ready for use. Customers are allowed to call internationally but will be assessed the international rates. International text rates are \$0.20 per minute for messages sent or received. Special Promotional offer: 10 MB data FREE for 3 months with the selection of a data capable phone. .

(e) all other certifications required under newly amended section 54.202 of the Commission's rules.

Section 54.202 requires ETCs to (1) certify that it will comply with the applicable service requirements; (2) file a five-year plan detailing proposed improvements or upgrades in the

network unless the ETC is receiving only Lifeline support; (3) demonstrate that it will continue to function in emergency situations including reasonable back-up backup power and emergency traffic management; (4) demonstrate that the carrier will comply with applicable consumer protection and service quality standards; (5) demonstrate that it is financially and technical qualified to provide Lifeline services that comply with the applicable rules; and (6) provide information concerning the terms and conditions of the service plans offered to Lifeline customers.

In response to item (1), Telscape certifies that it will comply with applicable service requirements and regulations for Lifeline support.

In response to item (2), Telscape is not required to submit a five year plan since it is seeking to obtain only Lifeline support for its eligible customers.

In response to item (3), as a CLEC provider in California for over 15 years, Telscape has significant experience with emergency preparedness. Telscape has detailed Emergency Action and Disaster Recovery Plans in place to respond to emergencies.. In addition, Telscape's agreement with Sprint provides for the continuation of services during emergencies and sets forth obligations for the service to remain functioning during disasters and similar emergency situations. In addition, as a nationwide carrier and provider of wireless service, Sprint also remains subject to the Commission's authority and must, and does, comply with federal outage reporting requirements.

In response to item (4), Telscape certifies that it will comply with the applicable consumer protection and service quality standards. As a CLEC operating in California, Telscape is already subject to that state's consumer protection and service quality requirements.

Telscape's Lifeline customers will also receive the same quality service and protections.

Telscape's response to items (5) and (6) are provided above and in the provided exhibits

(2) A detailed explanation of how the carrier will comply with the Commission's new rules relating to determinations of subscriber eligibility for Lifeline services, including all consumer eligibility, consumer enrollment and re-certification procedures as required by Section VI and Appendix C of the Lifeline Reform Order, and a copy of the carrier's certification form;

Under the *Lifeline Reform Order*, ETCs must comply with eligibility rules for Lifeline services, including initial eligibility, certification, and annual re-certification procedures. In addition to the Commission's rules, Telscape must also comply with all certification and verification requirements for Lifeline eligibility established by states where Telscape is designated as an ETC. For states that do not have a Lifeline administrator or state agency responsible for determining eligibility and initial certifications and annual certifications, Telscape certifies it will comply with the Commission's certification and verification requirements and will follow the procedures outlined below until such time as the Commission implements its planned National Lifeline Accountability Database.

Procedures for Initial Eligibility Determination and Certification of Lifeline Subscribers.

With respect to determining eligibility certification procedures, the rules provide that an ETC must determine a Lifeline applicant's eligibility and provide and receive certification forms with proper documentation from Lifeline subscribers, except where there is a state Lifeline administrator or a state agency responsible for eligibility verification.

In states where there is a third party entity acting as the Lifeline administrator (also referred to as the "Certifying Agent" in California) who is responsible for determining the eligibility of consumers seeking to subscribe to Lifeline service, sending out certification forms, reviewing documentation and providing ETCs with the appropriate approval of a potential

subscriber's eligibility for Lifeline, Telscape will comply with the program rules established in those states and will cooperate fully with any state Lifeline administrator.

Based on Telscape's history of providing Lifeline and non-Lifeline customers in wireline products, Telscape's primary source of signing up Lifeline customers will be via telephone, although some customers (entirely in California at this point) will be signed up in person at the retail locations staffed by Telscape employees. Visitors to Telscape's website will be given information about the program but are required to contact Telscape directly via telephone to complete the sign-up process. These callers speak to Telscape employees who are specially trained on the Lifeline programs. Telscape's customer services representatives will review income- and program-based requirements with applicants via telephone contact or point of sale contact at one of Telscape's retail locations.⁷ During the initial sign up for service, Telscape will (a) require the applicant to confirm that he or she is not already receiving a Lifeline service and that no one else in the applicant's household is subscribed to a Lifeline service in order to avoid providing duplicate services; and (b) inform the applicant of both the income- and program-based eligibility requirements to determine initial eligibility and any state-specific requirements.

Customers are offered the choice to either sign up for service as a non-Lifeline customer pending confirmation of eligibility, or to have their application for service held pending confirmation of eligibility. In the event the customer chooses to proceed, they are processed as a new non-Lifeline customer and the verification process continues as described below. If, after the verification process is completed, the customer is deemed eligible, they are credited with the

⁷ For example, Telscape has retail store locations called "Telemercados" throughout its service areas in the Los Angeles and San Diego, California areas to provide its subscribers the opportunity to walk in and deal with a Telscape representative directly, as well as over 380 authorized payment locations throughout all of Southern California.

Lifeline discount back to the date service was initiated. If the customer is eventually deemed ineligible, they receive no credit. Where the customer chooses to wait for confirmation of eligibility before starting service, the employee will take down the relevant information from the consumer, including payment information, but the order is then held pending verification of eligibility. Only if the customer is determined to be eligible is the order processed.

The Verification process varies by state, in states with a Lifeline administrator, if a new applicant indicates that he or she is eligible for Lifeline service, Telscape will provide the applicant's relevant information to the administrator in conformance with any state or Lifeline administrator specific rules. The Lifeline administrator will provide the requisite forms and will be responsible for processing those forms when returned and ensuring the documentation is satisfactory as set forth in state regulations. Telscape will not provide Lifeline service or seek reimbursement for providing services to such applicant until it receives a certification of eligibility from the Lifeline administrator.

In states where there is no Lifeline administrator or state agency responsible for determining initial eligibility and certifying Lifeline applicants, Telscape will require all applicants to demonstrate either: (1) the applicant's household income is at or below 135% of the Federal Poverty Guidelines based on the income-eligibility criteria set forth in Sections 54.409(a)(1) or (a)(3) or (2) the applicant participates in Medicaid, Food Stamps, Supplemental Security Income, Federal Public Housing Assistance, Low-Income Home Energy Assistance Program, National School Lunch Program or Temporary Assistance for Needy Families. As required to prevent suspected duplications, Telscape will also require the customer to complete the Lifeline Household Worksheet issued by USAC to ensure that duplicate support is not provided to any household. Telscape will inform the applicant that any information provided

will be submitted to USAC as necessary under the Commission's rules to verify the household is not receiving duplicate Lifeline support.

After confirming initial eligibility either in person or over the phone, Telscape will provide the individual with an application via mail requiring him or her to provide certain information and certify that they meet either the income-based eligibility requirements or the program-based requirements, make certain certifications and submit documentation.

Specifically, Telscape's Lifeline application form will collect the following information from the potential Lifeline customers: (i) the subscriber's full name; (ii) the subscriber's full residential street address (P.O. Boxes will not be acceptable); (iii) whether the residential address is permanent or temporary; (iv) the subscriber's billing address, if different; (v) the subscriber's date of birth; (vi) the last four digits of the subscriber's Social Security number (or Tribal identification number if the subscriber is a member of a Tribal nation and does not have a Social Security number); (vii) if the subscriber is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the subscriber, or his or her dependents, or his or her household receives benefits; and (viii) if the subscriber is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.

In addition, as part of the Lifeline application, Telscape will require all Lifeline applicants to certify, under penalty of perjury, that:

- the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline either because the household receives benefits from a state or federal assistance program (and list the name of the program) or has income at or below 135% of the Federal Poverty Guidelines;
- the applicant has provided documentation to Telscape that correctly and accurately confirms the subscriber's household income or participation in the above-listed

program(s);

- the applicant will notify its carrier within thirty (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, the applicant is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit. The applicant will also certify that they understand this requirement and may be subject to penalties if they fail to notify Telscape;
- if the applicant moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within thirty (30) days;
- if the applicant provided a temporary residential address to the eligible telecommunications carrier, he or she will be required to verify his or her temporary residential address every ninety (90) days;
- the applicant acknowledges that the subscriber will 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 his or her continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits;
- the applicant's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
- the information contained in the applicant's certification form is true and correct to the best of his or her knowledge, that providing false or fraudulent documentation or information in order to receive assistance is punishable by fines, imprisonment, de-enrollment or being barred from the program;
- That a violation of the one-per-household rule constitutes a violation of FCC rules and will result in their de-enrollment from the Lifeline program
- the applicant understands that Lifeline is a non-transferable benefit and the service may not be transfers to anyone else; and
- the applicant understands their information, including name, telephone number and address, will be given to the Universal Service Administrative Company (USAC) and/or its agents for the purpose of verifying the applicant and the applicant's household do not receive more than one Lifeline benefit and consenting to the inclusion of that information into a Lifeline database.

A sample Telscape application is attached hereto as Exhibit A.

This application is mailed by Telscape to the customer for completion and is returned to Telscape for review and certification. All applications are reviewed by Telscape employees or

by employees of their affiliate Sage. Should Telscape engage sales agents to assist in signing up customers, those applications will also be reviewed by employees to ensure the applicant's eligibility.⁸ This review includes a review to determine eligibility as well as a duplicate review process described below. Telscape will make itself available as a direct point of contact with all Lifeline applicants, either in person through its employees, or by telephone. In addition, all Telscape employees who have contact with potential Lifeline customers will be fully trained on the state and Commission Lifeline eligibility rules.

If Telscape cannot determine a prospective subscriber's eligibility through a review of an appropriate federal or state database, Telscape personnel will require the submission of appropriate documentation required to establish income-based and program-based eligibility and will review each subscriber's documentation for compliance with the eligibility criteria. If documentation is not sufficient or if the application is incomplete, then Telscape will deny the application and inform the applicant of the reason for such rejection. For applicants submitting proof of income-eligibility or program-based eligibility, Telscape will not retain copies of such documentation but will maintain accurate records detailing how the customer demonstrated his or her eligibility.⁹ In addition, if the subscriber provides Telscape with a temporary address, it will verify with the subscriber every 90 days that this address remains valid. If the subscriber fails to respond to the Telscape within 30 days, the subscriber will be de-enrolled from the Lifeline program.

Procedures for Annual Re-Certification. Similar to the initial certification process, an ETC must annually certify all subscribers, unless there is a Lifeline administrator that is

⁸ In states with a Lifeline Administrator, this process would be handled pursuant to the procedures of the Administrator.

⁹ 47 C.F.R. §§ 54.410(b)(1)(ii)-(iii) and 54.410(c)(1)(ii)-(iii).

responsible for re-certification. In states where a Lifeline administrator is responsible for completing annual re-certifications, Telscape will rely on such administrator completing the annual certification. If the Lifeline administrator provides notice to Telscape that a current subscriber did not re-certify, then Telscape will comply with the de-enrollment requirements required by the FCC's rules. Telscape will cooperate fully with any Lifeline administrator and take any necessary steps to ensure it is in compliance with both state and federal re-certification procedures.

In states where there is not a Lifeline administrator, Telscape will require its Lifeline subscriber to annually re-certify their eligibility as set forth in Rules 54.410(f)(2) and (f)(5) and 54.405(e)(4). Telscape may complete the re-certification process on a rolling basis throughout the year. If Telscape cannot determine on-going eligibility by accessing a qualifying database, Telscape will re-certify the continued eligibility of its subscribers by contacting them in person, in writing (by mail), by phone, by text message, by email or otherwise through the Internet.¹⁰ Alternatively, beginning in 2013, Telscape may elect to have the USAC administer the annual self-certification process.¹¹

As part of the re-certification process, Telscape will inform its Lifeline subscribers that they must confirm eligibility to retain Lifeline benefits, when Lifeline benefits will be terminated if confirmation of eligibility is not provided and how to contact Telscape for more information or assistance. If a Lifeline subscriber does not respond to the notice within 30 days, Telscape will

¹⁰ *Lifeline Reform Order*, ¶ 130.

¹¹ *Id.*, ¶ 133.

send a notice of impending termination. Subscribers who do not respond to the impending termination notice will be de-enrolled from the Lifeline program within five business days.¹²

(3) A detailed explanation of how the carrier will comply with the forbearance conditions relating to public safety and 911/E-911 access;

The Commission conditioned its grant of forbearance on an ETC (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.¹³ Telscape's wireless service currently complies with these requirements and will continue to comply with these conditions.

Specifically, Telscape provides its wireless subscribers with 911/E911 access at the time their service is initiated, regardless of activation status and availability of minutes and provides its subscribers with E911-compliant handsets. It is the company's practice to provide access to 911/E911 to the extent these services are available from the underlying carrier, Sprint. Telscape also enables 911 emergency calling from all properly activated handsets regardless of whether the account associated with the handset is active, suspended to terminated. Telscape will transmit all 911 calls initiated from any of its handsets even if the associated account has no remaining minutes.

In addition, all phones provided by Telscape are 911/E911 compliant. Telscape uses phones from Sprint that, based on representations made to Telscape by Sprint, have been through the applicable certification process in the company's labs. In the event that a customer does not have an E911-complaint handset, Telscape will replace it with a compliant handset at no charge.

¹² 47 C.F.R. § 54.405(e)(4).

¹³ *Lifeline Reform Order*, ¶ 373.

All new customers who qualify for Lifeline services with Telscape will receive a 911/E911-compliant handset free of charge.

(4) A detailed explanation of how the carrier will comply with the Commission's marketing and disclosure requirements for participation in the Lifeline program;

Telscape has experience in providing clear, concise and consistent marketing and disclosure information to its wireline Lifeline to its customers. Given the make-up of its customer base, primarily limited English speaking consumers, some of whom are of lower income, Telscape strives to use language that is easily understandable so as to avoid customer confusion. With respect to its wireless services, Telscape will emphasize in clear, easily understood language: (a) that the service is a Lifeline-supported service; (b) that only eligible consumers may enroll in the program; (c) what documentation is necessary for enrollment; and (d) that the benefit is limited to one per household consisting of either wireline or wireless service and is non-transferrable. Telscape will also explain that Lifeline is a government benefit program and willfully making false statements to obtain Lifeline benefits may be punished by fine or imprisonment or result in being barred from the program. Telscape has and will continue to clearly disclose its name (Telscape or Telscape Wireless) on all marketing materials. A sample advertisement that was approved for use in California by the California PUC is attached hereto as Exhibit B. Marketing outside of California will contain similar disclosures.

(5) A detailed explanation of the carrier's procedures and efforts to prevent waste, fraud and abuse in connection with Lifeline funds, including but not limited to, procedures the carrier has in place to prevent duplicate Lifeline subsidies within its own subscriber base, procedures the carrier undertakes to de-enroll subscribers receiving more than one Lifeline subsidy per household, information regarding the carrier's toll limitation service, if applicable, and the carrier's non-usage policy, if applicable.

Telscape fully understand and shares the Commission's commitment to minimize waste, fraud and abuse with respect to the Lifeline program. This is part of the reason that Telscape has

focused on providing excellent service for low-income customers, many of whom speak only Spanish. Moreover, Telscape has taken a focused approach and offering service initially only in California, as compared to launching services into several states or on a nationwide basis. This approach has allowed Telscape to refine its business practices and to implement policies consistent with the Commission's goal of minimizing waste, fraud and abuse before launching its service nationwide at some time in the future.

Prevention of Duplicates In Telscape's Subscriber Base. At time of initial sign up of a new subscriber, the subscriber's service address is validated for accuracy against the USPS ("United States Postal Service") database and saved in the USPS-approved format, which permits the Telscape subscriber database to more accurately prevent duplicates by preventing variations of the same address from appearing multiple times in the database. Once the address is validated for accuracy and format, Telscape can check it in available databases or provide it to the Lifeline administrator, where applicable, to be checked against addresses for all Lifeline customer addresses for the entire state. For example, if an existing Lifeline subscriber, regardless of the carrier providing service, is receiving service at the same address, Telscape understands that the California Lifeline administrator will provide Telscape with a denial and that Lifeline applicant will be denied. Telscape further understands, for example purposes, that the California Lifeline administrator also has a process to check its database for the same subscriber name, date of birth and the last four digits of the person's social security number.

In addition, while it is anticipated that Telscape and its affiliate, Sage will only operate in different states, to the extent that they have Lifeline customers in the same state, customers can be checked against each company's records to further avoid duplication.

Activation and Non-Usage Policy. In California, Telscape does not consider a wireless subscriber activated until the customer has chosen a *non-Lifeline* service plan, activates their service by paying the activation fee, and then applies for and is approved for a Lifeline service plan. Adhering to this “prequalification guideline” prevents waste, fraud and abuse by requiring customers to first sign up for service at regular rates and then only provide discounted service once the customer’s eligibility has been confirmed and approved by the Lifeline administrator. As such, Telscape will not seek reimbursement for any wireless subscriber until the subscriber activates service and is approved by the Lifeline administrator or by Telscape, in states without a third party Lifeline administrator. Customers who wish to be confirmed as an eligible Lifeline subscriber prior to commencing service can place a non-Lifeline order and have the order held pending verification of eligibility as described above. Because customers do not receive their handset and service until they have an order processed and the activation fee is paid, customers receive activated handsets. Thus, there is no possibility of Telscape receiving reimbursement for a customer who does not have an active handset. After the order is processed, Telscape personnel activate, configure and test the handsets before they are sent to the consumer. Thus all customers receive an activated handset.

As required by the *Lifeline Reform Order*, Telscape has implemented a non-usage policy under which it will de-enroll Lifeline customers that have not used the Telscape’s Lifeline service for 60 consecutive days. When consumers sign-up for Telscape’s service, Telscape will inform them about the usage requirement. If a Telscape Lifeline customer’s account does not reflect any usage during any consecutive 60-day period, Telscape will deactivate the customer’s Lifeline service. Accounts will be deemed active if the Lifeline subscriber: (a) completes an outbound call; (b) purchases minutes or an additional month of service to add to the subscriber's

Lifeline service plan; (c) answers an incoming call from a party other than Telscape, its agent or representative; or (d) responds to a direct contact from Telscape and confirms that he or she wants to continue receiving the Lifeline service.¹⁴

For Lifeline subscribers failing to use their Lifeline service for a 60-day consecutive period as described above, Telscape will provide a clear, easily understood notice that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage. Telscape will not terminate service to Lifeline subscribers that use their Lifeline service within 30 days of Telscape providing said notice.¹⁵

Cooperate with Federal and State Regulators and Lifeline Administrators. Telscape will cooperate with the Commission and has and will continue to cooperate with state regulators and Lifeline administrators to prevent waste, fraud and abuse. Telscape will, for example:

- As applicable, participate in industry working groups conducted by or in coordination with state commissions and Lifeline administrators;
- Respond to requests from the Commission, USAC or state commissions concerning consumers' eligibility to be enrolled in Lifeline service, among other matters;
- Upon having a reasonable basis and/or upon any notification from federal or state commissions and/or Lifeline administrators, timely investigate issues concerning a Telscape Lifeline customer receiving service from another carrier or customers receiving more than one Lifeline subsidy per household;
- As applicable and when available, access the National Lifeline Accountability Database to determine if an applicant is currently receiving Lifeline service from another carrier or if another person residing at the applicant's residential address is receiving Lifeline service; and
- Comply with federal and state audit requirements.

¹⁴ See *Lifeline Reform Order*, ¶ 261; 47 C.F.R. § 54.407(c)(2).

¹⁵ 47 C.F.R. § 54.405(e)(3).

CONCLUSION

Telscape respectfully submits that the foregoing Compliance Plan fully satisfies the conditions set forth in the *Lifeline Reform Order*. Accordingly, Telscape respectfully requests approval of this Compliance Plan so that Telscape can provide essential Lifeline wireless service to eligible low-income customers nationwide.

Respectfully submitted,

/s/ electronically signed

Douglas D. Orvis II
Kimberly A. Lacey
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006

Date: December 19, 2012

EXHIBIT 2

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EXHIBIT 3



FEDERAL LIFELINE CERTIFICATION FORM

Lifeline Information

- 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.
- Only one Lifeline service is available per household.
- 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.
- A household is not permitted to receive Lifeline benefits from multiple providers.
- You must use your phone every 60 days to maintain service. Usage includes making an outbound call, answering an incoming call. Usage can also include the purchase of additional minutes or payment of your monthly bill. If there is no usage on your account for 60 days you will be de-enrolled from the program.
- Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.

Lifeline Certification Instructions

Step 1. Fill out the Customer Information Section. You must provide the last four digits of your Social Security Number and Date of Birth.

Step 2. Indicate How You Qualify for Lifeline. Choose whether you participate in a qualifying program or if you household income falls within the guidelines. You **MUST** send photocopies demonstrating that you participate in the qualifying program or if you qualify based on your household income, you must provide documentation of income that covers one full year. Documentation that does not cover a full year, such as paystubs, the customer must present the same type of documentation covering Three Consecutive Months within the previous twelve months.

Step 3. Determine If You Qualify for Tribal Land. Not all customers will be eligible for the Tribal Land benefit. To be eligible for Tribal Lands a customer must reside on Tribal Lands and participate in one of the following programs: Tribally Administered Free School Lunch Program, Tribally Administered Temporary Assistance for Needy Families, Food Distribution Program on Indian Reservations, Head Start (those meeting income standard), and Bureau of Indian Affairs General Assistance.

Step 4. Certify Customer Eligibility. Each customer must certify, under penalty of perjury, for receiving Lifeline support, by initialing ALL areas under this section.

Step 5. Sign Certification Form. You must print your name and sign the certification form indicating that you are complying with the Lifeline rules.

Step 6. Supporting Documentation. Don't forget that you must include supporting documentation which can include a copy of an award letter or card in the qualifying program based. Income documentation could include the prior year's state or federal tax return, paycheck stubs for the most recent 3 months, social security statement of benefits, child support document, retirement/pension statement of benefits, unemployment/workmen's compensation statement of benefits, Federal notice letter of participation in General Assistance, and other official document.

Step 7. Send the Certification Form. When completed, you may mail the form to:

Telscape Communications Inc.
355 South Grand Avenue
Suite 3100
Los Angeles, CA 90071.



FEDERAL LIFELINE CERTIFICATION FORM

Step 1. Customer Information Section

Name of Applicant: _____ Telephone Number: _____

Account Number: _____ Date of Birth: _____

Applicant's Service Address (May **NOT** be a P.O. BOX): _____

Please check this box if the above is a Temporary Address. Last Four Digits of SSN: _____

City: _____ State: _____ Zip: _____

Billing Address (if different from Service Address): _____

Step 2. Determine How You Qualify For Lifeline (Choose either #1 or #2)

If the person who receives the benefit is not the Telscape account holder, then please provide the name of the person in your household who is receiving the benefits: _____

(#1). I qualify for Lifeline under **Program-Based Criteria** because I participate in the following program.

Check only **ONE** box below:

- Medicaid (not Medicare)
- Supplemental Security Income (SSI)
- Low-Income Home Energy Assistance Program (LIHEAP)
- Temporary Assistance for Needy Families (TANF)
- National School Lunch Program (Free Lunch Program)
- Federal Public Housing Assistance (Section 8)
- Supplemental Nutrition Assistance Program (SNAP)

(#2). I qualify for Lifeline under the **Income-Based Criteria** because my annual household income is at or below 135% of the federal poverty level guidelines. The number of individuals in my residential household is: _____ (Number in household)

Annual Income 135% of Federal Poverty Level Thresholds Based on Household Size					
1	2	3	4	5	For each additional person
\$15,080	\$20,426	\$25,772	\$31,118	\$36,464	+\$5,346 per person

Step 3. Determine If You Qualify for Tribal Lands (If Applicable, Choose either #1 or #2)

My Tribal ID Number: _____ Check **ONE** box below:

(#1) I qualify for Tribal Lifeline service as an eligible resident on federally recognized tribal land.

(#2) I participate in the following tribally administered program.

- Tribally Administered Free School Lunch Program
- Tribally Administered Temporary Assistance for Need Families
- Food Distribution Program on Indian Reservations
- Head Start (those meeting income standard)
- Bureau of Indian Affairs General Assistance

Step 4. CERTIFY APPLICANT'S ELIGIBILITY

Please **Check** or **Initial All** the statements below to certify your eligibility.

I certify, under penalty of perjury, that:

- ____: I meet the income-based or program-based eligibility criteria.
- ____: I **must** notify Telscape within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based criteria for receiving Lifeline support, I am receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand this requirement to notify Telscape if my eligibility changes and that I may be subject to penalties if I fail to follow this notification requirement.
- ____: When I move to a **new address**, I **must** provide that my new address to Telscape within 30 days.
- ____: I acknowledge that a household is eligible to receive only **one** Lifeline service and, to the best of my knowledge, no other member in my household is currently receiving wireline or wireless Lifeline service.
- ____: The information contained in this Lifeline certification form is true and correct to the best of my knowledge.
- ____: I acknowledge that providing false or fraudulent information on this certification form, to receive Lifeline benefits, is punishable by law.
- ____: I acknowledge that I may be required to recertify my eligibility for Lifeline at any time, and failure to recertify as to my continued eligibility will result in the de-enrollment and termination of my Lifeline benefits pursuant to the Code of Federal Regulation Section 54.405(e)(4).
- ____: I understand that if violation of the one-per-household rule constitutes a violation of FCC rules and will result in my de-enrollment from the Lifeline program.
- ____: If I provided a temporary address, I will be required to verify my temporary address every 90 days.
- ____: I authorize Telscape to release information concerning my service necessary to administer the Lifeline program (such as name, address, telephone number) to the Universal Service Administrative Company. I give consent to Telscape to verify with the National Lifeline Accountability Database my eligibility in certain low-income assistance programs or verify my income to qualify me for Lifeline service. Telscape shall maintain the information in this form and any information received about me from the National Lifeline Accountability Database as confidential customer account information. Failure to provide consent will result in being denied the Lifeline service.

Step 5. Sign Certification Form. You must print your name and sign the certification form indicating that you are complying with the Lifeline rules.

 Signature Printed Name Date

You may mail the completed Lifeline form to: Telscape Communications Inc.
 355 S Grand Ave
 Suite 3100
 Los Angeles, CA 90071

For Telscape Communications Inc.'s Use Only!		
Lifeline Certification Approval / Denial _____	Service Order Provisioned By _____	Date _____
Supporting Documentation Provided _____		



FEDERAL LIFELINE RECERTIFICATION FORM

Lifeline Information

- All Lifeline subscribers must annually recertify their continued eligibility in the Lifeline program.
- Lifeline is a Federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program.
- Only one Lifeline service is available per household. 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.
- A household is not permitted to receive Lifeline benefits from multiple providers (wireline or wireless).
- You must use your phone every 60 days to maintain service. Usage includes making an outbound call, answering an incoming call. Usage can also include the purchase of additional minutes or payment of your monthly bill. If there is no usage on your account for 60 days you will be de-enrolled from the program.
- Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.
- Failure to recertify will result in being de-enrolled from the program and loss of the Lifeline credits.

Instructions for Completing the Attached Lifeline Recertification Form

Step 1. Fill out the Customer Information Section. You must provide the last four digits of your Social Security Number and date of birth.

Step 2. Indicate How You Continue to Qualify for Lifeline. Choose whether you continue to participate in a qualifying program or if your annual household income remains at or below the income guidelines. Please choose **Program-Based or Income-Based eligibility**, but not both.

Step 3. Determine If You Continue to Qualify for Tribal Lifeline. (If Applicable) Not all customers will be eligible for the Tribal Land benefit. To be eligible for Tribal Lifeline service, the applicant must reside on Federally recognized Tribal Land.

Step 4. Certify Customer Eligibility. Each applicant must certify, under penalty of perjury, to receive Lifeline service, by initialing or checking ALL items under this section.

Step 5. Sign Certification Form. You must print your name and sign the certification form indicating that you are complying with the Lifeline rules.

Step 6. Send in the Certification Form. Upon completion, please mail the completed form to:

Telscape Communications Inc.
355 South Grand Avenue
Suite 3100
Los Angeles, CA 90071

All steps are required except Step 3 above for processing of your recertification form.

Please send the completed Lifeline Recertification Form to Telscape within **30** days upon receipt.



FEDERAL LIFELINE RECERTIFICATION FORM

Step 1. Customer Information Section

Name of Applicant: _____ Telephone Number: _____

Account Number: _____ Date of Birth: _____

Applicant's Service Address (May NOT be a P.O. BOX): _____

Please check this box if the above address is a temporary address. Last Four Digits of SSN: _____

City: _____ State: _____ Zip: _____

Billing Address (if different from Service Address): _____

Step 2. Indicate How You Qualify For Lifeline (Choose either #1 or #2)

If the person who receives the benefit is not the Telscape account holder, then please provide the name of the person in your household receiving the benefits: _____

(#1). I qualify for Lifeline under the **Program-Based Criteria** because I participate in the following program(s):

Check only **ONE** box below:

- | | |
|---|---|
| <input type="checkbox"/> Medicaid (not Medicare) | <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Federal Public Housing Assistance (Section 8) |
| <input type="checkbox"/> Low Income Heat Energy Assistance Program (LIHEAP) | <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) |
| <input type="checkbox"/> National School Lunch Program (Free Lunch Program) | |

(#2). I qualify for Lifeline under the **Income-Based Criteria** because my annual household income is at or below 135% of the federal poverty level guidelines. The number of individuals in my residential household is:

_____ (Number in household)

Annual Income 135% of Federal Poverty Level Thresholds Based on Household Size					
1	2	3	4	5	For each additional person
\$15,080	\$20,426	\$25,772	\$31,118	\$36,464	+\$5,346 per person

Step 3. Determine If You Qualify for Tribal Lifeline (If Applicable, Choose either #1 or #2)

My Tribal ID Number is: _____ Check **ONE** box below:

(#1) I qualify for Tribal Lifeline service as an eligible resident on federally recognized tribal land.

(#2) I qualify for Tribal Lifeline service as I participate in the following tribally administered program.

- | | |
|---|--|
| <input type="checkbox"/> Tribally Admin Free School Lunch Program | <input type="checkbox"/> Tribally administered Temporary Assistance for Needy Families |
| <input type="checkbox"/> Head Start (those meeting income standards) | <input type="checkbox"/> Bureau of Indian Affairs General Assistance |
| <input type="checkbox"/> Food Distribution Program on Indian Reservations (FDPIR) | |

Step 4. CERTIFY APPLICANT'S ELIGIBILITY

Please **Check** or **Initial All** the statements below to certify your continued eligibility.

I certify, under penalty of perjury, that:

- ____: I continue to meet either the income-based or program-based eligibility criteria.
- ____: I **must** notify Telscape within 30 days if, for any reason, I no longer satisfy the criteria for receiving Lifeline including, as applicable, if I no longer meet the income-based or program-based criteria, I am receiving more than one Lifeline service, or another member of my household is receiving a Lifeline service. I understand this requirement to notify Telscape if my eligibility changes and that I may be subject to penalties if I fail to follow this notification requirement.
- ____: When I move to a **new address**, I **must** provide my new address to Telscape within 30 days.
- ____: I know that my household is eligible to receive only **one** Lifeline service and, to the best of my knowledge, no other member in my household is currently receiving wireline or wireless Lifeline service.
- ____: The information contained in this Lifeline certification form is true and correct to the best of my knowledge.
- ____: I acknowledge that providing false or fraudulent information on this certification form, to receive Lifeline service, is punishable by law.
- ____: I understand that I may be required to recertify my eligibility for Lifeline at any time, and failure to recertify my continued eligibility will result in the de-enrollment and termination of my Lifeline service, pursuant to the Code of Federal Regulation 47 Section 54.405(e)(4).
- ____: I understand that if violation of the one-per-household rule constitutes a violation of FCC rules and will result in my de-enrollment from the Lifeline program.
- ____: If I provided temporary address, I will be required to verify my temporary address every 90 days.
- ____: I authorize Telscape to release information concerning my service necessary to administer the Lifeline program (such as name, address, telephone number) to the Universal Service Administrative Company. I give my consent for Telscape to verify with the National Lifeline Accountability Database whether I participate in certain low-income assistance programs or verify my income to qualify me for Lifeline service. Telscape shall maintain the information in this form and any information received about me from the National Lifeline Accountability Database as confidential customer account information. Failure to provide consent will result in being denied the Lifeline service.

Step 5. Sign Certification Form.

You must print your name and sign the certification form indicating you are complying with the Lifeline rules.

 Signature Printed Name Date

You may mail the completed Lifeline form to:
 Telscape Communications Inc.
 355 South Grand Avenue
 Suite 3100
 Los Angeles, CA 90071

For Telscape Communications Inc.'s Use Only!		
Lifeline Recertification Approval. / Denial _____	Service Order Provisioned By _____	Date _____
Lifeline Participating Program / Income Based Criteria _____		

REGULATORY COMMISSION OF ALASKA

Certification of Electronic Transmission

I, Rosemary Reynolds, a Law Office Assistant II for the Regulatory Commission of Alaska, 701 West Eighth Avenue, Suite 300, Anchorage, Alaska, hereby certify that on December 13, 2024, I transmitted by electronic mail true and accurate copies of

Order U-24-015(3)

**ORDER WAIVING REPORTING AND FACILITIES REQUIREMENTS,
APPROVING APPLICATION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER, AND CLOSING DOCKET**

to the persons set out on the attached email list.

DATED at Anchorage, Alaska, this 13th day of December, 2024.



rosemary.reynolds@alaska.gov



0000212574

BEFORE THE ARIZONA CORPORATION COMMISSION

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KEVIN THOMPSON
Chairman
NICK MYERS
Vice Chairman
LEA MÁRQUEZ PETERSON
Commissioner
RACHEL WALDEN
Commissioner
RENE LOPEZ
Commissioner

IN THE MATTER OF THE APPLICATION)
OF TRUCONNECT COMMUNICATIONS,)
INC. FOR APPROVAL OF DESIGNATION)
AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER IN)
THE STATE OF ARIZONA)

DOCKET NO. T-21299A-24-0059
DECISION NO. 79666
ORDER

Arizona Corporation Commission

DOCKETED

JAN 22 2025

DOCKETED BY

Open Meeting
January 15, 2025
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

BACKGROUND

1. On March 14, 2024, TruConnect Communications, Inc. (“TruConnect” or the “Company”) filed an application with the Arizona Corporation Commission (“Commission”) seeking designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Arizona pursuant to § 214(e)(2)¹ of the Federal Communications Act of 1934, as amended (“Federal Act”) and Sections 54.101 through 54.207² of the rules and regulations of the Federal Communications Commission (“FCC”).

2. TruConnect is seeking ETC designation solely to provide Lifeline service to qualifying Arizona consumers. TruConnect will not (and is not eligible to) seek access to funds

¹ 47 United States Code (“U.S.C.”) § 214(e)(2).
² 47 Code of Federal Regulations (“C.F.R.”) § 54.101 - 207.

1 from the Federal Universal Service Fund (“FUSF”) for the purpose of participating in the Link-Up
2 program or providing service to high-cost areas.

3 3. TruConnect is a Delaware corporation with its principal office located at 1149 S. Hill
4 Street, Suite H-400, Los Angeles, California 90015. TruConnect is authorized to do business in
5 Arizona. TruConnect is a subsidiary of TSC Acquisition Corporation (“TSC”). TSC also owns
6 Sage Telecom Communications, LLC d/b/a TruConnect (“Sage Telecom”).

7 4. On November 19, 2024, a representative of TruConnect met with Commission
8 Utilities Division Staff (“Staff”) to discuss Staff’s concerns about TSC operating two ETCs in
9 Arizona. The representative explained that the Arizona ETC certification obtained under the Sage
10 Telecom name should have been originally obtained under the TruConnect name. When
11 TruConnect sought direction from the FCC on how to remedy the situation, the FCC instructed
12 TruConnect to refile for a new ETC certification under the TruConnect name in any jurisdiction
13 where Sage Telecom obtained ETC designation. On November 20, 2024, TruConnect filed a
14 Supplemental Statement explaining the reason for its filing in Arizona, stating that all new customers
15 will be enrolled under the new TruConnect ETC certification and its future plans to coordinate the
16 transfer of customers from the Sage Telecom Service Area Code (“SAC”) to TruConnect’s SAC.

17 5. TruConnect provides prepaid wireless telecommunications services to consumers by
18 using the underlying wireless networks of its facilities-based providers, T-Mobile USA, Inc. and
19 Verizon Wireless (collectively, “Underlying Carriers”) on a wholesale basis to offer nationwide
20 service. TruConnect stated in its application that it is currently designated and operating as a
21 wireless ETC in California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee,
22 Virginia, and the U.S. Virgin Islands.

23 6. TruConnect’s service offering will include: (1) local and long-distance calling; (2)
24 access to the following custom calling features at no charge: (a) Caller ID, (b) Call Waiting, (c) Call
25 Forwarding; (d) 3-Way Calling, and (e) voicemail; (3) text messaging; (4) broadband access; and
26 (5) the option for a consumer to “bring their own device.” TruConnect may provide user-friendly
27 handsets or hotspot devices. According to its application, TruConnect’s products and plans will be
28

1 specially geared toward serving lower income communities, especially in rural areas that are
2 predominantly unserved by other ETCs designated in the state.

3 7. TruConnect stated in its application that it will not require service contracts from its
4 customers, and it will always ensure competitively low pricing for its services and products.
5 TruConnect states it will manage all aspects of the customer experience, including setting service
6 pricing, handset selection, marketing materials, and live customer service. TruConnect further states
7 that its prepaid, budget friendly pricing will give many low-income consumers the option of having
8 mobile phone service and broadband access without the burden of hidden costs, varying monthly
9 charges, or contractual commitments. Customers will be able to customize their TruConnect service
10 to suit their needs with available bundles of minutes and broadband data to supplement their monthly
11 plan.

12 8. The proposed Lifeline rate plans comply with the FCC’s minimum service standards.
13 All plans include:

- 14 • Free calls to TruConnect Customer Service
- 15 • Free calls to 611 Services
- 16 • Free calls to 911 emergency services
- 17 • Free access to voicemail, Caller-ID, and Call Waiting features
- 18 • Voice minutes may be used for Domestic Long Distance at no extra cost
- 19 • Free Subscriber Identity Module (“SIM”) Card

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9. TruConnect's proposed rate plans are as follows:

LIFELINE PLAN	VOICE	TEXT (SMS)	DATA (High Speed)	FREE INTERNATIONAL CALLING	LIFELINE PRICE
Lifeline Only	Unlimited	Unlimited	4.5 Gigabytes ("GB")	Canada, Mexico, China, Vietnam, South Korea	\$0.00
Tribal Lifeline Only	Unlimited	Unlimited	10 GB	Canada, Mexico, China, Vietnam, South Korea	\$0.00

"TOP-UPS"	Price
International Top Up (55 countries)	\$5
500 Megabytes ("MB") High Speed Data	\$5
1 GB High Speed Data	\$10
3 GB	\$20
8 GB	\$30

STAFF ANALYSIS

10. The Commission has jurisdiction over ETC petitions in the State. 47 U.S.C. § 214(e) of the Federal Act authorizes State regulatory commissions to designate a qualified common carrier as an ETC for the purpose of receiving FUSF. The Commission's authority to grant or deny petitions for ETC designation includes the authority to impose conditions.

11. Staff finds that TruConnect has met all FCC requirements and qualifies for ETC designation with Staff's proposed recommendations. Under 47 U.S.C. § 214(e)(2), 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 designation as an ETC meets the following two requirements of 47 U.S.C. § 214(e)(1):

(A) offer the services that are supported by federal universal service

1 support mechanisms under section 254(c), either using its own
2 facilities or a combination of its own facilities and resale of another
3 carrier's services (including the services offered by another
4 eligible telecommunications carrier); and

5 (B) advertise the availability of such services and the charges using
6 media of general distribution.

7 12. TruConnect is a common carrier, and capable of providing services supported by
8 federal universal service mechanisms, as defined in 47 C.F.R. § 54.101(a) by reselling its Underlying
9 Carriers' network services. Based on the FCC's Lifeline and Link Up Reform Order, the FCC
10 forbears from applying the Federal Act's facilities-based requirement to all carriers that seek limited
11 ETC designation to participate in the Lifeline program on the condition that the FCC's Wireline
12 Competition Bureau approves such ETC applicants' Compliance Plan. The Compliance Plan must
13 demonstrate the ETC applicant's commitment to fight waste, fraud, and abuse in the Lifeline
14 program and describe its adherence to the revised federal Lifeline rules. TruConnect has met the
15 forbearance condition.

16 13. Pursuant to the Lifeline and Link Up Reform Order, TruConnect filed a Compliance
17 Plan with the FCC, and it was approved on December 26, 2012. TruConnect attached a copy of its
18 Compliance Plan as Exhibit 2 of its application. TruConnect commits to providing Lifeline service
19 in Arizona in accordance with its FCC-approved Compliance Plan, as amended, and in compliance
20 with applicable state and federal regulations.³

21 14. The Company commits that it will advertise the availability of Lifeline services.

22 15. Staff reviewed TruConnect's technical and financial capabilities to provide the
23 supported Lifeline service and carefully considered relevant factors suggested in the FCC's Lifeline
24 and Link Up Reform Order. Based on the TruConnect's operational history and the Company's
25 financial statements, Staff concludes that TruConnect is technically and financially capable of
26 providing the supported Lifeline service in compliance with the low-income program rules.

27 _____
28 ³ In its application, TruConnect indicated that on April 10, 2023, it filed a letter with the FCC to advise that it had updated certain practices to reflect current Lifeline rules.

1 16. Staff emphasizes that TruConnect must strictly comply with its commitments in the
2 Compliance Plan reviewed and approved by the FCC. Deviation from its Compliance Plan would
3 forfeit the forbearance from the own-facilities requirements granted by the FCC, consequently not
4 meeting the qualification for ETC designation from this Commission.

5 *Designated Service Area*

6 17. The Commission must establish a geographic area to determine universal service
7 obligations and support mechanisms for each designated ETC (see 47 U.S.C. § 214(e)(2); 47 C.F.R.
8 § 54.201(b)). TruConnect requests ETC designation that is statewide in scope to allow the Company
9 to provide Lifeline service wherever its underlying, facilities-based providers have wireless
10 coverage, including federally recognized tribal lands. In Exhibit 3 of its application, TruConnect
11 provided a list of zip codes in which it proposes to provide service, within its proposed designated
12 service area, which is included as Attachment 1 to the proposed Order.

13 18. There are a number of zip codes that encompass both tribal lands and non-tribal lands.
14 Some of the tribal lands are served by tribally owned telephone companies, and some of the tribal
15 lands are served by non-tribally owned telephone companies. For zip codes that encompass tribal
16 lands, TruConnect will not provide Lifeline to those that are served exclusively by tribally owned
17 telephone companies. TruConnect agrees that it will not provide federally subsidized Lifeline
18 services to Tribal residents in Arizona until after TruConnect has obtained any and all necessary
19 licenses, or other forms of approval that might be required by the Tribe, including any tribal utility
20 authority will keep the Tribal authorities apprised of the Lifeline services offered, the rates at which
21 they are offered, the terms and conditions of service, and comply with all requirements of state and
22 federal law regarding such offerings.

23 19. To prevent waste, fraud, and abuse, TruConnect states that it will rely on the
24 Universal Service Administrator Company's National Verifier to determine initial and ongoing
25 eligibility of Arizona Lifeline subscribers. The National Verifier queries the National Lifeline
26 Accountability Database for every enrollment to determine whether a prospective subscriber is
27 currently receiving a Lifeline service from TruConnect or any other ETC, and whether anyone else
28

1 living at the prospective subscriber's residential address is currently receiving Lifeline service.
2 TruConnect thus complies with the requirements of 47 C.F.R. § 54.404.

3 **STAFF RECOMMENDATIONS**

4 20. In addition to the conditions set forth by the FCC, Staff recommends that
5 TruConnect's application for designation as an ETC be granted subject to the following conditions:

- 6 • TruConnect shall file a tariff setting forth the rates, terms and conditions for its
7 services within 30 days of the date of the Decision in this matter, as a compliance
8 item in this Docket.
- 9 • TruConnect shall file in a new docket with the Commission any
10 changes/amendments/revisions to its tariffed rates, terms and/or conditions regarding
11 its Lifeline offerings and file such changes/amendments in its tariff at least 30 days
12 prior to the proposed effective date of those changes in compliance with Arizona
13 Revised Statute § 40-367.
- 14 • TruConnect shall apprise the Commission of any Arizona customer complaints that
15 may arise from its ETC service offerings by making a filing in Docket.
- 16 • In the event that TruConnect seeks to relinquish its ETC status and no longer provide
17 Lifeline services, or if it is suspended from the Lifeline program and/or prohibited
18 from future participation in any universal service programs, it shall file an application
19 requesting ETC relinquishment in a new docket, at least 90 days prior to the proposed
20 relinquishment date and provide notice to its affected customers and affected counties
21 in accordance with Arizona Administrative Code R14-2-1107 and any other
22 requirements under Federal law such as 47 U.S.C. § 214(e)(4) and 47 C.F.R. §
23 54.205.
- 24 • In the event of a Transfer of Control that involves TruConnect, a new ETC petition
25 shall be filed, in a new docket, for Commission approval. This will ensure ETCs
26 undergoing reorganization remain financially viable and technically able to provide
27 the supported services throughout the designated service areas as originally approved
28 by the Commission.

- 1 • For all forms and filings required by the FCC to be filed with the State that granted
2 the Company its ETC designation, all such filings shall be filed in Docket No. T-
3 00000M-12-0323.
- 4 • To the extent TruConnect provides service to tribal lands, TruConnect agrees to meet
5 with Tribal authorities to discuss its ETC designation and the services TruConnect
6 intends to provide. TruConnect agrees to have ongoing communications with the
7 Tribal authorities informing them on the progress being made to offer services, and
8 any issues that have arisen, related to any other matters. TruConnect agrees to keep
9 the Tribal authorities apprised of the services offered, the rates at which they are
10 offered, the terms and conditions of service, and comply with all requirements of
11 state and federal law regarding such offerings.
- 12 • Within 30 days after completion of the transfer of Arizona customers enrolled under
13 the Sage Telecom SAC to the TruConnect SAC, TruConnect shall file a notice in this
14 docket stating that the transfer is complete.
- 15 • Within 30 days after Sage Telecom has decided the future of its Arizona ETC
16 certification, TruConnect shall file in this docket informing Staff of that Decision and
17 the nature of the Decision.

CONCLUSIONS OF LAW

18
19 1. TruConnect Communications, Inc. is a telecommunications company as defined in
20 A.R.S. § 40-201(46) and is a “telecommunications carrier” as defined in 47 U.S.C. §
21 153(51). TruConnect Communications, Inc. is also a reseller of Commercial Mobile Radio Service
22 as defined in 47 U.S.C. § 20.3 and A.A.C. R14-2-1201(8).

23 2. The Commission has jurisdiction over the subject matter of the Application.

24 3. Under 47 U.S.C. § 214(e)(2), the Commission must establish the geographic area for
25 the purposes of determining universal service obligations and support mechanisms. TruConnect
26 Communications, Inc.’s Application applies to the service area consisting of each zip code as listed
27 in Attachment 1 to this Decision.

28 ...

1 IT IS FURTHER ORDERED that for all forms and filings required by the FCC to be filed
2 with the State that granted TruConnect Communications, Inc. its ETC designation, all such filings
3 shall be filed in Docket No. T-00000M-12-0323.

4 IT IS FURTHER ORDERED that to the extent TruConnect Communications, Inc. provides
5 service to tribal lands, TruConnect Communications, Inc. agrees to meet with Tribal authorities to
6 discuss its ETC designation and the services TruConnect Communications, Inc. intends to provide.
7 TruConnect Communications, Inc. agrees to have ongoing communications with the Tribal
8 authorities informing them on the progress being made to offer services, and any issues that have
9 arisen, related to any other matters. TruConnect Communications, Inc. agrees to keep the Tribal
10 authorities apprised of the services offered, the rates at which they are offered, the terms and
11 conditions of service, and comply with all requirements of state and federal law regarding such
12 offerings.

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1 IT IS FURTHER ORDERED that within 30 days after completion of the transfer of Arizona
2 customers enrolled under the Sage Telecom SAC to the TruConnect SAC, TruConnect
3 Communications, Inc. shall file a notice in this docket stating that the transfer is complete.

4 IT IS FURTHER ORDERED that within 30 days after Sage Telecom has decided the future
5 of its Arizona ETC certification, TruConnect Communications, Inc. shall file in this docket
6 informing Staff of that decision and the nature of the decision.

7 IT IS FURTHER ORDERED that this Decision shall become effective immediately.
8

9 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

10 *Ken Thompson*

11 CHAIR THOMPSON

12 *WJ*

13 VICE CHAIR MYERS

14 *Lea Marquez Peterson*

15 COMMISSIONER MARQUEZ PETERSON

16 *Rochel Walden*

17 COMMISSIONER WALDEN

18 *Paul Lopez*

19 COMMISSIONER LOPEZ



20 IN WITNESS WHEREOF, I, DOUGLAS R. CLARK,
21 Executive Director of the Arizona Corporation Commission,
22 have hereunto, set my hand and caused the official seal of this
23 Commission to be affixed at the Capitol, in the City of
24 Phoenix, this 22nd day of January, 2025.

25 *Douglas R. Clark*

26 DOUGLAS R. CLARK
27 EXECUTIVE DIRECTOR

28 DISSENT: _____

DISSENT: _____

RSP BAB:BD: mv/MD

1 TruConnect Communications, Inc.
Docket No. T-21299A-24-0059
2
3
4 Debra McGuire Mercer
Nelson Mullins Riley & Scarborough LLP
5 101 Constitution Avenue, NW
Suite 900
6 Washington, District of Columbia 20001
7
8 Thomas Van Flein
Director, Legal Division
9 Arizona Corporation Commission
1200 West Washington Street
10 Phoenix, Arizona 85007
legaldiv@azcc.gov
11 utildivservicebyemail@azcc.gov
Consented to Service by Email
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ATTACHMENT 1
TRUCONNECT COMMUNICATIONS, INC.
T-21299A-24-0059

85001	85048	85135	85233	85286	85340	85392	85630
85002	85050	85137	85234	85287	85341	85395	85631
85003	85051	85138	85235	85288	85342	85396	85632
85004	85053	85139	85236	85289	85343	85502	85633
85005	85054	85140	85237	85290	85344	85531	85634
85006	85055	85141	85238	85291	85345	85534	85635
85007	85060	85142	85239	85292	85346	85535	85636
85008	85061	85143	85240	85293	85347	85536	85637
85009	85062	85144	85241	85294	85348	85539	85638
85010	85063	85145	85242	85295	85349	85540	85639
85011	85064	85147	85243	85296	85350	85541	85640
85012	85065	85172	85244	85297	85351	85544	85641
85013	85066	85173	85245	85298	85352	85545	85643
85014	85067	85178	85246	85299	85353	85546	85644
85015	85068	85190	85247	85301	85354	85547	85645
85016	85069	85191	85249	85302	85355	85548	85646
85017	85070	85193	85250	85303	85356	85551	85648
85018	85071	85194	85251	85304	85357	85552	85650
85019	85072	85201	85252	85305	85358	85553	85652
85020	85073	85202	85253	85306	85359	85601	85653
85021	85074	85203	85254	85307	85360	85602	85654
85022	85075	85204	85255	85308	85361	85603	85655
85023	85076	85205	85257	85309	85362	85605	85658
85024	85077	85206	85258	85310	85363	85606	85662
85025	85078	85207	85259	85311	85364	85607	85670
85026	85079	85208	85260	85312	85365	85608	85671
85027	85080	85209	85261	85313	85366	85609	85701
85028	85082	85210	85262	85318	85367	85610	85702

TRUCONNECT COMMUNICATIONS, INC.
T-21299A-24-0059

85029	85083	85211	85263	85320	85369	85611	85703
85030	85085	85212	85266	85321	85371	85613	85704
85031	85086	85213	85267	85322	85372	85614	85705
85032	85087	85214	85268	85323	85373	85615	85706
85033	85096	85215	85269	85324	85374	85616	85707
85034	85097	85216	85271	85325	85375	85617	85708
85035	85098	85217	85272	85326	85376	85618	85709
85036	85099	85218	85273	85327	85377	85619	85710
85037	85117	85219	85274	85328	85378	85620	85711
85038	85118	85220	85275	85329	85379	85621	85712
85039	85119	85221	85277	85331	85380	85622	85713
85040	85120	85223	85278	85332	85381	85623	85714
85041	85122	85224	85280	85333	85382	85624	85715
85042	85123	85225	85281	85334	85383	85625	85716
85043	85127	85227	85282	85335	85385	85626	85717
85044	85130	85228	85283	85336	85387	85627	85718
85045	85131	85231	85284	85337	85388	85628	85719
85046	85132	85232	85285	85338	85390	85629	85720
85721	85929	86312	86441	85902	86046	86413	86508
85722	85930	86313	86442	85912	86047	86429	86511
85723	85931	86314	86443	85920	86053	86430	86512
85724	85932	86315	86444	85923	86054	86431	86515
85725	85933	86320	86445	85924	86301	86433	86520
85726	85934	86321	86446	85925	86302	86436	86555
85728	85935	86322	86502	85926	86303	86437	86409
85730	85936	86323	86504	85927	86304	86438	86411
85731	85937	86324	86505	85928	86305	86439	86412
85732	85938	86325	85747	86021	86341	85742	86015

TRUCONNECT COMMUNICATIONS,INC.

T-21299A-24-0059

85733	85939	86326	85748	86022	86342	85743	86016
85734	85940	86327	85749	86023	86343	85744	86017
85735	85941	86329	85750	86024	86351	85745	86018
85736	85942	86330	85751	86025	86401	85746	86020
85737	86001	86331	85752	86028	86402	85775	86038
85738	86002	86332	85754	86029	86403	85777	86040
85739	86003	86333	85755	86032	86404	85901	86045
85740	86005	86334	85756	86035	86405	86336	86338
85741	86011	86335	85757	86036	86406	86337	86339
86340							

ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF APPLICATION OF)	
TRUCONNECT COMMUNICATIONS, INC. FOR	)	DOCKET NO. 24-020-U
DESIGNATION AS AN ELIGIBLE	)	ORDER NO. 3
TELECOMMUNICATIONS CARRIER IN THE)	
STATE OF ARKANSAS)	

ORDER

On April 18, 2024, TruConnect Communications, Inc. (TruConnect or the Company) filed an *Application for Designation as an Eligible Telecommunications Carrier* (ETC) with the Arkansas Public Service Commission (Commission) pursuant to §214(e)(2) of the Communications Act of 1934, as amended (the Act), §§ 54.101 through 54.207 of the Rules of the Federal Communications Commission (FCC), the rules and regulations of the Commission, and §23-17-405 of the Arkansas Code Annotated.

The Application states TruConnect seeks ETC designation solely to provide Lifeline service to qualifying Arkansas consumers and that it will not (and is not eligible to) 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. Application at 1 (Doc. # 1).

The Application additionally recites evidence of how TruConnect meets the federal statutory and regulatory requirements for an ETC designation in Arkansas. *Id.* at 3-18. After that, the Application states how approval of its ETC Application would be in the public interest. *Id.* at 18-22.

In support of its Application, TruConnect filed the Direct Testimony of Danielle Perry, Chief Compliance Officer of TruConnect. Ms. Perry testifies that TruConnect is a Delaware corporation with its principal office located at 1149 S. Hill Street, Suite H-400,

Los Angeles, California 90015 and is authorized to do business in Arkansas. She adds that TruConnect provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of facilities-based providers, T-Mobile USA, Inc. (T-Mobile) and Verizon Wireless (Verizon) (collectively, Underlying Carriers) on a wholesale basis to offer nationwide service. She testifies that TruConnect is currently designated and operating as a wireless ETC in Alabama, California, Maryland, Massachusetts, Minnesota, New Jersey, Rhode Island, Tennessee, Vermont, Virginia, Wyoming, and the U.S. Virgin Islands and that TruConnect is also authorized by the FCC and the Universal Service Administrative Company (USAC) to participate in the Affordable Connectivity Program throughout the United States, including Arkansas. Perry Direct at 3 (Doc. # 2).

Ms. Perry testifies that TruConnect seeks ETC designation solely to provide Lifeline service to qualifying Arkansas consumers and that it will not (and is not eligible to) seek access to funds from the federal USF for the purpose of participating in the Link-Up program or providing service to high-cost areas. She states that TruConnect operates as a common carrier as defined in 47 C.F.R. § 153(11) and that as Section 332(c)(1)(A) of the Communications Act (47 C.F.R. § 332(c)(1)(A)) states that commercial mobile radio service providers will be regulated as common carriers, TruConnect is a common carrier as it provides commercial mobile radio services. She testifies that although Section 214 requires ETCs to provide services using their facilities, at least in part, the FCC has forborne from that requirement with respect to carriers such as TruConnect as the FCC granted forbearance 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 (1) the carrier must comply with certain 911 requirements and (2) the carrier must file, and the FCC's Wireline Competition Bureau 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 its Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary. She states that in accordance with the Lifeline and Link Up Reform Order, TruConnect filed a Compliance Plan with the FCC, which the FCC approved on December 26, 2012, a copy of which is attached to the Application as Exhibit 2. Ms. Perry testifies that TruConnect commits to providing Lifeline service in Arkansas in accordance with its FCC-approved Compliance Plan, as amended, and in compliance with applicable state and federal regulations. She adds that through its Underlying Carriers, TruConnect is able to provide all of the supported services required by Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)), including voice telephony service and broadband Internet access service (BIAS). As required by 47 C.F.R. § 54.101(a)(1), she states that TruConnect's voice telephony service provides voice grade access to the public switched telephone network through the purchase of wholesale CMRS services from T-Mobile and Verizon, rate plans that provide its customers with minutes of use for local service at no additional charge, and access to emergency services to the extent the local government in its service area has implemented 911 or E911 systems. Ms. Perry testifies that TruConnect's service is not offered on a distance-sensitive basis and local and domestic long-distance minutes are treated the same and therefore the toll limitation requirement for voice telephone services is not applicable. *Id.* at 4-6.

Ms. Perry testifies that TruConnect requests ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying, facilities-based providers have wireless coverage and that TruConnect has provided a list of the zip codes within its service area as Exhibit 3 to its Application. She states that TruConnect will advertise the availability and rates for its Lifeline services using media of general distribution as required by 47 C.F.R. § 54.201(d)(2) and Ark. Code Ann. § 23-17-405(b)(4) and that as required by 47 C.F.R. § 54.405(c) of the FCC's Rules, TruConnect's marketing materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) TruConnect is the provider of the services. She states that the Lifeline application/certification form will state that Lifeline is a federal benefit and that 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. She adds that TruConnect will engage in advertising campaigns specifically targeted to reach those likely to qualify for Lifeline service, promoting the availability of cost-effective Commission wireless services to this neglected consumer segment. She testifies on other advertising attributes that TruConnect may offer. *Id.* 6-8.

Ms. Perry testifies that TruConnect will utilize the extensive and well-established networks and facilities of T-Mobile and Verizon to provide its Lifeline services. She states that the Company understands that the networks of its Underlying Carriers have access

to a reasonable amount of back-up power to ensure functionality without an external power source, can reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations. She adds that the Underlying Carriers provide the same functionality to TruConnect and its customers as they provide to themselves and their own customers. Ms. Perry testifies how TruConnect meets consumer protection and service quality standards. *Id.* at 8-10.

Ms. Perry offers that TruConnect's Lifeline services includes unlimited voice minutes, unlimited text messages, and 4.5 gigabytes of data per month at a net cost of \$0.00 after application of Lifeline support. She states that customers will be able to purchase additional data as needed and that all plans will include nationwide domestic long-distance at no extra per-minute charge and free international calling to Canada, Mexico, China, Vietnam, and South Korea. She testifies that TruConnect will not assess any usage for access to its free customer services (611) and that emergency (911) calls will be free, regardless of service activation or availability of minutes, and will not count against the customer's airtime. She avers that TruConnect's Lifeline-supported voice services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as such standards are updated going forward. Importantly, Ms. Perry testifies that TruConnect's Lifeline-supported broadband services will also meet the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services, including for service speed and data usage allowance, as such standards are updated going forward. To the extent TruConnect provides devices for use with Lifeline-supported broadband service, she adds, such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408(f), and TruConnect will not impose an

additional or separate tethering charge for mobile data usage below the minimum standard. Ms. Perry provides further testimony on how TruConnect will comply with the Lifeline eligibility certification and annual recertification requirements. She also testifies that TruConnect will comply with the Commission's regulation governing Lifeline Services and will provide the Commission a copy of its annual certifications and Lifeline recertification results pursuant to 47 C.F.R. § 54.416 (i.e., FCC Form 555), as well as a copy of its annual report filed pursuant to 47 C.F.R. § 54.422 (i.e., FCC Form 481), and will comply with applicable Commission reporting requirements for Lifeline ETCs. Ms. Perry testifies on how designation of TruConnect as an ETC will promote the public interest. *Id.* at 10-17.

On September 11 and September 12, 2024, TruConnect filed supplemental evidence as requested by Order No. 2. The supplemental evidence involved TruConnect's services and regulatory history in other states, including any investigatory or revocation action taken against it.

Findings and Ruling

After a thorough review of TruConnect's Application, the supporting testimony of Ms. Perry, and the evidence provided in response to Order No. 2 of this Docket, the Application of TruConnect is found to be in the public interest.

The undersigned Administrative Law Judge (ALJ) therefore finds and orders:

- 1) That the Commission has the authority to grant TruConnect's Petition for ETC designation pursuant to Ark. Code Ann. §23-17-405 and Section 214(e)(2) of the Communications Act of 1934, as amended;

- 2) That the Application establishes that TruConnect has met all of the federal and state statutory and regulatory requirements for to provide Lifeline service to eligible customers; and
- 3) That it is in the public interest to designate TruConnect Wireless as a Lifeline-only ETC in its requested service territory.

BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO DELEGATION.

This 14th day of October 2024.



Bridgette M. Frazier
Administrative Law Judge



Karen Shook, Secretary of the Commission

I hereby certify that this order, issued by the Arkansas Public Service Commission, has been served on all parties of record on this date by the following method:

U.S. mail with postage prepaid using the mailing address of each party as indicated in the official docket file, or

Electronic mail using the email address of each party as indicated in the official docket file

Decision No. C24-0402

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0191T

IN THE MATTER OF THE APPLICATION OF TRUCONNECT COMMUNICATIONS, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
STATE OF COLORADO.

**COMMISSION DECISION GRANTING REQUEST
FOR WAIVERS AND GRANTING APPLICATION**

Mailed Date: June 11, 2024

Adopted Date: June 5, 2024

I. BY THE COMMISSION

A. Summary

1. This Decision addresses the Application for Designation as an Eligible Telecommunications Carrier (ETC) filed by TruConnect Communications, Inc. (TruConnect) on April 25, 2024 (the Application). Through its Application, TruConnect seeks to be designated as an ETC to provide Wireless Lifeline Service throughout Colorado. We grant the Application consistent with the discussion below.

B. Application for ETC Designation

2. On April 25, 2024, TruConnect filed an Application for Designation as an ETC in the State of Colorado for the limited purpose of offering wireless Lifeline-only service.

3. In its Application, TruConnect seeks to be designated as a Lifeline-only ETC throughout Colorado pursuant to Sections 214 and 254 of the Telecommunications Act of 1996 and Rule 2187 of the Rules Regulating Telecommunications Providers and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2, as well as Federal

Communications Commission (FCC) Universal Service, 47 *Code of Federal Regulations* (CFR) § 54.101, *et seq.*

4. TruConnect states that it is currently designated as a wireless ETC in the following jurisdictions: Alabama, California, Massachusetts, New Jersey, Rhode Island, Tennessee, Vermont, Virginia, Wyoming, and the U.S. Virgin Islands.

5. TruConnect is also authorized by the FCC and Universal Service Administrative Company (USAC) to participate in the Affordable Connectivity Program (ACP) throughout the United States, including the State of Colorado.

6. TruConnect represents that it is not eligible to seek access to funds from the Federal Universal Service Fund for the purpose of participating in the Link-Up program or providing service in high-cost areas.

7. TruConnect seeks designation as an ETC throughout Colorado, where the underlying carriers are T-Mobile USA, Inc., and Verizon Wireless providing coverage pursuant to Section 214(e)(2) of the Telecommunications Act of 1996 and Rule 2187 4 CCR 723-2. As well as FCC Universal Service, 47 CFR §§ 54.101 through 54.207, including voice grade access to the public, Switched Telephone Network, and access to emergency services provided by local government or public safety organizations, such as 911 and enhanced 911.

8. TruConnect states they provide prepaid wireless telecommunications services to consumers by using the underlying carrier's wireless networks.

9. The Commission gave public notice of the Application on April 30, 2024.

10. On May 10, 2024, in response to a deficiency letter issued by Commission Staff, TruConnect filed a Supplement to its Application, submitting a notarized affidavit and Colorado

Secretary of State certificate. In addition, the Supplement provided confidential financial statements.

1. Federal Requirements for ETC Designation

11. The Federal Telecommunications Act of 1996 changed the federal approach to ensuring that the nation's population has access to landline telephone service, known as "universal service." 47 U.S.C. § 214(e); *WWC Holding Co. v. Sopkin*, 488 F.3d 1262, 1267 (10th Cir. 2007). To develop the infrastructure necessary to provide universal service, Congress created a federal fund to which telecommunications carriers contribute (47 U.S.C. § 254(d)). *WWC Holding Co.*, at 1267. Carriers who are designated as an ETC may receive funding from this source as a public subsidy, (known as federal universal service support). The FCC distributes universal service support to eligible carriers designated as ETCs; it has also established requirements to receive ETC designation. *See generally*, 47 CFR § 54.101 *et seq.* In 2011, the FCC expanded the definition of "universal service" to include broadband service, thereby redirecting federal support to "networks capable of providing voice and broadband services." *In re Connect Am. Fund*, 31 FCC Rcd 5949, 5952, 2016 FCC LEXIS 1807, **7 (F.C.C. May 26, 2016); *see also*, 47 CFR 54.400(n). To receive universal support funds, regulated telecommunications carriers must receive an ETC designation from the Public Utilities Commission in the state in which the provider seeks to provide universal service. 47 U.S.C. § 214(e)(2).

12. In deciding whether to designate a carrier as an ETC, the Commission must find that the provider meets the federal requirements for such a designation in accordance with 47 U.S.C. § 214(e)(2). To be designated as an ETC, a provider must: (a) deliver the supported services throughout its designated service areas "either using its own facilities or a combination of its own facilities and resale of another carrier's services" per 47 U.S.C. § 214(e)(1)(A) and

47 CFR § 54.201(d)(1); (b) advertise its universal service offerings and the charges thereof, using media of general distribution per 47 U.S.C. § 214(e)(1)(B) and 47 CFR § 54.201(d)(2); (c) certify that it will comply with the service requirements applicable to the support that it receives, per 47 CFR § 54.202(a)(1)(i); (d) submit a five-year build-out plan describing proposed improvements or upgrades to its network except for carriers seeking Lifeline-only ETC designation, per 47 CFR § 54.202(a)(1)(ii); and (e) demonstrate that it will comply with applicable consumer protection and service quality standards per 47 CFR § 54.202(a)(3).

13. In addition, a provider must also establish that it can remain functional during emergency situations, by demonstrating that it: (a) has a reasonable amount of backup power to ensure functionality without an external power source; (b) is able to reroute traffic around damaged facilities; and (c) is capable of managing traffic spikes resulting from emergency situations, per 47 CFR § 54.202(a)(2).

14. Common carriers seeking ETC designation for Lifeline-only universal service support must also: a) demonstrate they are financially and technically capable of providing Lifeline service; b) submit information describing the terms and conditions of telephony service plans, including minutes provided, additional charges if any for toll calls, and plan rates; and c) submit information describing the terms and conditions of broadband internet access service plans, including speeds offered, data usage allotments, any additional charges and plan rates 47 CFR § 54.202(a)(4) to (6).

15. Carriers must also establish that their broadband internet access services are capable of transmitting and receiving data, excluding dial-up service. 47 CFR § 54.101(a)(2).

16. Finally, in determining whether to designate a carrier as an ETC, the relevant Public Utilities Commission must find that the designation is in the public interest. 47 U.S.C. § 214(e)(2).

The FCC encourages state commissions to conduct a public interest analysis that includes the examination of (a) the benefits of increased consumer choice; (b) the impact of the designation on the universal service fund; and (c) the unique advantages and disadvantages of the competitor's service offering, provided guidance on factors to consider in determining whether granting an ETC designation is in the public interest. *In the Matter of Federal-State Joint Board on Universal Service*, 20 FCC Rcd. 6371, 6379 (2005).

2. Colorado Requirements for ETC Designation.

17. Rule 2187 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services sets out requirements for ETC designation; many of those mirror the federal requirements 4 CCR 723-2. Specifically, ETC applicants must:

- a) describe the ETC service area by metes and bounds or by providing the carrier's exchange area map;
- b) establish that it meets the requirements of 47 C.F.R. §§ 54.201(d) and 54.202;
- c) affirm that it is a common carrier, will advertise the services and associated charges, make Lifeline services available in all locations where it has been awarded support to qualifying low-income customers, and that it complies with applicable Commission rules;
- d) establish that it will remain functional in emergency situations;
- e) satisfy consumer protection and service quality standards; and
- f) provide a two-year build-out plan demonstrating how high-cost universal service support will be used to improve coverage, service quality, or capacity.

Rule 2187(d)(II) to (XI), 4 CCR 723-2.

18. Rule 2187(d)(I) also requires ETC applicants to provide the information required by Rule 2002(b) with their applications.

19. Carriers who are granted an ETC designation must offer the supported services within one year of the Commission's decision approving the application for ETC designation in accordance with Rule 2187(e).

C. Findings, Analysis, and Conclusions

20. Having reviewed the Application, we are satisfied that the Application meets the referenced federal requirements, and the Commission's requirements, and we conclude that designating TruConnect a Lifeline-only ETC in Colorado is in the public interest. We highlight a few of the reasons put forth in the Application, below.

21. TruConnect is a common carrier as defined by 47 U.S.C. § 153(10) and 47 CFR § 20.9(a)(7) and has been granted ETC designation status to offer Lifeline service to Alabama, California, Massachusetts, New Jersey, Rhode Island, Tennessee, Vermont, Virginia, Wyoming, and the U.S. Virgin Islands. TruConnect provides each of the supported services set forth in 47 CFR § 54.101(a), as amended by the Lifeline Reform Order, and has shown intent and ability to offer those services, once designated an ETC throughout Colorado. TruConnect indicates that it will abide by all applicable consumer protection and service quality standards and comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

22. TruConnect represents that the designation as an ETC in Colorado will further public interest by enabling the company to commence much-needed Lifeline services to a wide array of Colorado residents.

23. We concur with TruConnect and conclude that granting TruConnect Lifeline-only ETC designation is in the public interest.

D. Waiver of Commission Rules.

24. In its Application, TruConnect requests the Commission waive Rule 2187 Section (d)(II), which requires an applicant for ETC designation to provide a description of the service area in which an applicant seeks designation either with a description by metes and bounds or by the underlying carriers' exchange area maps. Instead, TruConnect has described its service area by reference to the Underlying Carriers' wireless coverage maps. Given the services provided and the technology that TruConnect will employ, we agree that the wireless coverage maps provide a more accurate description of the service territory. Therefore, we grant the requested variance.

25. TruConnect also seeks a waiver of the provisions in Rule 2187(d)(XI), ETC applicants are required to provide a two-year buildout plan. TruConnect points out that it does not seek access to funds from the federal Universal Service Fund, and therefore we find good cause to grant this waiver, as well.

E. Additional Statements

26. The Commission wishes to highlight certain requirements contained in our rules that pertain to companies designated as ETCs. In this case:

- a) TruConnect shall provide its ETC Lifeline universal service offerings throughout Colorado.
- b) TruConnect is not authorized to provide Lifeline service on federally recognized tribal reservations in the State of Colorado.
- c) TruConnect shall submit all reports, fees, surcharges, and any other obligation due and owing to the Colorado Public Utilities Commission or its assignee.
- d) TruConnect must comply with state and federal ETC reporting and certification obligations and must provide copies of these federal reports to the Commission.
- e) TruConnect must offer the Lifeline service authorized by this Decision within one year of the effective date of this Decision.
- f) TruConnect must notify the Commission 20 days prior to its initial offering and offering any new services or making any changes in its service plans through an informational filing with the Director of the Commission; the filing must

detail the rates and speeds, as well as the terms and conditions, associated with the initial plans and any new plans.

- g) TruConnect must offer a variety of packages for its services with varying service terms and the early termination of a service agreement must result in an early termination fee that is less than the sum of the monthly fees for the remaining months of the term.
- h) TruConnect must not subject its Lifeline customers who subscribe to standalone voice services to a minimum service term.

II. **ORDER**

A. **The Commission Orders That:**

1. TruConnect's Application for designation as a Lifeline-only Eligible Telecommunications Carrier (ETC) is deemed complete pursuant to § 40-6-109.5, C.R.S., and is granted.

2. The Commission grants TruConnect's request to waive Commission Rule 2187(d)(II).

3. The Commission grants TruConnect's request to waive Commission Rule 2187(d)(XI).

4. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

5. This Decision is effective upon its mailed date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 5, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for designation as eligible
telecommunications carrier in the State of
Florida, by TruConnect Communications, Inc.

DOCKET NO. 20240062-TP
ORDER NO. PSC-2024-0202-PAA-TP
ISSUED: June 20, 2024

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman
ART GRAHAM
GARY F. CLARK
ANDREW GILES FAY
GABRIELLA PASSIDOMO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Background

On April 16, 2024, TruConnect Communications, Inc. (TruConnect or Company) filed a petition with the Florida Public Service Commission (FPSC or Commission) seeking designation as an eligible telecommunications carrier (ETC) in the State of Florida. TruConnect's request for ETC designation is specifically for the sole purpose of providing Lifeline services to qualifying consumers throughout Florida. TruConnect is a provider of commercial mobile radio service (CMRS) and offers prepaid wireless telecommunications services to consumers as a reseller. Specifically, TruConnect uses the network infrastructure and wireless transmission facilities of T-Mobile USA, Inc. (T-Mobile) and Verizon Wireless (Verizon) to operate as a Mobile Virtual Network Operator. TruConnect is currently designated as an ETC providing Lifeline service in 11 other states.

As a CMRS provider, TruConnect is regulated as a common carrier pursuant to 47 U.S.C. § 153(11).¹ TruConnect is a Delaware corporation authorized to do business as a foreign

¹ 47 U.S.C. § 153(11) (defining a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio"; 47 U.S.C. §332(c)(1)(A) (treating commercial mobile service providers as common carriers).

corporation in the state of Florida. Formerly known as Telscape Communications, Inc., TruConnect is a subsidiary of TSC Acquisition Corporation.

TruConnect asserts it meets all applicable federal requirements for designation as a Lifeline only ETC in Florida pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201. TruConnect acknowledges and asserts that, if approved it will comply with Sections 364.10 and 364.105, Florida Statutes (F.S.), and Rule 25-4.0665 Florida Administrative Code (F.A.C.), which govern Lifeline service and provide for transitional discount for customers who no longer qualify for Lifeline. In addition to the federal rules and statutes discussed above, we have jurisdiction in this matter pursuant to Section 364.10, F.S.

Section 214(e)(2) of the Telecommunications Act of 1996 (the Act) provides state public utility commissions with “primary responsibility” for the designation of ETCs. We initially exercised this authority to designate both wireline and wireless carriers as ETCs. In 2011, the Florida Legislature removed the FPSC authority to designate wireless ETC providers.² However, the Florida Legislature amended Section 364.10, F.S., in 2024 to specifically grant us jurisdiction to address wireless ETC petitions for Lifeline purposes only.³

Decision

I. Requirements for ETC Designation

This Order addresses whether TruConnect qualifies for ETC designation to provide Lifeline service throughout the State of Florida.⁴ Section 364.10, F.S. allows us to approve wireless Lifeline ETC petitions for requesting carriers. Specifically, paragraphs 364.10(1)(a) and (3)(a) F.S., provide us with the authority to designate a CMRS provider as an ETC for the limited purpose of providing Lifeline service.

Federal rules outline the requirements for ETC designation.⁵ To obtain ETC designation to provide Lifeline services, federal rules require that carriers:

- 1) Be a common carrier;
- 2) Offer the services that are supported by the federal universal support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier’s services;
- 3) Advertise the availability of its Lifeline service through a media of general distribution;

² House Bill 1231 (2011), effective July 1, 2011.

³ Senate Bill 478 (2024), effective April 15, 2024.

⁴ 47 C.F.R. § 254(e)

⁵ 47 U.S.C. § 214(e)(1), 47 C.F.R. § 54.101, 47 C.F.R. § 54.201, and 47 C.F.R. § 54.401; While Section 47 C.F.R. § 54.101(a) also includes requirements addressing toll limitation services to qualifying low-income consumers, the FCC in its 2012 Lifeline and Link Up Reform Order (FCC 12-11) stated that: “ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.”

- 4) Provide voice grade access to the public switch network or its functional equivalent;
- 5) Offer minutes of use for local service at no additional charge to end users;
- 6) Provide access to the emergency services available by local government or other public safety organizations;
- 7) Provide Broadband Internet Access Service;⁶
- 8) Demonstrate financial and technical capability to provide Lifeline service; and
- 9) Not charge Lifeline customers a monthly number-portability charge.

In addition, Florida law requires the following for ETC designation:

- 1) Offer discounted transitional basic telecommunications service.⁷
- 2) Participate in the Lifeline Promotion Process.⁸

II. Forbearance of Facilities Requirements

TruConnect plans to offer all of the supported services enumerated under Section 254(c) of the Act through its wireless resale agreements with T-Mobile and Verizon. Therefore, it sought forbearance of the facilities requirement from the FCC. On December 26, 2012, the FCC approved TruConnect's compliance plan which is a condition for obtaining forbearance from the facilities requirement for the provision of Lifeline service. As part of its compliance plan TruConnect committed to do the following:⁹

- 1) Provide the supported services throughout the carriers' designated areas;
- 2) Remain functional in emergency situations;
- 3) Comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service;
- 4) Demonstrate that it is financially and technically capable of providing the Lifeline service in compliance with federal rules; and
- 5) Describe the terms and conditions of the broadband Internet access service plans offered to Lifeline subscribers.

Because TruConnect will offer the supported services and is compliant with the FCC requirements pursuant to 47 U.S.C. 214(e) and 47 C.F.R. 54.201, as well as the Florida specific requirements, TruConnect is eligible for designation as a Lifeline only ETC in Florida.

⁶ Broadband Internet Access Service (BIAS) is defined as a mass-market retail service that provides the capability to transmit and receive data, but excluding dial-up service.

⁷Section 364.105, F.S. states that each ETC shall offer a residential basic local telecommunications service at 70 percent of the residential local telecommunications service rate for any Lifeline subscriber who no longer qualifies for Lifeline for a period of 1 year after the date the subscriber ceases to qualify for Lifeline.

⁸Rule 25-4.0665(3), F.A.C. The Lifeline Promotion Process is an electronic system developed in collaboration with the Florida Department of Children and Families, ETCs and the FPSC. This system helps assist ETCs and the FPSC in providing information on how to apply for Lifeline assistance to eligible customers.

⁹ 47 C.F.R. § 54.202(a)

III. Financial, Managerial, and Technical Capabilities

As noted in its petition, TruConnect has offered service since 1996 and has not filed for any form of bankruptcy relief. The Company has operated as an ETC in 11 states and has not been subject to any ETC revocation proceedings. The Company has over 25 years of technical and managerial experience, and it does not rely exclusively on Lifeline reimbursements for its operating revenues. As TruConnect will be providing resold wireless service, it will also rely upon the managerial and technical expertise of its underlying carriers.

IV. Public Interest

State commissions are required to find that ETC designation is in the public interest.¹⁰ TruConnect asserts granting its ETC designation will bring Lifeline eligible consumers more choice in providers without creating an additional burden on the federal high-cost programs. In Florida, consumers are currently limited to three wireless Lifeline providers. These three companies represent 98 percent of the Lifeline market in Florida.¹¹ However, the FPSC's estimated Lifeline participation rate for the last two years has hovered around 18 percent.¹² The increase in carriers servicing this market may increase participation through additional marketing and would serve the public interest.

V. Conclusion

We have reviewed TruConnect's petition for ETC designation in Florida. TruConnect meets the requirements for designation as an ETC. Additionally, the Company has demonstrated sufficient financial, managerial, and technical capabilities. Therefore, we find TruConnect shall be granted an ETC designation in the service areas identified in Attachment A of this Order. We further find that if there is a future change of Company ownership, the new owners shall be required to file a petition with us to demonstrate that it is in the public interest to maintain the Company's ETC designation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that TruConnect Communications Inc.'s Petition for Designation as an Eligible Telecommunications Carrier throughout the State of Florida is GRANTED. It is further

ORDERED that TruConnect Communications Inc. is designated an eligible telecommunications carrier for the sole purpose of providing Lifeline service to qualifying consumers in the State of Florida. It is further

¹⁰ 47 U.S.C. 214(e)(2)

¹¹ 2023 Florida Lifeline Assistance Report, December 2023, Appendix C, p 24.

¹² Ibid, p 13.

ORDERED that if there is a future change in TruConnect Communications Inc.'s ownership, the new owners shall file a petition with the Commission to demonstrate that it is in the public interest to maintain the ETC designation. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, F.A.C., is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of June, 2024.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 11, 2024.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

TRUCONNECT COMMUNICATIONS, INC.
FLORIDA
SERVICE AREA ZIP CODES

32003	32083	32142	32212	32302	32355	32445	32539
32004	32084	32143	32214	32303	32356	32446	32540
32006	32085	32145	32215	32304	32357	32447	32541
32007	32086	32147	32216	32305	32358	32448	32542
32008	32087	32148	32217	32306	32359	32449	32544
32009	32091	32149	32218	32307	32360	32452	32547
32011	32092	32157	32219	32308	32361	32454	32548
32013	32094	32158	32220	32309	32362	32455	32549
32024	32095	32159	32221	32310	32395	32456	32550
32025	32096	32160	32222	32311	32399	32457	32559
32026	32097	32162	32223	32312	32401	32459	32560
32030	32099	32163	32224	32313	32402	32460	32561
32033	32102	32164	32225	32314	32403	32461	32562
32034	32105	32168	32226	32315	32404	32462	32563
32035	32110	32169	32227	32316	32405	32463	32564
32038	32111	32170	32228	32317	32406	32464	32565
32040	32112	32173	32229	32318	32407	32465	32566
32041	32113	32174	32230	32320	32408	32466	32567
32042	32114	32175	32231	32321	32409	32501	32568
32043	32115	32176	32232	32322	32410	32502	32569
32044	32116	32177	32233	32323	32411	32503	32570
32046	32117	32178	32234	32324	32412	32504	32571
32050	32118	32179	32235	32326	32413	32505	32572
32052	32119	32180	32236	32327	32417	32506	32577
32053	32120	32181	32237	32328	32420	32507	32578
32054	32121	32182	32238	32329	32421	32508	32579
32055	32122	32183	32239	32330	32422	32509	32580
32056	32123	32185	32240	32331	32423	32511	32583
32058	32124	32187	32241	32332	32424	32512	32588
32059	32125	32189	32244	32333	32425	32513	32590
32060	32126	32190	32245	32334	32426	32514	32591
32061	32127	32192	32246	32335	32427	32516	32592
32062	32128	32193	32247	32336	32428	32520	32601
32063	32129	32195	32250	32337	32430	32521	32602
32064	32130	32198	32254	32340	32431	32522	32603
32065	32131	32201	32255	32341	32432	32523	32604
32066	32132	32202	32256	32343	32433	32524	32605
32067	32133	32203	32257	32344	32434	32526	32606
32068	32134	32204	32258	32345	32435	32530	32607
32071	32135	32205	32259	32346	32437	32531	32608
32072	32136	32206	32260	32347	32438	32533	32609
32073	32137	32207	32266	32348	32439	32534	32610
32079	32138	32208	32267	32350	32440	32535	32611
32080	32139	32209	32277	32351	32442	32536	32612
32081	32140	32210	32290	32352	32443	32537	32613
32082	32141	32211	32301	32353	32444	32538	32614

TRUCONNECT COMMUNICATIONS, INC.
FLORIDA
SERVICE AREA ZIP CODES

32615	32706	32768	32824	32906	32971	33055	33129
32616	32707	32771	32825	32907	32976	33056	33130
32617	32708	32772	32826	32908	32978	33060	33131
32618	32709	32773	32827	32909	33001	33061	33132
32619	32710	32774	32828	32910	33002	33062	33133
32621	32712	32775	32829	32911	33004	33063	33134
32622	32713	32776	32830	32912	33008	33064	33135
32625	32714	32777	32831	32919	33009	33065	33136
32626	32715	32778	32832	32920	33010	33066	33137
32627	32716	32779	32833	32922	33011	33067	33138
32628	32718	32780	32834	32923	33012	33068	33139
32631	32719	32781	32835	32924	33013	33069	33140
32633	32720	32782	32836	32925	33014	33070	33141
32634	32721	32783	32837	32926	33015	33071	33142
32635	32722	32784	32839	32927	33016	33072	33143
32639	32723	32789	32853	32931	33017	33073	33144
32640	32724	32790	32854	32932	33018	33074	33145
32641	32725	32791	32855	32934	33019	33075	33146
32643	32726	32792	32856	32935	33020	33076	33147
32644	32727	32793	32857	32936	33021	33077	33148
32648	32728	32794	32858	32937	33022	33081	33149
32653	32730	32795	32859	32940	33023	33082	33150
32654	32732	32796	32860	32941	33024	33083	33151
32655	32733	32798	32861	32948	33025	33084	33152
32656	32735	32799	32862	32949	33026	33090	33153
32658	32736	32801	32867	32950	33027	33092	33154
32662	32738	32802	32868	32951	33028	33093	33155
32663	32739	32803	32869	32952	33029	33097	33156
32664	32744	32804	32872	32953	33030	33101	33157
32666	32745	32805	32877	32954	33031	33102	33158
32667	32746	32806	32878	32955	33032	33106	33159
32668	32747	32807	32885	32956	33033	33107	33160
32669	32750	32808	32886	32957	33034	33109	33161
32680	32751	32809	32887	32958	33035	33110	33162
32681	32752	32810	32890	32959	33036	33111	33163
32683	32753	32811	32891	32960	33037	33112	33164
32686	32754	32812	32893	32961	33039	33114	33165
32692	32756	32814	32896	32962	33040	33116	33166
32693	32757	32815	32897	32963	33041	33119	33167
32694	32759	32816	32898	32964	33042	33121	33168
32696	32762	32817	32899	32965	33043	33122	33169
32697	32763	32818	32901	32966	33045	33124	33170
32701	32764	32819	32902	32967	33050	33125	33172
32702	32765	32820	32903	32968	33051	33126	33173
32703	32766	32821	32904	32969	33052	33127	33174
32704	32767	32822	32905	32970	33054	33128	33175

TRUCONNECT COMMUNICATIONS, INC.
FLORIDA
SERVICE AREA ZIP CODES

33176	33301	33388	33446	33514	33592	33661	33740
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33181	33306	33404	33455	33526	33597	33673	33747
33182	33307	33405	33458	33527	33598	33674	33755
33183	33308	33406	33459	33530	33601	33675	33756
33184	33309	33407	33460	33534	33602	33677	33757
33185	33310	33408	33461	33537	33603	33679	33758
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33239	33331	33430	33483	33568	33624	33710	33780
33242	33332	33431	33484	33569	33625	33711	33781
33243	33334	33432	33486	33570	33626	33712	33782
33245	33335	33433	33487	33571	33629	33713	33784
33247	33336	33434	33488	33572	33630	33714	33785
33255	33337	33435	33493	33573	33631	33715	33786
33256	33338	33436	33496	33574	33633	33716	33801
33257	33339	33437	33497	33575	33634	33729	33802
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33265	33345	33439	33499	33578	33637	33731	33804
33266	33346	33440	33503	33579	33646	33732	33805
33269	33348	33441	33508	33583	33647	33733	33806
33280	33349	33442	33509	33584	33650	33734	33807
33283	33351	33443	33510	33585	33651	33736	33809
33296	33355	33444	33511	33586	33655	33737	33810
33299	33359	33445	33513	33587	33660	33738	33811

TRUCONNECT COMMUNICATIONS, INC.
FLORIDA
SERVICE AREA ZIP CODES

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33813	33877	33945	34025	34099	34219	34288	34483
33815	33880	33946	34030	34101	34220	34289	34484
33820	33881	33947	34031	34102	34221	34290	34487
33823	33882	33948	34032	34103	34222	34291	34488
33825	33883	33949	34033	34104	34223	34292	34489
33826	33884	33950	34034	34105	34224	34293	34491
33827	33885	33951	34035	34106	34228	34295	34492
33830	33888	33952	34036	34107	34229	34420	34498
33831	33890	33953	34037	34108	34230	34421	34601
33834	33896	33954	34038	34109	34231	34423	34602
33835	33897	33955	34039	34110	34232	34428	34603
33836	33898	33956	34041	34112	34233	34429	34604
33837	33900	33957	34042	34113	34234	34430	34605
33838	33901	33960	34044	34114	34235	34431	34606
33839	33902	33965	34050	34116	34236	34432	34607
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33841	33904	33967	34052	34119	34238	34434	34609
33843	33905	33970	34053	34120	34239	34436	34610
33844	33906	33971	34054	34133	34240	34441	34611
33845	33907	33972	34055	34134	34241	34442	34613
33846	33908	33973	34058	34135	34242	34445	34614
33847	33909	33974	34060	34136	34243	34446	34636
33848	33910	33975	34066	34137	34249	34447	34637
33849	33911	33976	34067	34139	34250	34448	34638
33850	33912	33980	34068	34140	34251	34449	34639
33851	33913	33981	34069	34141	34260	34450	34652
33852	33914	33982	34076	34142	34264	34451	34653
33853	33915	33983	34078	34143	34265	34452	34654
33854	33916	33990	34080	34145	34266	34453	34655
33855	33917	33991	34081	34146	34267	34460	34656
33856	33918	33993	34082	34201	34268	34461	34660
33857	33919	33994	34083	34202	34269	34464	34661
33858	33920	34001	34084	34203	34270	34465	34667
33859	33921	34002	34085	34204	34272	34470	34668
33860	33922	34004	34086	34205	34274	34471	34669
33862	33924	34006	34087	34206	34275	34472	34673
33863	33927	34007	34088	34207	34276	34473	34674
33865	33928	34008	34089	34208	34277	34474	34677
33867	33929	34009	34090	34209	34278	34475	34679
33868	33930	34010	34091	34210	34280	34476	34680
33870	33931	34011	34092	34211	34281	34477	34681
33871	33932	34020	34093	34212	34282	34478	34682
33872	33935	34021	34094	34215	34284	34479	34683
33873	33936	34022	34095	34216	34285	34480	34684
33875	33938	34023	34096	34217	34286	34481	34685

TRUCONNECT COMMUNICATIONS, INC.
FLORIDA
SERVICE AREA ZIP CODES

34688	34786
34689	34787
34690	34788
34691	34789
34692	34797
34695	34945
34697	34946
34698	34947
34705	34948
34711	34949
34712	34950
34713	34951
34714	34952
34715	34953
34729	34954
34731	34956
34734	34957
34736	34958
34737	34972
34739	34973
34740	34974
34741	34979
34742	34981
34743	34982
34744	34983
34745	34984
34746	34985
34747	34986
34748	34987
34749	34988
34753	34990
34755	34991
34756	34992
34758	34994
34759	34995
34760	34996
34761	34997
34762	34138
34769	
34770	
34771	
34772	
34773	
34777	
34778	
34785	

COMMISSIONERS:

JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

FILED

DEC 12 2024

EXECUTIVE SECRETARY
G.P.S.C.



DOCKET # 55633

DOCUMENT # 220694

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Docket No. 55633

In Re: Application of TruConnect Communications, Inc. d/b/a TruConnect for Designation as an Eligible Telecommunications Carrier in the State of Georgia

ORDER ON APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Background

On February 29, 2024, TruConnect Communications, Inc. d/b/a TruConnect ("TruConnect") filed with the Georgia Public Service Commission ("Commission") its Application for Designation as an Eligible Telecommunications Carrier in the State of Georgia ("Application"). Staff issued data requests to TruConnect on August 22, 2024, and TruConnect filed responses on September 27, 2024 and amended responses on October 23, 2024.

TruConnect is not seeking Universal Service Fund support for the purpose of providing service to high cost areas but instead to offer Lifeline-discounted wireless phone service to low-income individuals that meet the Federal Communications Commission's eligibility criteria.

TruConnect asserts that it meets all of the federal requirements for designation as an ETC. 47 C.F.R. § 54.101(a) requires ETCs to provide the following services and functionality: 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 organization, 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.

TruConnect's basic service offering is a wireless-based service, which includes unlimited voice and text, and 4.5 GB of data per month at no cost to the consumer after application of the \$9.25 Lifeline discount. TruConnect provides a free SIM card to all Lifeline customers. TruConnect does not charge activation fees or any other non-recurring fees to initiate service in Georgia.

TruConnect also committed to "advertise the availability of such services and the charges therefor using media of general distribution." 47 U.S.C. §214(e)(1)(B). TruConnect provided its proposed Georgia-specific advertising.

As TruConnect is a reseller, it requested from the FCC forbearance from the facilities requirements of 47 U.S.C. § 214(e)(1)(A). The FCC granted forbearance to TruConnect on December 26, 2012.

Staff Recommendation

Staff recommended that the Commission designate TruConnect as an ETC in the counties shown in Attachment 1 for the limited purpose of providing Lifeline service, subject to the following conditions:

- The authority to provide service in the counties listed in Attachment 1 is conditioned upon the use of AT&T Mobility, T-Mobile USA, and/or Verizon Wireless as underlying carrier(s). The use of any other underlying carrier(s) in Georgia will require separate approval by the Commission.
- The Commission reserves the right to conduct audits as needed to determine that the funds are used for permitted purposes.
- TruConnect's ETC designation may at any time be suspended or revoked by order of the Commission.

The Commission finds Staff's recommendation reasonable and hereby adopts Staff's recommendation.

* * * * *

WHEREFORE, it is

ORDERED, that TruConnect is granted ETC designation for the limited purpose of providing Lifeline service in the counties shown in Attachment 1.

ORDERED FURTHER, that the authority to provide service in the counties listed in Attachment 1 is conditioned upon the use of AT&T Mobility, T-Mobile USA, and/or Verizon Wireless as underlying carrier(s). The use of any other underlying carrier(s) in Georgia will require separate approval by the Commission.

ORDERED FURTHER, that the Commission reserves the right to conduct audits as needed to determine that the funds are used for permitted purposes.


ORDERED FURTHER, that TruConnect's ETC designation may at any time be suspended or revoked by order of the Commission.

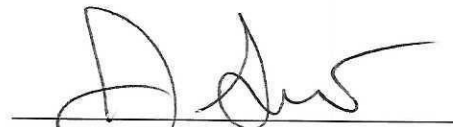
ORDERED FURTHER, that this ETC designation is conditioned upon TruConnect's compliance with applicable state law, applicable Commission rules and orders and applicable federal law, rules and regulations.

ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 5th day of November 2024.


Sallie Tanner
Executive Secretary


Jason Shaw
Chairman

12-12-24
DATE

12-12-24
DATE

ATTACHMENT 1

COUNTIES

Appling	Dawson	Johnson	Screven
Atkinson	Decatur	Jones	Seminole
Bacon	De Kalb	Lamar	Spalding
Baker	Dodge	Lanier	Stephens
Baldwin	Dooly	Laurens	Stewart
Banks	Dougherty	Lee	Sumter
Barrow	Douglas	Liberty	Talbot
Bartow	Early	Lincoln	Taliaferro
Ben Hill	Echols	Long	Tattnall
Berrien	Effingham	Lowndes	Taylor
Bibb	Elbert	Lumpkin	Telfair
Bleckley	Emanuel	Mcduffie	Terrell
Brantley	Evans	Mcintosh	Thomas
Brooks	Fannin	Macon	Tift
Bryan	Fayette	Madison	Toombs
Bulloch	Floyd	Marion	Towns
Burke	Forsyth	Meriwether	Treutlen
Butts	Franklin	Miller	Troup
Calhoun	Fulton	Mitchell	Turner
Camden	Gilmer	Monroe	Twiggs
Candler	Glascok	Montgomery	Union
Carroll	Glynn	Morgan	Upton
Catoosa	Gordon	Murray	Walker
Charlton	Grady	Muscogee	Walton
Chatham	Greene	Newton	Ware
Chattahoochee	Gwinnett	Oconee	Warren
Chattooga	Habersham	Oglethorpe	Washington
Cherokee	Hall	Paulding	Wayne
Clarke	Hancock	Peach	Webster
Clay	Haralson	Pickens	Wheeler
Clayton	Harris	Pierce	White
Clinch	Hart	Pike	Whitfield
Cobb	Heard	Polk	Wilcox
Coffee	Henry	Pulaski	Wilkes
Colquitt	Houston	Putnam	Wilkinson
Columbia	Irwin	Quitman	Worth
Cook	Jackson	Rabun	
Coweta	Jasper	Randolph	
Crawford	Jeff Davis	Richmond	
Crisp	Jefferson	Rockdale	
Dade	Jenkins	Schley	

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
TRUCONNECT COMMUNICATIONS, INC.) DOCKET NO. 2024-0067
)
For Designation as an Eligible)
Telecommunications Carrier in the)
State of Hawaii for the Limited)
Purpose of Providing Lifeline)
Service to Qualifying Customers.)
_____)

DECISION AND ORDER NO. 40859

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
TRUCONNECT COMMUNICATIONS, INC.) DOCKET NO. 2024-0067
)
For Designation as an Eligible) DECISION AND ORDER NO. **40859**
Telecommunications Carrier in the)
State of Hawaii for the Limited)
Purpose of Providing Lifeline)
Service to Qualifying Customers.)
_____)

DECISION AND ORDER

By this Decision and Order, the Public Utilities Commission ("Commission") approves the Petition¹ filed by TRUCONNECT COMMUNICATIONS, INC. ("TRUCONNECT" or "Petitioner")² for designation as an eligible telecommunications carrier ("ETC"), for the sole purpose of receiving federal Lifeline support in the geographic areas set forth therein. However, Petitioner's limited

¹"Petition of TruConnect Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Hawaii," filed on March 12, 2024 ("Petition").

²The Parties to this docket are the Petitioner and the DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to all proceedings before the Commission, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 16-601-62(a). No persons timely moved to intervene or participate in this proceeding. See HAR § 16-601-57(3)(A).

Lifeline ETC designation is conditioned upon its adherence to all applicable federal and State of Hawaii ("State") requirements, and the conditions set forth in this Decision and Order.

I.

BACKGROUND

TRUCONNECT is a Delaware corporation with its principal office in Los Angeles, California.³ TRUCONNECT is authorized to do business in Hawaii,⁴ and received a Certificate of Registration ("COR") from the Commission to operate as a wireless telecommunications provider in Hawaii.⁵

TRUCONNECT provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of facilities-based providers, T-Mobile USA, Inc. ("T-Mobile") and Verizon Wireless ("Verizon") (collectively, "Underlying Carriers")

³Petition at 3. Petitioner notes that it uses the underlying wireless networks of Verizon Wireless and T-Mobile USA, Inc. (collectively, the "Underlying Carriers") on a wholesale basis to offer nationwide service, and that it has been designated as a wireless ETC in California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, and the U.S. Virgin Islands. Petition at 3.

⁴Petition at 3.

⁵See Docket No. 2024-0005, Decision and Order No. 40588, filed on February 7, 2024 ("TRUCONNECT COR D&O"); TruConnect Communications, Inc.'s Response to Information Request, filed on May 16, 2024.

on a wholesale basis.⁶ TRUCONNECT is presently designated and operating as a wireless ETC in California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, and the U.S. Virgin Islands.⁷

A.

Procedural History

Petitioner filed its Petition seeking designation as an ETC "solely to provide Lifeline service to qualifying Hawaii consumers."⁸ The Petition was filed pursuant to (1) Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"); (2) the rules of the Federal Communications Commission ("FCC") regarding Universal Service, 47 Code of Federal Regulations ("C.F.R.") §§ 54.101 through 54.207;⁹ and (3) HAR § 6-81-9(a).

⁶Petition at 3.

⁷Petition at 3.

⁸Petition at 1.

⁹See *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 Nos. 11-42 and 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) ("2012 Lifeline Reform Order"). The FCC has more recently reformed and modernized the USF program. See *Third Report and Order, Further Report and Order, and Order on Reconsideration*, filed in WC Docket No. 11-42, FCC 16-38, released on April 27, 2016 ("2016 Lifeline

On April 1, 2024, the Consumer Advocate filed its Statement of Position,¹⁰ and therein indicated that it would not be participating in this proceeding.¹¹

B.

Petition

Petitioner represents that its prepaid wireless services are “affordable, easy to use, and attractive to low-income consumers,” and that said services will provide them with access to “emergency services and a reliable means of communication that can be used both at home and while traveling to remain in touch with friends and family and for contacting prospective employers.”¹² Petitioner’s offerings will include “simple and affordable prepaid calling plans, easy-to-use handsets, and high-quality customer

Modernization Order”); and Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, filed in WC Docket Nos. 17-287, 11-42 and 09-197, released on December 1, 2017 (“Fourth Report and Order”).

¹⁰“Division of Consumer Advocacy’s Statement of Position,” filed on April 1, 2024 (“Consumer Advocate SOP”).

¹¹Consumer Advocate SOP at 1-2, wherein the Consumer Advocate explains that its lack of participation in this docket should not be construed as either accepting, supporting, or adopting any of the positions proposed, justifications offered, or requested relief articulated within the Petition.

¹²Petition at 3.

service.”¹³ Because Petitioner anticipates that many of its customers will be from low-income backgrounds with economic constraints, poor credit history, or sporadic employment, Petitioner will not conduct credit checks or require customers to enter into long-term service contracts in order to obtain wireless service.¹⁴

Providing affordable wireless plans to individuals who would not otherwise be able to afford such services will contribute to the expansion of mobile wireless and broadband services for low-income consumers in the State.¹⁵

According to Petitioner, it can offer all the services and functionalities detailed in section 54.101(a) of the FCC’s Rules.¹⁶ Petitioner also represents that it is able to provide all services supported by the universal service program throughout the State, and that as a designated ETC, it will meet or exceed the FCC’s minimum service standards, as currently established as well as any future updates.¹⁷

¹³Petition at 3-4.

¹⁴Petition at 4.

¹⁵Petition at 4.

¹⁶Petition at 8.

¹⁷Petition at 8 and 15.

The Petition reflects that pursuant to Petitioner's proposed Lifeline service offerings, Lifeline customers will have plan options, including unlimited voice minutes, unlimited text messages, and 4.5 gigabytes ("GB") of data per month with full access to the Underlying Carriers' networks "at a net cost of \$0.00 after application of Lifeline support."¹⁸ Customers will have the option of purchasing additional data as needed, and all plans will include nationwide domestic long-distance at no extra per-minute charge as well as free international calling to Canada, Mexico, China, Vietnam, and South Korea.¹⁹ Petitioner adds that its Lifeline offering will provide feature-rich mobile connectivity for qualifying subscribers, and its prepaid offering will be a welcome alternative for consumers who "need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts."²⁰

Petitioner's service offering will include local and long-distance calling; free access to caller ID, call waiting, call forwarding, 3-way calling, and voicemail; text messaging;

¹⁸Petition at 15.

¹⁹Petition at 15-16, wherein Petitioner explains that it will not assess any usage for access to its free customer services (611), and emergency (911) calls will be free (regardless of service activation or availability of minutes) and will not count against the customer's airtime.

²⁰Petition at 16.

broadband access; and the option for a consumer to “bring their own device.”²¹ Additionally, Petitioner may provide user-friendly handsets or hotspot devices.²²

Petitioner points out that its Lifeline supported voice services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408 (including as said standards are updated), and that its Lifeline supported broadband services will also meet the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services, including for service speed and data usage allowance (including as said standards are updated).²³

In its provision of wireless telecommunications services in the State, TRUCONNECT will offer wireless services which it will obtain from its Underlying Carriers.²⁴ Moreover, Petitioner represents that through its Underlying Carriers, it is able to provide all of the services and functionalities supported by the universal service program, in its service area, as set forth in 47 C.F.R. §54.101(a).²⁵ Upon its designation as a Lifeline ETC

²¹Petition at 4.

²²Petition at 4.

²³Petition at 15.

²⁴Petition at 3 and 12.

²⁵Petition at 8-9.

in Hawaii, and consistent with state and federal policies favoring universal service, Petitioner will offer voice telephony services as described in 47 C.F.R. § 54.101(a). Specifically, it will provide: (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service at no additional charge to end users; (3) access to emergency services provided by local government or public safety organizations, including 911 and enhanced 911 ("E911"), to the extent the local government in an eligible carrier's service area has implemented 911 or E911 systems; and (4) toll limitation services to qualifying low-income consumers.²⁶ Although "no longer a required supported service" under 47 C.F.R. § 54.101(a), Petitioner will also offer broadband Internet access service ("BIAS") to low-income consumers via resale of Petitioner's Underlying Carriers' mobile services.²⁷

Petitioner represents that it meets all statutory and regulatory requirements for ETC designation, is able and prepared to offer Lifeline-supported services throughout its designated service area in Hawaii,²⁸ and that its designation as an ETC will

²⁶Petition at 8-9, wherein Petitioner specifies that it complies with the FCC's regulations governing the deployment and availability of E911 compatible handsets.

²⁷Petition at 9-10.

²⁸Petition at 10-11.

benefit the public interest by making Petitioner's services available to a broad range of low-income consumers.²⁹

With respect to 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 prohibits state commissions from designating carriers that provide service exclusively through resale as ETCs, Petitioner references the 2012 Lifeline Reform Order.³⁰ The FCC has more recently reformed and modernized the USF program.³¹

In compliance with the requirements for forbearance from the afore-referenced "own facilities" requirement, Petitioner submitted to the FCC a compliance plan, which the FCC

²⁹Petition at 19-23.

³⁰Petition at 6-7. Pursuant to the FCC's 2012 Lifeline Reform Order, resellers are granted blanket forbearance from this facilities requirement, subject to conditions, in connection with limited ETC designation to participate in the Lifeline program. The FCC conditioned blanket forbearance on the reseller's compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and prepaid minutes available, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer. Additionally, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the reseller's service offerings and that outlines the measures that the reseller will take to implement the obligations established in the Lifeline Reform Order.

³¹See 2016 Lifeline Modernization Order; and Fourth Report and Order.

approved on December 26, 2012 ("Compliance Plan").³² Accordingly, Petitioner is not required to meet the "own facilities" requirement of Section 214(e) (1) (A) of the Act, and its proposal to operate as an ETC in Hawaii using resold services will be entirely compliant with FCC requirements.

In support of its Petition, Petitioner further represents, among other things, that:

1. As a provider of wireless telecommunications services, TRUCONNECT is a common carrier of telecommunications services.³³

2. Upon designation, TRUCONNECT will offer the "voice telephony services" supported by the USF program, including voice grade access to the public switched network, local usage at no additional charge, access to emergency services, and toll limitation for qualifying low-income customers.³⁴

3. TRUCONNECT will advertise the availability of its services and charges in a manner reasonably designed to reach Lifeline-eligible consumers, as required by, among other things, 47 C.F.R. § 54.201(d) (2), and HAR § 6-81-9(a) (2), including the requirements to advertise the availability of its services

³²Petition at 7.

³³See TRUCONNECT COR D&O; Petition at 8.

³⁴Petition at 8-9.

throughout its service area using media of general distribution, and to publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.³⁵

4. TRUCONNECT will comply with the FCC's rules regarding information to be included in marketing materials, pursuant to, among other things, 47 C.F.R. § 54.405(c), and complying therewith, will reference the following when publicizing the availability of Lifeline service: (1) it is a Lifeline service; (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; (6) the documentation necessary for enrollment; and (7) TRUCONNECT is the provider of the services.³⁶

5. Since TRUCONNECT is providing service to its customers through the use of facilities obtained from another carrier, it is able to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, re-routing of traffic around damaged

³⁵Petition at 11.

³⁶Petition at 11-12.

facilities, and the capability of managing traffic spikes resulting from emergency situations.³⁷

6. TRUCONNECT will comply with the consumer protection and service quality standards set by the FCC, including complying with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") to ensure that it offers its subscribers the highest level of protection and quality service.³⁸

7. TRUCONNECT will certify and verify a Lifeline customer's initial and continued eligibility in accordance with 47 C.F.R. § 54.410, utilizing the streamlined eligibility criteria effectuated by the 2016 Lifeline Modernization Order. Additionally, TRUCONNECT will rely on the National Lifeline Eligibility Verifier ("National Verifier") to determine initial and continued eligibility of Hawaii Lifeline subscribers.³⁹

8. TRUCONNECT will, among other things: (1) make Lifeline service available to qualifying low-income consumers (through certification and verification procedures);

³⁷Petition at 13.

³⁸Petition at 13-14.

³⁹Petition at 16-17, wherein Petitioner notes that the National Verifier was established by the FCC to curb abuse in the Lifeline program.

and (2) comply with the FCC's de-enrollment procedures for Lifeline services.⁴⁰

II.

FINDINGS AND CONCLUSIONS

1. A carrier must be designated as an ETC under 47 U.S.C. § 214(e) to be eligible to receive federal universal service support.⁴¹ Consistent with federal law, HAR § 6-81-9 states as follows:

- (a) Pursuant to 47 U.S.C. § 214, the [C]ommission will, upon the written Petition of a common carrier or the [C]ommission'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.
- (b) Upon request and consistent with the public interest, convenience, and necessity,

⁴⁰Petition at 16-18.

⁴¹See 47 U.S.C. § 254(e).

the [C]ommission 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 [C]ommission must find that the designation is in the public interest.⁴²

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."⁴³ Currently, the mandated Supported Services (also, now known as the required "voice telephony" services) are as follows:

(a) The required "voice telephony" services include:

- (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
- (4) Toll limitation for qualifying low-income consumers.⁴⁴

⁴²See also 47 U.S.C. 214(e) (1) and (2).

⁴³See 47 U.S.C. § 254(e); see also 47 C.F.R. § 54.7(a).

⁴⁴See 47 C.F.R. § 54.101(a). Prior 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

3. While no longer a required supported service under 47 C.F.R. § 54.101(a), TRUCONNECT provides BIAS "to ensure its Lifeline customers receive full Lifeline support."⁴⁵ According to the FCC, BIAS includes the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.⁴⁶

4. 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"), the FCC promulgated certain "Additional Requirements"⁴⁷ for ETC designation

services; (4) access to interexchange service; and (5) access to directory assistance. See Docket No. 2010-0119, Decision and Order, filed on March 14, 2011 ("T-Mobile ETC D&O"), at 17-18.

According to TRUCONNECT, its voice service provides toll limitation services to qualifying low-income consumers, pursuant to 47 C.F.R. § 54.101(a). Petition at 9.

⁴⁵Petition at 9.

⁴⁶Petition at 9-10.

⁴⁷See FCC 05-46, ¶ 20, which describes the "Additional Requirements" that an ETC applicant must demonstrate, including: (1) a commitment and ability to provide services, including providing service to all customers within its proposed service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; (4) that it offers local usage comparable to that offered by the incumbent local exchange carrier;

by the FCC. In addition, the FCC 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.⁴⁸

5. In the FCC's 2012 Lifeline Reform Order, the FCC tackled reform of the USF low-income assistance programs, by, among other things, establishing clear goals and measures, and national eligibility criteria to allow low-income consumers to qualify for the Lifeline program based on either income or participation in certain government benefit programs. In addition, the FCC reformed the USF low-income assistance programs as follows:

The Order adopts 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 [FCC] 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 subscribers; phasing out toll limitation service (TLS) support; eliminating Link Up support except for recipients on Tribal lands that are served by [ETCs] that participate in both Lifeline and the high-cost program; reducing the number of ineligible subscribers in the program, and imposing

and (5) an understanding that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to section 214(e)(4) of the Act.

⁴⁸See FCC 05-46, ¶ 42.

independent audit requirements on carriers receiving more than \$5 million in annual support.⁴⁹

A.

TRUCONNECTS' s Petition

6. Upon review of the entire record, the Commission finds and concludes that TRUCONNECT meets the applicable federal and state requirements for Lifeline-only ETC designation throughout the State. This decision is based on the findings discussed below.

7. As a provider of wireless telecommunications services, TRUCONNECT is a common carrier of telecommunications services eligible to receive USF support under 47 U.S.C. §§ 214(e)(1), 153(10) and (51), and HAR § 6-81-9. In February 2024, the Commission approved Petitioner's request for a COR to provide wireless telecommunications services in the State.⁵⁰

8. The Commission understands that TRUCONNECT appropriately provides or will provide, upon designation, the mandated Supported Services required by the FCC to receive USF support.⁵¹ TRUCONNECT availed itself of the FCC's opportunity

⁴⁹2012 Lifeline Reform Order at 5 (footnote omitted).

⁵⁰See TRUCONNECT COR D&O.

⁵¹Petition at 8-10.

for blanket forbearance from the own-facilities requirement, as set forth in the Lifeline Reform Order. Pursuant to said FCC order, TRUCONNECT filed its Compliance Plan with the FCC. The Compliance Plan was subsequently approved by the FCC.⁵²

9. TRUCONNECT intends to provide the mandated Supported Services in the State through the resale of the services of its Underlying Carriers.⁵³

10. The Commission understands TRUCONNECT's commitment to advertise the availability of Supported Services as required by federal and state requirements, which is detailed in its Petition.⁵⁴

11. The Commission finds that TRUCONNECT should be able to remain functional during emergency situations,⁵⁵ and that it is committed to providing customer service.⁵⁶ Specifically, TRUCONNECT states that it will satisfy all consumer protection and service quality standards (i.e., the CTIA Consumer Code).⁵⁷

12. Further, as TRUCONNECT has been authorized to provide telecommunications services in the State, the Commission

⁵²See Petition at 7.

⁵³Petition at 8.

⁵⁴Petition at 11-12.

⁵⁵Petition at 13.

⁵⁶Petition at 13-14.

⁵⁷Petition at 13-14.

is satisfied that TRUCONNECT is financially and technically capable of also providing Lifeline services therein.⁵⁸ Upon designation, the TRUCONNECT 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.

13. The Commission finds that TRUCONNECT can meet its broadband device capability requirement.⁵⁹

14. Designation of TRUCONNECT as an ETC for the sole purpose of providing the services supported by, and participating in the low-income programs of the USF, is in the public interest. Consistent with prior Commission ETC designation proceedings,⁶⁰ in making its determination regarding whether designation of

⁵⁸Petition at 14.

⁵⁹See Petition at 9-10.

⁶⁰See, e.g., T-Mobile ETC D&O at 38-32. See also Docket No. 2014-0025, Decision and Order No. 32518, filed on December 11, 2014; Docket No. 2017-0032, Decision and Order No. 35070, filed on November 30, 2017; Docket No. 2018-0118, Decision and Order No. 36431, filed on July 17, 2019; Docket No. 2020-0053, Decision and Order No. 37408, filed on October 28, 2020; Docket No. 2022-0048, Decision and Order No. 38664, filed on October 20, 2022; Docket No. 2022-0210, Decision and Order No. 39096, filed on March 22, 2023; Docket No. 2023-0417, Decision and Order No. 40725, filed on April 18, 2024; Docket No. 2024-0009, Decision and Order No. 40727, filed on April 19, 2024; and Docket No. 2024-0018, Decision and Order No. 40728, filed on April 22, 2024.

TRUCONNECT is in the public interest, the Commission weighs and considers the costs and benefits 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 concludes as follows:

- a. Designation of TRUCONNECT as a Lifeline-only ETC is in the public interest and will benefit qualified low-income consumers in Hawaii by providing additional carrier options.⁶¹ The Commission notes TRUCONNECT’s representation that the FCC has determined that additional choices and service options of other wireless resellers offering a service for low-income consumers represents a significant benefit for consumers and is in the public interest.⁶²
- b. In addition to voice services, TRUCONNECT’s Lifeline plans will include caller ID, call waiting, call forwarding, 3-way calling, voice mail, text messaging, and broadband access.⁶³

⁶¹Petition at 19-22.

⁶²Petition at 19-22.

⁶³Petition at 4.

- c. ETC designation of TRUCONNECT should also enhance competition in the State's telecommunications market and provide an incentive to incumbent carriers to improve their existing networks.
- d. Since TRUCONNECT is 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.
- e. TRUCONNECT's Lifeline-only designation should not unduly burden the USF since: (1) the FCC capped USF high-cost funding support that an ETC can receive; and (2) an ETC receives Lifeline support only for the customers it obtains, and this support is not provided as a per-line subsidy.

15. Based on the foregoing, the Commission concludes that TRUCONNECT's Petition for limited ETC designation for the sole purpose of receiving federal USF Lifeline support, as set forth in its Petition, should be approved. However, the Commission's Lifeline-only ETC designation of TRUCONNECT is conditioned on its adherence to the conditions set forth in the section below.

B.

Conditions for ETC Lifeline-Only Designation⁶⁴

16. Consistent with, among other things, conditions imposed on other ETCs designated by the Commission,⁶⁵ as applicable, the Commission adopts as reasonable the following requirements as conditions for TRUCONNECT's designation as a Lifeline-only ETC:

a. TRUCONNECT shall comply with all federal laws, rules, and requirements for participation in the federal USF program and for continued ETC designation, as applicable, including:

(1) Filing 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, pursuant to 47 C.F.R. § 54.401(d);

⁶⁴On 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.

⁶⁵See, for example, Docket No. 2007-0402, Decision and Order No. 24619, filed on April 30, 2008, at 27-30; and T-Mobile ETC D&O at 39-42.

- (2) Adhering to the federal verification and certification requirements for participation in the federal USF Lifeline program, as amended by the 2012 Lifeline Reform Order; and
- (3) Complying 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).⁶⁶

- b. TRUCONNECT 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.
- c. TRUCONNECT shall file an informational tariff with the Commission incorporating the rates, terms, and conditions for its Lifeline service offerings.
- d. TRUCONNECT shall file with the Commission its detailed advertising plan for the provision of the

⁶⁶The additional requirements for Lifeline only ETCs, which the FCC established in its 2016 Lifeline Reform Order, are included in 47 C.F.R. §§ 54.400 through 54.422. TRUCONNECT represented its intention to meet the minimum applicable federal standards, including those relating to BIAS. Petition at 9-18.

Supported Services, including the content and manner of its planned advertisements, and the targeted consumers.

- e. TRUCONNECT shall fully cooperate and respond to any requests for information or data from the Commission or the Consumer Advocate.
- f. TRUCONNECT 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 Docket No. 03-0186, the Commission's CMRS proceeding. Specifically, as set forth in the TRUCONNECT COR D&O, TRUCONNECT "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 [C]ommission rules; and any orders that the [C]ommission may issue from time to time."⁶⁷
- g. TRUCONNECT shall adhere to all current and future laws, decisions, and orders with respect to the federal USF and support programs, as applicable.

⁶⁷TRUCONNECT COR D&O at 6.

h. Consistent with 47 C.F.R. § 54.422(c), TRUCONNECT shall provide a copy of its ETC report(s) filed annually with the FCC and USAC, pursuant to 47 C.F.R. § 54.422, to 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.

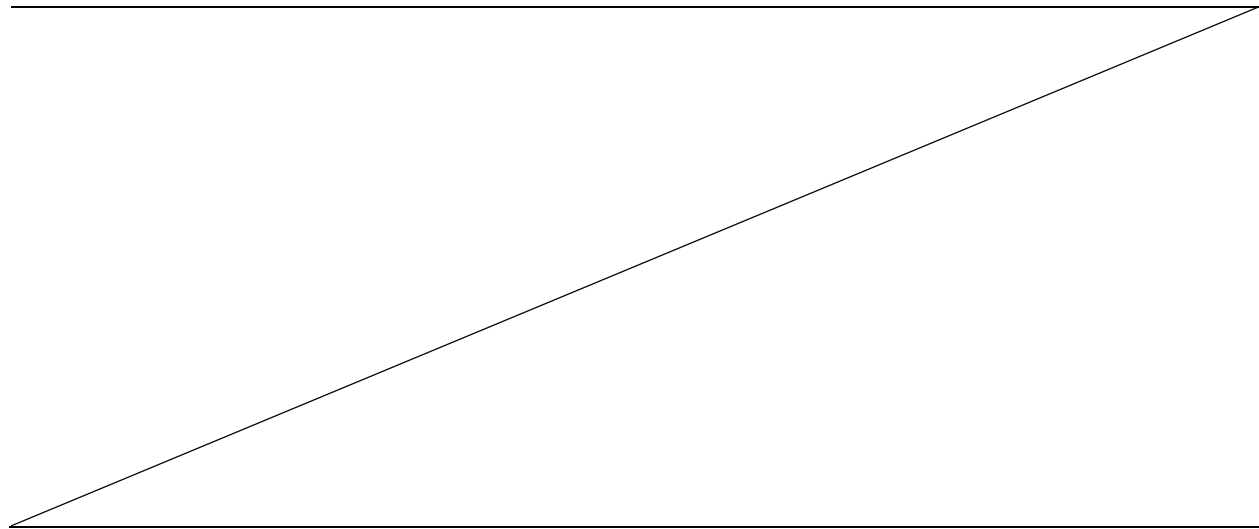
ORDERS

THE COMMISSION ORDERS:

1. TRUCONNECT's Petition for ETC designation for the sole purpose of receiving federal USF Lifeline support is approved, subject to the conditions and requirements set forth in Section II.B of this Decision and Order. TRUCONNECT is designated as a Lifeline-only ETC throughout the State (both rural and non-rural service areas).

2. The information set forth in conditions b. through d. of Section II.B, above, shall be filed with the Commission, in this docket, within thirty (30) days of the date of this Decision and Order, and a copy served on the Consumer Advocate.

3. The Commission reserves the right to revoke TRUCONNECT's ETC status: (a) should any of the essential information or data provided by TRUCONNECT in this proceeding be proven inaccurate or incorrect; (b) if TRUCONNECT'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 TRUCONNECT does not sufficiently satisfy any of the conditions or requirements imposed by the Commission; or (d) if TRUCONNECT's continued designation as an ETC is no longer in the public interest.

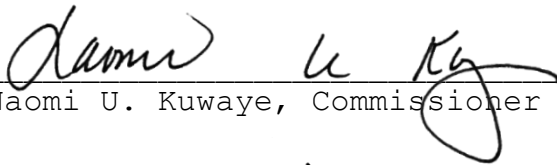


4. This docket is closed, unless ordered otherwise by the Commission, but any documents required to be filed pursuant to Ordering Paragraph 2, above, shall be filed in this docket.

DONE at Honolulu, Hawaii JUNE 21, 2024.

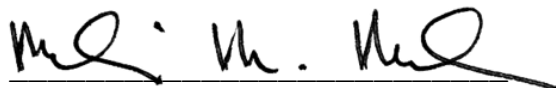
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Leodoloff R. Asuncion, Jr., Chair

By 
Naomi U. Kuwaye, Commissioner

By 
Colin A. Yost, Commissioner

APPROVED AS TO FORM:


Melissa M. Mash
Commission Counsel

2024-0067.ljk

CERTIFICATE OF SERVICE

The foregoing Order was served on the date it was uploaded to the Public Utilities Commission's Case and Document Management System and served through the Case and Document Management System's electronic Distribution List.

FILED

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PUBLIC UTILITIES

COMMISSION

F-309202

2024-0067

The foregoing document was electronically filed with the State of Hawaii Public Utilities Commission's Case and Document Management System (CDMS).

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF TRUCONNECT	)	CASE NO. TCC-T-24-01
COMMUNICATIONS, INC.’S APPLICATION)	
FOR DESIGNATION AS AN ELIGIBLE	)	ORDER NO. 36344
TELECOMMUNICATIONS CARRIER)	
)	

On March 4, 2024, TruConnect Communications, Inc. (“Company” or “TCC”) applied to the Idaho Public Utilities Commission (“Commission”) for designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Idaho. The Company requested designation as an ETC for the sole purpose of providing Lifeline services. The Company also asked that it be allowed to participate and receive reimbursement from the Idaho Telephone Service Assistance Program (“ITSAP”). On May 1, 2024, the Company submitted an addendum to the Commission Secretary stating that the Company had provided notice to the tribal authorities within the State of Idaho.

On June 20, 2024, the Commission issued a Notice of Application and set deadlines for public comments and the Company’s reply. Order No. 36227. The Company submitted supplemental materials on July 9, 2024. The Commission Staff (“Staff”) filed comments to which the Company replied.

On August 8, 2024, the Commission issued a Notice of Supplemental Comment and Reply Deadlines. Order No. 36284.

THE APPLICATION

The Company is a subsidiary of TSC Acquisition Corporation (“TSC”). The Company stated that TSC owns several other companies in the telecommunication industry.

The Company uses Verizon Wireless and T-Mobile USA, Inc. as underlying carriers and has been granted ETC designation related specifically to Lifeline services in several states. According to the Company, the Federal Communications Commission has authorized it “to participate in the Affordable Connectivity Program throughout the United States, including Idaho.” Application at 4.

The Company requested a limited designation to be authorized to provide Lifeline service to qualifying Idaho consumers across the entire State of Idaho—including those on federally recognized Tribal lands.

The Company requested its designation as an ETC include authority to participate in and receive reimbursement from ITSAP. The Company indicated it was not eligible to receive funds from the Universal Service Fund and was not seeking such designation.

The Company is a common carrier that can provide the telecommunication services listed in its Application.

The Company stated that it meets all federal and state requirements for designation as an ETC. The Company also asserted that designating it as an ETC is in the public interest.

If approved, the Company represented that it will offer telecom services (including text messaging, various services related to phone calls, and broadband access) cost-effectively thereby increasing competition and customer service options within unserved and underserved areas to eligible customers. The Company will also provide emergency services to its customers and has the capabilities necessary to operate in emergency situations.

POSITIONS OF THE PARTIES

a. Staff's Initial Comments

Staff argued that the Company's request for ETC status should be denied. Staff summarized the Company's proposed offerings and reviewed the Commission's standards for granting ETC status. Staff argued that the Company failed to meet the necessary requirements for an ETC to remain functional in an emergency and promote the public interest.

b. The Company's Reply Comments

On July 18, 2024, the Company replied, arguing that the non-compliance items referred to by Staff were not actually requirements for obtaining ETC status. Therefore, the Company argued it should not be denied ETC status for not abiding by these non-mandatory items.

c. Staff's July 30, 2024, Decision Memorandum

Staff reviewed the Company's Reply Comments and believed that adding additional documentation and analysis to the record would place the Commission in the best position to make a fully informed decision. Staff recommended a supplemental comment period at the Commission's July 30, 2024, Decision Meeting. The Commission ordered a supplemental comment and reply period accordingly. Order No. 36284.

d. The Company's Unopposed Motion to Stay Proceedings

On August 15, 2024, the Company filed an Unopposed Motion to Stay Proceedings ("Motion") asking to stay the proceeding for up to six months while the Company figured out its

goal for TCC and a parallel company—Sage Telecom Communications, LLC dba TruConnect (“Sage”). TCC and Sage are both owned by TSC.

e. Staff’s Supplemental Comments

Staff filed supplemental comments on August 16, 2024, describing its understanding that it was not the intent of TSC for TCC and Sage to both offer the same services, in the same general area, under two different ETC designations. Rather, the intent was for TCC and Sage to have different owners—or to be sufficiently distinct to justify separate ETC designations. Because the Company did not yet know exactly what path forward it might take, Staff recommended that the Commission order a stay in this case for up to six months while the Company and its related entities solidified the details of their proposed plan. Once six months has elapsed, or the Company’s path forward is clear, whichever comes first, Staff will make the appropriate recommendation to the Commission based upon the information then available.

While the Company’s position was made clear in its August 15, 2024, Motion, the Company did not reply to Staff’s comments.

COMMISSION FINDINGS AND DECISION

The Commission has authority to grant ETC designation to a telecommunications carrier under federal and state law. 47 U.S.C. § 214(e); *Idaho Code* §§ 62-610D and 62-615(1). The Commission has considered the record, including the Company’s Application and the parties’ positions.

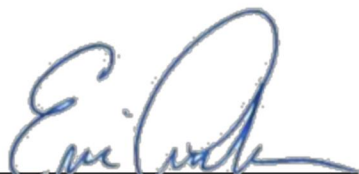
The Commission finds that the Company’s unopposed Motion and Staff’s recommendation to stay this case for up to six months is appropriate given the organizational structures presented in this case. Based upon the record, it appears that the Company’s goal may be appropriate, but the Commission is not inclined to provide ETC designation now given the uncertainty of potential outcomes for the Company and its related entities. For these reasons, the Commission encourages the Company to coordinate with Staff to submit this case for final Commission decision once the Company is confident in its proposed path forward regarding the Company’s request for ETC status. Staff shall promptly begin to process this case within six months from the issuance of this Order.

ORDER

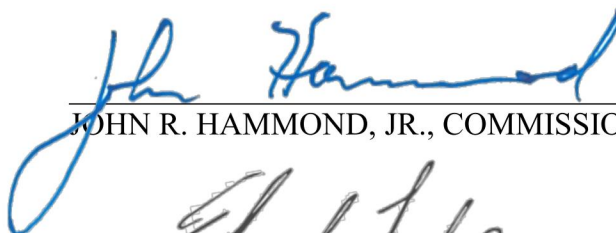
IT IS HEREBY ORDERED that this case is stayed for six months from the issuance of this order. Staff shall begin to process this case again once the stay ends or once the Company has shown Staff an acceptable path forward—whichever comes first.

THIS IS AN INTERLOCUTORY ORDER rather than a final and appealable Order of the Commission. While the Commission may review, stay, or clarify an interlocutory order, the period of reconsideration will not begin until the Final Order is issued.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 4th day of October 2024.



ERIC ANDERSON, PRESIDENT

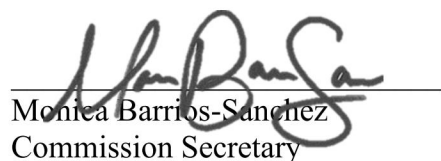


JOHN R. HAMMOND, JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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ILLINOIS COMMERCE COMMISSION

January 23, 2025

TruConnect Communications, Inc.

24-0524

Application for Designation as an Eligible
Telecommunications Carrier.

SERVED ELECTRONICALLY

NOTICE OF SERVICE

TO ALL PARTIES OF INTEREST:

I hereby certify, as Chief Clerk of the Illinois Commerce Commission, that on January 23, 2025, a copy of the Order of the Illinois Commerce Commission dated January 23, 2025, was served electronically on all parties on the service list.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Cook".

Stephanie Cook
Chief Clerk

/sc

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ORIGINAL

Commissioner	Yes	No	Not Participating
Huston	√		
Bennett	√		
Freeman	√		
Veleta	√		
Ziegner			√

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE PETITION OF)
 TRUCONNECT COMMUNICATIONS, INC.)
 FOR DESIGNATION AS AN ELIGIBLE) CAUSE NO. 41052 ETC 101
 TELECOMMUNICATIONS CARRIER IN THE)
 STATE OF INDIANA FOR THE LIMITED) APPROVED: DEC 04 2024
 PURPOSE OF PROVIDING LIFELINE)
 SERVICE TO QUALIFYING CUSTOMERS)**

ORDER OF THE COMMISSION

Presiding Officers:

Sarah E. Freeman, Commissioner

Ann S. Pagonis, Administrative Law Judge

On May 15, 2024, TruConnect Communications, Inc. (“Petitioner” or “TruConnect”) filed its initial Application (“Petition”) with the Indiana Utility Regulatory Commission (“Commission”). TruConnect seeks designation as an eligible telecommunications carrier (“ETC”) in Indiana for the limited purpose of offering Lifeline¹ service to qualified households pursuant to § 214(e)(2) of the Federal Communications Act of 1934, as amended (the “Act”) to provide wireless services supported by the Federal Universal Service Fund’s (“USF”) Lifeline program.

On July 2, 2024, Petitioner pre-filed its direct testimony and exhibits. On July 8, 2024, the Office of the Indiana Utility Consumer (“OUCC”) filed its Notice of Intent Not to File Testimony.

The Commission held an evidentiary hearing in this Cause at 1:30 p.m. on September 24, 2024, in Hearing Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Petitioner and the OUCC were present by counsel and participated. Petitioner’s evidence was admitted into the record without objection.

Based upon the applicable law and the evidence presented, the Commission finds:

1. Notice and Jurisdiction. Notice of the hearing in this Cause was given and published by the Commission as required by law. Pursuant to the Act, 47 U.S.C. § 151 et seq., and applicable Federal Communications Commission (“FCC”) Rules, 47 C.F.R. §§ 54.201 and 54.203, the Commission is authorized to designate ETCs, which enable those so designated to apply for federal universal service support under Section 254 of the Act and in accordance with the Commission’s Orders in Cause Nos. 40785, 41052, and 42067. The Commission also has jurisdiction over communications service providers pursuant to Ind. Code § 8-1-2.6-13. The Commission therefore has jurisdiction over Petitioner and the subject matter of this Cause.

¹ 47 C.F.R. § 54.101(d) mandates that ETCs, including those designated to receive high-cost support, offer Lifeline service in their designated service areas. Lifeline is a federal program through which low-income customers receive a discount on telecommunications services.

2. **Petitioner’s Characteristics.** TruConnect Communications, Inc., formerly Telscape Communications, Inc., is a Delaware corporation and a subsidiary of TSC Acquisition Corporation. It is a communications service provider that offers telecommunication services, as acknowledged by the Commission in its Certificate of Territorial Authority (“CTA”) issued to TruConnect in Cause No. 45986. Its principal office is located at 1149 S. Hill Street, Suite H-400, Los Angeles, California 90015. Petitioner has registered with the Indiana Secretary of State’s Office as a business entity and is authorized to do business in the State of Indiana under the assumed business name, TruConnect. Petitioner is also a common carrier and telecommunications carrier as defined by 47 U.S.C. § 153 of the Act.

3. **Requested Relief.** Petitioner requests ETC designation pursuant to 47 USC § 214(e)(2) of the Act, solely to provide wireless services supported by the USF Lifeline Program.

4. **Petitioner’s Evidence.** Danielle Perry, TruConnect’s Chief Compliance Officer, testified that TruConnect is a subsidiary of TSC Acquisition Corporation and has its principal offices in California. TruConnect provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of its facilities-based providers, T-Mobile USA, Inc. (“T-Mobile”) and Verizon Wireless (“Verizon”) (collectively, “Underlying Carriers”), on a wholesale basis to offer nationwide service. Ms. Perry indicated that TruConnect has been designated as an ETC in Alabama, California, Colorado, Hawaii, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Rhode Island, South Carolina, Tennessee, U.S. Virgin Islands, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.² Petitioner currently provides telecommunications service in Indiana under the “TruConnect” brand name. Ms. Perry noted that TruConnect is currently contributing to the USF on behalf of its customers.

Ms. Perry testified that TruConnect is a common carrier that offers services that are supported by the Lifeline program of the USF, including commercial mobile radio services. She addressed TruConnect’s satisfaction of the requirements for ETC designation in Indiana. Ms. Perry stated that TruConnect will provide prepaid wireless services to consumers by reselling service which it obtains from its Underlying Carriers. Ms. Perry noted that although Section 214 of the Act requires ETCs to provide services using their facilities, at least in part, the FCC has forborne from that requirement with respect to carriers such as TruConnect.³ Ms. Perry testified that in accordance with the *Lifeline and Link Up Reform and Modernization (“Lifeline Reform Order”)*, 27 FCC Rcd 6656 (2012), TruConnect filed a Compliance Plan with the FCC, which the FCC approved on December 26, 2012.⁴ She testified that TruConnect commits to providing Lifeline service in Indiana in accordance with its FCC-approved Compliance Plan, as amended, and in compliance with applicable state and federal regulations, to the extent amendments thereto may supersede commitments made in the Compliance Plan.

² Since the date the Petitioner submitted the pre-filed direct testimony of Ms. Perry, TruConnect has been designated as an ETC in Arkansas, Florida, Louisiana, Nebraska, Nevada, North Dakota, and Oklahoma.

³ *Lifeline Reform Order* at ¶¶ 368, 373, and 379.

⁴ See *Wireline Competition Bureau Approves the Compliance Plans of Airvoice Wireless, Amerimex Communications, Blue Jay Wireless, Millennium 2000, Nexus Communications, Platinumtel Communications, Sage Telecom, Telrite and Telscape Communications*, WC Docket No. 09-197, WC Docket No. 11-42, Public Notice, DA 12-2063 (Dec. 26, 2012). On April 10, 2023, TruConnect filed a letter with the FCC to advise that it had updated certain practices to reflect current Lifeline rules. A copy of the letter is included in Exhibit 1 of Petitioner’s pre-filed direct testimony.

Ms. Perry testified that, through its Underlying Carriers, TruConnect is able to provide all of the services and functionalities required by Section 54.101(a) of the FCC's Rules. She said that TruConnect provides voice grade access to the public switched telephone network through the purchase of wholesale commercial mobile radio services from its Underlying Carriers. She testified that TruConnect offers rate plans that provide its customers with minutes of use for local service at no additional charge. She said TruConnect provides access to emergency services in conformance with the FCC's requirements. TruConnect provides 911 and E-911 access for all of its customers to the extent the local government in its service area has implemented 911 or E-911 systems. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. TruConnect also complies with the FCC's regulations governing the deployment and availability of E-911 compatible handsets. While TruConnect does not offer toll limitation services, which is longer deemed a supported service pursuant to the *Lifeline Reform Order*,⁵ Ms. Perry said that TruConnect'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. TruConnect's services is not offered on a distance sensitive basis and local and domestic long-distance minutes are treated the same. She testified that TruConnect's mobile broadband internet access service provides Lifeline customers with the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service as required by 47 C.F.R. § 54.400(1).

Ms. Perry noted that TruConnect will provide service in Indiana by reselling service which it obtains from its Underlying Carriers. Both the T-Mobile and Verizon networks are operational and largely built out. Thus, TruConnect will be able to commence offering its Lifeline service to all locations served by its Underlying Carriers very soon after receiving approval from the Commission. Ms. Perry testified that TruConnect is not partnering with either of these companies, nor with any other company, in offering or providing Lifeline service in Indiana.

Ms. Perry testified that TruConnect will comply with all applicable consumer protection and service quality standards for universal service programs. As stated in 47 C.F.R. § 54.202(a)(3), a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this consumer protection and service quality requirement. Ms. Perry stated that TruConnect commits to fully complying with the CTIA Consumer Code.

Ms. Perry testified that TruConnect is financially and technically capable of providing Lifeline services throughout the State of Indiana. She noted that TruConnect's 2022 audited financial statements and 2023 unaudited financial statements, which were attached to her pre-filed direct testimony as Confidential Exhibit 5, demonstrates that TruConnect is financially stable and capable of honoring its service obligations to customers. Furthermore, TruConnect has been designated as an ETC in 31 jurisdictions. TruConnect currently provides wireless mobile services to both Lifeline and non-Lifeline customers. TruConnect is financially able to provide Lifeline service and will not rely exclusively on revenues from the USF to operate. Further, Ms. Perry stated that the proposed Lifeline offerings will be overseen by a team of personnel with substantial industry experience with the requirements of the federal Lifeline program and marketing the

⁵ *Lifeline Reform Order* at ¶¶ 49 and 367.

program to low-income Indiana consumers. TruConnect's management bios that were attached as Exhibit 7 to the Petition further demonstrate this expertise.

Ms. Perry testified that TruConnect will advertise the availability and rates for its Lifeline services using media of general distribution in a manner reasonably designed to reach those likely to qualify for Lifeline service. She indicated that TruConnect's marketing materials will state in easily understood language that: (1) the service is a Lifeline service; (2) Lifeline is a government assistance program; (3) the service may not be transferred to someone else; (4) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (5) the Lifeline program permits only one Lifeline discount per household; (6) documentation is necessary for enrollment; and (7) TruConnect is the provider of the services.

Ms. Perry testified that TruConnect has the ability to remain functional in emergency situations. Ms. Perry noted that TruConnect understands that the networks of its Underlying Carriers have access to a reasonable amount of back-up power to ensure functionality without an external power source, can reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations. She stated that the Underlying Carriers provide the same functionality to TruConnect and its customers as they provide to themselves and their own customers.

Ms. Perry further asserted in her testimony that TruConnect will not seek USF reimbursement for new subscribers until they have activated the service. TruConnect will deactivate an account upon the specified timeframe for non-usage, which is currently a period of forty-five days (thirty days of non-usage with fifteen days to cure the non-usage). She said TruConnect will provide its Lifeline customers with the ability to contact 911 emergency services regardless of activation status or availability of minutes as of the date it provides Lifeline services in Indiana. She confirmed that TruConnect will comply with the Lifeline certification and verification requirements. She testified that TruConnect has established safeguards to prevent customers from receiving multiple Lifeline services at the same address. Ms. Perry said TruConnect will comply with Section 54.410(f) of the FCC's Rules governing annual subscriber re-certification of eligibility and will coordinate with the Universal Service Administrative Company's National Verifier and the National Lifeline Accountability Database systems to manage additional de-enrollments related to Universal Service Administrative Company-administered benefit transfers and failure to re-certify. She also said that TruConnect will pay all applicable Indiana public interest fees, including the Indiana Telecommunications Relay Access Corporation ("INTRAC") fee, the Indiana Universal Service Fund surcharges established in Commission Cause No. 42144 or related subdockets, the statewide E911 fee, and the Telecommunications Public Utility Fee.

Ms. Perry testified that TruConnect's ETC designation in Indiana would serve the public interest. She stated that designating TruConnect as an ETC in Indiana will further the purpose of universal service, which is to ensure that low-income consumers have access to affordable and high-quality telecommunications services. Ms. Perry noted that due to financial constraints, poor credit history, or intermittent employment, many low-income consumers often lack the countless choices available to most consumers and thus have yet to reap the full benefits of the intensely competitive wireless market. She stated that designating TruConnect as an ETC would

significantly benefit low-income consumers eligible for Lifeline services in Indiana-the intended beneficiaries of universal service.

Ms. Perry testified that for the Lifeline program, ETCs receive support only for the customers that 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 TruConnect or an incumbent local exchange carrier operating in the same service area. The number of eligible individuals for Lifeline is the same regardless of the Petitioner's designation as an ETC. TruConnect will only increase the amount of USF for Lifeline in situations where it obtains Lifeline customers who have not already enrolled in the Lifeline program through a different ETC. Ms. Perry stated that TruConnect'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.

5. Petitioner's Response to Docket Entry Questions. On July 12, 2024, the Presiding Officers issued a Docket Entry requesting Petitioner: (1) provide legal documents regarding its agreements with Underlying Carriers; (2) provide a document in excel format and address whether its rate centers cover the entire State of Indiana; and (3) clarify whether TruConnect and Sage Telecom Communications, LLC d/b/a TruConnect are different companies with supporting documentation. Petitioner responded with the requested information on July 26, 2024. On September 9, 2024, the Presiding Officers issued a Docket Entry requesting Petitioner provide additional information about its facilities, employees, and customers to comply with General Administrative Order 2019-5 Appendix A. On September 18, 2024, Petitioner responded to the docket entry with the request information. On September 23, 2024, the Presiding Officers issued a Docket Entry requesting that Petitioner file a Notice of Change with the Commission in accordance with General Administrative Order 2019-6. Petitioner submitted the Notice of Change as requested.

6. Commission Discussion and Findings. Universal service funds are provided in four areas: (1) funds to support service to high-cost areas; (2) provision of discounted telecommunications and internet access to eligible schools and libraries (also known as the E-Rate program); (3) funds to assist low-income customers by provision of a monthly discount on telecommunications costs; and (4) provision of discounted service to rural health care providers. *Comprehensive Review of Universal Service Fund Management, Administration and Oversight*, 22 FCC Rcd 16372, 16374 (2007).

TruConnect seeks designation in Indiana for the limited purpose of offering wireless Lifeline service to low-income customers. Petitioner's Petition does not implicate the other three Universal Service Fund programs. Based on the evidence in the record and the discussion below, we find TruConnect meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules for the limited purpose of offering Lifeline service in Indiana and satisfies the public interest analysis the Commission is required to perform under *Federal-State Joint Board on Universal Service*, 20 FCC Rcd. 6371, 6389-6390 (2005) ("2005 FCC ETC Order").

Any Commission decision, ruling, or order must be supported by specific findings of fact and sufficient evidence. *United States Gypsum v. Ind. Gas Co., Inc.*, 735 N.E.2d 790, 795 (Ind. 2000) (citing *Citizens Action Coalition v. Public Service Co.*, 582 N.E.2d 330, 331 (Ind. 1991)). The Commission must determine whether the evidence in this Cause sufficiently supports designating Petitioner as an ETC in additional service areas as reasonable, just, and consistent with the purpose of Ind. Code ch. 8-1-2, and that designation serves the public interest.

A. Common Carrier Status. The first requirement for ETC designation is status as a common carrier under federal law. A common carrier is generally defined by 47 U.S.C. § 153(11) as any person engaged as a common carrier on a for-hire basis in interstate telecommunications utilizing either wire or radio technology (except for radio broadcasters). As a provider of wireless telecommunications services as recognized in CTA 45986, we find that Petitioner is a “common carrier” for purposes of obtaining ETC designation under 47 U.S.C. § 214(e)(1).

B. Required ETC Services. The evidence confirms that upon designation as an ETC in Indiana, Petitioner will provide all of the services required of an ETC in the *Lifeline Reform Order* and *Lifeline Modernization Order*.⁶ Pursuant to 47 C.F.R. 54.401(a)(2), an ETC must provide qualifying low-income consumers with voice telephony service or broadband internet access services as defined in 47 C.F.R. § 54.400 as follows:

i. Voice-Grade Access to the Public Switched Telephone Network or its Functional Equivalent. Pursuant to 47 C.F.R. § 54.101(a), eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent. No evidence was presented that TruConnect’s customers would not be able to transmit and receive calls on the public switched telephone network in accordance with the federal rules. Accordingly, we find that TruConnect satisfies this requirement.

ii. Minutes of Use for Local Service. ETCs must provide minutes of use for local service at no additional charge to end users. As the record demonstrates, Petitioner will offer users the ability to send and receive phone calls wherever Petitioner offers service. Lifeline customers will have a choice of Lifeline plans that include a set amount of voice minutes which may be used for local and/or nationwide domestic long distance phone calls. Based on the evidence, we find that Petitioner’s offerings satisfy this requirement.

iii. Access to Emergency Services. As part of a universal service offering and as required by 47 C.F.R. § 54.101(a), eligible voice telephony services must provide access to the emergency services provided by local government or other public safety organizations, such as 911 and E-911, to the extent such systems exist in an eligible carrier’s service area. TruConnect will provide access to emergency services in conformance with the FCC’s rules and comply with the FCC’s regulations governing the deployment and availability of E-911 compatible handsets. Based on the foregoing, we find that TruConnect has satisfied this requirement.

⁶ *Lifeline and Link Up Reform and Modernization, Third Report and Order, Further Report and Order, and Order on Reconsideration*, FCC 16-38 (rel. Apr. 27, 2016) (“*Lifeline Modernization Order*”).

iv. Toll Limitation for Qualifying Low-Income Consumers. Toll limitation allows customers to either block the completion of outgoing long-distance calls or specify a certain amount of toll usage to prevent them from incurring significant long-distance charges and risking disconnection. In the 2012 Lifeline Reform Order, the FCC stated that toll limitation would no longer be deemed a supported service. *See 2012 Lifeline Reform Order* (FCC 12-11) at ¶ 367. “ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.” *See 2012 Lifeline Reform Order* (FCC 12-11) at ¶ 44. Petitioner’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. Moreover, Petitioner’s service is not offered on a distance-sensitive basis and local and domestic long-distance minutes are treated the same. Accordingly, we find that Petitioner satisfies this requirement.

v. Broadband Internet Access Service. Petitioner must provide the capability to transmit data to and receive data from substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. Petitioner provides broadband internet access service; therefore, we find that Petitioner meets this requirement.

C. Lifeline Service Offering Requirements. 47 C.F.R. § 54.202(a)(5) requires common carriers seeking designation as an ETC to submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. The evidence shows that TruConnect will offer several Lifeline plans, including unlimited voice minutes, unlimited text messages, and 4.5 gigabytes of data per month available to all qualifying low-income Indiana consumers at a net cost of \$0.00 after application of Lifeline support. All plans will include voicemail, caller ID, and call waiting at no additional cost. TruConnect does not charge Lifeline customers for calls to its Customer Service Department. Calls to 911 emergency services are always free and will be completed regardless of how many voice minutes are available on the customer’s account. Additional minutes or data may be purchased by the customer. The record reflects the Petitioner’s commitment to provide Lifeline-supported services that will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408. The evidence shows that the Petitioner satisfies the Lifeline service offering requirements in 47 C.F.R. § 54.202(a).

D. Functionality in Emergency Situations. 47 C.F.R. § 54.202(a)(2) requires an ETC to provide a “[d]emonstration of the carrier’s ability to remain functional in emergency situations.” TruConnect has certified that it has the ability to remain functional in emergency situations through the capabilities of its Underlying Carriers’ established networks and facilities, which includes access to a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. The Commission is satisfied that TruConnect meets this requirement.

E. Advertising Requirements. Pursuant to 47 C.F.R. § 54.201(d)(2), a common carrier designated as an ETC eligible to receive universal support must “advertise the availability of and charges for such services using media of general distribution.” 47 C.F.R. §

54.405(b) requires a carrier to publicize “the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.” TruConnect demonstrated that it will advertise the availability of the supported services, and the corresponding rates and charges, in a manner designed to inform the general public within the designated service area. Ms. Perry testified that this advertising would occur through a combination of media of general distribution, such as distributing brochures at various state and local social service agencies, partnering with nonprofit assistance organizations, providing its retail partners (once established) with signage to be displayed and with printed materials, and conducting targeted advertising campaigns. Based on the foregoing, we find that the evidence in the record indicates that TruConnect will comply with 47 U.S.C. § 214(e)(1)(B) and all applicable advertising requirements.

F. Petitioner’s Designated ETC Service Area. The FCC’s rules define “service area” as a “geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms.” 47 C.F.R. § 54.207(a). TruConnect is authorized to provide telecommunications service throughout the State of Indiana within the network coverage areas of its Underlying Carriers. Exhibit 4 of Petitioner’s pre-filed testimony and exhibits included coverage area maps of its Underlying Carriers, T-Mobile and Verizon, and a list of incumbent local exchange carrier exchanges that fall within Petitioner’s proposed designated service area was set forth in Exhibit 3 of Petitioner’s pre-filed testimony and exhibits. Accordingly, we approve TruConnect’s proposed Lifeline-only ETC service area. The Commission notes that Lifeline-only ETCs have been referenced by other ETCs seeking to relinquish ETC obligations. The Commission emphasizes that it is essential that Petitioner respond to inquiries regarding its ability to serve customers in the event another ETC serving the same designated service area or portion thereof seeks relinquishment of its obligations as an ETC under Section 214(e)(3) of the Act or in the event no common carrier will serve a community pursuant to Section 214(e)(3) of the Act.

G. Facilities-Ownership. In general, Section 214 of the Act requires ETCs to provide services using their facilities, at least in part. However, the FCC has forborne from that requirement with respect to carriers such as TruConnect that are seeking to be designated as a Lifeline-only ETC.⁷ In accordance with the *Lifeline Reform Order*, TruConnect filed a Compliance Plan with the FCC, which the FCC approved on December 26, 2012.⁸ The record indicates that TruConnect will provide prepaid wireless services to consumers by reselling service which it obtains from Verizon and T-Mobile. However, TruConnect is not partnering with either of those companies, nor with any other company in offering or providing supported services in Indiana.⁹ This will allow TruConnect to immediately introduce new Lifeline options for Indiana consumers as soon as the Commission approves this Petition. TruConnect will provide service on a resale basis on the networks of Verizon and/or T-Mobile. TruConnect demonstrated in Attachment 1 of its Response to the First Set of Data Requests from the Commission, filed in this Cause on July 26, 2024, that it has agreements in place with Verizon and T-Mobile in Indiana that will enable

⁷ See *Lifeline Reform Order* at ¶¶ 368, 373, and 379.

⁸ See *Wireline Competition Bureau Approves the Compliance Plans of Airvoice Wireless, Amerimex Communications, Blue Jay Wireless, Millennium 2000, Nexus Communications, Platinumtel Communications, Sage Telecom, Telrite and Telscape Communications*, WC Docket No. 09-197, WC Docket No. 11-42, Public Notice, DA 12-2063 (Dec. 26, 2012). On April 10, 2023, TruConnect filed a letter with the FCC to advise that it had updated certain practices to reflect current Lifeline rules. A copy of the letter is included in Exhibit 1 of Petitioner’s pre-filed direct testimony.

⁹ See ETC Filing Guidelines, § 2.

TruConnect to provide supported services throughout its proposed designated service area. Accordingly, pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.101(b), Petitioner will offer TruConnect-branded services that are designated for federal universal support through the resale of another carrier's services.¹⁰

H. Public Interest Considerations. As noted above and in accordance with 47 C.F.R. § 54.202(b), the designation of TruConnect as an ETC requires a public interest analysis. *See also 2005 FCC ETC Order* at 6389-6390. In the absence of statutory strictures for evaluating the public interest, the FCC has recommended that ETC designations be analyzed “in a manner that is consistent with the purposes of the Act itself, including the fundamental goals of preserving and advancing universal service; ensuring the availability of quality telecommunication services at just, reasonable, and affordable rates; and promoting the deployment of advanced telecommunications and information services to all regions of the nation, including rural and high-cost areas.” *2005 FCC ETC Order*, at 6388.

i. Use of Lifeline Funding. The record indicates that TruConnect will use funds from the federal Lifeline program to provide supported services to Lifeline customers. TruConnect has met its burden of proof for the Lifeline program. We find that the Petitioner's plans are consistent with current FCC regulations on the use of such funds.

ii. Impact on the Federal Universal Service Fund. We have previously recognized that the FCC has undertaken various steps to address the growth in high-cost universal service support disbursements. *See, e.g., Perry-Spencer Communications, Inc.*, Cause No. 41052-ETC-53, 2008 Ind. PUC LEXIS 510, at *33 (IURC July 24, 2008). Notably, however, TruConnect is not seeking access to funding from the federal USF to provide service to high-cost areas. Lifeline support is provided on a customer-specific basis, and only after a carrier has acquired and begun to serve an eligible customer does the carrier receive Lifeline support for that customer. By tying support to actual service of a customer, the Lifeline program ensures that the low-income USF support is only paid to the carrier actually serving a given customer. However, we also recognize that costs for the low-income portion of the USF are increasing. While it is in the public interest that Lifeline eligible customers get connected to affordable telecommunications service, preventing misuse of the Lifeline program is necessary to control unproductive growth of the fund and increased USF surcharges for all Indiana telecommunications customers.

iii. Consumer Protection. One of the requirements established by the *2005 FCC ETC Order* was that, regardless of certification date, all ETCs must submit to the FCC, on an annual basis, certification that the ETC is complying with applicable service quality standards and consumer protection rules. 47 C.F.R. § 54.202(a)(3). Ms. Perry stated that TruConnect abides by the *CTIA Consumer Code* and commits to complying with the applicable consumer protection requirements. We therefore find that Petitioner meets the applicable consumer protection requirements.

iv. Creamskimming. “Creamskimming” is a practice by which a communications service provider attempts to provide service only to low-cost customers while disregarding less profitable customers. The FCC identified creamskimming as an appropriate

¹⁰ *See* ETC Filing Guidelines, § 8.

factor to consider in “areas where an ETC applicant seeks designation below the study level of a rural company.” See 47 C.F.R. § 54.202(c). On April 15, 2013, the FCC released an Order granting forbearance from the requirement in 47 U.S.C. § 214(e)(5) and 47 U.S.C. § 54.207(b) that the service area of an ETC conform to the service area of rural local exchange carriers serving the same area. *Telecommunications Carriers Eligible for Support*, 28 FCC Rcd. 4859 (2012) (“*FCC Forbearance Order*”). The *FCC Forbearance Order* applies to telecommunication carriers that seek limited designation as an ETC to participate only in the Lifeline program. *Id.* at 1-2. Thus, a creamskimming analysis is not necessary for this Petition.

v. *Increased Customer Choice*. TruConnect’s Lifeline service offerings will bring increased competitive choice to Lifeline eligible customers in Indiana and may reach a particular segment of Lifeline eligible customers that have not yet been reached. Based on the record, we find that TruConnect’s designation as a Lifeline-only ETC will increase the level of customer choice and may promote competition by expanding the availability of wireless services to qualifying income-eligible Indiana customers, leading to lower prices.

vi. *Affordable Rates*. We must also consider whether designation as an ETC will “ensur[e] the availability of quality telecommunications services at just, reasonable, and affordable rates[.]” *2005 FCC ETC Order* at 6388. TruConnect presented evidence that its Lifeline offering is free to eligible retail customers after application of Lifeline support and includes unlimited voice minutes, unlimited text messages, and 4.5 gigabytes of data per month. TruConnect also presented evidence that customers residing on Tribal lands can receive unlimited voice minutes and text messages and 10 gigabytes of data per month at a net cost of \$0.00 after application of Lifeline Tribal support. TruConnect’s Lifeline offering also includes calling features including voicemail, caller ID, and call waiting at no additional cost. TruConnect also allows customers to purchase additional minutes or data as needed. Accordingly, we find that the Petitioner intends to offer quality telecommunications services, including voice telephony, at just, reasonable, and affordable rates.

vii. *Advantages and Disadvantages of the Offering*. The record reflects that TruConnect’s Lifeline service offering will expand available, accessible service options for additional Lifeline-eligible Indiana households. Petitioner’s proposed offering will also advance the Act’s principal goals of securing lower prices, higher quality services for consumers, and expanding access to wireless mobile telecommunications services. Accordingly, we find that TruConnect has satisfied this criterion of our public interest inquiry.

viii. *Commitment to Provide Service upon Reasonable Request*. TruConnect provided evidence that, to the extent it does not currently have wireless coverage within a portion of its proposed ETC service area, it will consider requests for service, consistent with its universal service obligations. Further, over time, TruConnect will expand its coverage to serve consumers throughout its ETC service area. We find that TruConnect’s commitments satisfy the requirements of 47 C.F.R. § 54.405(a). Accordingly, we find that TruConnect has demonstrated its willingness and ability to provide service throughout its requested service area.

ix. *Additional Public Interest Analysis*. ETC designation confers both benefits and burdens upon the petitioning communications service provider. Because the designation gives the provider the right to apply for federal universal service funds, it is essential

that the provider comply with its obligations to contribute to public interest funds and not have a competitive advantage over other Indiana telecommunications carriers by avoiding such obligations. We find that it would not be competitively neutral to designate an ETC permitting it to collect public funds, yet not contribute its fair share to public interest funds from which its network and its customers benefit. TruConnect has testified to its willingness to comply with Indiana laws and policies regarding public interest funds for which the Commission has administrative oversight, including the public utility fee pursuant to Indiana Code § 8-1-6; the INTRAC fee pursuant to Indiana Code § 8-1-2.8; and the Indiana Universal Service Fund surcharges pursuant to Commission Cause No. 42144. Based on the foregoing public interest analysis, we conclude that designating TruConnect as an ETC will promote the public interest and further the goals of the Act.

x. *Determination of Financial and Technical Ability.* In the *Lifeline Reform Order*, the FCC concluded that a common carrier seeking to be designated as a Lifeline-only ETC must demonstrate its technical and financial capacity to provide the supported service. The FCC provided that relevant considerations for such a showing include whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state. The FCC added these criteria to compel a more rigorous review of companies prior to designating them as eligible to receive reimbursement from the federal USF. In addition to the *Lifeline Reform Order*, the FCC adopted a new rule found in 47 C.F.R. 54.201(h) which states:

A state commission shall not designate a common carrier as an eligible telecommunications carrier for purposes of receiving support only under subpart E [Lifeline] of this part unless the carrier seeking such designation has demonstrated that it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E of this part.

Petitioner provided testimony that TruConnect is financially and technically capable of providing Lifeline services. Ms. Perry noted that TruConnect's financial records, including its 2022 audited financial statements and 2023 unaudited financial statements, demonstrates that TruConnect is financially stable and capable of honoring its service obligations to customers. TruConnect has been designated as an ETC in 31 jurisdictions. TruConnect was organized in the State of Delaware in June 2001 and currently provides service to both Lifeline and non-Lifeline customers. TruConnect is financially able to provide Lifeline service and will not rely exclusively on the USF to operate. Based on the evidence in the record, TruConnect has made a sufficient showing of financial and technical ability to provide Lifeline services.

7. **Regulatory Oversight.** This Commission has recognized certain specific regulatory requirements that competitive wireless ETC applicants must satisfy in order to secure and maintain their ETC status in Indiana. *See e.g., Nextel*, Cause No 41052 ETC 43, 2004 Ind. PUC LEXIS 87 (IURC March 17, 2004). Such regulatory requirements stem from the FCC's mandate that state commissions certify that federal USF support is being used "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended," consistent with 47 U.S.C. § 254(e). Absent such a certification, carriers will not receive such

support. In order for this Commission to satisfy its ETC certification requirements to the FCC, it requires ETC applicants to file a tariff with the Commission. *See Commission Investigation of Universal Service Reform*, Cause No. 40785, 1997 Ind. PUC LEXIS 354 (IURC November 15, 1997). Accordingly, we find that Petitioner's terms and conditions of service should be incorporated into its Lifeline tariff for Indiana and filed with the Commission's Communications Division for review prior to Petitioner making its universal service offering available to eligible consumers in Indiana.

We further find that beginning in 2025, Petitioner will be required to provide the Commission a copy of its annual certifications and Lifeline recertification results pursuant to 47 C.F.R. § 54.416 (i.e. FCC Form 555), as well as a copy of its annual report filed pursuant to 47 C.F.R. § 54.422 (i.e. FCC Form 481).

8. Prospective ETC Reporting Requirements. Finally, we find that TruConnect shall be required to meet the prospective reporting requirements consistent with the federal rules in 47 C.F.R. § 54.422 which include reporting: (1) the ETCs holding company and operating names, any affiliate relationships, and branding as well as universal service identifiers; (2) information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan; (3) detailed information on any outage in the prior calendar year; (4) number of complaints per 1000 handsets; (5) certification of compliance with applicable service quality standards; and (6) certification that the carrier is able to function in emergency situations.

TruConnect's compliance filings shall be filed under this Cause at the same time it files its annual report pursuant to 47 C.F.R. § 54.422, unless otherwise directed by the Commission.

9. Conditions on TruConnect's Designation as an ETC. In accordance with the Commission's findings above, TruConnect shall be subject to the following conditions:

- (a) Approval shall be subject to Petitioner filing under this Cause, within 60 days of this Order, a detailed service area map in a zipped shapefile or geodatabase format. If submitting a shapefile poses a hardship, Petitioner may file a motion explaining the hardship and proposing an alternative.
- (b) Consistent with 47 C.F.R. § 54.407(c)(1), Petitioner will only receive universal service support once a subscriber activates service. Petitioner will deactivate an account in accordance with federal regulations regarding non-usage under 47 C.F.R. § 54.405(e)(3). This de-enrollment information must be reported by month and must be submitted to the Commission at the time an ETC submits its annual certification report pursuant to 47 C.F.R. § 54.416.
- (c) Prior to providing Lifeline service in Indiana, Petitioner shall file an informational tariff and notify the Commission of changes in its terms, conditions, or free minute allocations in the form of a new tariff.

- (d) Petitioner shall provide its Lifeline customers with 911 and E-911 access regardless of activation status and availability of prepaid minutes as of the date it provides Lifeline services in Indiana. Petitioner shall offer for purchase its Lifeline customers with E-911 compliant handsets.
- (e) Petitioner shall establish safeguards and comply with 47 C.F.R. § 54.405 to prevent its customers from receiving multiple Lifeline subsidies at the same address. Petitioner will abide by the FCC's *Lifeline Reform Order* by explaining to prospective customers in plain, easily comprehensible language that they are not permitted to receive more than one Lifeline subsidy.
- (f) Petitioner shall pay all fees applicable to telecommunications carriers, such as the public utility fee, pursuant to Ind. Code § 8-1-6; the INTRAC fee pursuant to Ind. Code § 8-1-2.8; the Indiana USF fee, to the extent applicable, pursuant to the Commission's Order in Cause No. 42144; the statewide E911 fee, pursuant to Indiana Code § § 36-8-16.6 and 36-8-16.7; and any other applicable fees.
- (g) If another ETC serving Petitioner's service area relinquishes its ETC designation pursuant to Section 214(e)(4) of the Act, or if no common carrier will provide the services that are supported by federal universal service support mechanisms pursuant to Section 214(e)(4) of the Act, the Commission is required to ensure that all customers will continue to be served. Petitioner shall respond to Commission inquiries in a case involving its service area, or portions thereof, in the event that such a situation occurs.
- (h) Petitioner shall publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service and comply with safeguards to prevent its customers from receiving multiple Lifetime subsidies at the same address as required by 47 C.F.R. § 54.405.
- (i) If Petitioner wants to add or delete census blocks from its approved ETC designated service area, Petitioner shall file a petition requested an amendment to its service area under a subdocket to this Cause.

10. Confidentiality. On May 22, 2024, TruConnect filed its Motion for Protection of Confidential and Proprietary Information with a supporting affidavit asserting that certain information to be submitted to the Commission in support of its Petition contained trade secrets as defined in Indiana Code § 24-2-3-2 and should be treated as confidential in accordance with Indiana Code §§ 5-14-3-4 and 8-1-2-29. A Docket Entry was issued on May 30, 2024, wherein the Presiding Officers determined that the information identified in such Motion should be treated as confidential on a preliminary basis, after which the information was submitted to the Commission under seal. After review of the information and consideration of the supporting affidavit, we find that the information is trade secret information as defined in Indiana Code §§ 5-14-3-4 and 8-1-2-

29 and shall be held confidential and protected from public access and disclosure by the Commission.

11. Conclusion. We therefore find, based on the evidence presented, that TruConnect has met all of the ETC eligibility requirements, and that the public interest supports granting ETC status to TruConnect in its proposed designated service area for the limited purpose of participation in the Lifeline program. As an ETC in Indiana, Petitioner must comply with the prospective reporting requirements and conditions set forth in this Order. The Commission has the statutory authority to investigate, as it deems necessary, Petitioner's compliance with this Order and eligibility for ETC designation in Indiana.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Petitioner's petition for designation as an Eligible Telecommunications Carrier for the limited purpose of offering Lifeline service to qualifying households, for the service area identified in TruConnect's evidence, is granted.

2. Petitioner's request for authority to apply for or receive universal service funds from the Lifeline program pursuant to 47 U.S.C. § 254 is granted, subject to Petitioner's compliance with the terms, conditions, and reporting requirements of this Order and applicable laws.

3. Petitioner shall provide a detailed service area map in a zipped shapefile or geodatabase format. If neither of those formats are available to Petitioner, Petitioner may seek specific approval from the Commission's Communications Division to file the map in an alternative format.

4. Petitioner shall comply with the Reporting Requirements and the Conditions set forth above in Finding No. 9 with respect to Petitioner's designation as an ETC.

5. Petitioner's terms and conditions of service should be incorporated into its Lifeline tariff for Indiana and filed with the Commission's Communications Division for review prior to Petitioner making its universal service offering available to eligible consumers in Indiana.

6. The information submitted under seal in this Cause pursuant to Petitioner's request for confidential treatment is determined to be confidential trade secret information as defined in Indiana Code § 24-2-3-2 and shall continue to be held as confidential and exempt from public access and disclosure by the Commission pursuant to Indiana Code §§ 5-14-3-4 and 8-1-2-29.

7. This Order shall be effective on and after the date of its approval.

HUSTON, BENNETT, FREEMAN, AND VELETA CONCUR; ZIEGNER ABSENT:

APPROVED: DEC 04 2024

**I hereby certify that the above is a true
and correct copy of the Order as approved.**

**Dana Kosco
Secretary of the Commission**

IOWA UTILITIES BOARD

IN RE: TRUCONNECT COMMUNICATIONS, INC.	DOCKET NO. ETA-2024-0002
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ORDER DESIGNATING ELIGIBLE TELECOMMUNICATIONS CARRIER AND GRANTING WAIVER

PROCEDURAL BACKGROUND

On February 28, 2024, TruConnect Communications, Inc. (TruConnect), filed an application for designation as an eligible telecommunications carrier (Application) with the Utilities Board (Board), identified as Docket No. ETA-2024-0002. The Application requests designation as an eligible telecommunications carrier (ETC) for the limited purpose of receiving support from the federal Universal Service Fund (USF) for the provision of wireless Lifeline services to qualifying low-income lowans in a geographic service area set by the Board. TruConnect filed its Application pursuant to provisions of federal law at 47 U.S.C. § 214(e), the rules of the Federal Communications Commission (FCC) at 47 CFR §§ 54.101 through 54.207, and the Board's rules at 199 Iowa Administrative Code (IAC) 39.3 and 39.4. In its Application, TruConnect requested an exemption from the requirement set forth in 199 IAC 39.3(2)(g), which requires applicants for ETC designation to file coverage area maps and maps that depict signal strength. However, TruConnect's request for exemption of 199 IAC 39.3(2)(g) was not filed in accordance with the Board's rules for requests for waiver at 199 IAC 1.3.

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On March 14, 2024, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a response stating that it has no objections to TruConnect's application. In its response, OCA attached TruConnect's responses to three data requests sent by OCA. The requests concerned TruConnect's corporate structure and financial capabilities. TruConnect provided some of the information to OCA under a claim of confidentiality; therefore, such information was omitted from OCA's response. On March 20, 2024, OCA filed a supplemental response providing the alleged confidential documents obtained from TruConnect. OCA requested that the Board keep the information confidential for 10 days to allow affected parties the opportunity to seek and obtain a protective order from the Board pursuant to 199 IAC 1.9.

On March 29, 2024, the Board filed a review letter addressing deficiencies in TruConnect's application. Staff requested TruConnect provide evidence demonstrating it has entered into agreements with T-Mobile USA, Inc., and Verizon Wireless (collectively, Underlying Carriers) pursuant to 199 IAC 39.3(2)(e). Staff informed TruConnect that in order for the Board to consider TruConnect's request for exemption from 199 IAC 39.3(2)(g), it would need to file a request for waiver of the rule pursuant to 199 IAC 1.3. Additionally, Staff requested clarification from TruConnect regarding the nature of its affiliation with Sage Telecom Communications, LLC d/b/a TruConnect (Sage), as well as an explanation as to how TruConnect intends to distinguish itself from Sage in its marketing and branding to customers. In its Application, TruConnect mentions that it already successfully provides wireless services nationwide "in

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combination with its affiliate Sage d/b/a TruConnect.” Sage is currently an active ETC in Iowa and advertises under the name “TruConnect.”

On April 29, 2024, TruConnect filed an amendment to its Application, a response to Staff’s review letter, and a request for waiver of the requirement to provide signal strength maps under 199 IAC 39.3(2)(g). TruConnect filed its waiver request pursuant to 199 IAC 1.3, as requested by Staff. The amendment concerned Exhibit 3 of TruConnect’s Application, which originally depicted its current coverage footprint in Iowa by ZIP code. The amendment supplemented the ZIP codes with wireless coverage maps of TruConnect’s Underlying Carriers, pursuant to 199 IAC 39.3(2)(g).

In its response, TruConnect provided documentation evidencing its agreements with its Underlying Carriers and clarification regarding its relationship with Sage. TruConnect states that both TruConnect and Sage are owned by TSC Acquisition Corporation (TSC). In the past, TSC has directed Sage and TruConnect to pursue ETC designation in different states; however, TSC has recently decided to transition its Lifeline operations to TruConnect exclusively. Per FCC guidance,¹ the first step of this process is for TruConnect to pursue ETC designation in states where TruConnect is not currently designated as an ETC. TruConnect further clarified that all new Iowa customers will be enrolled in the Lifeline program through TruConnect, and that current Lifeline customers in Iowa will continue to receive Lifeline service from Sage (doing business as TruConnect). TruConnect stated that there will not be separate marketing

¹ TruConnect states in its response that it has consulted with FCC staff about its plan and received guidance on how best to proceed.

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or branding efforts between the two providers, and that customers of both providers understand that they are receiving “TruConnect” service.

Upon receipt of these responsive filings, TruConnect’s Application is deemed complete and therefore ready for consideration by the Board. No objections to the Application or request for waiver have been filed.

LEGAL STANDARDS

A carrier applying for ETC designation that is limited to Lifeline service must comply with certain 911 requirements, and demonstrate to the state commission that it is financially and technically capable of providing service. Additionally, carriers that act exclusively as resellers must submit a compliance plan to the FCC for approval. The compliance plan must provide specific information regarding the carrier’s service offerings and outline the measures that the carrier will take to implement the requirements of the Lifeline Reform Order.² Following the Lifeline Reform Order, state commissions must now wait for the FCC to approve a carrier’s compliance plan before designating the carrier as an ETC.

Federal law establishes requirements in 47 U.S.C. § 214(e) for common carriers to satisfy in order to receive federal universal service support, and 47 U.S.C. § 214(e)(2) places the duty to designate carriers on state commissions. Iowa Code § 476.95B provides: “The board may exercise any powers reserved or delegated to the state by the federal Telecommunications Act of 1996 [Act] or any other federal law, rule, or order

² 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”).

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thereunder, and may hear and resolve any dispute arising thereunder . . .” The Board’s subrule at 199 IAC 39.3(1) implements that authority, stating in part:

A telecommunications carrier must be designated as an ETC to qualify for support from the federal universal service fund. The Iowa utilities board reviews applications for designation as an ETC for compliance with 47 U.S.C. § 214(e)(1) and grants ETC designations to qualified applicants for a service area designated by the board.

The Board’s subrule at 199 IAC 39.3(2) details the application requirements for a request concerning a new or amended ETC designation. Where an applicant is seeking designation only for purposes of receiving support from the Lifeline program, the Board’s rules at 199 IAC 39.4 detail several additional requirements that must be addressed in the application, such as demonstrating the applicant’s financial and technical capability to provide supported services, and providing an approved FCC compliance plan if applicable.

COMPANY BACKGROUND AND ETC APPLICATION

TruConnect established a company contact profile with the Board on January 14, 2024, as a provider of wireless telecommunications service. TruConnect states that it is a Delaware corporation with its principal office located in Los Angeles, California. TruConnect states it is a subsidiary of TSC, which also owns Sage. TruConnect states that it provides prepaid wireless telecommunications services to customers using the wireless networks of its facilities-based Underlying Carriers on a wholesale basis nationwide. TruConnect states it is currently designated and operating as a wireless ETC in California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, and the U.S. Virgin Islands. TruConnect also notes it is authorized by the FCC

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and USAC to participate in the Affordable Connectivity Program (ACP) throughout the United States, including Iowa.

DISCUSSION

Upon receipt of a substantially complete application, the Board evaluates whether the information submitted in the docket demonstrates the carrier's capability to successfully assume the regulatory responsibilities of an ETC. The ETC designation is intended to signal that a carrier can carry out the supported services, manage the additional regulatory responsibilities in place to safeguard consumers and public funds, and achieve the policy goals intended. Given the omissions in the Application at the time of filing on February 28, 2024, the Board was not in a position to render a decision on the Application until the Application was made complete by TruConnect on April 29, 2024.

TruConnect provided the information required in 199 IAC 39.3(2)(b) and demonstrates that it possesses the financial and technical capabilities to provide Lifeline services. TruConnect has been offering telecommunications services since 1998, began providing non-Lifeline wireless service in October 2012, and has been offering Lifeline-supported wireless service since May 2013. TruConnect has not been subject to ETC revocation proceedings, nor has it filed for bankruptcy protection. TruConnect is supported by the resources of its parent company, TSC. TruConnect does not currently, and does not intend to in the future, solely offer Lifeline-supported services, and is therefore not dependent exclusively on the Lifeline program for revenue. TruConnect provided management bios for its key senior management members, evidencing the high level of technical and managerial expertise present at the

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company. As a reseller of wireless service, TruConnect will also rely upon the managerial and technical expertise of its Underlying Carriers.

Because TruConnect plans to resell the wireless services of its Underlying Carriers, TruConnect was required to submit an FCC-approved compliance plan pursuant to 199 IAC 39.3(2)(e) and 39.4. TruConnect states that its compliance plan was first approved by the FCC on December 26, 2012.³ TruConnect commits to providing Lifeline service in accordance with its FCC-approved Compliance Plan.

The Board is satisfied that TruConnect is cognizant of the regulatory requirements for a Lifeline-only ETC, is familiar with the enforcement options available to state and federal regulators for non-compliance, and is aware of the heightened scrutiny that may be imposed on carriers that fail to uphold the standards set forth for ETCs. The Board finds that, as an established carrier in Iowa seeking to meet an underserved population, TruConnect has substantially complied with the Board's rules governing designation of Lifeline-only ETCs. The Board will designate TruConnect as an ETC for the limited purpose of providing Lifeline service in a geographic service area as later described in this order, subject to complaint or investigation.

At the time of this order, TruConnect has not requested confidential treatment from the Board regarding the alleged confidential information filed by OCA in the docket on March 20, 2024, which was provided to OCA by TruConnect under a claim of confidentiality. If TruConnect would like for that information to receive confidential

³ At the time of approval, TruConnect operated under the name Telscape Communications, Inc. Therefore, the approved compliance plan provided by TruConnect lists Telscape Communications, Inc. as the approved carrier. In its Application, TruConnect included a letter sent in April 2023 to the FCC advising the agency of the name change, which took place in September 2015.

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treatment, then it must file a request in the docket to withhold the information from public inspection pursuant to 199 IAC 1.9 within 30 days of the issuance of this order. Otherwise, the material will be made publicly available on the Board's electronic filing system.

GEOGRAPHIC SERVICE AREA

TruConnect requests to provide service across the entire geographic boundary of the state of Iowa, subject to the coverage limits of its Underlying Carriers. For purposes of identifying the geographic service area desired for ETC designation, TruConnect provided a list of locations by ZIP code as Exhibit 3 to the Application, which represents the current coverage area in Iowa of its Underlying Carriers. TruConnect later supplemented its Exhibit 3 on April 29, 2024, by providing maps depicting the current coverage area of its Underlying Carriers in Iowa. Accordingly, TruConnect will be designated to offer Lifeline-only service to the coverage area in Iowa of its Underlying Carriers as described in Exhibit 3 to its Application as filed on February 28, 2024, and as amended on April 29, 2024.

REQUEST FOR WAIVER

TruConnect requests a waiver of the requirement in Board rule 199 IAC 39.3(2)(g) to file maps depicting signal strength of its Underlying Carriers. The request was filed pursuant to Board rule 199 IAC 1.3. According to TruConnect, it does not have access to the signal strength maps belonging to its Underlying Carriers. TruConnect contends the requirement imposes an undue hardship because the

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Underlying Carriers would not release the maps, which contain proprietary information, without significant negotiation, time, and expenses for TruConnect to obtain the maps.

TruConnect states the waiver would not prejudice the substantial legal rights of any person and that the signal strength requirement in 199 IAC 39.3(2)(g) is not mandated by statute or other provision of law. Lastly, TruConnect states that substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rules for which a waiver is requested.

TruConnect contends that the list of ZIP codes and the coverage maps provided in its amended Application provide a sufficient description of TruConnect's Lifeline service area.

Pursuant to 199 IAC 1.3, the Board may grant waiver of Board rules if it finds, based on clear and convincing evidence, that:

1. The application of the rule would pose an undue hardship on the person for whom the waiver is requested;
 2. The waiver would not prejudice the substantial legal rights of any person;
 3. The provisions of the rule subject to a petition for waiver are not specifically mandated by statute or another provision of law; and
 4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which waiver is requested.
- Additionally, there have been no objections to Infiniti's request for waiver.

Based on the assertions by TruConnect, the Board finds it would cause undue hardship to require the company to provide maps showing the wireless signal strength of its Underlying Carriers because of the time and resources required to obtain the

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maps. The Board finds that the second criterion of 199 IAC 1.3 has been satisfied insofar as no person's legal rights will be substantially prejudiced by waiving the requirement. The third requirement of 199 IAC 1.3 has also been satisfied because the requirement for signal strength maps is not specifically mandated by statute or other provision of law. Finally, the Board also finds that the fourth criteria of 199 IAC 1.3 has been satisfied as substantially equal protection of public health, safety, and welfare will still be afforded. TruConnect has provided a sufficient description of the areas in Iowa where it intends to provide service as a Life-line only ETC.

Because TruConnect has satisfied the criteria in 199 IAC 1.3, the Board will grant the request for a waiver of the requirement to file maps depicting signal strength in rule 199 IAC 39.3(2)(g).

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The application for Designation as an Eligible Telecommunications Carrier filed by TruConnect Communications, Inc., on February 28, 2024, as amended, is granted, subject to complaint or investigation.

2. The designated service area in which TruConnect Communications, Inc., will provide Lifeline service shall be the entire geographic boundary of the state of Iowa subject to coverage limits of its underlying carriers as described in Exhibit 3 to its application filed on February 28, 2024, and amended on April 29, 2024.

3. The request for waiver of the Utilities Board's rule at 199 Iowa Administrative Code 39.3(2)(g) as it relates to signal strength maps, filed by TruConnect Communications, Inc., on April 29, 2024, is granted.

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4. TruConnect Communications, Inc., shall provide copies of this order to the Universal Service Administrative Company and the Federal Communications Commission.

UTILITIES BOARD

Erik M. Helland 2024.06.25
14:56:42 -05'00'

Joshua Byrnes Date: 2024.06.25
08:00:38 -05'00'

ATTEST:

Keetah A Horras Date: 2024.06.25
15:05:18 -05'00'

Sarah Martz Date: 2024.06.24
16:30:05 -05'00'

Dated at Des Moines, Iowa, this 25th day of June, 2023.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TRUCONNECT	)	CASE NO.
COMMUNICATIONS, INC. FOR DESIGNATION AS	)	2024-00043
AN ELIGIBLE TELECOMMUNICATIONS CARRIER)	

ORDER

On March 4, 2024, TruConnect Communications, Inc. (TruConnect), a wireless provider, filed an application under 47 U.S.C. § 214(e)(2) seeking designation as an Eligible Telecommunications Carrier (ETC). TruConnect is a Delaware corporation with its principal office located in Los Angeles, California, and also a subsidiary of TSC Acquisition Corporation (TSC).¹ TSC's other subsidiaries include, TruConnect Mobile, LLC, which sells mobile hotspot devices with low-cost data plans, and TruConnect Technologies, LLC, a mobile data analytics company.² TruConnect is currently designated and operating as a wireless ETC in several states and is authorized by the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) to participate in the Affordable Connectivity Program (ACP).³ TruConnect seeks ETC designation for the limited purpose of participation in the Lifeline program to provide Lifeline-only service to qualifying Kentucky customers.⁴

¹ Application at 3.

² Application at 3.

³ Application at 3.

⁴ Application at 1.

The application states that (1) TruConnect meets all the requirements for designation as a Lifeline-only ETC to serve the designated areas in the state of Kentucky;⁵ (2) TruConnect requests designation in the underlying carriers' licensed service areas in Kentucky;⁶ (3) in accordance with 47 U.S.C. § 214(e)(2), TruConnect seeks to be designated as an ETC to serve low-income Kentucky customers and provide new underserved customers the opportunity to benefit from Lifeline programs;⁷ (4) designation of TruConnect as an ETC for the designated service areas in Kentucky will serve the public interest.⁸ The Commission requires that Kentucky Universal Service support and the Kentucky Telecommunications Relay Service and Telecommunications Access Program support, be collected from each customer. TruConnect has stated in its application that it will pay all applicable federal, state, and local regulatory fees, including universal service and 911/E911 fees.⁹

DISCUSSION

Pursuant to 47 U.S.C. § 254(e), “only an eligible telecommunications carrier designated under 47 U.S.C. § 214(e) shall be eligible to receive specific federal universal service support.” Pursuant to 47 U.S.C. § 214(e)(1)(A) and (B), a common carrier designated as an ETC must offer the services supported by the federal universal service support mechanisms, using either its own facilities or a combination of its own facilities and resale of another carrier’s services throughout its designated service area, and it

⁵ Application at 7–8.

⁶ Application at 10 and Exhibit 3.

⁷ Application at 1.

⁸ Application at 18–21.

⁹ Application at 18.

must advertise the availability and charges for those services. Pursuant to 47 U.S.C. § 214(e)(2), state commissions bear the primary responsibility for performing ETC designations. Under the same section, the Commission may, with respect to an area served by a rural telephone company, and shall, in all other cases, designate more than one common carrier as an ETC for a designated service area, consistent with the public interest, convenience, and necessity, if the requesting carrier meets the requirements of 47 U.S.C. § 214(e) (1). Also, before designating an additional ETC for an area served by a rural telephone company, the Commission must determine that the designation is in the public interest.

Requirements for ETC Designation by the Federal Communications Commission

In 1997, the FCC issued a Public Notice setting forth the procedures a carrier must use when requesting designation as an ETC from the FCC.¹⁰ The Commission likewise collects similar information pursuant to that notice. A carrier seeking ETC designation must (1) establish that it will provide the supported services in accordance with 47 U.S.C § 254 throughout its designated service area “either using its own facilities or a combination of its own facilities and resale of another carrier's services;”¹¹ (2) establish that it will advertise its universal service offerings and the charges thereof, using media of general distribution;¹² (3) certify that it will comply with the service requirements

¹⁰ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communication Act*, 12 FCC Rcd 22947 (1997) (Section 214(e)(6) Public Notice).

¹¹ 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1).

¹² 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2).

applicable to the support that it receives;¹³ and (4) establish that it will be able to remain functional during emergency situations.¹⁴

In addition, FCC rules require that, to be designated as an ETC, a petitioner must (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; and (3) demonstrate that it will satisfy applicable consumer-protection and service-quality standards.¹⁵

Prior to designating an ETC pursuant to 47 U.S.C. § 214(e)(2), the Commission must also determine whether such designation is in the public interest.¹⁶ In determining the public interest, the Commission historically has considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner's service offering.

As described below, TruConnect has provided the Commission with the information required for designation as an ETC in the service area at issue. The Commission finds that the public interest supports such designation, subject to

¹³ 47 C.F.R. § 54.202(a)(1)(i). The third and fourth requirements listed were adopted by regulation to apply to the FCC's review of a providers ETC status, but the Commission generally looks at the same requirements as the FCC in seeking to determine whether a provider meets the requirements for an ETC designation.

¹⁴ 47 C.F.R. § 54.202(a)(2); Notably, the FCC generally requires those seeking an ETC designation to file a five-year plan that describes the specific proposed improvements and upgrades that will be made to offer the supported service and to demonstrate their ability to satisfy applicable customer protection and service quality standards. However, the FCC waived those requirements for recipients of CAF II Auction funds in favor of reporting requirements it believes will permit it to monitor the use of CAF II Auction funds as they are used. *See In the Matter of Connect America Fund*, 31 FCC Rcd 5949 (2016), 6010-12, paragraphs 172–178..

¹⁵ 47 C.F.R. § 54.202(a).

¹⁶ 47 U.S.C. § 214(e)(2); 47 C.F.R. § 54.202(b).

TruConnect's compliance with the representations and commitments made by TruConnect in its application and FCC rules.

Offering the Services Designated for Support

Petitioners for ETC designation must certify that they offer all services designated for support by the Commission pursuant to 47 U.S.C § 254(c).¹⁷ TruConnect has demonstrated through the required certifications and related filings that it now offers or will offer upon designation as an ETC the voice telephone services supported by the Lifeline program.¹⁸ TruConnect certifies that it now provides, or will provide, the services and functionalities enumerated in 47 C.F.R. § 54.101(a) throughout the designated service area.¹⁹ Petitioners for ETC designation must demonstrate that they will satisfy applicable consumer-protection and service-quality standards.²⁰ TruConnect has committed to providing applicable consumer protection and service-quality standards,²¹ and it will be subject to reporting requirements to the FCC to ensure that it complies with the service requirements.²²

¹⁷ See 47 U.S.C. § 214(e)(1)(A) and § 214(e)(2); Section 214(e)(6), Public Notice at 22948, paragraph 2.

¹⁸ Application at 8.

¹⁹ Specifically, TruConnect certifies that it will provide voice telephone and broadband services supported by federal universal service support mechanisms, as set forth in 47 C.F.R. § 54.101 which includes: (1) voice-grade access to the public switched telephone network; (2) local usage; (3) access to emergency services; and (4) toll limitation services to qualifying low-income users. See Application at 8–9.

²⁰ 47 C.F.R. § 54.202(a)(3).

²¹ Application at 18.

²² Application at 18.

Offering the Supported Services Using a Carrier's Own Facilities

Generally, petitioners for ETC designation must certify that they will offer the supported services using either their own facilities or a combination of their own facilities and the resale of another carrier's services.²³ The FCC has granted forbearance from this “own facilities” requirement to carriers seeking Lifeline-only designation, subject to a carrier complying with certain 911 requirements and filing a compliance plan with the FCC.²⁴ TruConnect filed a Compliance Plan in 2012 with the FCC, which the FCC approved.²⁵ TruConnect currently provides prepaid wireless telecommunications services to consumers using the underlying wireless networks of T-Mobile USA, Inc. (T-Mobile) and Verizon Wireless (Verizon).²⁶ TruConnect will be able to offer Lifeline service to all locations served by T-Mobile and Verizon.²⁷ Using the networks of T-Mobile and Verizon, TruConnect will have the ability to provide Lifeline service throughout TruConnect’s service area.²⁸

Advertising Supported Services

Petitioners for ETC designation must advertise the availability of the supported services and the charges thereof using media of general distribution and provide a

²³ 47 U.S.C. § 214(e)(6) Public Notice, 12 FCC Rd at 22949; See also 47 U.S.C. § 214(e)(1)(A); *Petition of TracFone Wireline, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (TracFone Forbearance Order).

²⁴ 47 U.S.C. § 214(e)(6) Public Notice, 12 FCC Rd at 22949; See also 47 U.S.C. § 214(e)(1)(A); *Petition of TracFone Wireline, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (TracFone Forbearance Order).

²⁵ Application at 7-8, and Exhibit 2.

²⁶ Application at 3.

²⁷ Application at 12.

²⁸ Application at 12.

description of how they will do so.²⁹ TruConnect has committed to advertising the availability of the supported services using media of general distribution.³⁰ In addition, TruConnect has committed to advertising and promoting the availability of Lifeline services in a manner reasonably designed to reach those likely to qualify for Lifeline.³¹

To increase accountability within the program and to target support where it is needed most, the FCC has adopted rules requiring ETCs to explain in their marketing materials that Lifeline service is a government benefit, the individual must be eligible to receive the benefit, and the consumer may receive no more than one benefit at a time from the program.³² TruConnect has demonstrated its commitment to comply with these FCC rules regarding the marketing of supported service.

Ability to Remain Functional in Emergency Situations

Petitioners for ETC designation must demonstrate their ability to remain functional in emergency situations.³³ TruConnect will provide emergency service to its customers by utilizing its underlying carrier networks, which are designed to ensure functionality without an external power source, re-routing of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.³⁴ Through the

²⁹ 47 U.S.C. § 214(e)(1)(B); § 214(e)(6); Section 214(e)(6) Public Notice, paragraph 4.

³⁰ Application at 11.

³¹ Application at 11–12.

³² *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*, 27 FCC Rcd 6656 (2012), *amended sub nom* (Lifeline Reform Order), at paragraph 274-77; 47 C.F.R. § 54.405.

³³ 47 C.F.R. § 54.202(a)(2).

³⁴ Application at 13.

use of its underlying carrier networks, TruConnect has demonstrated its ability to remain functional in emergency situations .

Public Interest Analysis

Prior to designating an ETC, the Commission must determine whether such designation is in the public interest.³⁵ TruConnect will offer broadband services as well as supported telephone service that will provide a variety of benefits to customers in these high-cost areas, including increased consumer choice and high-quality service offerings.³⁶ Moreover, new entrants in the telephone and broadband market should incentivize existing ETCs to offer better service and terms to their subscribers.

TruConnect will offer all the services and functionalities detailed in 47 C.F.R. § 54.101 (a), ensuring that TruConnect can provide services to customers throughout the service area.³⁷

The Commission recognizes that the designation of TruConnect as an ETC also creates competitive pressure for other providers that are designated as ETCs within the proposed service areas. To remain competitive in markets, all providers will have greater incentive to improve coverage and customer service, increase service offerings, and lower prices. Consistent with federal law, the designation benefits consumers by allowing TruConnect to offer the services designated for support at rates that are “just, reasonable,

³⁵ See 47 U.S.C. § 214(e)(6) and 47 C.F.R. § 54.202(b).

³⁶ Application at 4-5.

³⁷ Application at 10, 12 and Exhibit 6.

and affordable.”³⁸ TruConnect plans to offer affordable telecommunications and high-speed broadband services to consumers as well as qualified low-income consumers.³⁹

Regulatory Oversight

Under 47 U.S.C. § 254(e), petitioners are required to use the specific universal service support they receive “only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.”⁴⁰ Moreover, the Commission or the FCC may institute an inquiry on its own motion to examine the petitioner's records and documentation to ensure that the universal-service support it receives is being used for the purpose intended.⁴¹ The petitioner is required to provide such records and documentation to the Commission, the FCC, or Universal Service Administration Company (USAC) upon request. If the petitioner fails to fulfill the requirements of the Act, FCC rules, or the terms of this Order after it begins receiving universal-service support, the Commission may exercise its authority to revoke such petitioner’s ETC designation.⁴² The FCC also may assess forfeitures for violations of FCC rules and orders.⁴³

³⁸ 47 U.S.C. § 254(b)(1).

³⁹ Application at 18-22.

⁴⁰ 47 U.S.C. § 254(e). We note that because petitioners are not eligible to receive federal universal service high-cost support, they are not required to file reports and certifications pursuant to 47 C.F.R. § 54.313.

⁴¹ 47 U.S.C. §§ 220, 403.

⁴² See *Federal-State Joint Board on Universal Service; Western Wireline Corp. Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Declaratory Ruling, 15 FCC Rcd 15168 (2000), at 15174, paragraph 15 ; See also 47 U.S.C. § 254(e).

⁴³ See 47 U.S.C. § 503(b).

Annual Certification and Verification


Each year TruConnect will require all Lifeline subscribers to recertify their head of household status, certify that only one Lifeline discount is received at their household, and document their continued program eligibility for Lifeline in accordance with the annual Lifeline Certification and Verification for USAC.⁴⁴

IT IS THEREFORE ORDERED that:

1. TruConnect is designated as a limited ETC for the purpose of offering Lifeline service only in Kentucky in the designated service area in its application at Exhibit 3.
2. TruConnect shall be eligible to receive federal and state USF support for Lifeline.
3. TruConnect shall advertise the availability of and charges for these services using media of general distribution.
4. TruConnect shall comply with the FCC annual certification process for Lifeline customers.
5. TruConnect is a utility under the definitions contained in KRS 278.010(3) and shall include revenue generated from the sale of intrastate service, including Lifeline revenues, in its reports filed pursuant to KRS 278.140.
6. A copy of this Order shall be served upon the FCC and the USAC.
7. This case is closed and removed from the Commission's docket.

⁴⁴ Administrative Case No. 2012-00146, *Lifeline Reform* (Ky. PSC May 1, 2012).

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUN 04 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Debra M Mercer
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Huntington, WEST VIRGINIA 25701

*Randall L. Saunders
Nelson Mullins
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*TruConnect Communications, Inc.
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Los Angeles, CA 90015

LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER S-37127

TRUCONNECT COMMUNICATIONS, INC., EX PARTE.

In re: Petition for designation as an Eligible Telecommunications Carrier ("ETC") within Louisiana for the limited purpose of offering wireless lifeline services.

(Decided at the August 14, 2024 Business and Executive Session.)

ORDER

Background and Procedural History

On March 4, 2024, TruConnect Communications Inc., ("TruConnect" or "Company") filed an application ("Petition") with the Louisiana Public Service Commission ("LPSC" or "Commission") for the limited purpose of offering wireless Lifeline Service within Louisiana as an Eligible Telecommunications Carrier ("ETC"). Notice of the Company's Petition was published in the Commission's Official Bulletin No. 1319 dated March 15, 2024, with no interventions or protests received during the intervention period.

TruConnect is a Delaware corporation with its principal office located at 1149 S. Hill Street, Suite H-400, Los Angeles, California 90015. TruConnect is authorized to do business in Louisiana. TruConnect Communications, Inc., formerly Telscape Communications, Inc., is a subsidiary of subsidiary of TSC Acquisition Corporation ("TSC"). TSC also owns Sage Telecom Communications, LLC d/b/a TruConnect ("Sage d/b/a TruConnect"), formerly known as Sage Telecom, Inc. before a corporate restructuring in 2012. The owners of TSC separately own TruConnect Mobile, LLC, which sells mobile hotspot devices and low-cost monthly data plans, as well as TruConnect Technologies, LLC, a mobile data analytics company that develops data intelligence products and services for wireless carriers, cable operators, and content providers.

TruConnect provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of facilities-based providers, T-Mobile USA, Inc. ("T-Mobile") and Verizon Wireless ("Verizon Wireless") on a wholesale basis to offer nationwide service. TruConnect is currently designated and operating as a Wireless ETC in Alabama, California, New Jersey, New York, Maryland, Massachusetts, Minnesota, Missouri, Rhode Island, Vermont, Tennessee, Kentucky, Virginia, West Virginia, and the U.S. Virgin Islands. TruConnect also has petitions seeking ETC designation in the following states, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Michigan, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Utah, and Wisconsin.

TruConnect is also authorized by the FCC and the Universal Service Administrative Company (“USAC”) to participate in the Affordable Connectivity Program (“ACP”) throughout the United States, including Louisiana.

Lifeline is the FCC’s program to help make communications services more affordable for low-income consumers. Currently, the Lifeline program provides up to a \$9.25 monthly discount on bundled voice and minimum-standard or above-minimum-standard broadband service for eligible low-income subscribers, up to a \$5.25 monthly discount for standalone voice service or bundled voice and below-minimum-standard broadband service for eligible low-income subscribers,¹ and up to \$34.25 per month for those on Tribal lands. Subscribers may receive a Lifeline discount on either a wireline or a wireless service. Only ETCs may receive Lifeline support and provide Lifeline service to qualifying low-income consumers, and all ETCs must offer Lifeline service. 47 C.F.R. §§ 54.5,101(d),201(a)(1).

As set forth in the Petition, the Company plans to offer all of the supported services required by the Act through resale of another carrier’s services. Under 47 U.S.C. § 214(e)(1)(A), state commissions are prohibited from designating as an ETC a telecommunications carrier that offers services exclusively through the resale of another carrier’s services. In this case, the Federal Communications Commission (“FCC”) decided to conditionally forbear from the application of the Federal Act’s facilities requirement to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program.² Specifically, the FCC determined that conditional forbearance from the facilities requirement would apply if the carrier: (1) complied with certain 911 requirements; and (2) filed and received approval of a compliance plan providing specific information regarding the carrier’s service offerings and outlining other measures the carrier will take to implement the obligations contained in the Lifeline Reform Order. TruConnect as discussed below certified that it has and will continue to comply with the 911 requirements at the state and federal level. The Company has also provided Staff with a copy of the FCC’s approval of a compliance plan, and the Company certifies that it has met the requirements for conditional forbearance from the facilities requirement as evidenced by the FCC-approved Compliance plan.

¹ *But see* 47 C.F.R. § 54.403(a)(2)(iv). “On December 1, 2021, standalone voice service, or voice service not bundled with broadband which meets the minimum standards set forth in § 54.408, will not be eligible for Lifeline support unless the [Federal Communications] Commission has previously determined otherwise.” *Id.*

² *Lifeline Reform Order* paragraph 368.

Jurisdiction and Applicable Law

The Commission exercises jurisdiction over public utilities and common carriers in Louisiana, including Louisiana telecommunications service providers, pursuant to 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.

Pursuant to Section 214(e)(2) of the Act (47 U.S.C. § 214(e)(2)),³ State commissions are given the authority to designate as ETCs those common carriers⁴ that meet the service requirements found in 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.101, thereby entitling them to Universal Service Fund (“USF”) support in accordance with 47 U.S.C. § 254.

To be eligible for ETC designation, 47 U.S.C. § 214(e)(1) mandates that a common carrier “offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, 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...advertise the availability of such services and the charges therefor using media of general distribution.” 47 U.S.C. § 214(e)(1). The FCC has decided to conditionally forbear from the application of the Federal Act’s facilities requirement to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program.⁵ This forbearance is conditionally based upon the company providing: (1) compliance with certain 911 requirements; and (2) filing and receiving approval of a compliance plan providing specific information regarding the carrier’s service offerings and outlining other measures the carrier will take to implement the obligations contained in the Lifeline Reform Order. Finally, a State commission must find the designation of an ETC consistent with the public interest, convenience, and necessity, particularly in the case of an additional ETC for an area served by a rural telephone company. 47 U.S.C. § 214(e)(2).

³ See Section 214(e)(2) of the Act (47 U.S.C. § 214(e)(2)), which provides in pertinent part the following: “A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission.”

⁴ “The term ‘common carrier’ or ‘carrier’ means any person engaged as a common carrier for hire in interstate or foreign communications by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.” 47 U.S.C. § 153(10).

⁵ *Lifeline Reform Order* paragraph 368.

FCC regulations regarding ETC obligations supplement these statutory requirements. In particular, 47 C.F.R. § 54.101 requires the following:

1. An ETC must offer voice telephony service as set forth in 47 C.F.R. § 54.101(a)(1).
2. An ETC subject to a high-cost public interest obligation to offer broadband Internet access services⁶ must offer broadband services within the areas where it receives high-cost support consistent with obligations particular to certain support programs, none of which apply to this case.
3. An ETC must comply with 47 C.F.R. §§ 54.400-423 relating to USF support for low-income consumers through the Lifeline program.⁷

Thus, under applicable law and regulations, the Commission must conduct a two-fold analysis prior to approving or denying a request for ETC designation. First, the Commission must determine whether the Company complies with 47 U.S.C. § 214(e)(1)-(2) and applicable FCC regulations, i.e., generally whether the Company offers supported universal services consistent with its regulatory obligations and whether the Company advertises the availability of and charges for those services through media of general distribution.⁸ Second, the Commission must determine whether granting the Company's Petition would be in the public interest. Additionally, the Commission may also consider factors reviewed by the FCC in its consideration of requests for ETC designation under 47 U.S.C. § 214(e)(6); nevertheless, as these factors are merely persuasive and not binding upon the Commission's evaluation of petitions for ETC designation, Staff has pretermitted discussion of the FCC's non-binding criteria.

Consistent with the above federal and State authority, the Commission issued the ETC General Order which created a list of thirteen public interest criteria to be applied on a case-specific basis to all requests for ETC designation in areas served by rural telephone carriers. Some of the public

⁶ Effective February 8, 2021, broadband Internet access services are no longer services supported by the universal service Lifeline program. Nevertheless, the FCC has preserved its authority to fund broadband Internet access services through the Lifeline program. *See Mozilla Corp. v. Fed. Comm'n's Comm'n*, 940 F.3d 1 (D.C. Cir. 2019); *In the Matter of Restoring Internet Freedom, Bridging the Digital Divide for Low-Income Consumers, and Lifeline and Link Up Reform and Modernization*, WC Docket No. 17-108, WC Docket No. 17-287, WC Docket No. 11-42, Order on Remand, FCC 20-151 (rel. Feb. 6, 2012); Order on Remand, 86 Fed. Reg. 994,1021 (Jan. 7, 2021) (to be codified at 47 C.F.R. § 54.101). *But see* 47 C.F.R. § 54.400(1) (2021), which contains the following definition of broadband Internet access service: "Broadband Internet access service' is defined as a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service."

⁷ 47 C.F.R. § 54.101(d) (2021).

⁸ Additional obligations apply to ETCs receiving Lifeline support for offering Lifeline services to low-income consumers. *See* 47 C.F.R. § 54.405 (2016).

interest factors enumerated in the ETC General Order do not apply in this instance, since some of the underlying FCC and Commission regulations have been repealed or waived⁹ or were not subsequently adopted.¹⁰ Accordingly, Staff has applied the remaining, applicable public interest criteria of the ETC General Order in its review of the specific facts presented by the Company's Petition.

Those criteria, as applicable to current, non-wireless ETC designation requests, are as follows:

1. Benefits of increased competitive choice resulting from the designation.
2. Impact of multiple designations on the Universal Service Fund.
3. Unique advantages and disadvantages of the competitive service offering.
4. Commitment to quality of service by the competitive provider.
5. 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.
6. 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.
7. Compliance with all existing and future state and federal 911 and E-911 mandates.
8. Compliance with Sections 301A-C and 401 of the Commission's TSP Billing Order.

Staff Review

A. Compliance with 47 U.S.C. § 214(e) and 47 C.F.R. Part 54, Subparts B, C, and E

Section 214(e)(2) of the Act grants this Commission the primary responsibility for determining whether to approve a common carrier's request for designation as an ETC. Specifically, the Act provides that the Commission 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 Commission if the carrier meets the

⁹ For this reason, ordering paragraphs A(10),(13) of the ETC General Order does not apply to this docket.

¹⁰ For this reason, ordering paragraph A(12) of the ETC General Order does not apply to this docket.

requirements of the Act. *See* 47 U.S.C. § 214(e)(2). The Company meets the definition of a common carrier.

In the course of reviewing the Petition, Staff issued one set of data requests to the Company requesting additional information on the Company's compliance with ETC designation requirements as well as its history of regulatory compliance in other jurisdictions, including the Company's prior and pending ETC applications and designations, if any. After reviewing the Company's Petition and responses to Staff's set of data requests, Staff finds that the Company meets all of the compliance requirements to be designated as an ETC.

After reviewing the Company's Petition, and its responses to Staff's set of data requests, the Company has demonstrated compliance with the requirements outlined in 47 U.S.C. § 214(e)¹¹ and 47 C.F.R. § 54.101. The Company offers eligible voice telephony services with the functionalities supported by federal universal service support mechanisms in the Designated Service Areas. Eligible voice telephony service must provide:

1. Voice grade access to the public switched network;
2. Minutes of use for local service provided at no additional charge to end-users;
3. Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 (E-911), to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and
4. Toll limitation for qualifying low-income consumers.

The Company has committed to provide all of the supported services enumerated under 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101(a) at the required levels of service quality provided by applicable regulations.

Further support for the Company's compliance is found in its regulatory history and current scope of service. The Company and its affiliates and subsidiaries have never been denied ETC designation by any jurisdiction, nor has any jurisdiction been suspended or revoked. Also, TruConnect has been audited by USAC within the last three years for the following states: California, Massachusetts, New Jersey, and Tennessee with no issues reported. Finally, according

¹¹ Tempo has provided evidence of a conditional forbearance from the FCC. The Company has further provided evidence of complying with 911 standards as well as a FCC-approved Compliance Plan.

to the Company, under current ownership, there have been no complaints against the Company before federal and State regulatory authorities to date.

In its Petition, the Company indicated that it will advertise its federally supported services through media of general distribution as required by the FCC's rules. The Company will announce and advertise telecommunications services as an ETC in its Designated Service Areas and will publicize the availability of Lifeline services in a manner reasonably designed to reach those likely to qualify for those services. The media of general distribution that the Company intends to utilize are direct mailing, internet, radio, television, and print advertising.

For the foregoing reasons, the Company's commitments, history of compliance to date, and planned advertising campaign justify the requested ETC designation, if the designation is determined to be in the public interest.

B. Public Interest Analysis

As set forth in 47 U.S.C. § 214(e)(2) and as previously discussed, State commissions are vested with the primary responsibility and authority for designating common carriers as ETCs. In connection with their reviews, State commissions must not only find that the applying carrier has proved that it in fact offers or will offer supported universal services, but the commissions must also find that the designation of the applying carrier is in the public interest. For this Commission, such a determination is made by reviewing the relevant criteria established by the ETC General Order as applied on a case-specific basis. What follows is Staff's analysis of each public interest criterion applicable to the specific facts presented by this Company's Petition.

1. Benefits of Increased Competitive Choice Resulting from ETC Designation.

The Company submitted reasons why granting it ETC designation will benefit the public interest. By offering these services, TruConnect states that it will further increase the choices available to consumers eligible for the Lifeline program. Increasing customer choice promotes competition and innovation, thus spurring other carriers to target low-income consumers with service offerings tailored to their needs, ultimately resulting in improved service to consumers. The FCC has acknowledged the benefits to customers of being able to choose from among a variety of telecommunications service providers. Increasing customer choice promotes competition and innovation.

Staff agrees with the Company that the designation will result in promoting competition for the benefit of consumers, and will have desirable effects upon the Louisiana market for Lifeline

services by making these services more available and accessible, thereby supporting the goals of universal service. Designation of TruConnect as an ETC will help ensure that quality services are available at “just, reasonable, and affordable rates”. If the Commission grants the request, it should create competitive pressure for other wireline providers within the proposed service area. Thus, carriers will have incentive to provide better quality service, more service options, and potentially decrease prices.

2. Impact on the Universal Service Fund.

TruConnect states it will only increase the amount of USF Lifeline funding in situations where it obtains Lifeline customers not already enrolled in another ETC’s Lifeline program; thus, the number of persons eligible for Lifeline support is the same regardless of the number of ETCs. Designating the Company as an ETC would only increase the amount of USF Lifeline funding in situations where it obtains customers not already enrolled in another ETC Lifeline program. TruConnect utilizes safeguards such as NLAD and the National Verifier, which screens for non-eligible customers or customers who are already receiving Lifeline support from another ETC.

The FCC has recognized that “any increase in the size of the [universal service] fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline program, furthering the statutory goal of providing access to low-income consumers”¹²

3. Unique Advantages and Disadvantages of the Competitive Service Offering.

At this time, TruConnect plans on providing access to competitive, and highly affordable wireless telecommunications service, which benefits qualifies consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional service. TruConnect provides a larger calling area (as compared to traditional wireline carriers), the convenience and security afforded by mobile service, and a generous amount of voice and broadband access included without cost, as well as free access to caller ID, call waiting, and Voicemail features, and access to 911 services regardless of the number of voice minutes remaining on the Lifeline consumer’s plan. These consumer services are an invaluable resource for cash-strapped consumers, and the prepaid nature of the service also provided an alternative for “unbaked” consumers. TruConnect’s lifeline offering will be provided over its Underlying Carriers’ networks. Truconnect’s prepaid wireless service is likely to be an especially attractive

¹² Application of “TracFone Wireless, Inc. for Forbearance from 47 U.S.C. 214(e)(1)(A) and 47 C.F.R. 54.201(i), Order, 20 FCC Rcd 15095 (2005) at para. 17.

option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long-term contract issues.

4. Commitment to Quality of Service by the Competitive Provider.

In accordance with 47 C.F.R. § 54.202(a)(3), an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards, and wireless applicants may satisfy this requirement with a commitment to comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service. TruConnect hereby commits to comply with the CTIA Consumer Code for Wireless Service.

5. Submission of records and documentation, on a quarterly basis, declaring the carrier's 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.

TruConnect commits, to the extent required by the Commission, to submission of records and documentation, on a quarterly basis, declaring the carrier's 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. Information Regarding the Number of Requests of Service in the Designated Area that Go Unfilled 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.

TruConnect commits to providing 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

7. Compliance with All Existing and Future State and Federal 911 and E-911 Mandates.

TruConnect certifies that it will comply with all existing and future state and federal 911 and E911 mandates.

8. Compliance with Sections 301A-C and 401 of the Commission's TSP billing order.

Pursuant to General Order dated June 1, 2020 in Docket No. U-24856 - In re: Customer Service Regulations for Telecommunications Service Providers, wireless TSPs were exempted from Sections 301A-C and 401 of the Commission's TSP Billing Order.

Staff Recommendation

Staff finds that the Company has demonstrated, consistent with the requirements of the Act, applicable FCC regulations, and the ETC General Order, that it will make available to its customers' universal service offerings that provide all of the services supported by the federal universal service program and that it will appropriately advertise the availability of those services. The Company has committed to provide all of the services supported by the federal universal service program as defined by 47 C.F.R. § 54.101. Finally, the Company has represented that it will advertise the availability of those services using media of general distribution and in a manner reasonably designed to reach those likely to qualify for those services.

Additionally, following its review, Staff is of the position that granting ETC designation to the Company is consistent with the Commission's public interest criteria as adopted in its ETC General Order. Thus, Staff finds that designation of the Company as an ETC for the limited purposes delineated herein is in the public interest.

Accordingly, Staff recommends that the Commission grant the Company's Petition to be designated as an ETC in the Designated Service Areas so that the Company may provide supported voice and broadband services solely for the purpose of receiving Lifeline support, subject to all of the following conditions:

1. To the extent not already provided, the Company will provide Staff with a copy of the proposed media advertisement(s) for its federally supported services intended for general distribution in Louisiana for Staff approval within thirty (30) days of the date of issuance of an order in this proceeding. Staff will approve or provide recommended changes to the proposed media advertisement(s) within thirty (30) days of receipt of the same.
2. The Company will comply with the requirements set forth in 47 C.F.R. § 54.422(c), which mandates that certain information be filed with the Administrator (i.e., the Universal Service Administrative Company) upon a State commission designating an ETC, within sixty (60) days of the issuance of an order from the Commission designating the Company as an ETC. The Company shall file proof of such compliance into the record of this docket within thirty (30) days of performing such compliance.

3. The Company's ETC designation is conditioned upon full and timely compliance with all applicable rules and regulations of State and federal agencies, including, but not limited to, the rules and regulations of the Commission and the FCC. The Commission reserves the right to suspend or revoke the Company's ETC designation in the event of non-compliance and/or untimely compliance with the same.

Commission Action

On motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Skrmetta concurring, and Commissioner Campbell and Commissioner Greene temporarily absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on June 27, 2024.

THEREFORE, IT IS ORDERED:

The Staff Report and Recommendation filed into the record on June 27, 2024 is adopted. The Company is designated as an ETC in the Designated Service Area so that the Company may provide supported voice and broadband services solely for the purpose of receiving Lifeline support, subject to all of the following conditions:

1. To the extent not already provided, the Company will provide Staff with a copy of the proposed media advertisement(s) for its federally supported services intended for general distribution in Louisiana for Staff approval within thirty (30) days of the date of issuance of an order in this proceeding. Staff will approve or provide recommended changes to the proposed media advertisement(s) within thirty (30) days of receipt of the same.
2. The Company will comply with the requirements set forth in 47 C.F.R. § 54.422(c), which mandates that certain information be filed with the Administrator (i.e., the Universal Service Administrative Company) upon a State commission designating an ETC, within sixty (60) days of the issuance of an order from the Commission designating the Company as an ETC. The Company shall file proof of such compliance into the record of this docket within thirty (30) days of performing such compliance.
3. The Company's ETC designation is conditioned upon full and timely compliance with all applicable rules and regulations of State and federal agencies, including, but not

limited to, the rules and regulations of the Commission and the FCC. The Commission reserves the right to suspend or revoke the Company's ETC designation in the event of non-compliance and/or untimely compliance with the same.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
August 28, 2024



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

BRANDON M. FREY
SECRETARY

/S/ MIKE FRANCIS

DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ DAVANTE LEWIS

DISTRICT III
VICE CHAIRMAN DAVANTE LEWIS

TEMPORARILY ABSENT

DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ ERIC F. SKRMETTA

DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

TEMPORARILY ABSENT

DISTRICT II
COMMISSIONER CRAIG GREENE

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2024-00085

July 1, 2024

TRUCONNECT COMMUNICATIONS, INC.
Request for Approval for Designation as an
Eligible Telecommunications Carrier

PROCEDURAL ORDER

On April 17, 2024, TruConnect Communications, Inc. (the Company) applied to the Commission for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e)(2), 47 C.F.R. §§ 54.101 through 54.207, and MPUC Rules, ch. 206 (Chapter 206) for the purpose of providing Lifeline-only ETC service.

Currently, Chapter 206 prevents the Commission from authorizing Lifeline-only ETCs. The Commission, however, intends to open an inquiry, pursuant to 35-A M.R.S. § 1303(1) and MPUC Rules, ch. 110, § 13, to determine whether to amend Chapter 206 to allow approval of Lifeline-only ETC and determine whether other amendments to Chapter 206 may be appropriate.

The Commission will hold the Company's application in abeyance until such time as the Commission's rules permit the Commission to act upon the application. The Company may, in its discretion, withdraw its application, without prejudice to refile, and refile its application when and if the Commission amends Chapter 206.

Dated at Hallowell, Maine this First Day of July, 2024

/s/ Jody McColman

Presiding Officer

FREDERICK H. HOOVER, JR.
CHAIR

MICHAEL T. RICHARD
ANTHONY J. O'DONNELL
KUMAR P. BARVE
BONNIE A. SUCHMAN



PUBLIC SERVICE COMMISSION

#12, 3/6/24 AM, ML# 307516, RR-3451

March 6, 2024

Debra McGuire Mercer
Michael J. Nemcik
Nelson Mullins Riley & Scarborough LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Debra.mercer@nelsonmullins.com

Dear Ms. Mercer and Mr. Nemcik:

The Commission has reviewed the Petition for Designation as An Eligible Telecommunications Carrier filed on February 6, 2024 by TruConnect Communications, Inc.

After considering this matter at the March 6, 2024 Administrative Meeting, the Commission allowed a 30-day period for any party that believes that the application should be rejected to file comments and found that the designation of the Company as an Eligible Telecommunications Carrier is in the public interest and grant the Company such designation pursuant to 47 U.S.C. § 214(e) for the service territory specified in its application 10 days later unless adverse comments are received by the Commission prior to that date.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

ASJ/st

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
TRUCONNECT COMMUNICATIONS, INC.,)	
for designation as an eligible telecommunications	)	Case No. U-21544
carrier in the state of Michigan.)	
_____)	

At the June 6, 2024 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

On December 28, 2023, TruConnect Communications, Inc. (TruConnect) filed an application (December 28 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 access to Universal Service Fund (USF) support for the sole purpose of providing Lifeline service to qualifying Michigan consumers. On May 6, 2024, TruConnect filed an amended application (May 6 amended application). TruConnect requests that the Commission enter an order designating it as a Lifeline ETC throughout the entire state of Michigan, which includes the exchanges listed in Exhibit 4 of the May 6 amended application. The coverage area will also include the 12 federally recognized Tribal Lands located throughout the state of Michigan. TruConnect is not seeking a High Cost designation at this time. May 6 amended application, pp. 1-2, 10; *see also*, Exhibit 4 to the May 6 amended application.

TruConnect states that it provides resold prepaid wireless telecommunications services to consumers by using the underlying wireless networks of Verizon Wireless (Verizon) and T-Mobile. May 6 amended application, p. 12. TruConnect will offer the supported services through the exclusive use of another carrier's facilities. *Id.*, p. 3. Therefore, TruConnect has provided proof of a Federal Communications Commission (FCC) approved compliance plan that was approved on December 26, 2012. *Id.*, p. 7; *see also*, Exhibit 3 to May 6 amended application. TruConnect states that it is able to provide all required voice telephony supported services including: (1) voice grade access to the public switched network, (2) local usage at no additional charge, (3) access to emergency services, and (4) toll limitation. Additionally, TruConnect states that it provides broadband internet access services (BIAS) to ensure its Lifeline customers receive full Lifeline support. May 6 amended application, pp. 8-9.

TruConnect states that it is committed to compliance with all applicable consumer protection and service quality standards for universal service programs, including a commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service. *Id.*, p. 14. TruConnect also states that it will be managerially and legally responsible for handling and responding to any customer issues. *Id.* TruConnect further indicates that its services are able to remain functional in emergency situations. *Id.*, pp. 13-14. TruConnect states that it will utilize the extensive and well-established network and facilities of T-Mobile and Verizon to provide its Lifeline services. TruConnect explains that its underlying carriers, T-Mobile and Verizon, have certified to the FCC that their networks function in emergency situations and that they have access to a reasonable amount of back-up power to ensure functionality without an external power source, can reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations. *Id.* As further attestation to T-Mobile's

emergency preparedness capabilities, TruConnect has provided a letter, Exhibit 6 to the May 6 amended application, that describes the emergency preparedness of its network. Finally, TruConnect informs the Commission that its underlying carrier, Verizon, has permanent generators for 78% of its microcell sites in the United States, while 100% of the microcell sites have battery backup. May 6 amended application, p. 14.

Further, TruConnect states that it will comply with the FCC's requirements of advertising its Lifeline service as required by 47 CFR 54.201(d)(2) as well as rule 47 CFR 54.405(c). Additionally, TruConnect will disclose the company name under which it does business and the details of its Lifeline service offerings in any Lifeline-related marketing and advertising. TruConnect has included an example of its Michigan-specific Lifeline advertisement as Exhibit 5 to the May 6 amended application. May 6 amended application, pp. 11-12.

Finally, TruConnect declares it is willing and able to comply with the rules and regulations that the Commission may lawfully impose. *Id.*, p. 13.

After reviewing TruConnect's application, the Commission finds that the ETC designation, limited to wireless Lifeline only throughout the exchanges listed in Exhibit 4 to the May 6 amended application, should be conditionally granted. The Commission is persuaded that ETC designation for TruConnect promotes the availability of universal service and is in the public interest. The Commission finds that the application demonstrates that TruConnect meets the requirements for designation as an ETC. *See*, 47 USC 214(e)(1). The December 28 application, as amended, for ETC designation is granted on condition that TruConnect shall: (1) comply with the service requirements contained in the *USF/ICC Transformation Order*¹ and subsequent related

¹ *See*, [FCC Releases Connect America Fund Order, Reforms USF/ICC for Broadband | Federal Communications Commission](#) (accessed June 5, 2024).

federal and state rulings, the *Lifeline Reform Order*,² and the December 20, 2012 and January 17, 2013 orders in Case Nos. U-14535 and U-16959; (2) advertise its Lifeline product in media of general distribution including newspaper, radio, its own website, and other direct advertising methods; (3) include the Commission's customer complaint telephone number on its public web page; (4) by June 24, 2024, submit a certification letter to each county 9-1-1 coordinator in Michigan explaining the Lifeline service, with information on TruConnect's product and service specifications, stating that it will be providing 9-1-1 service to TruConnect's customers and by July 8, 2024, file in this docket a proof of service reflecting timely service of each letter; (5) submit information, on a quarterly basis based on the calendar year, in this docket, on the number of Lifeline customers it is serving, and the amounts paid to individual counties and the State of Michigan for 9-1-1 surcharges; and (6) promptly notify the Commission of any future changes to its rates, terms, and conditions regarding its low-income offerings in this docket.

TruConnect shall be required to file all annual forms with the Commission in accordance with Commission and FCC requirements, to retain its ETC designation.

THEREFORE, IT IS ORDERED that the December 28, 2023 application, as amended, filed by TruConnect Communications Inc., for designation as an eligible telecommunications carrier for purposes of Universal Service Fund support for Lifeline only in the areas listed in Exhibit 4 to the May 6, 2024 amended application is conditionally approved as set forth in this order.

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

² *In the Matter of Lifeline and Link Up Reform and Modernization et al.*, WC Docket No.11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 12-11, *rel'd* February 6, 2012 (*Lifeline Reform Order*). See, <https://www.fcc.gov/document/fcc-reforms-modernizes-lifeline-program-low-income-americans> (accessed May 28, 2024).

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). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of June 6, 2024.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

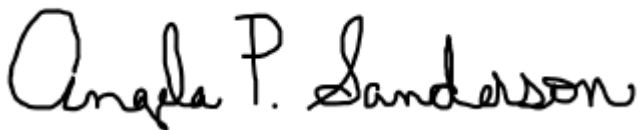
Case No. U-21544

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on June 6, 2024 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 6th day of June 2024.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-21544

Name	On Behalf Of	Email Address
Debra McGuire Mercer	TruConnect Communications Inc.	debra.mercer@nelsonmullins.com
TruConnect Communications Inc.	TruConnect Communications Inc.	debra.mercer@nelsonmullins.com

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben
Hwikwon Ham
Valerie Means
Joseph K. Sullivan
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of TruConnect
Communications, Inc., for Designation as an
Eligible Telecommunications Carrier

SERVICE DATE: March 26, 2024

DOCKET NO. P-7125/M-24-77

The above-entitled matter has been considered by the Commission and the following disposition made:

- 1. Granted ETC status designation to TruConnect after completion of the following:**
 - a. File an informational tariff with complete and updated pricing to reflect rates absent access to the ACP benefit within 30 days of this Order.**
 - b. File updated sample advertisements that reflect pricing without reference to the ACP benefit.**
 - c. Include the CTIA Consumer Code as part of its informational tariff.**
 - d. Update its website and tariff to include a mailing address,**
 - e. File an affidavit from one or more corporate officers committing to provide written instructions to all customers who obtain a device, new or pre-owned, from TruConnect within 30 days of this Order.**

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order.

BY ORDER OF THE COMMISSION

William C. Butcher for

Will Seuffert
Executive Secretary



To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

March 8, 2024

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. P7125/M-24-77

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources, Telecom Unit (Department) in the following matter:

In the Matter of the Petition of TruConnect Communications, Inc., for Designation as an Eligible Telecommunications Carrier.

The Department recommends **approval** of the Petition of TruConnect Communication, Inc., and is available to answer any questions from the Minnesota Public Utilities Commission.

Sincerely,

/s/ Louise Miltich
Assistant Commissioner of Energy Regulatory Analysis

LG/ad
Attachments



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. P7125/M-24-77

I. PROCEDURAL BACKGROUND

On January 18, 2024, TruConnect Communications, Inc. (TruConnect or the Company), filed a Petition seeking designation as an Eligible Telecommunications Carrier (ETC) in Minnesota for the purpose of receiving Federal Universal Service support solely for providing Lifeline service to qualified customers.¹

The Minnesota Public Utilities Commission (Commission or MNPUC) extended the initial period for comments, at the request of the Department of Commerce (Commerce or Department) on January 29, 2024.²

II. FEDERAL AND STATE REQUIREMENTS

A. FEDERAL REQUIREMENTS

As with other ETC applicants seeking designation in Minnesota, mobile providers seeking ETC designation for purposes of providing Lifeline services must apply to the Commission, which has jurisdiction as granted by Congress through the Telecommunications Act.³

FCC Rule 47 C.F.R. §54.101 (a) defines the supported services that must be offered by ETCs and states:

- (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.⁴

¹ *Petition of TruConnect Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Minnesota*, Petition of TruConnect Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Minnesota (Petition), Docket No. P7125/M24-77, Doc. Id. [20241-202315-01](#).

² Notice of Extended Comment Period (Notice), issued January 29, 2024, Doc. Id. [20241-202804-01](#).

³ See 47 U.S.C. § 214(e)(2): "A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission."

⁴ Toll Limitation Service (TLS) is no longer a supported service as it was phased out by the FCC in *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability*

FCC Rule 47 C.F.R. §54.201 (d) requires that:

(d) A common carrier designated as an eligible telecommunications carrier under this section shall be eligible to receive universal service support in accordance with section 254 of the Act and, except as described in paragraph (d) (3) of this section, shall throughout the service area for which the designation is received:

- (1) Offer the services that are supported by federal universal service support mechanisms under subpart B of this part and section 254(c) of the 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
- (2) Advertise the availability of such services and the charges therefore using media of general distribution.⁵

B. MINNESOTA PUBLIC UTILITIES COMMISSION APPROACH TO FEDERAL AND STATE REQUIREMENTS

In Docket P999/M-05-1169, the Commission adopted criteria for approval of ETC designations, which are summarized in the chart below.

This list is not specific to wireless broadband but provides a checklist of areas that the Commission has addressed in previous ETC applications. On April 27, 2017, the FCC added criteria regarding wireless broadband speeds and established flexible data usage allowances for annual review and updates.⁶ Additionally, through Docket No. P-6920/M-13-1176, the Commission adopted criteria (number 15 below) regarding usable phones offered to Lifeline customers by wireless ETCs.

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”). See 226. - 239.

⁵ 47 CFR § 54.201 “Definition of eligible telecommunications carriers, generally.”

⁶ *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (FCC rel Apr. 27, 2016) at 93.

Number	Criterion
1	<p>Common Carriage and Supported Services. The applicant must be a common carrier and commit to providing the following services:</p> <ul style="list-style-type: none"> a. Voice grade access to the public switched telephone network b. Minutes of use for local service at no additional cost to end users c. Access to emergency services d. 4.5 GB broadband data usage allowance per month (2023), usage amount TBD by the FCC annually
2	<p>Facilities Description. The applicant must file a list and description of the facilities used to provide services throughout the service area for which designation is sought.</p>
3	<p>Facilities Ownership. The applicant must offer services either using its own facilities or a combination of its own facilities and resale of another carrier’s services. (47 USC § 214(e)(1)(A)).</p>
4	<p>Service Provision Requests. The applicant must file a description of how it will fulfill its obligation to provide service upon a customer’s reasonable request.</p>
5	<p>Basic Service Offering. The applicant must file a detailed description of at least one “basic” affordable universal offering with all the supported services.</p>
6	<p>Advertising Plan. The applicant must file a formal plan for advertising the offering and availability of Lifeline and the basic universal service offering throughout the proposed service area.</p>
7	<p>Informational Tariff. The applicant must file an information tariff, or customer service agreement that shows the rates, service plans, cost of related equipment and installation charges, and all the terms and conditions related to the universal service offering.</p>
8	<p>Service Quality Plan. Wireless carrier applicants are not required to file a service quality plan.</p>
9	<p>Service Commitment. The applicant must commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will:</p> <ul style="list-style-type: none"> 1. Provide service on a timely basis to requesting customers within the applicant’s service areas where the applicant’s network already passes the potential customer’s premises. 2. Provide service within a reasonable period of time, if the potential customer is within the applicant’s licensed service area but outside its existing network coverage, if the service can be provided at reasonable cost.
10	<p>Service Improvement Plan. <i>This requirement does not apply to wireless resellers, because it involves high-cost funds.</i> Applicants must submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant’s network on a wire center-by-wire center basis or on a service-area basis throughout its proposed designated area. Each applicant shall demonstrate how signal quality, coverage, or capacity will improve due to the receipt of high- cost support.</p>

11	Emergency Functionality. The applicant must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.
12	Consumer Protection. The applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. Applicants’ commitments will be considered on a case-by- case basis.
13	Comparable Usage Plan. The applicant must demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service area for which it seeks designation.
14	Equal Access. <i>This requirement applies only to local service providers.</i> The applicant must certify that it acknowledges that the Commission may require it 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.
15	Wireless Handsets. The applicant shall provide access to useable 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. a. 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. b. The applicant shall provide to the consumer detailed information in writing, at the time of enrollment, of repair and replacement policies for phones and accessories (batteries, chargers) and purchase options. c. The applicant shall provide cell phone instruction manuals to its Lifeline customers. (Pursuant to Commission Order in Docket No. P-6920/M-13-1176, March 20, 2015).
16	Public Interest. Prior to designating an eligible telecommunications carrier pursuant to section 214(e)(2), the Commission will determine that such designation is in the public interest. In doing so, the Commission shall consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant’s service offering.

III. OVERVIEW OF TRUCONNECT’S FILING

TruConnect, formerly Telscape Communications, Inc., is a Delaware corporation with its main office located in California. The Company offers prepaid wireless service through wholesale arrangements with T-Mobile USA, Inc., and Verizon Wireless (collectively, Underlying Carriers). These Underlying Carriers would provide TruConnect’s infrastructure and wireless transmission facilities for both voice and broadband service in Minnesota. TruConnect states that it provides service nationwide and is designated and operating as an ETC in seven states and the Virgin Islands. The Company has received the necessary authorization to participate in the Affordable Connectivity Program (ACP).

TruConnect is a subsidiary of TSC Acquisition Corporation (TSC), which also owns Sage Telecom Communications, LLC, dba TruConnect (Sage dba Truconnect). Sage dba TruConnect has been

designation a Lifeline-only ETC in Minnesota since 2015.⁷ The owners of TSC also own TruConnect Mobile, LLC, which sells mobile hotspot devices and low-cost monthly data plans and TruConnect Technologies, LLC, a mobile data analytics Company that develops data intelligence products and services for wireless carriers, cable operators, and content providers.

TruConnect intends to use the Underlying Carrier networks to offer prepaid service that it describes as affordable, easy to use, and attractive to low-income consumers.⁸ The Company touts the mobility, reliability, and reach of its service in addition to its “simple and affordable prepaid calling plans, easy-to-use handsets, and high-quality customer service.”⁹ TruConnect states that it anticipates many subscribers will be from lower-income backgrounds and that it does not use credit checks or require long-term contracts.¹⁰

The Company plans to offer:

1. local and long-distance calling; and
2. access to the following custom calling features at no charge:
 - a. Caller ID
 - b. Call Waiting
 - c. Call Forwarding
 - d. 3-Way Calling
 - e. Voicemail; and
3. text messaging
4. broadband access
5. the option for a consumer to “bring their own device.”¹¹

TruConnect states that it “may provide user-friendly handsets or hotspot devices”¹² but does not commit to criteria that determines what a subscriber would receive. TruConnect points out the benefit of its prepaid service and lack of contracts as an opportunity for customers to avoid hidden costs, fluctuating monthly charges, and long-term commitments.¹³ The Company will offer bundles of minutes and data to supplement monthly plans and appears poised to focus its offerings for lower-income communities.¹⁴

⁷ *In the Matter of the Petition of Sage Telecom Communications, LLC (Sage) for Designation as an Eligible Telecommunications Carrier (ETC) in Minnesota*, Docket No. P-6920/M-13-1176, Order, March 20, 2015, Doc. Id. [20153-108428-01](#). In 2018, Sage Telecom Communications, LLC, filed a Notification of d/b/a with the Commission, indicating that the provider would offer Lifeline service as “TruConnect.” The Commission approved this Notice in Docket No. P-6920/M-18-385, see Sept. 25, 2018 Order, Doc. Id. [20189-146610-01](#).

⁸ Petition at II., p. 3.

⁹ Id. at II., pp. 3-4.

¹⁰ Id. at II., p. 4.

¹¹ Ibid.

¹² Ibid.

¹³ Id. at II., p. 4.

¹⁴ Id. at II., p. 5.

IV. DISCUSSION OF WHETHER TRUCONNECT'S PETITION MEETS THE COMMISSION'S CRITERIA FOR ETC STATUS

Criterion 1

Common Carriage and Supported Services. FCC Rule 47 C.F.R. § 54.101 states that applicants must be a common carrier and commit to providing the following services:

- a. Eligible voice telephony services: must provide 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; and
- d. Broadband internet access services.

In its Petition, TruConnect asserts it will offer the required services in Minnesota.¹⁵

Criterion 2

Facilities Description. The applicant must file a list and description of the facilities used to provide services throughout the service area for which designation is sought.

TruConnect's Petition describes the facilities it will use to provide service and states it will provide service using the Underlying Carrier networks of T-Mobile USA, Inc., and Verizon Wireless on a wholesale basis.¹⁶

Criterion 3

Facilities Ownership. The applicant must offer services either using its own facilities or a combination of its own facilities and resale of another carrier's services. (47 USC § 214(e)(1)(A)).

In its Petition, TruConnect states that it will provide service using the underlying facilities of T-Mobile and Verizon.¹⁷ In its Petition, the Company asserts its Lifeline-supported service will be offered under the brand designation, TruConnect.¹⁸

Criterion 4

Service Provision Requests. The applicant must file a description of how it will fulfill its obligation to provide service upon a customer's reasonable request.

¹⁵ Petition, Section IV.C. at pp. 8-9.

¹⁶ Id., Section II., p. 3.

¹⁷ Ibid.

¹⁸ Id., Section IV.E., p. 11.

TruConnect states in its Petition that, as a reseller, it will provide service through its Underlying Carriers. The Company further states that, because both Underlying Carriers are “operational and largely built out...it...will be able to commence offering its Lifeline service to all locations served by T-Mobile and Verizon very soon after receiving approval from the Commission.”¹⁹

Criterion 5

Basic Service Offering. The applicant must file a detailed description of at least one “basic” affordable universal offering with all the supported services.

TruConnect described a detailed supported services offering as:

Lifeline customers will receive unlimited voice minutes, unlimited text messages, and 4.5 gigabytes (GB) of data per month with full access to the T-Mobile and Verizon networks at a net cost of \$0.00 after application of Lifeline support. Lifeline customers that also elect to receive ACP benefits from TruConnect will receive unlimited talk, unlimited text, and unlimited data after application of Lifeline and ACP support at a net cost of \$0.00. Customers will be able to purchase additional data as needed. All plans will include nationwide domestic long-distance at no extra per-minute charge and free international calling to Canada, Mexico, China, Vietnam, and South Korea. TruConnect will not assess any usage for access to its free customer services (611). Emergency (911) calls will be free, regardless of service activation or availability of minutes, and will not count against the customer’s airtime.²⁰

Criterion 6

Advertising Plan. The applicant must file a formal plan for advertising the offering and availability of Lifeline and the basic universal service offering throughout the proposed service area.

TruConnect asserts:

TruConnect will advertise the availability and rates for the services described above using media of general distribution as required by 47 C.F.R. § 54.201(d)(2). TruConnect will comply with the FCC’s rules regarding information to be included in marketing materials, including rule section 54.405(c). Specifically, TruConnect’s marketing materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements

¹⁹ Id., Section V.A., p. 12.

²⁰ Id., Section V.E., pp. 15-16. Note that TruConnect’s plan incorporates the ACP benefit. The benefit will soon expire and the FCC is no longer allowing new enrollments.

before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) TruConnect is the provider of the services.²¹

The Company also stated that its advertising campaigns will specifically target those most likely to benefit from Lifeline, both in advertising partners and locations where the need is greatest.

The Company included sample advertising in Exhibit 4²² to its Petition. It should be noted, however, that TruConnect's advertising includes information on the ACP benefit. As of February 7, 2024, no new enrollments are allowed due to the impending closure of the program.²³ Should the Commission approve TruConnect's Petition, the Department recommends that it require TruConnect to file updated sample advertisements that reflect pricing without the ACP benefit and to not encourage potential subscribers to enroll in the ACP.

Criterion 7

Informational Tariff. The applicant must file an informational tariff or customer service agreement, that shows the rates, service plans, cost of related equipment and installation charges, and all the terms and conditions related to the universal service offering.

TruConnect does not have an informational tariff on file with the Commission. The Company has terms and conditions readily available at its website,²⁴ but should the Commission designate TruConnect an ETC, the Department recommends that the Commission require the Company to file an informational tariff within 30 days of the release of the designation order.

Criterion 8

Service Quality Plan. Mobile wireless carrier applicants are not required to file a service quality plan and TruConnect did not file such a plan, however in its Petition, the Company committed to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.²⁵

The Department recommends that, should the Commission grant TruConnect ETC status designation, the Commission order the CTIA Consumer Code be attached to the TruConnect informational tariff.

Criterion 9

Service Commitment. The applicant must commit to providing service throughout its proposed designated service area to all customers making a reasonable request for service.

²¹ Id., Section IV.E., pp. 11-12.

²² Doc. Id. [20241-202315-04](#).

²³ See [The FCC is Taking Steps to Wind Down the Affordable Connectivity Program](#), FCC Press Release, Jan. 12, 2024, <https://www.fcc.gov/fcc-taking-steps-wind-down-affordable-connectivity-program>.

²⁴ <https://www.truconnect.com/terms-and-conditions>

²⁵ Petition, Section V.C., pp. 13-14.

In its Petition, TruConnect commits to providing service throughout the state by reselling service offered from its Underlying Carriers. The Company notes that both T-Mobile and Verizon already operate in Minnesota, which would allow TruConnect to begin offering Lifeline service soon after Commission approval.²⁶ TruConnect offers the Certification of Nathan Johnson, Co-CEO of TruConnect, to support its commitment to comply with the service requirements applicable any the low-income support it may receive and that it will adhere to FCC rules.²⁷

Criterion 10

Service Improvement Plan. This requirement does not apply to mobile wireless resellers, because it involves high-cost funds. Under this criterion, applicants must submit a five-year network improvement plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis or on a service-area basis throughout its proposed designated area. In addition, applicants must demonstrate specific improvement results related to signal quality, coverage, or capacity as a result of improvements.

Because the nature of TruConnect's service (resale) depends on the networks of its Underlying Carriers, the Company depends on network improvements implemented by T-Mobile and Verizon.

Criterion 11

Emergency Functionality. The applicant must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

As with other requirements that address the functionality of the network, TruConnect's ability to remain functional in emergency situations relies on its Underlying Carriers. In its Petition, the Company states, "[T]he networks of its Underlying Carriers have access to a reasonable amount of back-up power to ensure functionality without an external power source, can reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations. ... The Underlying Carriers provide the same functionality to TruConnect and its customers as they provide to themselves and their own customers."²⁸

Criterion 12

Consumer Protection. The applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. Applicants' commitments will be considered on a case-by-case basis.

²⁶ Id., Section V.A., p.12.

²⁷ Id., Section V.A., pp. 11-12 and Exhibit 1, Doc. Id. [20241-202315-02](#).

²⁸ Id., Section V.B., p. 13.

TruConnect states that it will comply with 47 C.F.R. § 54.202(a)(3) by committing to the CTIA Consumer Code for Wireless Service.²⁹

TruConnect's [online presence](#)³⁰ offers multiple ways to contact the Company, including an 800 phone number, a customer support form, a chat application, and an FAQ article library for self-help. Terms and conditions for subscribers is readily available and in normal-sized font on the website. The website also provides a list of brick-and-mortar locations of dealers.

The Department was unable to locate a mailing address on the website or on the advertising samples filed as part of the Petition.³¹ Should the Commission decide to approve the Petition, the Department recommends that TruConnect be required to include a mailing address on its website, and informational tariff, for subscribers who prefer to contact the Company via US mail.

Criterion 13

Comparable Usage Plan. The applicant must demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service area for which it seeks designation.

The applicant's mobile wireless service and broadband access are comparable to landline offerings with respect to voice service. TruConnect's plans appear to be adequate and offer sufficient local and long-distance service through the number of minutes it offers.

The Company's monthly offerings for Lifeline customers includes unlimited voice minutes, unlimited text messages, and 4.5 gigabytes (GB) of data per month at a net cost of \$0.00 after application of the Lifeline benefit. Nationwide long-distance and international calls to Canada, Mexico, China, Vietnam, and South Korea do not incur any per-minute extra charge. Calls to Emergency 911 and customer service are free and do not count against the subscriber's minutes usage. TruConnect states in its Petition that subscribers with the ACP benefit also receive unlimited data,³² however, the FCC is no longer accepting enrollees in the program, and it is scheduled to end within the next few months.³³ Should the Commission grant ETC status to TruConnect, the Department recommends that the Company be required to file an informational tariff and that the price for unlimited data after the end of the ACP be included in the tariff.

²⁹ Id., Section V.C., pp. 13-14.

³⁰ truconnect.com

³¹ Exhibit 4, Doc. Id. [20241-202315-04](#).

³² Petition, Section V.E., p. 15-16.

³³ See [The FCC is Taking Steps to Wind Down the Affordable Connectivity Program](#), Jan. 12, 2024, <https://www.fcc.gov/fcc-taking-steps-wind-down-affordable-connectivity-program>.

Criterion 14

Equal Access. The applicant must certify that it acknowledges that the Commission may require it 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.

This requirement does not apply to Lifeline-only ETC designations.

Criterion 15

Wireless Handset Criteria. The applicant shall provide access to useable phones. Frequent static or other interference on the line, lack of clarity, dropped calls, inability to place a call, or an inability to receive a call under normal circumstances are not acceptable.

- a. 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.
- b. The applicant shall provide to the consumer detailed information in writing, at the time of enrollment, of repair and replacement policies for phones and accessories (batteries, chargers) and purchase options.
- c. The applicant shall provide cell phone instruction manuals to its Lifeline customers.

In its application, TruConnect states that it will provide E911-compliant handsets that are compatible with the Underlying Carriers' networks, replace defective devices at no additional charge, and comply with other requirements as established by the FCC. TruConnect goes on to state that subscribers can use their existing devices for service and that customer service personnel are available to assist customers with selecting and purchasing devices from the Company.³⁴ The Company also filed their FCC-approved compliance plan and the 2023 amendment.³⁵

TruConnect includes detailed information about available handsets on the Company's website within its Terms and Conditions³⁶ section and provides detailed specifications about available devices in its online shop.³⁷ Typically, written cell phone instructions accompany new phones, but the Department recommends that the Commission, should it grant ETC designation to TruConnect, require a Company officer to file an affidavit that TruConnect will provide written documentation for subscribers to satisfy a., b., and c. above in cases of both new devices and preowned devices. The affidavit should be filed within 30 days of the order granting the Company's Petition.

³⁴ See Petition at II., p. 4.

³⁵ See Exhibit 2 to Petition, Doc. Id. [20241-202315-03](#).

³⁶ See <https://www.truconnect.com/terms-and-conditions>.

³⁷ See <https://www.truconnect.com/devices>.

Criterion 16

Public Interest. Prior to designating an eligible telecommunications carrier pursuant to section 214(e)(2), the Commission will determine that such designation is in the public interest. In doing so, the Commission shall consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering.

In its Petition, TruConnect writes that designating the Company an ETC in Minnesota will serve the public interest by:

- Expanding provider choice to lower-income subscribers;
- Offering a mobile wireless option that is unique, easy to use, and highly affordable;
- Providing another option to those who prefer to use a prepaid telecommunications service, rather than more traditional service;
- Serving large calling areas;
- Providing convenience and security with mobile voice and broadband service;
- Offering a generous voice, text, and broadband plan with the application of Lifeline support; and
- Not requiring long-term contracts, which can be beneficial for lower-income subscribers.³⁸

Additionally, TruConnect describes its approach as a "proven technology-based business model"³⁹ and states that the Company has a "solid history as a Lifeline provider."⁴⁰

V. COMMISSION ALTERNATIVES

1. Grant ETC status designation to TruConnect after it completes the following:
 - a. File an informational tariff with complete and updated pricing to reflect rates absent access to the ACP benefit within 30 days of the Commission order;
 - b. File updated sample advertisements that reflect pricing without reference to the ACP benefit;
 - c. Include the CTIA Consumer Code as part of its informational tariff;
 - d. Update its website and tariff to include a mailing address; and
 - e. File an affidavit from one or more corporate officers committing to provide written instructions to all customers who obtain a device, new or pre-owned, from TruConnect within 30 days of the Commission's order
2. Deny ETC status designation to TruConnect.

³⁸ See Petition, Section VI.A., pp. 20-21.

³⁹ Id. p. 21.

⁴⁰ Ibid.

3. Take other action as the Commission deems appropriate.

VI. DEPARTMENT RECOMMENDATION

The Department recommends alternatives 1.a., 1.b., 1.c, 1.d., and 1.e.

CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Number: **P-7125/M-24-77**

Dated this **26th** day of **March, 2024**

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_24-77_M-24-77
Debra	Mercer	debra.mercer@nelsonmullins.com	Nelson Mullins Riley & Scarborough LLP	101 Constitution Avenue, NW Suite 900 Washington, DC 20001	Electronic Service	No	OFF_SL_24-77_M-24-77
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_24-77_M-24-77
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_24-77_M-24-77
Nicole	Westling	nicole.westling@state.mn.us	Department of Commerce	85 7th Place E Suite 280 St Paul, MN 55001	Electronic Service	No	OFF_SL_24-77_M-24-77

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

TRUCONNECT COMMUNICATIONS, INC.

DOCKET NO. 2024-UA-0030

IN RE: APPLICATION OF TRUCONNECT COMMUNICATIONS, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF MISSISSIPPI

ORDER

HAVING COME ON for consideration of the Application of TruConnect Communications, Inc. ("TruConnect" or "Company") filed with the Mississippi Public Service Commission ("Commission") on March 7, 2024, requesting approval for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Mississippi throughout its Service Area as set forth in Exhibit "A" attached hereto ("Service Area") for the purpose of receiving federal low-income universal service support for prepaid wireless services, specifically Lifeline. The Commission, being fully apprised in the premises and having considered the documents, exhibits, and record before it, as authorized by law and the Commission's Public Utilities Rules of Practice and Procedure, and upon recommendation of the Mississippi Public Utilities Staff, finds as follows:

1. Due and proper notice of the Application was given to all interested parties as required by law and the Public Utilities Rules of Practice and Procedure of the Commission and the Staff. There were no objections filed against the Application.
2. The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest.
3. TruConnect meets all the statutory and regulatory requirements for designation as an ETC in the State of Mississippi, including the new requirements outlined in the FCC's Lifeline and Link Up Reform Order.

4. TruConnect is a Delaware corporation authorized to do business in Mississippi. TruConnect, formerly Telscape Communications, Inc., is a subsidiary of TSC Acquisition Corporation (“TSC”). TSC also owns Sage Telecom Communications, LLC d/b/a TruConnect (“Sage d/b/a TruConnect”), formerly known as Sage Telecom, Inc. before a corporation restructuring in 2012. The owners of TSC separately own TruConnect Mobile, LLC, which sells mobile hotspot devices and low-cost monthly data plans, as well as TruConnect Technologies, LLC, a mobile data analytics company that develops data intelligence products and services for wireless carriers, cable operators, and content providers.

5. TruConnect seeks limited ETC designation in Mississippi to participate in the Lifeline program and will provide services to consumers by using the underlying wireless networks of facilities-based providers, T-Mobile USA, Inc. (“T-Mobile”) and Verizon Wireless (“Verizon”) (collectively, “Underlying Carriers”) on a wholesale basis to offer nationwide service.

6. TruConnect has been designated as an ETC in Alabama, California, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wyoming and U. S. Virgin Islands and has applications pending in Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Utah, and Wisconsin.

7. In accordance with the Lifeline and Link Up Reform Order, TruConnect filed a Compliance Plan with the FCC, which the FCC approved on December 26, 2012.

8. TruConnect appears to have the financial and technical capability to provide Lifeline service. The Company generates substantial revenues from non-Lifeline services and has access to capital from its investors. The Company will not be relying solely on Lifeline reimbursement for its operating revenues.

9. TruConnect appears to possess the managerial and technical qualifications to provide its proposed services in the State of Mississippi.

10. TruConnect has shown its ability to provide all services and functionalities supported by the universal service program, as detailed in Section 54.101(a) of the FCC's Rules (47 C.F.R. §54.101(a)) throughout Mississippi. TruConnect's Lifeline service offering will provide customers with the same features and functionalities enjoyed by all other TruConnect prepaid customers, and TruConnect will receive support from the Lifeline program for providing those services.

11. TruConnect recognizes the importance of safeguarding the USF and has implemented a non-usage policy in an effort to avoid waste, fraud, and abuse of the program.

12. Through its wholesale arrangements with T-Mobile and Verizon, TruConnect is able to provide all of the services and functionalities required by the Commission's ETC Checklist and Section 54.101(a) and Section 54.202(a) of the FCC's Rules (47 C.F.R. § 54.101(a) and 47 C.F.R. § 54.202(a)).

13. TruConnect has indicated it will advertise the availability and rates for the services described above using media of general distribution as required by 47 C.F.R § 54.201(d)(2). TruConnect's advertising will comply with the requirements set forth in the Lifeline and Link Up Reform Order, as outlined in the Company's Compliance Plan, and the Commission's ETC Checklist. TruConnect will engage in advertising campaigns specifically targeted to reach those likely to qualify for Lifeline services, promoting the availability of cost-effective wireless services to this consumer segment. In addition, TruConnect intends to utilize its network of retail partners to help promote the availability of its Lifeline plans, especially retail outlets that are frequented by low-income consumers.

14. TruConnect is not a rural telephone company as defined in Section 153(37) of the Act (47 U.S.C. § 153(37)). Accordingly, TruConnect is required to describe the geographic area(s) within which it requests designation as an ETC. TruConnect has requested designation as an ETC for its entire service area in Mississippi, including Tribal lands, as set forth in Exhibit "A" attached hereto. TruConnect understands that its service area overlaps with rural carriers in Mississippi but maintains that the public interest factors described below justify its designation in these carriers' service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income households. It does not seek and will not accept high-cost support. TruConnect is aware of the requirement in Section 214(e)(5) of the Act and 47 C.F.R. § 54.207(b) that the service area of an ETC conform to the service area of any rural telephone company serving the same area; however, the FCC recently granted forbearance from this requirement to low-income-only ETCs.

15. TruConnect provides service in Mississippi by reselling service which it obtains from its underlying facilities-based providers. The providers' networks are well-established network and facilities of T-Mobile and Verizon. Thus, TruConnect has represented that it will be able to commence offering its Lifeline service to all locations served by its underlying carrier promptly after receiving approval from the Commission. TruConnect commits to comply with the service requirements applicable to the support that it receives.

16. As set forth in the Lifeline and Link Up Reform Order, 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. Therefore, TruConnect is entitled to a waiver of the Commission's ETC Checklist requirement (Section I.A.1.d) that ETCs submit a USF utilization plan.

17. In accordance with 47 C.F.R §54.202(a)(2) and Section I.A.2 of the ETC Checklist, TruConnect, through its underlying carrier, has shown the ability to remain functional in emergency situations. Through agreements with T-Mobile and Verizon, TruConnect provides to its customers the same ability to remain functional in emergency situations as currently provided by its underlying carriers to its 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.

18. TruConnect has the ability to provide all services supported by the universal service program, as detailed in 47 C.F.R. § 54.101(a), throughout Mississippi and has expressed its commitment to satisfy all such applicable state and federal requirements related to consumer protection and service quality standards. Specifically, TruConnect commits to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service. Furthermore, in accordance with section I.A.1.b.iii of the ETC Checklist, TruConnect has designated representatives who have the authority to resolve customer service and quality of service complaints regarding the Company's Lifeline service offerings.

19. Section 54.410 of the FCC's Rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. TruConnect has indicated it will certify and verify consumer eligibility in accordance with the FCC's requirements, with applicable Commission rules, and in accordance with its Compliance Plan, which outlines how the Company will comply with the requirements set forth in the Lifeline and Link Up Reform Order.

20. TruConnect commits that its Lifeline-supported voice services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as such standards are updated going forward. TruConnect's commits that its Lifeline-supported broadband services will

also meet the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services including for service speed and data usage allowance, as such standards are updated going forward. To the extent TruConnect provides devices for use with Lifeline-supported broadband services, the Company commits that such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408)1) and TruConnect will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

21. In its Application, TruConnect has asserted 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 its Application. TruConnect has certified that all federal USF funding received will be used for Lifeline support and will be flowed through to the direct benefit of eligible low-income consumers. TruConnect's account is current with the FCC in regard to regulatory fees, and its account is current with USAC in regard to universal service contributions. TruConnect is in good standing with the Commission and will remit all applicable surcharges and fees on behalf of its Mississippi Lifeline customers.

22. TruConnect has committed to the following conditions in regard to its designation as an ETC in Mississippi:

(a) Each Lifeline customer will be provided a free SIM card and Lifeline service at no charge to the customer;

(b) TruConnect confirms that it will not provide Lifeline service unless or until it has confirmed that the consumer is a qualifying low-income household pursuant to 47 C.F.R. § 54.409 and completed the required eligibility determination and certification requirements of 47 C.F.R. §§ 54.409 and 54.410, 54.404-54.405. Processing of consumers' applications and determination of eligibility will be performed by the National Verifier.

(c) Lifeline customers who have their service disconnected can no longer be claimed by the Company for USAC reimbursement. The Company will also implement a 30-day non-usage policy to guard against receiving subsidies for inactive accounts;

(d) The Company agrees to adhere to the Commission's Public Utilities Rules of Practice and Procedure under Rule 23 regarding CLEC Discontinuance of Service;

(e) The Company will not decrement minutes for calls to 911 emergency services;

(f) The Company will comply with the annual reporting and certification requirements contained in the Commission's ETC Orders and Lifeline Orders in Docket 2007-AD-0487;

(g) The Company will not seek Link Up support and will not charge activation fees;

(h) The Company will comply with all applicable rules and regulations of the Commission;

(i) Within 30 days of approval of its ETC designation in Mississippi and prior to offering Lifeline services, TruConnect must make an informational tariff filing outlining its rates, terms and conditions. The rates, terms and conditions shall include all provisions that apply to the Lifeline services offered by TruConnect in Mississippi;

(k) Within 30 days of approval of its ETC designation in Mississippi and prior to offering Lifeline services, TruConnect must make a compliance filing with the Commission reflecting TruConnect's proposed language to be used in all advertising of Lifeline services and on its websites. This filing should also include a copy of TruConnect's Lifeline Customer Application Form;

(l) The Company will file with the Commission any future changes in its rates, terms, or conditions that affect its informational tariff on file at least seven days prior to the effective date of the changes; and

(m) The Company will market its Lifeline service in Mississippi under the brand name "TruConnect."

23. Moreover, the granting of TruConnect's Petition will serve the public interest by offering unique, easy to use, competitive and affordable wireless telecommunication service which benefits qualified consumer who either have no other service alternative or who choose a wireless prepaid solution in lieu of more traditional service. TruConnect's wireless service will include larger calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile service and an unlimited amount of voice and broadband access included without cost, as well as free access to caller ID, call waiting, and voicemail feature, as well as access to 911 services regardless of the number of voice minutes remaining on the Lifeline consumer's plan. TruConnect's Lifeline offerings compare with those of other competitive ETCs and provide Lifeline customers with unlimited voice minutes, unlimited text messages, and a data allotment (meeting the voice and broadband minimum service standards) at no net cost to the consumer. Additionally, TruConnect has expressed its intention to serve qualifying residents residing on federally recognized tribal lands in Mississippi.

IT IS, THEREFORE, ORDERED by the Commission that:

1. Designation of TruConnect as an ETC throughout its Service Area in the State of Mississippi accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

2. TruConnect is hereby designated as an ETC in the State of Mississippi solely for purposes of participating in the Lifeline program, including tribal Lifeline.

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3. This Order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this docket.

COMMISSION VOTE

Chairman Chris Brown	Aye	<u>X</u>	Nay	_____
Commissioner De'Keither Stamps	Aye	<u>X</u>	Nay	_____
Commissioner Wayne Carr	Aye	<u>X</u>	Nay	_____

SO ORDERED this the 13th day of June 2024.

MISSISSIPPI PUBLIC SERVICE COMMISSION



Chris Brown
CHRIS BROWN, CHAIRMAN

De'Keither Stamps
DE'KEITHER STAMPS, COMMISSIONER

Wayne Carr
WAYNE CARR, COMMISSIONER

ATTEST A True Copy
Katherine Collier
KATHERINE COLLIER, EXECUTIVE SECRETARY

Effective this the 13th day of June 2024.

TRUCONNECT COMMUNICATIONS, INC.
MISSISSIPPI
SERVICE AREA ZIP CODES

38601	38664	38759	38856	38946	39073	39157	39218
38602	38665	38760	38857	38947	39074	39158	39225
38603	38666	38761	38858	38948	39077	39159	39232
38606	38668	38762	38859	38949	39078	39160	39235
38609	38669	38764	38860	38950	39079	39161	39236
38610	38670	38765	38862	38951	39080	39162	39250
38611	38671	38767	38863	38952	39081	39163	39269
38614	38672	38768	38864	38953	39082	39165	39271
38617	38673	38769	38865	38954	39083	39166	39272
38618	38674	38771	38866	38955	39086	39167	39282
38619	38675	38772	38868	38957	39087	39168	39283
38620	38676	38773	38869	38958	39088	39169	39284
38621	38677	38774	38870	38959	39090	39170	39286
38622	38679	38776	38871	38960	39092	39171	39288
38623	38680	38778	38873	38961	39094	39173	39289
38625	38683	38780	38874	38962	39095	39174	39296
38626	38685	38781	38875	38963	39096	39175	39298
38627	38686	38782	38876	38964	39097	39176	39301
38628	38701	38801	38877	38965	39098	39177	39302
38629	38702	38802	38878	38966	39107	39179	39303
38630	38703	38803	38879	38967	39108	39180	39304
38631	38704	38804	38880	39038	39109	39181	39305
38632	38720	38820	38901	39039	39110	39182	39307
38633	38721	38821	38902	39040	39111	39183	39309
38634	38722	38824	38913	39041	39113	39189	39320
38635	38723	38825	38914	39042	39114	39190	39322
38637	38725	38826	38915	39043	39115	39191	39323
38638	38726	38827	38916	39044	39116	39192	39324
38639	38730	38828	38917	39045	39117	39193	39325
38641	38731	38829	38920	39046	39119	39194	39326
38642	38732	38833	38921	39047	39120	39201	39327
38643	38733	38834	38922	39051	39121	39202	39328
38644	38736	38835	38923	39054	39122	39203	39330
38645	38737	38838	38924	39056	39130	39204	39332
38646	38738	38839	38925	39057	39140	39205	39335
38647	38739	38841	38926	39058	39144	39206	39336
38649	38740	38843	38927	39059	39145	39207	39337
38650	38744	38844	38928	39060	39146	39208	39338
38651	38745	38846	38929	39061	39148	39209	39339
38652	38746	38847	38930	39062	39149	39210	39341
38654	38748	38848	38935	39063	39150	39211	39342
38655	38749	38849	38940	39066	39151	39212	39345
38658	38751	38850	38941	39067	39152	39213	39346
38659	38753	38851	38943	39069	39153	39215	39347
38661	38754	38852	38944	39071	39154	39216	39348
38663	38756	38855	38945	39072	39156	39217	39350

TRUCONNECT COMMUNICATIONS, INC.
MISSISSIPPI
SERVICE AREA ZIP CODES

39352	39465	39571	39736
39354	39466	39572	39737
39355	39470	39573	39739
39356	39474	39574	39740
39358	39475	39576	39741
39359	39476	39577	39743
39360	39477	39581	39744
39361	39478	39595	39745
39362	39479	39601	39746
39363	39480	39602	39747
39364	39481	39603	39750
39365	39482	39629	39751
39366	39483	39630	39752
39367	39501	39631	39753
39401	39502	39632	39754
39402	39503	39633	39755
39403	39505	39635	39756
39404	39506	39638	39759
39406	39507	39641	39760
39407	39520	39643	39762
39421	39521	39645	39766
39422	39522	39647	39767
39423	39525	39648	39769
39425	39529	39649	39771
39426	39530	39652	39772
39427	39531	39653	39773
39428	39532	39654	39776
39429	39533	39656	
39436	39534	39657	
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39457	39563	39702	
39459	39564	39703	
39460	39565	39704	
39461	39566	39705	
39462	39567	39710	
39463	39568	39730	
39464	39569	39735	

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held in its office in Jefferson City on the 2nd day of May, 2024.

In the Matter of the Application of)
TruConnect Communications Inc. for)
Designation as an Eligible) **File No. TA-2024-0238**
Telecommunications Carrier)
)

**ORDER GRANTING DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: May 2, 2024

Effective Date: May 12, 2024

On February 28, 2024, TruConnect Communications, Inc. (TruConnect) requested designation as an Eligible Telecommunications Carrier (ETC) to be eligible to provide Lifeline service. TruConnect requests ETC designation on a statewide basis for the purpose of receiving federal low-income support. TruConnect also requests a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

The Commission issued notice and set a deadline for intervention. No intervention requests were received.

The Staff of the Missouri Public Service Commission (Staff) conducted an investigation and on April 15, 2024, filed its recommendation and memorandum. Staff recommended that the Commission approve TruConnect's request for designation as an eligible telecommunications carrier for the purpose of receiving federal low-income

support on a statewide basis. Staff stated TruConnect met the requirements of Commission Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers.

Under federal authority, the application is within the Commission's jurisdiction to decide.¹ Since no statute, ordinance, or constitutional provision requires a hearing, this is a non-contested case.² Non-contested cases do not require formal proceedings or hearings before the Commission.³ Consequently, the Commission bases its decision on the verified filings. Based upon its review of the verified application and Staff's recommendation and memorandum, the Commission finds that TruConnect has met the requirements for ETC designation.

Further, TruConnect's application represents that the applicant has not had contact with the Office of the Commission about any substantive issue connected to the filing within 150 days before filing the application. On the basis of that representation, for good cause shown, the Commission will waive application of the pre-filing notice requirements of Commission Rule 20 CSR 4240-4.017(1).

So that TruConnect may begin providing services under its ETC designation in Missouri, the Commission finds it reasonable to make this order effective in less than 30 days.

THE COMMISSION ORDERS THAT:

1. TruConnect's application is granted. TruConnect is designated as an ETC for the purpose of receiving federal low-income support on a statewide basis.

¹ 47 U.S.C. § 214(e)(2).

² *State ex rel. Yarber v. McHenry*, 915 S.W.2d 325, 328 (Mo. 1995).

³ *State ex rel. Pub. Counsel v. Pub. Serv. Comm'n*, 210 S.W.3d 344, 353-354 (Mo. App. W.D. 2006).

2. TruConnect is granted a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

3. This order shall become effective on May 12, 2024.

4. This file shall be closed on May 13, 2024.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Holsman
and Kolkmeyer CC., concur.

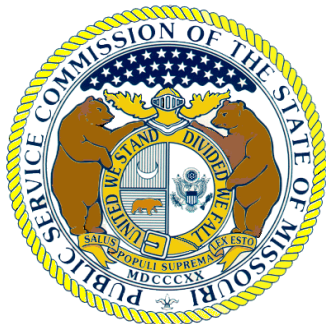
Fewell, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 2nd day of May 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 2, 2024

File/Case No. TA-2024-0238

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**TruConnect Communications,
Inc.**

Carl Lumley
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St. Louis, MO 63105
clumley@chgolaw.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.

**DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA**

In re TruConnect Communications, Inc.'s Application for Designation as an Eligible Telecommunications Carrier	Docket 2024.04.050 August 16, 2024
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Default Order 7963

Background

1. On April 19, 2024, TruConnect Communications, Inc. (“TruConnect”) filed an Application for Designation as an Eligible Telecommunications Carrier (“Application”) with the Montana Public Service Commission (“Commission”).

2. On May 16, 2024, the Commission issued a Notice of Application and Intervention Deadline, which established May 31, 2024, as the deadline for intervention in this docket. No interested party moved to intervene by the established deadline.

3. This matter is uncontested, and, as discussed below, TruConnect’s Application is approved.

Standard of Review

4. The Commission has the authority to determine whether an applicant should be designated as an eligible telecommunication carrier (“ETC”). 47 U.S.C. § 214(e) (2024); Mont. Code Ann. § 69-3-840 (2023). State-designated ETCs are eligible to receive reimbursement from the federal Universal Service Fund (“USF”). See 47 U.S.C. §§ 214(e)(1); Mont. Code Ann. § 69-3-840. The USF supports various programs through subsidies distributed to telecommunications carriers designated as ETCs. See 47 U.S.C. § 254(e). One of those programs is the Lifeline program, which is designed to provide low-income consumers with voice or broadband

services. *In re Bridging the Digital Divide for Low-Income Consumers*, 34 FCC Rcd 10886, ¶ 3 (Nov. 14, 2019).

5. For an applicant to be eligible to be designated as a Lifeline-only ETC in Montana, it must meet the following requirements:

- (a) The applicant must include in its application prefiled testimony and supporting analysis that establishes a prima facie case for designation. Mont. Admin. R. 38.5.3203(2). An oath or statement affirming all facts and information in the application may be substituted for the prefiled testimony. Mont. Admin. R. 38.2.4202.
- (b) The applicant must include in its application an identification of the requested service area. *See* 47 U.S.C. § 214(e)(5).
- (c) The applicant must be a telecommunications common carrier. 47 U.S.C. § 214(e)(2). A telecommunications “common carrier” is any provider engaged in providing telecommunications services for hire that holds itself out as providing services to all persons indiscriminately. *See* 47 U.S.C. § 153(11); 47 C.F.R. § 54.5; *In re Transp. of Sch. Children*, 117 Mont. 618, 623, 161 P.2d 901, 903 (1945) (defining “common carrier”). A provider of commercial mobile radio service (“CMRS”) is entitled to be treated as a common carrier for ETC designation purposes. *See* 47 U.S.C. § 332(c)(1)(A); *In re Implementation of Sections 3(n) and 332 of the Commc’ns Act, Regul. Treatment of Mobile Servs.*, Second Report & Order, 9 FCC Rcd 1411, ¶ 37 (Mar. 7, 1994); *In re PCIA’s Pet. for Forbearance for Broadband Pers. Commc’ns Servs.*, Mem. Opinion & Order & Notice of Proposed Rulemaking, 13 FCC Rcd 16857, ¶ 111 (July 2, 1998).
- (d) The applicant must offer voice telephony services that are supported by federal Universal Service Support mechanisms under 47 U.S.C. § 254(c) (“Supported Services”). 47 U.S.C. § 214(e)(1)(A); Mont. Admin. R. 38.5.3209(2)(a). Those services must include 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 emergency services; and toll limitation services to qualifying low-income consumers as provided in 47 C.F.R. Part 54, Subpart E. 47 C.F.R. § 54.101(a). An applicant is not required to offer toll limitation service if its Lifeline service does not distinguish between toll and non-toll calls in the pricing of the service. 47 C.F.R. § 54.401(a)(2).
- (e) The applicant must either (i) offer the supported services using its own facilities or a combination of its own facilities and resale of another

carrier's services or (ii) meet the requirements for forbearance from the "own-facilities" requirement. 47 U.S.C. § 214(e)(1)(A). To qualify for forbearance from the "own-facilities" requirement, the applicant must:

- (i) demonstrate it will provide its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes;
- (ii) demonstrate it will 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; and
- (iii) have a current, Federal Communications Commission Wireline Competition Bureau ("Bureau")-approved Lifeline Compliance Plan ("Compliance Plan").

In re Lifeline & Link Up Reform & Modernization, Fed.-State Joint Bd. on Universal Serv., 27 FCC Rcd 6656, WC Dkt. Nos. 11-42, 03-109, 12-23, CC Dkt. No. 96-45, Report & Order & Further Notice of Proposed Rulemaking, FCC 12-11 ¶¶ 368, 373 (Feb. 6, 2012) ("Lifeline Reform Order"). A Compliance Plan is current if it substantially reflects the material terms of the applicant's current corporate ownership, service offerings, and compliance measures. *See Lifeline Reform Order* ¶ 368; *In re Bureau ETC Designation & Compliance Plan Approval Requirements*, Public Notice, 29 FCC Rcd 9144, ¶ 3 (July 24, 2014).

- (f) The applicant must provide the supported services throughout the designated service area to all customers making a reasonable request for service and, for service in rural areas, in a manner reasonably comparable and at a rate reasonably comparable to similar services offered in urban areas. 47 U.S.C. § 214(e)(1); Mont. Admin. R. 38.5.3209(2)(c).
- (g) The applicant must advertise the availability of the supported services and their charges using media of general distribution. 47 U.S.C. § 214(e)(1)(B); Mont. Admin. R. 38.5.3209(2)(c). To meet this requirement, the applicant must publicize Lifeline services in a manner reasonably designed to reach those who qualify for the service, use easily understood language to describe the Lifeline program, and disclose its name on all materials describing the service. 47 C.F.R. § 54.405(b)–(d).

- (h) The applicant must satisfy applicable consumer protection and service quality standards, including those set forth in 47 C.F.R. § 54.408. Mont. Admin. R. 38.5.3209(2)(d); 47 C.F.R. § 54.401(b)(3).
- (i) The applicant must demonstrate it is financially and technically capable of providing Lifeline services in compliance with 47 CFR Part 54, Subpart E. 47 C.F.R. § 54.201(h). When considering whether an applicant has satisfied this requirement, the Commission will consider, among other relevant factors, whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state. *See Lifeline Reform Order* ¶ 388.

6. If an applicant meets all the eligibility requirements listed above, the Commission must determine whether designating the applicant as a Lifeline-only ETC is consistent with the public interest, convenience, and necessity. 47 U.S.C. § 214(e)(2); Mont. Code Ann. § 69-3-840(3); Mont. Admin. R. 38.5.3210(1). In doing so, the Commission considers all known factors that demonstrate a public benefit or detriment, including, but not limited to, the factors articulated in Commission rules. Mont. Admin. R. 38.5.3210(3).

7. The Commission must designate an applicant as an ETC for a service area designated by the Commission if the applicant meets the requirements set forth above in paragraph 6, and the Commission finds that designation is in the public interest. 47 U.S.C. § 214(e)(2); Mont. Code Ann. § 69-3-840(2). The applicant has the burden of demonstrating in fact and law that the requirements for designation as an ETC have been met. Mont. Admin. R. 38.5.3203(1).

Findings of Fact

8. TruConnect is a Delaware corporation. Appl. 3. Its principal office is located in Los Angeles, California 90015. *Id.* TruConnect is a subsidiary of TSC Acquisition Corporation (“TSC”). *Id.* TruConnect provides prepaid wireless telecommunications services to consumers by using the underlying wireless

networks of Verizon Wireless and T-Mobile USA, Inc. (collectively, “Underlying Carriers”) on a wholesale basis. *Id.*

9. In its Application, TruConnect requests that it be designated as an ETC in the State of Montana. Appl. 1. It seeks ETC designation solely to provide Lifeline service to qualifying Montana consumers. *Id.*

10. TruConnect seeks ETC designation that is statewide in scope to allow TruConnect to provide Lifeline service wherever its Underlying Carriers currently have wireless coverage, including federally recognized tribal lands. Appl. 10, Ex. 2.

11. TruConnect has been designated as a Lifeline-only wireless ETC in several other states. Appl. 3. It provides voice-grade access to the public switched telephone network (“PSTN”) through the purchase of wholesale CMRS services from the Underlying Carriers. *Id.* at 9. It offers rate plans that provide its customers with minutes of use for local service at no additional charge. *Id.* Additionally, TruConnect provides 911 and E911 access for all of its customers to the extent the local government in its service area has implemented 911 or E911 systems. *Id.* TruConnect represents that it complies with the Federal Communications Commission’s (“FCC’s”) regulations governing the deployment and availability of E911 compatible handsets, and that calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. *Id.*

12. TruConnect represents that its offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. Appl. 9. TruConnect also represents its service is not offered on a distance-sensitive basis and local and domestic long-distance minutes are treated the same. *Id.*

13. TruConnect provides Broadband Internet access service (“BIAS”). Appl. 9–10. It represents it does so in accordance with the FCC’s minimum service standards to ensure Lifeline customers receive full Lifeline support. *Id.* TruConnect provides BIAS to low-income consumers via resale of its Underlying Carriers’ services. *Id.*

14. TruConnect represents that if it is designated as a Lifeline-only ETC by the Commission, it will provide Lifeline service in Montana in accordance with its Compliance Plan approved by the Bureau. Appl. 7–8. The Bureau approved TruConnect’s Compliance Plan on December 26, 2012. *Id.* at 7–8, Ex. 1.

15. TruConnect represents that it will advertise the availability and rates for its voice telephony service and its BIAS using media of general distribution. Appl. 11. It represents it will comply with the FCC’s rules regarding information to be included in marketing materials. *Id.* Specifically, TruConnect represents its marketing materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) TruConnect is the provider of the services. *Id.* TruConnect also represents its Lifeline application/certification form will state that Lifeline is a federal benefit and that consumers who willfully make a false statement to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program. *Id.* at 11–12

16. TruConnect represents it will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline service. Appl. 12. TruConnect also represents that it may promote its Lifeline services by distributing brochures to state and local social service agencies. *Id.* TruConnect represents it may partner with non-profit assistance organizations to inform customers of the availability of its Lifeline services. *Id.* TruConnect intends to utilize its network of retail partners to promote its Lifeline plans, once the retail partners are established. *Id.*

17. TruConnect represents that if it is designated as a Lifeline-only ETC by the Commission, it will comply with applicable state and federal laws. Appl. 8, 14. TruConnect represents its Lifeline-supported voice services will meet or exceed the minimum standards set forth in 47 C.F.R. § 54.408. *Id.* at 15. TruConnect also

represents it can remain functional in emergency situations, that it will be able to service all locations served by its Underlying Carriers, and that it commits to complying with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service. *Id.* at 13–14. TruConnect additionally represents that as an ETC, it will comply with Lifeline Certification and Verification requirements. *Id.* at 16–17.

18. TruConnect represents that it is financially and technically capable of providing Lifeline-supported services. Appl. 14. TruConnect represents that: it currently provides service to both Lifeline and non-Lifeline customers; it has not been subject to ETC revocation proceedings; it is financially able to provide Lifeline-supported services; it has never filed for bankruptcy protection; it does not, and does not intend to, offer exclusively Lifeline-supported service and therefore is not exclusively dependent on the USAC for its revenue; it has access to managerial, technical and financial resources from its parent company, TSC; and its senior management has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise. *Id.* at 14–15.

19. TruConnect states that designating it as an ETC would promote the public interest. Appl. 19. To support this statement, TruConnect notes that one of the purposes of the Telecommunications Act of 1996 is “to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” *Id.* (quoting the Telecommunications Act of 1996, Preamble, Pub. L. No. 104-404, 110 Stat. 56 (1996)). It also asserts that the public interest benefits of TruConnect being designated as an ETC include larger calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile service, voice and broadband access, as well as free access to caller ID, call waiting, and Voicemail features, and access to 911 services regardless of the number of voice minutes remaining on a Lifeline consumer's plan. *Id.* at 20. TruConnect additionally asserts granting it ETC status will afford low-income Montana residents a wider choice of

providers and available services while creating a competitive marketplace. *Id.* at 20. TruConnect states that its prepaid wireless service is likely to be attractive to Lifeline customers because it alleviates concerns regarding hidden costs, varying monthly charges, and long-term contract issues. *Id.* at 21.

20. TruConnect further asserts that its being designated as an ETC will not negatively affect the availability of USF because it will not cause growth to the high-cost portions of the USF. Appl. 10. To the extent there are increases in Lifeline expenditures, TruConnect asserts the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers outweigh those expenses. *Id.* at 22.

21. TruConnect provided testimony supporting the Application. Test. Danielle Perry (Apr. 19, 2024).

Conclusions of Law

22. All findings of fact that are properly conclusions of law are incorporated herein and adopted as such.

23. The Commission properly exercises jurisdiction over this matter as TruConnect is a CMRS provider and has filed an application seeking designation as an ETC. 47 U.S.C. § 214(e)(2); Mont. Code Ann. § 69-3-840.

24. Procedural due process is flexible and calls for such procedural protections as the particular situation demands. *Geil v. Missoula Irrigation Dist.*, 2002 MT 269 ¶ 58, 312 Mont. 320, 59 P.3d 398. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* ¶ 61 (citations and internal quotes omitted). The Commission concludes it has provided adequate procedural due process in this matter, including adequate public notice of this proceeding and an opportunity for all interested parties to be heard. In turn, the Commission concludes no further process is necessary to issue a decision regarding TruConnect’s application for designation as a Lifeline-only ETC.

25. The Commission concludes TruConnect has met the eligibility requirements for being designated as a Lifeline-only ETC. TruConnect's application contains the requisite information. As a CMRS provider, TruConnect qualifies for treatment as a telecommunications common carrier. TruConnect offers voice telephony services that are supported services. TruConnect meets the forbearance standard to be exempt from the own-facilities requirement.

26. TruConnect represents it will provide Lifeline services throughout its designated service area and do so with non-discriminatory pricing. TruConnect represents it will advertise its Lifeline services using media of general distribution. TruConnect represents it will comply with applicable state and federal laws and satisfy applicable consumer protection and service quality standards. Finally, TruConnect is financially and technically capable of providing Lifeline services in compliance with 47 CFR Part 54, Subpart E.

27. The Commission concludes designating TruConnect as an ETC is consistent with the public interest, convenience, and necessity. TruConnect represents it has the ability to provide the supported services. It has stated it will comply with all applicable laws. It offers both mobile phone services and broadband access. It represents it can provide services throughout the requested service area. Further, nothing in the record suggests TruConnect's designation as an ETC will negatively impact the availability of universal service support. Finally, designating TruConnect as an ETC will provide an additional market choice for existing and potential Lifeline subscribers.

28. Because TruConnect has met the eligibility requirements for being designated as a Lifeline-only ETC and such designation is consistent with the public interest, convenience, and necessity, the Commission concludes TruConnect should be designated as a Lifeline-only ETC as requested in its Application. *See* 47 U.S.C. § 214(e); Mont. Code Ann. § 69-3-840.

Order

29. TruConnect's Application is APPROVED.

30. The Commission designates TruConnect as an ETC for the purpose of participating in the Lifeline program. The service area for this designation is limited to the areas served by the Underlying Carriers as identified in Exhibit 2 of the Application and attached to this order.

DONE and DATED August 16, 2024, by the Montana Public Service Commission through delegation to staff.

JAMES BROWN, President
JENNIFER FIELDER, Vice President
TONY O'DONNELL, Commissioner
RANDALL PINOCCI, Commissioner
DR. ANNIE BUKACEK, Commissioner

CERTIFICATE OF SERVICE

I certify that on August 16, 2024, a true and accurate copy of the foregoing document was served by email to the following:

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Montana Public Service Commission

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-5565/
of TruConnect Communications,) NUSF-142
Inc., Los Angeles, California,)
seeking designation as an)
Eligible Telecommunications) ORDER GRANTING APPLICATION
Carrier in the State of Nebraska)
for the Limited Purpose of)
Providing Lifeline and NTAP)
Service to Qualifying Customers.) Entered: August 20, 2024

BY THE COMMISSION:

On February 29, 2024, an application was filed by TruConnect Communications, Inc. of Los Angeles, California ("TruConnect" or "Applicant"), seeking designation as an Eligible Telecommunications Carrier ("ETC") in the State of Nebraska for the limited purpose of providing Lifeline and Nebraska Telephone Assistance Program ("NTAP") Service. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 5, 2024.

E V I D E N C E

A hearing in this matter was held on July 24, 2024, in the Commission Hearing Room, Lincoln, Nebraska, and via videoconference. Mary Vaggalis and Debra Mercer appeared on behalf of the Applicant. Sallie Dietrich appeared on behalf of the Telecommunications and NUSF Department of the Commission ("Department"). Exhibits numbered 1 through 5 were offered into evidence at hearing. Exhibit 6 was accepted after the hearing as a late-filed exhibit.

Danielle Perry, Chief Compliance Officer at TruConnect, presented testimony on behalf of the Applicant. Ms. Perry stated that she is responsible for and oversee all regulatory compliance-related aspects of the business, and oversees the company's Lifeline services.¹ Ms. Perry stated that the Applicant is a Delaware corporation with its principal office located in Los Angeles, California.² Ms. Perry stated that Applicant is a subsidiary of TSC Acquisition Corporation ("TSC").³ She stated that TSC also owns Sage Telecom Communications, LLC, d/b/a TruConnect,

¹ Transcript at 8-9.

² *Id.* at 10.

³ *Id.*

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formerly known as Sage Telecom, Inc ("Sage").⁴ She further stated that TSC also owns TruConnect Mobile, LLC, which sells mobile hotspot devices and low-cost data plans, and TruConnect Technologies, LLC, a mobile data analytics company.⁵ Ms. Perry stated that TSC intends for the Applicant to offer different Lifeline service than is provided by Sage.⁶ On questioning, Ms. Perry stated that TruConnect would be seeking new customers who are not already receiving service from Sage.⁷ While the geographic area of the two companies would overlap, TruConnect would use the National Lifeline Accountability Database ("NLAD") to ensure that customers are not duplicated between the two companies.⁸

Ms. Perry testified that the Applicant provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of the facility-based providers T-Mobile and Verizon.⁹ She stated that the Applicant seeks designation as an ETC solely to provide Lifeline services to qualified Nebraska customers, and that Applicant does not intend to seek federal universal service funds to participate in the Link-Up program or provide service in high-cost areas.¹⁰ She stated that the Applicant provides commercial mobile radio services and as such is a common carrier.¹¹

Ms. Perry testified that TruConnect will provide all supported Lifeline services required by the rules of the Federal Communications Commission ("FCC").¹² She stated that TruConnect will provide voice grade access to the public switched telephone network through the purchase of wholesale commercial radio services from T-Mobile and Verizon.¹³ Ms. Perry stated that

⁴ *Id.* Sage is designated as a Lifeline-only ETC in Nebraska pursuant to Commission Docket No. C-4652/NUSF-93, *In the Matter of the Application of Sage Telecom Communications, LLC, Dallas, Texas, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the limited purpose of participating in the Lifeline program*, Granted (May 28, 2014).

⁵ Transcript at 10.

⁶ *Id.* at 12.

⁷ *Id.* at 44-45.

⁸ *Id.* at 45-46.

⁹ *Id.* at 10-11.

¹⁰ *Id.* at 13.

¹¹ *Id.* at 14-15.

¹² *Id.* at 16.

¹³ *Id.*

TruConnect requests ETC designation statewide in Nebraska to allow the company to provide Lifeline services wherever its underlying facilities-based providers have wireless coverage.¹⁴

Ms. Perry testified that TruConnect will engage in advertising campaigns to reach those likely to qualify for Lifeline services.¹⁵ She stated that because Applicant offers a resold service, it will be able to commence offering Lifeline services very soon after receiving ETC designation.¹⁶ With regard to TruConnect's ability to remain functional in emergency situations, Ms. Perry stated that TruConnect relies on the extensive networks of the underlying carriers, and understands that these carriers have sufficient capability to maintain the functionality of the network.¹⁷ She stated that TruConnect does not have any separate facilities which would require emergency backup power.¹⁸ Ms. Perry also stated that the Applicant commits to comply with the CTIA Consumer Code for Wireless Service.¹⁹

Ms. Perry testified that TruConnect intends to provide a Lifeline service offering which includes unlimited voice minutes, unlimited text minutes, and 4.5 gigabytes of data per month at a net cost of zero to the customer after application of Lifeline support.²⁰ Customers will be able to purchase additional data as needed. Plans will include nationwide long-distance calling at no extra charge, free international calling to Canada, Mexico, China, Vietnam, and South Korea, and free access to 611 and 911 services.²¹ TruConnect will not provide free phones to customers, but will offer inexpensive options to customers wishing to purchase a device.²² Ms. Perry confirmed that customers would not be receiving a regular monthly bill for Lifeline services, but would have access to pre-paid top-ups for data services.²³

¹⁴ *Id.* at 17.

¹⁵ *Id.* at 19.

¹⁶ *Id.* at 20.

¹⁷ *Id.* at 20-21.

¹⁸ *Id.* at 36.

¹⁹ *Id.* at 21.

²⁰ *Id.* at 23.

²¹ *Id.*

²² *Id.* at 40-41.

²³ *Id.* at 41-42.

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Ms. Perry stated that designation of TruConnect as an ETC in Nebraska will further the purpose of universal service by providing additional market choices to eligible low-income consumers.²⁴ She stated that TruConnect's service offers a larger calling area compared to traditional wireline carriers, the convenience of mobile service, access to broadband, and access to various other features at no cost to the customer.²⁵

On questioning, Ms. Perry stated that as part of its application, TruConnect provided a list of Nebraska zip codes where customers would be able to receive service.²⁶ Ms. Perry stated that when customers apply for service, TruConnect will not accept an application from areas of Nebraska if the customer's zip code cannot be provided service.²⁷ On questioning, Ms. Perry agreed to submit a late-filed exhibit consisting of a map showing where TruConnect can provide service.²⁸

Following Ms. Perry's testimony, no other testimony was offered, and the hearing was adjourned. Late-filed exhibit 6 was timely submitted and became part of the hearing record.

O P I N I O N A N D F I N D I N G S

The Applicant and Proposed Service Offering

Applicant seeks designation as an Eligible Telecommunications Carrier ("ETC") and as a Nebraska Eligible Telecommunications Carrier ("NETC") for the limited purpose of offering Lifeline services to qualifying customers.²⁹ Applicant states that it intends to participate in the Nebraska Telephone Assistance Program ("NTAP") to provide these Lifeline services.³⁰

The Applicant is a Delaware corporation with its principal office located in Los Angeles, California. Applicant is a

²⁴ *Id.* at 28.

²⁵ *Id.* at 29.

²⁶ *Id.* at 36-37; see also Ex. 1 at 55-57 (marked as Exhibit 3 to the application).

²⁷ Transcript at 37-38.

²⁸ This exhibit became part of the record as Exhibit 6.

²⁹ Ex. 1 at 3.

³⁰ *Id.*

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subsidiary of TSC Acquisition Corporation, which also owns Sage Telecom Communications, LLC d/b/a TruConnect.³¹ TruConnect provides wireless telecommunications services using T-Mobile's and Verizon's facilities-based wireless networks.³² At the time of application, Assurance held ETC designation in seven states and the U.S. Virgin Islands.³³

Applicant provides commercial mobile radio services ("CMRS") which are regulated as common carrier services pursuant to the Act.³⁴ If this application is granted, Applicant proposes to offer services supported by the federal universal service support mechanism, including voice grade access to the public switched telephone network, local usage minutes free of charge, access to emergency services including 911 and E-911, and toll limitation services to qualifying low-income customers.³⁵ Applicant further intends to provide broadband internet access service to low-income customers.³⁶

Standards for ETC Designation

The Communications Act of 1934, as amended, (the "Act") provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support."³⁷ Section 214(e)(2) of the Act grants state commissions the primary responsibility for designating ETCs in their states.³⁸ Section 214(e)³⁹ and the FCC's rules and regulations promulgated thereto,⁴⁰ set forth certain standards and processes for a state commission to utilize when designating a carrier as an ETC. In addition, the Commission has promulgated rules and regulations for the designation of ETCs and NETCs.⁴¹

³¹ Ex. 1 at 5.

³² *Id.*

³³ *Id.*

³⁴ See 47 U.S.C. § 332(c)(1)(A).

³⁵ Ex. 1 at 10-11.

³⁶ *Id.* at 6.

³⁷ 47 U.S.C. § 254(e).

³⁸ 47 U.S.C. § 214(e)(2).

³⁹ *Id.*

⁴⁰ 47 C.F.R. § 54.101 - 54.207.

⁴¹ 291 Neb. Admin. Code § 5-009.

The three general requirements listed in 47 U.S.C. § 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.

In order to grant an application for Lifeline-only ETC status, the Commission must ensure that the applicant is able to meet the standards set forth in federal statutes and regulations, as well as Nebraska statutes and regulations. Specifically, the Applicant must show that it is capable of providing adequate service and meeting the standards set forth in 42 U.S.C. § 214(3) and 47 C.F.R. § 54.202, as well as 291 Neb. Admin. Code Chapter 5, Section 9; 291 Neb. Admin. Code Chapter 10, Section 6; and Neb. Rev. Stat. §§ 86-329.

1. Common Carrier

The Act defines a common carrier as a person engaged as a common carrier on a for-hire basis in interstate communications utilizing either a wire or radio technology.⁴² CMRS providers like TruConnect are treated as common carriers.⁴³ TruConnect states it meets the definition of common carrier pursuant to the orders and regulations adopted by the FCC. We find the Applicant is a common carrier as defined by the FCC.

2. Supported Services

Federal regulations and Commission rules both require an ETC to demonstrate that it will offer the services that are supported by federal universal service.⁴⁴ The FCC's requirements under 47 C.F.R. § 54.101(a)(1) are as follows:

⁴² See 47 C.F.R. § 153(10).

⁴³ See *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, 1454-1455, paras. 37 and 102 (1994).

⁴⁴ 47 C.F.R. §§ 54.101(a), 54.202(a); 291 Neb. Admin. Code § 5-009.02A2.

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- 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.

The Commission finds that the Applicant meets each of these requirements, as described below.

A. Voice Grade Access to the Public Switched Network

As set forth in 47 C.F.R. § 54.101(a)(1) voice telephony services shall be supported by Federal universal service support mechanisms. Applicants must provide voice grade access to the public switched telephone network or its functional equivalent.⁴⁵ TruConnect states in its Application that it provides voice grade access to the public switched telephone network through use of T-Mobile's and Verizon's underlying facilities.⁴⁶ The Commission finds that Assurance meets the requirement under § 54.101(a).

B. Local Usage

The FCC has defined "local usage" to mean an amount of minutes of use of exchange services provided free of charge to end users.⁴⁷ TruConnect states that it will provide unlimited voice minutes, unlimited text messages, and 4.5 GB of data, free of charge, each month.⁴⁸ We find that TruConnect offers local usage consistent with the requirements of § 54.101(a)(2).

C. Access to Emergency Services

The Applicant states that it provides access to emergency services provided by public safety organizations, including 911 and E-911 access to the extent the local government in its service area has implemented 911 or E-911 systems.⁴⁹ Applicant further states that calls to 911 emergency services will always be free

⁴⁵ 47 C.F.R. § 54.101(a).

⁴⁶ Ex. 1 at 10.

⁴⁷ 47 C.F.R. § 54.101(a)(2).

⁴⁸ Ex. 1 at 17.

⁴⁹ Ex. 1 at 7-8.

and available regardless of service activation status or availability of minutes.⁵⁰ We find that TruConnect has sufficiently demonstrated it meets this requirement for designation purposes.

D. Toll Limitation for Qualified Low-Income Customers

Applicant intends to offer unlimited voice minutes, with no distinction between local or long-distance minutes.⁵¹ The Commission finds that the Applicant meets this requirement.

3. Advertisement of Services

Federal and state regulations require an ETC to advertise the availability of supported services and related charges using media of general distribution.⁵² ETCs must also publicize the availability of Lifeline or NTAP services in a manner reasonably calculated to reach those that qualify for the service.

TruConnect states that it will advertise the availability and rates for its services using media of general distribution.⁵³ Applicant also provided sample advertisements to be used in Nebraska.⁵⁴ We find the Applicant has demonstrated a sufficient commitment 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.

4. Designated Service Area

TruConnect seeks ETC and NETC designation on a statewide basis "to allow the Company to provide Lifeline service wherever its underlying, facilities-based providers have wireless coverage."⁵⁵ In support of its request, Applicant provided a list of zip codes in Nebraska where its underlying carriers have coverage.⁵⁶ Applicant further submitted a late-filed hearing exhibit showing a map of its available service territory in Nebraska.⁵⁷ At hearing,

⁵⁰ *Id.* at 10-11.

⁵¹ *Id.* at 11.

⁵² 47 U.S.C. § 214(e) (1) (B); 291 Neb. Admin. Code § 5-009.02A3.

⁵³ Ex. 1 at 13.

⁵⁴ Ex. 1 at 58-62 (marked as Exhibit 4 to application).

⁵⁵ *Id.* at 11-12.

⁵⁶ *Id.* at 55-57 (marked as Exhibit 3 to application).

⁵⁷ Ex. 6.

Applicant stated that if a customer applies for service in a zip code which is not covered by the underlying carriers' service area, the customer will not be able to receive service from TruConnect.⁵⁸ The Applicant further stated that if required, it would be willing to submit an application in the future to reflect changes in its service coverage area.⁵⁹

The Commission finds that the Applicant's request for statewide ETC designation is reasonable and should be approved. As a common carrier with statewide ETC designation, TruConnect will be obligated to provide Lifeline services to any eligible persons requesting service in Nebraska. Should TruConnect wish to change its ETC service territory in the future, whether due to the addition of new cell sites or other changes, TruConnect must submit an application to change its ETC service territory to the Commission prior to enacting such change.

5. Additional Eligibility Criteria

Federal regulations found at 47 C.F.R. § 54.202 contain additional eligibility requirements that must be met by any carrier seeking ETC designation.⁶⁰ Commission rules substantially mirror the FCC requirements.⁶¹ To meet the additional requirements, a company must:

- a. Certify it will comply with the service requirements applicable to the support it receives;
- b. Demonstrate its ability to remain functional in emergency situations; and
- c. Demonstrate that it will satisfy applicable consumer protection and service quality standards.

A. Applicable Service Requirements

TruConnect certified that it will comply with the service requirements applicable to the supported services it will offer in its designated service areas pursuant to 47 C.F.R. § 54.202(a)(1)(i). TruConnect will be able to offer its Lifeline

⁵⁸ Transcript at 37-38.

⁵⁹ *Id.* at 39-40.

⁶⁰ See 47 C.F.R. § 54.202(a).

⁶¹ See 291 Neb. Admin. Code § 5-009.

service to all locations served by its underlying carriers, T-Mobile and Verizon, shortly after receiving approval from the Commission.⁶² The Commission finds that TruConnect meets this requirement.

B. Ability to Remain Functional in Emergency Situations

ETC applicants must demonstrate an ability to remain functional during emergency situations.⁶³ TruConnect states that it will rely on the facilities of its underlying carriers, who have a reasonable amount of back-up power to ensure functionality without an external power source, and can reroute traffic and manage traffic spikes resulting from emergency situations.⁶⁴ The Commission finds that TruConnect meets the requirement in accordance with 47 C.F.R. § 54.202(a)(2) and the Commissions regulations.

C. Consumer Protection and Service Quality Standards

We next examine Applicant's commitment to service quality. An ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.⁶⁵ In its Application, TruConnect submitted evidence that it is in compliance with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service.⁶⁶ The Commission finds TruConnect has demonstrated its commitment to meeting service quality standards.

6. Public Interest

Applicants for ETC status must demonstrate that such designation is consistent with the public interest, convenience, and necessity.⁶⁷ The public interest consideration may include the benefits of increased consumer choice and the unique advantages and disadvantages of the Applicant's service offerings.

⁶² Ex. 1 at 12.

⁶³ 47 C.F.R. § 54.202(a)(2); 291 Neb. Admin. Code § 5-009.02A7.

⁶⁴ Ex. 1 at 15.

⁶⁵ 47 C.F.R. § 54.202(a)(3); 291 Neb. Admin. Code § 5-009.02A8.

⁶⁶ Ex. 1 at 15.

⁶⁷ 47 C.F.R. § 54.202(b); 291 Neb. Admin. Code § 5-009.02A1.

In support of its application, TruConnect states that its designation as an ETC will further the public interest by providing low-income consumers additional choices in the "intensely competitive wireless market."⁶⁸ TruConnect states that the services it offers will be an invaluable resource for "cash-strapped consumers" and that the prepaid nature of the service provides an alternative for consumers who do not use banks.⁶⁹ TruConnect states that prepaid wireless services have become essential for low-income customers to provide emergency services on wireless devices, as well as a means of contact for prospective employers, social service agencies, or dependents.⁷⁰

Based on the evidence presented, the Commission finds that Applicant's service offerings will provide a public interest benefit to consumers. Applicant has adequately demonstrated that its designation as an ETC would be consistent with the public interest, convenience, and necessity.

7. Financial and Technical Capability and Continuous Service

Applicants for ETC designation must not only demonstrate the ability and commitment to provide the supported services listed above, but must also demonstrate the ability to continuously provide such services in its designated service area.⁷¹ In accordance with 47 C.F.R. § 54.202(a)(4), TruConnect stated it is financially and technically capable of providing Lifeline-supported services.⁷² TruConnect further stated that it has been providing telecommunications service since 1998, non-Lifeline wireless service since 2012, and Lifeline-supported wireless service since 2013.⁷³ TruConnect attached to its application information detailing the qualifications of key personnel responsible for its service offerings for Nebraska.⁷⁴

Upon review of the Application and evidence provided at the hearing, the Commission finds that Applicant has the financial and

⁶⁸ Ex. 1 at 21.

⁶⁹ *Id.* at 22.

⁷⁰ *Id.* at 23.

⁷¹ 291 Neb. Admin. Code § 5-009.02A4.

⁷² Ex. 1 at 16.

⁷³ *Id.*

⁷⁴ Ex. 1 at 63-66 (marked as Exhibit 5 to application).

technical capability to offer the proposed service, and that it will be able to provide the supported services listed above continuously throughout its service area.

8. Provision of Service to Requesting Customers

An applicant for ETC designation must demonstrate its commitment to provide service throughout the designated area to all customers who make reasonable request for service.⁷⁵ Applicant states that it commits to providing service in its designated service area and to complying with the service requirements applicable to the support received.⁷⁶ We find Applicant has demonstrated an ability and commitment to satisfy its obligation to provide service upon reasonable request throughout the Company's requested service areas.

9. Nebraska Telephone Assistance Program

The Commission Rules require carriers designated as ETC for purposes of receiving USF support to participate in the NTAP and comply with applicable NTAP rules.⁷⁷ Applicant states that it will provide services pursuant to the NTAP program. We find Applicant has met this requirement.

Remittance of Surcharges

In general, telecommunications carriers in Nebraska are required to collect and remit three surcharges on monthly customer bills: the Enhanced Wireless 911 Surcharge ("911 surcharge"); the Nebraska Telecommunications Universal Service Fund surcharge ("NUSF surcharge"); and the Telecommunications Relay Service surcharge ("TRS surcharge").⁷⁸ However, prepaid wireless services are exempted from these requirements, and subject to different requirements pursuant to the Prepaid Wireless Surcharge Act.⁷⁹

⁷⁵ 291 Neb. Admin. Code § 5-009.02A5.

⁷⁶ Ex. 1 at 14.

⁷⁷ 291 Neb. Admin. Code § 10-004.04.

⁷⁸ See generally Neb. Rev. Stat. § 86-301 *et seq.* (Telecommunications Relay System Act); Neb. Rev. Stat. § 86-316 *et seq.* (Nebraska Telecommunications Universal Service Fund Act); and Neb. Rev. Stat. § 86-442 *et seq.* (Enhanced Wireless 911 Services Act).

⁷⁹ See Neb. Rev. Stat. § 86-457(4); Neb. Rev. Stat. §§ 86-901 - 86-905.

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The Commission has previously found that each of these three surcharges may be waived on a prospective basis for postpaid and free-to-the-customer Lifeline and NTAP services provided in Nebraska.⁸⁰ Additional prepaid services offered to Lifeline customers, such as the purchasing of additional minutes, are subject to surcharges as provided in the Prepaid Wireless Surcharge Act. Carriers providing telecommunications services other than Lifeline services must still collect and remit the NUSF, TRS, and 911 surcharges on prepaid and postpaid services in accordance with Nebraska statutes.

In accordance with the Commission's previous findings, TruConnect will not be required to collect and remit the TRS, NUSF, or 911 surcharges on its postpaid and free-to-the-customer Lifeline and NTAP services offered in Nebraska.⁸¹ Additional prepaid services offered to Lifeline customers, such as the purchasing of additional minutes, are subject to surcharges as provided in the Prepaid Wireless Surcharge Act. To the extent TruConnect may offer telecommunications services other than Lifeline services, it must still collect and remit the NUSF, TRS, and 911 surcharges on prepaid and postpaid services in accordance with Nebraska statutes and Commission regulations and orders.

TruConnect must agree to comply with Commission audit procedures and all other Commission rules, regulations, and statutes.⁸² Questions regarding audit procedures may be directed to Commission staff.

C O N C L U S I O N

Upon review of the application and evidence presented at the hearing, we find Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e) and applicable state

⁸⁰ See Commission Docket No. C-5559/NUSF-141, *In the Matter of the Application of Assurance Wireless USA, L.P., Bellevue, Washington, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the Limited Purpose of Providing Lifeline and NTAP Service to Qualifying Customers*, Order Granting Application (July 23, 2024).

⁸¹ The Commission does not have the authority to unilaterally waive the prepaid wireless surcharge as it is set and collected by the Department of Revenue. See Neb. Rev. Stat. § 86-903, 86-904.

⁸² See generally Neb. Rev. Stat. §§ 86-324, 86-328, 86-459, 86-313(5). Additional information regarding the Commission's audit practices is available on the Commission website at <https://psc.nebraska.gov/telecommunications/nebraska-universal-service-fund>.

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rules and regulations sufficient for designation as an ETC in Nebraska. TruConnect may therefore be designated as an ETC throughout Nebraska for the purpose of participation in the FCC's Lifeline Program and the Commission's NTAP Program. We conclude approval of the Application as set forth above would be in the public interest. Accordingly, the Application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5565/NUSF-142 should be, and is hereby, granted, and TruConnect Communications, Inc. is designated as an eligible telecommunications carrier in the State of Nebraska for the limited purpose of receiving Lifeline Program support as requested in the Application consistent with the findings and conclusions made herein.

IT IS FURTHER ORDERED THAT TruConnect Communications, 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 TruConnect Communications, 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 FURTHER ORDERED THAT TruConnect Communications, Inc. shall file with the Commission copies of its annual reports filed with the FCC pursuant to 47 C.F.R. § 54.313, within thirty (30) days of the date such reports are filed with the FCC. If Applicant desires a protective order for any confidential information submitted in these reports, Applicant must request one at least sixty (60) days prior to the due date of the first filing.

IT IS FURTHER ORDERED THAT TruConnect Communications, Inc. shall file a copy of this Order with the Universal Service Administrative Company and the Federal Communications Commission to commence its eligibility for receipt of federal universal service support effective as of the date of this Order.

IT IS FINALLY ORDERED THAT TruConnect Communications, Inc. shall comply with all remittance and audit requirements applicable

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to the services it offers in Nebraska pursuant to the Commission's statutes and regulations and as set forth herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 20th day of August, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden
Executive Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of TruConnect Communications, Inc. to)
be designated as an eligible telecommunications)
carrier in the State of Nevada pursuant to NAC) Docket No. 24-06004
704.680461 and Section 214 of the Communications)
Act of 1934.)
_____)

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on August 13, 2024.

PRESENT: Chairman Hayley Williamson
Commissioner Tammy Cordova
Commissioner Randy J. Brown
Assistant Commission Secretary Trisha Osborne

ORDER

The Public Utilities Commission of Nevada (“Commission”) makes the following
findings of fact and conclusions of law:

I. INTRODUCTION

On June 4, 2024, TruConnect Communications, Inc. (“TruConnect”), filed with the Commission an application, designated as Docket No. 24-06004 (the “Application”), to be designated as an eligible telecommunications carrier (“ETC”) in the State of Nevada pursuant to Nevada Administrative Code (“NAC”)704.680461 and Section 214 of the Communications Act of 1934.

On July 25, 2024, TruConnect and the Regulatory Operations Staff (“Staff” and together with TruConnect, the “Parties”) of the Commission filed a stipulation (the “Stipulation”), attached hereto as Attachment A, resolving the issues in the docket.

II. SUMMARY

The Commission accepts the Stipulation and grants the Application as modified by the Stipulation.

III. PROCEDURAL HISTORY

- On June 4, 2024, TruConnect filed the Application pursuant to 47 United States Code § 214(e)(2), the Nevada Revised Statutes (“NRS”), and the NAC, Chapters 703 and 704, including, but not limited to NAC 704.680461 and 704.6804615.

- On June 13, 2024, the Commission issued a Notice of Application for Eligible Telecommunications Carrier Designation and Notice of Prehearing Conference.
- Staff participates as a matter of right pursuant to NRS 703.301.
- On July 12, 2024, the Commission held a prehearing conference, attended by the Parties, wherein a procedural schedule was discussed and a continued prehearing conference was set.
- On July 25, 2024, the Parties filed the Stipulation.
- On July 30, 2024, the Commission held a continued prehearing conference, attended the Parties, wherein the Stipulation was discussed. At the conclusion of the Prehearing Conference, the Presiding Officer granted an oral motion to accept Exhibit Nos. 1 and 2 into the evidentiary record pursuant to NAC 703.730. The Original Filing in Docket No. 24-06004 is marked as Exhibit No. 1, and the Stipulation is marked as Exhibit No. 2.

IV. STIPULATION

Parties' Position

1. The Parties state that TruConnect will provide all supported services required by 47 Code of Federal Regulations (“C.F.R.”) § 54.101(a), including the following capabilities: voice grade access to the public switched telephone network or its functional equivalent; minutes of use for local service provided at no additional charge to customers; 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, regardless of service activation or availability of minutes; and no distinction between toll and non-toll calls. (Stipulation at 3.)

The Parties state that TruConnect provides Broadband Internet access service (“BIAS”), through the Underlying Carriers, in accordance with the Federal Communication Commission’s minimum service standards to ensure Lifeline customers receive full support, that TruConnect’s service is not offered on a distance-sensitive basis, and that local and domestic long-distance minutes are treated the same. (*Id.*)

2. The Parties state that TruConnect seeks ETC designation solely to utilize universal service support to provide Lifeline service to qualifying low-income consumers, and that TruConnect is not eligible for (and does not seek) Link-Up or high-cost support. (*Id.* at 4.)

3. The Parties state that TruConnect will ensure that, at least once every three months, the availability of each of the supported services, as well as the rates and charges applicable to those services, are advertised through prominent presentation in media of general distribution throughout the service area. (*Id.*)

4. The Parties state that TruConnect provided the necessary commitments to Staff about its ability to remain functional in emergency situations, regarding consumer protections, and regarding its financial and technical capabilities to provide the supported services. (*Id.* at 4-5.)

5. The Parties state that TruConnect's voice telephony service plans to be offered to Lifeline subscribers, summarized in Exhibit 7 of the Application, include: for non-tribal Lifeline customers, unlimited voice minutes, unlimited text messages, and 4.5 gigabytes ("GB") of data per month with full access to TruConnect's Underlying Carriers' networks at a net cost of \$0.00 after application of Lifeline support; Tribal customers will receive unlimited voice minutes, unlimited text messages, and 10 GB of data per month with full access to TruConnect's Underlying Carriers' networks at net cost of \$0.00 after application of Lifeline support; all plans will include nationwide domestic long-distance at no extra per-minute charge, free international calling to Canada, Mexico, China, Vietnam, and South Korea, and free calls to customer services (611); and emergency (911) calls will be free and always available, regardless of service

activation status or availability of minutes, and will not count against the customer's airtime. (*Id.* at 6.)

6. The Parties state that TruConnect has provided the necessary commitments to Staff regarding enrollment procedures and protocols and other verification and certification of subscriber eligibility. (*Id.* at 8.)

7. The Parties state that TruConnect meets all the applicable statutory and regulatory requirements for designation as an ETC in the service area for the purposes of receipt of federal universal service support only and recommend the Commission approve the Application, designating TruConnect as an ETC with a designated service area that is statewide in scope so TruConnect can provide service wherever its Underlying Carriers have wireless coverage, including federally recognized tribal lands. (*Id.*)

8. The Parties recommend the Commission issue compliance items, mandating that: no later than 60 days before TruConnect begins providing service as an ETC, TruConnect will notify the Commission of its intent to do so; no later than 30 days before TruConnect begins providing service as an ETC, TruConnect, after consultation with Staff, will file an advisory tariff with the Commission, which includes information regarding the rates, pricing, terms and conditions of its Lifeline program; and no later than 30 days before TruConnect begins providing service as an ETC, TruConnect will provide the Commission's Consumer Complaint Resolution Division with a regulatory contact to whom to address any complaints along with a copy of TruConnect's internal procedure explaining when TruConnect will send complaints to the Consumer Complaint Resolution Division. (*Id.* at 9.)

9. The Parties recommend the Commission issue directive items, mandating that: upon making changes to terms included in its advisory tariff, TruConnect will file updates with

the Commission; and if TruConnect wishes to seek Lifeline or High-Cost funding support from the Nevada Universal Service Fund to maintain the availability of telephone service, TruConnect agrees to do so through a separate filing with the Commission. (*Id.*)

Commission Discussion and Findings

10. The Commission accepts the Stipulation and grants the Application as modified by the Stipulation.

11. The Commission finds that the Stipulation complies with the requirements of NAC 703.845, in that it settles only issues relating to the instant proceedings and does not seek relief the Commission is not otherwise empowered to grant. 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 these proceedings.

12. All arguments of the Parties raised in these proceedings not expressly addressed herein have been considered and either rejected or found to be non-essential for further discussion in this Order. Any agreements and recommendations contained in the Stipulation but not expressly addressed herein are either agreements by the Parties regarding matters non-essential to the disposition of this Docket or are recommendations for specific findings that do not require delineation given the Commission's acceptance of the Stipulation and corresponding approval of the Application as modified by the Stipulation.

Therefore, it is ordered:

1. The Stipulation filed by TruConnect Communications, Inc. and the Regulatory Operations Staff of the Commission, attached hereto as Attachment A, is accepted.

2. The Application of TruConnect Communications, Inc. to be designated as an eligible telecommunications carrier in the State of Nevada pursuant to NAC 704.680461 and

Section 214 of the Communications Act of 1934 is granted as modified by the Stipulation and this Order.

3. The Commission's acceptance of the Stipulation does not constitute precedent regarding any legal or factual issue.

Compliances

4. TruConnect Communications, Inc. shall notify the Commission of its intent to begin providing service as an Eligible Telecommunications Carrier no later than 60 days before TruConnect Communications, Inc. begins providing service as an Eligible Telecommunications Carrier.

5. TruConnect Communications, Inc. shall file an advisory tariff with the Commission, which includes information regarding the rates, pricing, terms and conditions of its Lifeline program no later than 30 days before TruConnect Communications, Inc. begins providing service as an Eligible Telecommunications Carrier.

6. TruConnect Communications, Inc. shall provide the Commission's Consumer Complaint Resolution Division with a regulatory contact to whom to address any complaints along with a copy of TruConnect Communications, Inc.'s internal procedure explaining when TruConnect Communications, Inc. will send complaints to the Consumer Complaint Resolution Division

Directives

7. TruConnect Communications, Inc. shall file updates with the Commission upon making changes to terms included in its advisory tariff.

8. TruConnect Communications, Inc. shall not seek Lifeline or High-Cost support from the Nevada Fund to Maintain the Availability of Telephone Service, unless TruConnect

Communications, Inc. petitions for and is granted the authority to do so through a separate application with the Commission.

By the Commission,



HAYLEY WILLIAMSON, Chair




TAMMY CORDOVA, Commissioner



RANDY J. BROWN, Commissioner

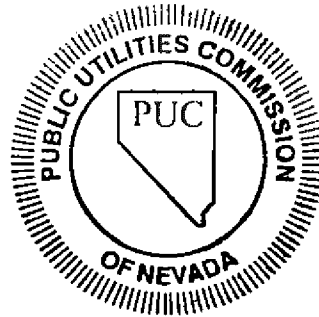
Attest:



TRISHA OSBORNE,
Assistant Commission Secretary

Dated: Carson City, Nevada

8/14/24
(SEAL)



ATTACHMENT A

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of TruConnect Communications, Inc. to be designated as an eligible telecommunications carrier in the State of Nevada pursuant to NAC 704.680461 and Section 214 of the Communications Act of 1934.

Docket No. 24-06004

STIPULATION

COMES NOW, the Regulatory Operations Staff (“Staff”) of the Public Utilities Commission of Nevada (“Commission”) and TruConnect Communications, Inc. (“TruConnect” and collectively, the “Parties”), pursuant to Nevada Administrative Code (“NAC”) 703.750 and 703.845, hereby submit this Stipulation to the Commission in full settlement of the matters at issue.

WHEREAS, on June 3, 2024, pursuant to Chapters 703 and 704 of the Nevada Revised Statutes (“NRS”) and the NAC, including but not limited to NAC 704.680461, and Section 214(e) of the Communications Act of 1934, as amended (the “Act”), TruConnect filed an application with the Commission designated as Docket No. 24-06004 (“Application”). TruConnect requests approval for designation as an Eligible Telecommunications Carrier (“ETC”) in Nevada for purposes of providing Lifeline service to qualifying low-income consumers;

WHEREAS, on June 13, 2024, the Commission issued a Notice of Application for Designation as an Eligible Telecommunications Carrier and Notice of Prehearing Conference;

WHEREAS, Staff participates as a matter of right pursuant to NRS 703.301;

WHEREAS, Section 214(e)(1) of the Act (47 U.S.C. § 214(e)(1)), Section 54.201(d) of the Federal Communications Commission’s (“FCC”) rules (47 C.F.R. § 54.201[d]), and NAC 704.680461 set forth the information that must be contained in an application for ETC designation;

WHEREAS, to be designated as an ETC, a common carrier shall, throughout its designated service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier’s services, except where the FCC has forborne from the “own facilities” requirement, and advertise the availability and rates of such services;

WHEREAS, pursuant to 47 U.S.C. § 214(e)(1), any “common carrier” is eligible for designation as an ETC;

1 WHEREAS, for the purposes of 47 C.F.R. § 54.201(d), TruConnect is a common carrier
2 under 47 U.S.C. § 214(e)(1);

3 WHEREAS, pursuant to NAC 704.680461(2), ETC applicants are not required to maintain
4 a Certificate of Public Convenience and Necessity (“CPC”) from the Commission if the applicant
5 seeks ETC designation for the sole purpose of providing Lifeline service to qualifying low-income
6 subscribers and is registered as a Commercial Mobile Radio Service (“CMRS”) provider with the
7 Commission;

8 WHEREAS, TruConnect affirms its purpose is to provide Lifeline service to qualifying low-
9 income consumers. TruConnect does not (and is not eligible to) receive federal universal service
10 support for the purpose of participating in the Link-Up program or providing service to high-cost
11 areas;

12 WHEREAS, TruConnect is registered as a Commercial Mobile Radio Service (“CMRS”)
13 provider with the Commission and holds registration CMRS 253, issued on May 8, 2024, in Docket
14 No. 24-01027;

15 WHEREAS, in the *Lifeline and Link Up Reform Order*, the FCC authorized blanket forbearance
16 of the “own facilities” requirement with respect to wireless carriers, subject to specified conditions,
17 including FCC approval of each carrier’s Compliance Plan;¹

18 WHEREAS, TruConnect’s Compliance Plan was approved by the FCC on December 26,
19 2012 (Exhibit 3 to the Application) (“Compliance Plan”) and meets the requirements for forbearance
20 from the “own facilities” requirement;

21 WHEREAS, in accordance with 47 C.F.R. § 54.201(d)(1), TruConnect will provide all
22 supported services to Nevada customers through the underlying networks of T-Mobile USA, Inc.
23 and Verizon Wireless (collectively, “Underlying Carriers”) in accordance with its Compliance Plan
24 and in compliance with applicable state and federal regulations, to the extent amendments thereto
25 may supersede commitments made in the Compliance Plan;

26
27 ¹ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board*
28 *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*”).

1 WHEREAS, in accordance with 47 C.F.R. § 54.201(d)(1), TruConnect will provide all
2 supported services required by 47 C.F.R. § 54.101(a). Supported services include the following
3 capabilities: voice grade access to the public switched telephone network or its functional
4 equivalent; minutes of use for local service provided at no additional charge to customers; access to
5 the emergency services provided by local government or other public safety organizations, such as
6 911 and enhanced 911, to the extent the local government in an eligible carrier’s service area has
7 implemented 911 or enhanced 911 systems, regardless of service activation or availability of
8 minutes; and no distinction between toll and non-toll calls. TruConnect provides Broadband Internet
9 access service (“BIAS”), through the Underlying Carriers, in accordance with the FCC’s minimum
10 service standards to ensure Lifeline customers receive full support. Additionally, TruConnect’s
11 service is not offered on a distance-sensitive basis and local and domestic long-distance minutes are
12 treated the same;

13 WHEREAS, for the purposes of 47 C.F.R. § 54.201(d), and in accordance with Section
14 214(c)(2) of the Act and NAC 704.680463, TruConnect requests ETC designation that is statewide
15 in scope to provide service wherever its Underlying Carriers have wireless coverage, including
16 federally recognized tribal lands.

17 WHEREAS, the Parties agree that the proposed service area should match the coverage areas
18 where TruConnect is able to provide service. As such, the proposed service area is described by zip
19 code in Exhibit 4 of the Application;

20 WHEREAS, TruConnect is not a rural carrier, but the proposed service area overlaps with rural
21 carriers in Nevada. Federal rules (47 U.S.C. §§ 160, 214(e)(5) and 47 C.F.R. § 54.207(b)) and NAC
22 704.680463(2) require the service area of an ETC to conform to the service area of any rural telephone
23 provider serving the same area (the “service area conformance” requirement);

24 WHEREAS, in the *Lifeline and Link Up Reform Memorandum Opinion and Order* (FCC 13–44,
25 rel. April 15, 2013), the FCC authorized forbearance of the “service area” requirement with respect to
26 carriers seeking to provide Lifeline-only services;

1 WHEREAS, TruConnect seeks ETC designation solely to utilize universal service support to
2 provide Lifeline service to qualifying low-income consumers. TruConnect is not eligible for (and does
3 not seek) Link-Up or high-cost support;

4 WHEREAS, based upon the foregoing, Staff believes that designation of TruConnect as an ETC
5 to include the proposed service area will provide wireless service choices to additional served and
6 underserved consumers;

7 WHEREAS, in accordance with 47 C.F.R. § 54.201(d)(2), TruConnect has provided
8 information regarding the advertisement of the availability and rates for Lifeline supported services
9 using media of general distribution throughout its service area. TruConnect will comply with the
10 FCC's rules regarding information to be included in marketing materials, including but not limited to,
11 the information listed in 47 C.F.R. § 54.405(c)-(d);

12 WHEREAS, in accordance with NAC 704.680461(1)(c), TruConnect will ensure that, at least
13 once every three months, the availability of each of the supported services, as well as the rates and
14 charges applicable to those services, are advertised through prominent presentation in media of general
15 distribution throughout the service area;

16 WHEREAS, TruConnect will engage in advertising campaigns specifically targeted to reach
17 those likely to qualify for Lifeline service, including distributing brochures at various state and local
18 social service agencies, possibly partnering with nonprofit assistance organizations, and utilizing its
19 network of retail partners (once established);

20 WHEREAS, based upon the foregoing, Staff believes TruConnect will satisfy its obligation to
21 advertise the availability of supported services;

22 WHEREAS, in accordance with 47 C.F.R. § 54.202(a)(1)(i) and by the certification attached to
23 its Application (Exhibit 1 to the Application), TruConnect certifies that it will comply with the service
24 requirements applicable to the support that it receives. Pursuant its Compliance Plan, TruConnect
25 agrees it will meet or exceed all the statutory and regulatory requirements for designation as an ETC
26 in the State of Nevada, including the requirements outlined in the FCC's *Lifeline and Link Up*

1 *Reform Order, Lifeline Modernization Order, and Fifth Report and Order.*^{2,3} Pursuant to 47 C.F.R. §
2 54.202(a)(1)(ii), TruConnect is not required to submit a five-year network improvement plan as part
3 of its application for designation as an ETC because it is seeking to provide Lifeline-only services.

4 WHEREAS, in accordance with 47 C.F.R. § 54.202(a)(2), TruConnect has provided
5 information to assert its ability to remain functional in emergency situations. TruConnect will utilize
6 the well-established network facilities of its Underlying Carriers to provide its services. The
7 Underlying Carriers' networks have access to a reasonable amount of backup power to ensure
8 functionality without an external power source, can reroute traffic around damaged facilities, and can
9 manage traffic spikes resulting from emergency situations;

10 WHEREAS, based upon the foregoing, TruConnect has provided the necessary commitments to
11 Staff about its ability to remain functional in emergency situations;

12 WHEREAS, in accordance with 47 C.F.R. § 54.202(a)(3), TruConnect agrees to comply with
13 applicable consumer protection laws and service quality standards. TruConnect agrees to comply with
14 the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.
15 TruConnect also agrees to submit any ETC-related consumer complaint to the Commission's Division
16 of Consumer Complaint Resolution ("Division") and to provide the Division with a regulatory contact
17 with whom to address any complaints;

18 WHEREAS, based upon the foregoing, TruConnect has provided the necessary commitments to
19 Staff regarding consumer protections;

20 WHEREAS, in accordance with 47 C.F.R. § 54.202(a)(4), TruConnect has provided information
21 to assert its financial and technical capability of providing Lifeline-supported services. TruConnect has
22 been offering telecommunications service since 1998 and began providing non-Lifeline wireless service
23 in October 2012, and Lifeline-supported wireless service in May 2013. TruConnect, in combination with
24 its affiliate Sage d/b/a/ TruConnect, already provides wireless nationwide, including Lifeline services in

25 ² *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for*
26 *Universal Service Support, Connect America Fund*, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-
27 90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016)
28 ("*Third Report and Order*" or "*Lifeline Modernization Order*").

³ *In the Matter of Bridging the Digital Divide for Low Income Consumers, Lifeline and Link Up Reform and*
Modernization, Telecommunications Carriers Eligible for Universal Service Support, WC Docket No. 17-287, WC Docket No.
11-42, WC Docket No. 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and
Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) ("*Fifth Report and Order*").

1 thirty-nine jurisdictions. TruConnect receives revenue from sources independent of revenue from
2 Lifeline support. TruConnect does not and will not rely exclusively on Lifeline support to operate.

3 WHEREAS, based upon the foregoing, TruConnect has provided the necessary commitments to
4 Staff about its financial and technical capabilities to provide the supported services;

5 WHEREAS, in accordance with 47 C.F.R. § 54.202(a)(5), TruConnect has provided information
6 describing its ability to provide all services supported by the universal service program as detailed in
7 47 C.F.R. § 54.101(a) throughout Nevada. TruConnect will provide Lifeline-supported voice services and
8 broadband services through agreements with its Underlying Carriers. TruConnect has committed that its
9 Lifeline-supported voice services will meet or exceed the minimum service standards set forth in 47
10 C.F.R. § 54.408, including as such standards change going forward. TruConnect has committed that its
11 Lifeline-supported broadband services will meet or exceed the minimum service standards set forth in 47
12 C.F.R. § 54.408, including for service speed and data usage allowance, including as such standards
13 change going forward;

14 WHEREAS, in accordance with 47 C.F.R. § 54.202(a)(5), TruConnect has provided
15 information describing the terms and conditions of any voice telephony service plans offered to
16 Lifeline subscribers, summarized in Exhibit 7 of the Application. Non-tribal Lifeline customers will
17 receive unlimited voice minutes, unlimited text messages, and 4.5 gigabytes (“GB”) of data per
18 month with full access to TruConnect’s Underlying Carriers’ networks at a net cost of \$0.00 after
19 application of Lifeline support. Tribal customers will receive unlimited voice minutes, unlimited text
20 messages, and 10 GB of data per month with full access to TruConnect’s Underlying Carriers’
21 networks at net cost of \$0.00 after application of Lifeline support. All plans will include nationwide
22 domestic long-distance at no extra per-minute charge, free international calling to Canada, Mexico,
23 China, Vietnam, and South Korea, and free calls to customer services (611). Emergency (911) calls
24 will be free and always available, regardless of service activation status or availability of minutes,
25 and will not count against the customer’s airtime;

26 WHEREAS, based on the foregoing, Staff believes TruConnect will provide all supported
27 services to Nevada customers through its Underlying Carriers’ networks in accordance with federal
28 minimum service standards;

1 WHEREAS, in accordance with 47 C.F.R. § 54.202(b), TruConnect has provided information
2 demonstrating TruConnect’s designation as an ETC is in the public interest. The availability and
3 provision of affordable and reliable wireless service to unserved and underserved areas and consumers
4 is itself in the public interest.

5 WHEREAS, TruConnect commits to complying with the federal and state Lifeline verification
6 of eligibility and certification requirements in accordance with 47 C.F.R. § 54.410 and NAC
7 704.680474 (initial eligibility), 704.6804743 (continued eligibility), and NAC 704.6804745
8 (certification of documentation by an ETC);

9 WHEREAS, to ensure that Lifeline subscribers are eligible to receive Lifeline services and that
10 duplicate Lifeline services are not awarded to the same household, TruConnect will rely upon the
11 National Lifeline Eligibility Verifier (“National Verifier”). TruConnect customers must apply directly
12 through the National Verifier, either online or by mail. In compliance with the certification disclosure
13 and information requirements established in 47 C.F.R. § 54.410(d), TruConnect utilizes the standard
14 Lifeline application forms required by FCC rules;

15 WHEREAS, in accordance with 47 C.F.R. § 54.410, TruConnect will not provide a consumer
16 with an activated device and will not activate a Lifeline service unless or until it has confirmed that the
17 consumer is a qualifying low-income household pursuant to 47 C.F.R. § 54.409 and NAC 704.680474
18 and completed the required eligibility determination and certification requirements of 47 C.F.R. §§
19 54.410, 54.404-05;

20 WHEREAS, to further prevent waste, fraud, and abuse, TruConnect commits to complying
21 with the requirements of the National Lifeline Accountability Database (“NLAD”) described in 47
22 C.F.R. § 54.404;

23 WHEREAS, in accordance with 47 C.F.R. § 54.407(c)(1), TruConnect will not seek universal
24 service support for new subscribers until the subscriber personally activates the service by initiation or
25 actual use of the service;

26
27
28

1 WHEREAS, TruConnect will comply with the FCC’s rules regarding non-usage⁴ in accordance
2 with 47 C.F.R. §§ 54.405(e)(3), 54.407(c)(2) and NAC 704.680476;

3 WHEREAS, TruConnect has an internal auditing process to review NLAD findings;

4 WHEREAS, based upon the foregoing, TruConnect has provided the necessary commitments to
5 Staff regarding enrollment procedures and protocols and other verification and certification of subscriber
6 eligibility; and

7 WHEREAS, the Parties believe this Stipulation is in the public interest; and the Parties have
8 agreed to resolve the outstanding issues as set forth herein.

9 TruConnect agrees to comply with any and all applicable Commission rules and regulations,
10 including but not limited to, annual reporting obligations pursuant to NRS 704.68871 that apply to
11 competitive suppliers, paying the annual assessment pursuant to NRS 704.033, reporting and
12 payment obligations regarding the assessment to maintain the availability of telephone service
13 pursuant to NRS 704.040, and reporting and payment obligations regarding the surcharge to fund a
14 program for the provision of telecommunications devices to persons who are deaf or have severely
15 impaired speech or hearing pursuant to NRS 427A.797.

16 TruConnect agrees to file any necessary revisions to its advisory tariff with the Commission
17 within 60 days from the date of issuance of the Commission’s Order accepting this Stipulation;

18 The Parties agree that TruConnect meets all the applicable statutory and regulatory
19 requirements for designation as an ETC in the service area for the purposes of receipt of federal
20 universal service support only;

21 NOW THEREFORE, in light of the foregoing recitals and mutual agreement reflected in
22 this Stipulation, the Parties agree and recommend as follows:

23 1. The Commission should approve the instant application, designating TruConnect as an
24 ETC with a designated service area that is statewide in scope so TruConnect can provide service
25 wherever its Underlying Carriers have wireless coverage, including federally recognized tribal lands.

26 2. As a compliance item, no later than 60 days before TruConnect begins providing
27

28 ⁴ An account is considered active if the authorized subscriber establishes “usage” as defined in 47 C.F.R. §
54.407(c)(2).

1 service as an ETC, TruConnect will notify the Commission of its intent to do so.

2 3. As a compliance item, no later than 30 days before TruConnect begins providing
3 service as an ETC, TruConnect, after consultation with Staff, will file an advisory tariff with the
4 Commission, which includes information regarding the rates, pricing, terms and conditions of its
5 Lifeline program.

6 4. As a directive item, upon making changes to terms included in its advisory tariff,
7 TruConnect will file updates with the Commission.

8 5. As a compliance item, no later than 30 days before TruConnect begins providing
9 service as an ETC, TruConnect will provide the Commission's Consumer Complaint Resolution
10 Division with a regulatory contact to whom to address any complaints along with a copy of
11 TruConnect's internal procedure explaining when TruConnect will send complaints to the Consumer
12 Complaint Resolution Division.

13 6. As a directive item, if TruConnect wishes to seek Lifeline or High Cost funding
14 support from the Nevada Universal Service Fund to maintain the availability of telephone service,
15 TruConnect agrees to do so through a separate filing with the Commission.

16 **General Provisions**

17 7. Neither this Stipulation, nor its terms, nor the Commission's acceptance of the
18 recommendations contained in this Stipulation, shall have any precedential effect in any other
19 proceeding before the Commission, a court of law, or any other state government regulatory body,
20 nor shall it be admissible or otherwise described or used in any proceeding hereafter for any purpose.

21 8. This Stipulation is made upon the express understanding that it constitutes a
22 negotiated settlement. The provisions of this Stipulation are not severable. In the event this
23 Stipulation is not accepted by the Commission without change, it shall be deemed withdrawn without
24 prejudice to any claims or contentions which may have been made by any Party.

25 9. In accordance with NAC 703.845, this Stipulation settles only issues relating to the
26 present proceeding and seeks relief that the Commission is empowered to grant.

27 ///

28 ///

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on April 18, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan

CASE 24-C-0043 - Petition of TruConnect Communications, Inc. for
Designation as an Eligible Telecommunications
Carrier.

ORDER APPROVING DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

(Issued and Effective April 23, 2024)

BY THE COMMISSION:

INTRODUCTION

By petition dated January 17, 2024, pursuant to §214 of the Communications Act of 1934, as amended (47 U.S.C. §214) and Public Service Law (PSL) §5, as amended, TruConnect Communications, Inc. (TruConnect or the Company) seeks Commission designation as an eligible telecommunications carrier (ETC) in order to receive federal universal service support for offering Lifeline service in New York.¹

¹ PSL §5 was amended, effective December 6, 2019, to allow the Commission to designate CMRS providers as ETCs for federal Lifeline purposes (see PSL §5(6)(c)).

By this Order, the Commission finds that TruConnect, a provider of commercial mobile radio service (CMRS), meets the requisite Federal Communications Commission's (FCC) criteria for Lifeline-only ETC designation and that such designation is in the public interest.

BACKGROUND

Lifeline Service and the Targeted Accessibility Fund

Consistent with promoting and ensuring that all residents have access to affordable basic telephone service, the FCC's Lifeline Program offers federally discounted service to qualifying low-income consumers. Section 214(e)(2) of the federal Communications Act of 1934, as amended, provides state public utility commissions with the primary responsibility for the designation of ETCs who would thereupon be eligible to receive federal universal service funding. In New York, PSL §5(6)(a) suspended Commission regulation over cellular service. However, with the enactment of the amended PSL §5(6)(c) on December 6, 2019, the Commission was authorized jurisdiction to designate commercial mobile radio or cellular telephone service providers as an ETC for purposes of providing Lifeline services.

In New York, the Targeted Accessibility Fund (TAF) provides a supplemental discount to Lifeline customers.² TAF is currently funded through assessments on all certified wireline

² TAF was established by the Commission in June 1998 through Opinion 98-10 to fund specific programs such as Lifeline, Enhanced 911 (E911), and Telecommunications Relay Service for the deaf and hard-of-hearing. See Case 94-C-0095, Proceeding on Motion of the Commission to Examine Issues Related to the Continuing Provision of Universal Service and to Develop a Regulatory Framework for the Transition to Competition in the Local Exchange Market, Opinion and Order Establishing Access Charges and Instituting a Targeted Accessibility Fund (issued June 2, 1998).

telecommunications carriers operating in New York State. Although wireless carriers were previously exempted from TAF participation, on November 29, 2017, §92-h was added to the PSL to allow eligible wireless providers the option to participate in TAF for the sole purpose of receiving TAF support for Lifeline service. Specifically, PSL §92-h states, in part: “[i]f such a [wireless] provider elects to participate in the fund, the provider shall assume all rights and obligations associated with such participation under the Commission's orders, on the same basis as other participants.”

Petitioner

TruConnect, a Delaware corporation, formerly Telscape Communications, Inc., is a subsidiary of TSC Acquisition Corporation (TSC). TSC also owns Sage Telecom Communications, LLC d/b/a TruConnect (Sage d/b/a TruConnect), TruConnect Mobile, LLC, and TruConnect Technologies, LLC. TruConnect is a CMRS carrier and provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of T-Mobile USA, Inc. and Verizon Wireless (the Underlying Carriers) on a wholesale basis. TruConnect states that it currently offers prepaid wireless services on a nationwide basis and prepaid wireless Lifeline services in California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, and the U.S. Virgin Islands.

LEGAL AUTHORITY

Federal rules at 47 U.S.C. §214 require state commissions to designate common carriers³ as ETCs for the purpose of determining universal service obligations and eligibility to receive federal universal service funding. Section 214 also requires state commissions to define the service area of the carriers and, when appropriate, to grant waivers of certain requirements. In cases in which an ETC applicant petitions for designation in a rural service area already served by an ETC, the state commission is required to find that such designation is in the public interest.

Pursuant to PSL §5(6)(c), the Commission has jurisdiction to designate "any commercial mobile radio or cellular telephone service provider[]" as an ETC for purposes of providing lifeline services.⁴ Amended subsection §5(6)(c) states, in part:

Notwithstanding paragraph a of this subdivision, the [C]ommission may designate any commercial mobile radio or cellular telephone service providers as an eligible telecommunications carrier for purposes of providing lifeline service, in addition to any commercial mobile radio or cellular telephone service providers designated as such pursuant to 47 U.S.C. Section 214(e) and 47 U.S.C.

³ Under 47 U.S.C. §153(11), the term "common carrier" or "carrier" refers to "any person engaged as a common carrier for hire, in interstate or foreign communication by wire [wireline] or radio [wireless] or interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this chapter; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier." Under 47 U.S.C. §153(33), the term "mobile service" includes "a radio communication service carrier on between mobile stations or receivers."

⁴ Prior to the enactment of PSL §5(6)(c), wireless companies were required to petition the FCC before being designated as an ETC in New York.

Section 214(e) (2), without requiring any such provider to obtain a certificate of public convenience and necessity pursuant to section ninety-nine of this chapter. The [C]ommission is authorized and directed to promulgate all rules and regulations necessary to implement the provisions of this paragraph...

THE PETITION

As a CMRS provider, TruConnect requests ETC designation for the sole purpose of receiving federal universal service support to provide Lifeline services to qualified low-income customers in New York. TruConnect's petition is solely for designation as an ETC to provide Lifeline services. At this time, TruConnect does not through its petition seek a distribution pursuant to New York's TAF.

TruConnect requests ETC designation throughout all New York State in order to allow the Company to provide wireless Lifeline service wherever its Underlying Carriers have facilities and wireless coverage. The Company acknowledges that its service area overlaps with rural carriers in New York and states that the FCC's Lifeline and Link Up Reform Memorandum Opinion and Order authorizes forbearance from rural service area conformance requirements with respect to carriers seeking to provide Lifeline-only service.⁵ In light of this FCC forbearance, the petition concludes that the Commission has the authority to designate ETCs such as TruConnect in rural areas without concern for the service area conformance requirement.⁶

TruConnect asserts that its "prepaid, budget-friendly pricing will give many low-income consumers the option of having

⁵ See In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform, WC Docket No. 09-197, WC Docket No. 11-42, Memorandum Opinion and Order, FCC 13-44 (released April 15, 2013).

⁶ See 47 C.F.R. §54.207(c).

mobile phone service and broadband access without the burden of hidden costs, varying monthly charges or contractual commitments.”⁷ Additionally, TruConnect states that its services are affordable, easy to use, and attractive to low-income consumers, and provide them with access to emergency services. TruConnect further states that it satisfies each of the federal statutory and regulatory requirements for ETC designation.

While noting that §214(e)(1)(A) of the Act requires ETCs to provide services using their own facilities, at least in part, the petition refers to the FCC’s grant of forbearance from the “own-facilities” requirement contained in §214 for carriers that are, or seek to become, Lifeline-only ETCs. FCC forbearance is subject to the carrier complying with certain 911 requirements⁸ and obtaining FCC approval of a compliance plan providing, among other things, specific information regarding the carrier’s service offerings.⁹ TruConnect provided a copy of its FCC-approved Compliance Plan and commits to providing Lifeline service in New York in accordance with that plan.

⁷ Petition, pp. 4-5.

⁸ The 911 requirements include: (a) providing Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (b) providing 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.

⁹ 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 (released February 6, 2012) at ¶¶368, 373, 379.

The Company further states that it is able to provide all supported services that are required to be provided by ETCs pursuant to 47 C.F.R. §54.101(a), as follows:

- a) Voice grade access to the public switched telephone network;
- b) Local usage at no additional charge;
- c) Access to emergency services, including access to 911 or E911;
- d) Lifeline and free toll limitation services for qualifying low-income customers; and,
- e) Voice telephony service.

TruConnect commits that its Lifeline-supported services will meet the minimum service standards set forth by the FCC, including as such standards are updated going forward. Further, TruConnect states that its Lifeline-supported services will include affordable prepaid mobile phone service, including calling, text messaging and broadband access. Also, TruConnect may provide user-friendly handsets or hotspot devices.¹⁰ Additionally, the Company states that its customers will be able to customize their service to suit their needs with available bundles of minutes and broadband data to supplement their monthly plan. Further, "[t]o the extent TruConnect provides devices for use with Lifeline-supported broadband service, such devices will meet the equipment requirements set forth in 47 C.F.R §54.408(f) and TruConnect will not impose an additional or separate tethering charge for mobile data usage below the minimum standard."¹¹

TruConnect represents that it is financially and technically capable of providing the supported Lifeline service.

¹⁰ Petition, p. 4.

¹¹ Id., p. 16.

It also asserts that it will satisfy the ETC requirements adopted by this Commission and the FCC, including:

- a) Provide Service Throughout the Designated Service Area - TruConnect certifies that it will provide service in New York by using resold service which it obtains from the Underlying Carriers. TruConnect states that the Underlying Carriers' networks are operational and largely built out, and as such, the Company states it will be able to commence offering its Lifeline service to all locations served by the Underlying Carriers very soon after receiving approval. TruConnect will advertise the availability and charges for such services in media of general distribution as required by 47 U.S.C. §214(e)(1)(B).
- b) Ability to Remain Functional in an Emergency - TruConnect states that it will use the Underlying Carriers' networks and facilities and that each of the Underlying Carriers has the ability to ensure the functionality of its service without an external power source. The Company further states that the Underlying Carriers are able to re-route traffic when facilities are damaged and are capable of managing traffic spikes resulting from emergency situations. Additionally, the Company's FCC-approved Compliance Plan states that its Underlying Carriers will provide the same 911 functionality to TruConnect and its customers as it provides to their own customers.
- c) Satisfaction of Applicable Consumer Protection and Service Quality Standards - TruConnect states that it will, as a wireless service provider, comply with all applicable requirements as set forth by the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.
- d) Lifeline Certification and Verification - Consistent with 47 C.F.R §54.409, the Company states that it will certify that the consumer's household meets

applicable income requirements. TruConnect asserts it will notify the consumer that the service must be personally activated by the subscriber, and that the subscriber must use their service every thirty days. The Company states that it will obtain this certification annually and shall ensure that only eligible consumers are participating in Lifeline through the National Lifeline Eligibility Verifier.

DISCUSSION AND CONCLUSION

TruConnect seeks Commission designation as an ETC solely for the purpose of receiving federal universal service support for providing Lifeline service in New York. TruConnect's petition provides sufficient support that it meets all the statutory and regulatory requirements for designation as an ETC for the purpose of receiving federal universal service support for the provision of Lifeline service. The Commission finds that granting Lifeline-only ETC designation to TruConnect will serve the public interest.

As an ETC, TruConnect will provide another option for discounted basic wireless service to meet the needs of New York's Lifeline-eligible consumers. In addition, as TruConnect offers mobile broadband services, many Lifeline-eligible customers will have the opportunity to receive more advanced telecommunications services than those available from currently designated ETCs.

By this Order, the Commission's designation of TruConnect as an ETC is limited to the provision of Lifeline services only. This Order, in no way, affords TruConnect the

authority or designation to participate in New York's TAF. The participation of wireless providers in TAF is currently pending before the Commission.¹²

The Commission finds that designation of TruConnect as an ETC is in the public interest, and therefore approves the Company's petition requesting designation as a Lifeline-only ETC for purposes of participating in federal universal service low-income support programs.

The Commission orders:

1. The petition of TruConnect Communications, Inc., for designation as an eligible telecommunications carrier for the sole purpose of receiving federal universal service support for low-income programs, is approved consistent with the discussion in the body of this Order.

2. The case is closed.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

¹² In response to the enactment of §92-h, ten wireless companies filed petitions with the Commission requesting to participate in TAF. Settlement discussions to determine the precise parameters, terms, and conditions of those wireless carriers' participation in TAF were being conducted in an ongoing, consolidated proceeding, Case 20-C-0314. Four of the ten petitioners (Buffalo-Lake Erie Wireless Systems Co., LLC, Assurance Wireless USA, L.P., TracFone Wireless, Inc. and Telrite Corporation) have subsequently withdrawn their petitions and the settlement discussions are in abeyance among the remaining parties with no further requests to reconvene.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

TruConnect Communications, Inc.
Designated Eligible Carrier
Application

Case No. PU-24-88

ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

August 28, 2024

Preliminary Statement

On February 28, 2024, TruConnect Communications, Inc. (TruConnect), a Delaware corporation with its principal offices located at 1149 South Hill Street, Suite H-400, Los Angeles, CA 90015, 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. TruConnect proposes to provide Lifeline universal services to eligible low-income customers as a commercial mobile radio service (CMRS) carrier throughout every telephone exchange in North Dakota, inclusive of tribal areas.

On March 27, 2024, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until May 10, 2024, 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 June 4, 2024, TruConnect filed a signed Certification Relating to Order Provisions.

On June 5, 2024, the Commission held an Informal Hearing to discuss the issues with TruConnect.

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. TruConnect is seeking Lifeline-only ETC designation.

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.

TruConnect, was organized and incorporated in the state of Delaware on June 19, 2001, under its original name of Telscape Communications, Inc. (Telscape). In approximately January of 2016, Telscape changed its name to Truconnect Communications, Inc. TruConnect is a common carrier of commercial mobile radio service, and will offer all of the services and functionalities detailed in Section 54.101(a) of the FCC Rules. TruConnect generates revenues from non-Lifeline services and has access to capital from its investors, and currently provides services to approximately 600 thousand customers. Therefore, TruConnect is not solely dependent on reimbursements from the Universal Service Fund. TruConnect proposes to provide services to customers by using the underlying networks of T-Mobile USA, Inc. and Verizon Wireless in order to provide the best coverage and service available for subscribers. TruConnect is currently authorized as a wireless ETC in the states of Alabama, California, Colorado, Florida, Hawaii, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the U.S. Virgin Islands.

TruConnect will offer telecommunications services primarily to eligible low-income subscribers.

TruConnect will offer plan options including unlimited anytime prepaid minutes, unlimited text messages and 4.5GB data at zero net cost to an eligible non-tribal Lifeline customer. TruConnect will offer to all customers a free or discounted handset or SIM card, custom calling features at no charge including 911, Caller ID, Call Waiting, Voicemail and the ability to use voice minutes for domestic long distance.

TruConnect 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 TruConnect does not seek support from the high-cost support mechanism, designation of TruConnect 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 nonrural telephone company. Increasing the number of designated Lifeline-only ETCs in North Dakota will provide the opportunity for increased participation by eligible 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 TruConnect 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).

The FCC approved TruConnect's Compliance Plan on December 26, 2012, under its original name of Telscape and thereby granted TruConnect forbearance from the statutory requirement that TruConnect 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 Daniele Perry, Chief Compliance Officer of TruConnect and filed on June 4, 2024, is incorporated by reference and attached to this order.

Consumers eligible for the Lifeline discounts offered by TruConnect will receive the benefits of nationwide calling areas and the convenience and security of mobile telephone service. TruConnect 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 determined that carriers may be designated as a Lifeline-only ETC in partial rural service areas.

In this proceeding, TruConnect is requesting ETC designation in all North Dakota telephone exchanges, inclusive of tribal areas.

TruConnect 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, TruConnect 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 TruConnect be designated as a Lifeline-only ETC within all study areas in North Dakota.

TruConnect is registered with the Commission to provide commercial mobile radio services.

TruConnect is registered with the Secretary of State of North Dakota and TruConnect 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. TruConnect Communications, Inc. is designated as 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, inclusive of tribal areas.
2. TruConnect Communications, 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), TruConnect Communications, 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. The June 4, 2024, Certification Relating to Order Provisions is incorporated by reference and attached to this Order.
5. Certification Relating to Order Provisions paragraph 16 is modified to state the following: TruConnect 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.
6. Certification Relating to Order Provisions paragraph 18 is modified to state the following: TruConnect agrees to maintain the records to demonstrate that TruConnect has complied with the requirements of the Public Service Commission's order(s) and that TruConnect will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

TruConnect Communications, Inc.
Designated Eligible Carrier
Application

Case No. PU-24-088

**TruConnect Communications, Inc.
AMENDED CERTIFICATION RELATING TO ORDER PROVISIONS**

I am Danielle Perry, a representative of TruConnect Communications, Inc. (TruConnect) with authority to bind TruConnect and I certify that:

1. TruConnect is seeking designation as a Lifeline-Only Eligible Telecommunications Carrier (Lifeline-Only ETC) throughout the State of North Dakota, including on federally-recognized Tribal lands, subject to coverage limits of the Verizon Wireless network. TruConnect's proposed ETC designated service area is statewide in scope to allow TruConnect to provide Lifeline service wherever it has wireless coverage. TruConnect provided a list of ZIP codes and coverage area maps as Exhibit 3 to its Application. TruConnect's proposed ETC designated service area is not defined by incumbent telephone company wire centers.
2. For TruConnect's proposed ETC designated service area, TruConnect 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 Lifeline-Only Eligible Telecommunications Carriers, and TruConnect will be responsible for compliance with this Certification, the Public Service Commission's order in this proceeding, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Lifeline-Only ETCs.

The provision in Chapter 69-09-05 of the North Dakota Administrative Code requiring the ETC to describe services in the "carrier's official telephone directory" is not applicable because TruConnect has no such directory.

3. TruConnect agrees to comply with all statements, processes and procedures set forth in its Application for designation as a Lifeline-Only ETC in the designated service area. TruConnect agrees that all statements made and matters set forth in its Application are true and correct to the best of TruConnect's knowledge, information, and belief.
4. TruConnect will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
5. TruConnect meets all of the prerequisites to be designated as a Lifeline-Only ETC

throughout the proposed ETC designated service area in this proceeding.

6. TruConnect 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 a Lifeline-Only ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
7. TruConnect will provide service on a timely basis to requesting customers within TruConnect's proposed ETC designated service area.
8. TruConnect will provide service within a reasonable period of time, if the potential customer is within TruConnect's proposed designated ETC service area.
9. TruConnect will not seek Universal Service Fund high-cost support for any telephone exchanges in its designated service area in North Dakota.
10. TruConnect 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 eligibility criteria in 47 C.F.R. § 54.409 and the relevant proof documentation specified in 47 C. F. R. § 54.410. TruConnect will check the National Verifier and the National Lifeline Accountability Database to prevent duplication and determine eligibility.
11. TruConnect has taken, and will continue to take, steps 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.
12. TruConnect 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
13. TruConnect 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.
14. TruConnect will offer the services described in its Application.
15. TruConnect understands and agrees that if TruConnect has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the

Certification Relating to Order Provisions

Case No. PU-24-088

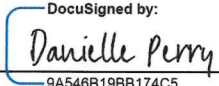
Page 2

effective date of TruConnect's designation as a Lifeline-only ETC, the Public Service Commission may revoke TruConnect's Lifeline-only ETC designation and TruConnect may reapply to be designated as a Lifeline-only ETC In North Dakota.

16. TruConnect 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 FCC Form 555 and FCC Form 481 for North Dakota filed with the FCC, within 30 days of filing with the FCC.
17. TruConnect 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.
18. TruConnect agrees to maintain the records to demonstrate that TruConnect has complied with the requirements of the Public Service Commission's order(s) and that TruConnect will preserve records for three years demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
19. TruConnect understands and agrees that, to the extent there are any conflicts or inconsistencies between TruConnect's Application and the provisions in this Certification, the Certification provisions control.

Dated this 3rd day of June, 2024.

TruConnect Communications, Inc.

By:  _____
9A546B19BB174C5...

Daniele Perry

Its Chief Compliance Officer

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

ORDER NO. 742895

CORPORATION COMMISSION OF OKLAHOMA



J. Todd Hiatt, Chairman



Kim David, Vice Chairman

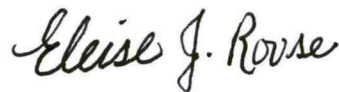


Bob Anthony, Commissioner

DONE AND PERFORMED THIS 23rd DAY OF JULY 2024.



BY ORDER OF THE COMMISSION:



Eleise J. Rouse, Acting Commission Secretary

ORDER NO. 742895

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF TRUCONNECT
COMMUNICATIONS, INC. FOR
DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
IN THE STATE OF OKLAHOMA

CASE NO. PUD2024-000008

HEARING: June 27, 2024, in Concourse Theater, C50 (live and video teleconference)
Will Rogers Memorial Office Building
2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
Before Carly M. Ortel, Administrative Law Judge

APPEARANCES: J. David Jacobson, Attorney *representing* TruConnect Communications, Inc.
Mike S. Ryan, Deputy General Counsel *representing* Public Utility Division,
Oklahoma Corporation Commission

FINAL ORDER

The Corporation Commission (“Commission”) of the State of Oklahoma being regularly in session and the undersigned Commissioners present and participating, there comes on for consideration and action the Application of TruConnect Communications, Inc. (“TruConnect” or “Applicant”) for an order of the Commission designating TruConnect as a wireless Lifeline-only Eligible Telecommunications Carrier (“ETC”) pursuant to 47 U.S.C. § 214(e).

On February 9, 2024, TruConnect filed an Application requesting designation as a wireless Lifeline-only ETC in the State of Oklahoma in order to be eligible to receive support from the federal Universal Service Fund (“USF”) for low-income consumers to the extent its underlying providers, Verizon and T-Mobile, have facilities and coverage in the requested service area which is statewide in scope.

PROCEDURAL HISTORY

On February 9, 2024, TruConnect filed its Application and Exhibits 1 through 6, seeking designation as a wireless Lifeline-only ETC pursuant to 47 U.S.C. § 214(e).

On February 28, 2024, TruConnect filed a Motion for Protective Order along with a Notice of Hearing setting the Motion for Protective Order for hearing on March 7, 2024.

On March 7, 2024, the Motion for Protective Order was heard and recommended.

On March 26, 2024, the Commission issued Order No. 741036, Order Granting Protective Order.

On May 9, 2024, TruConnect filed the Direct Testimony of Danielle Perry on Behalf of TruConnect Communications, Inc.

On May 30, 2024, Public Utility Division (“PUD”) filed the Responsive Testimony of Ryan Hedrick for Public Utility Division.

On June 11, 2024, a Notice of Hearing was filed setting the Hearing on the Merits for June 27, 2024.

On June 27, 2024, the Application came on for hearing. After introducing the filed testimonies into evidence, hearing the statements from counsel, and reviewing the documents filed in the record, the Administrative Law Judge (“ALJ”) recommended that the ETC designation should be granted.

Also on June 27, 2024, Submission of Witness Identification and Verification Affidavit of Danielle Perry was filed.

On July 9, 2024, the Affidavit of Ryan Hedrick was filed.

I. SUMMARY OF THE EVIDENCE

A. Testimony of Danielle Perry on behalf of TruConnect Communications, Inc.

On May 9, 2024, TruConnect filed the Direct Testimony of Danielle Perry, Chief Compliance Officer for TruConnect, in support of its Application. Ms. Perry testified that TruConnect is a provider of wireless telecommunications services and that it is designated as an ETC in thirteen states and the U.S. Virgin Islands. Perry Dir. 3:11-18.

Ms. Perry testified that with the filing of its Application, TruConnect is seeking an order of the Commission designating TruConnect as a wireless ETC on a statewide basis to the extent its underlying carriers have facilities and coverage. Perry Dir. 4:20-5:1.

Ms. Perry testified that TruConnect’s Lifeline services and detailed rates, terms and conditions of services are listed on TruConnect’s website at <https://www.truconnect.com>. Perry Dir. 4: 16-18.

Ms. Perry further testified that TruConnect will provide Lifeline-only supported services; it is not seeking certification for high-cost support in this Application. Perry Dir. 4:20-5:3.

Ms. Perry testified regarding the criteria that TruConnect must meet to obtain wireless ETC designation in Oklahoma. She stated that in general, Sections 214(e)(1) and (2) of the Federal Telecommunications Act of 1996 (the Communications Act of 1934, as amended) require state commissions such as the Oklahoma Corporation Commission to designate any common carrier as an ETC if the common carrier both offers services that are supported by federal universal service support mechanisms and advertises the availability of such services. In areas served by a rural local exchange company, the state commission must also make a “public interest” finding in accordance with 47 U.S.C. § 214(e)(2). This Commission also has its own wireless ETC rules which can be found at OAC 165:55-23-1, *et seq.* Perry Dir. 5:6-15.

Ms. Perry testified concerning the basic requirements regarding the supported services and stated that an ETC must be a common carrier and it must demonstrate its capability and commitment to offer and advertise the services supported by the federal USF throughout its proposed ETC service area. TruConnect provides wireless services on a for-hire interstate and intrastate basis and is therefore a common carrier as defined in 47 U.S.C. § 153(10), and, accordingly, TruConnect is eligible for designation as a wireless ETC. Perry Dir. 5:16-21.

Ms. Perry testified that pursuant to Federal Communications Commission (“FCC”) rules, a carrier must offer both voice telephone service and broadband service. Voice telephony service is defined in 47 C.F.R. § 54.101(a)(1) as services that provide voice grade access to the public switched telephone 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 (also known as E911) to the extent the local government in an eligible carrier’s service area has implemented 911 or E911 systems, and toll limitation services to qualifying low-income consumers as provided in 47 C.F.R. §§ 54.400 through 54.422. Broadband service is defined in 47 C.F.R. § 54.101(a)(2) as Internet access services that provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Perry Dir. 5:22-11.

Ms. Perry further testified that TruConnect will provide the required services as it does now in states in which it has been designated as an ETC. She testified that TruConnect will offer the federally designated services required by 47 C.F.R §§ 54.1 *et seq.*, by the FCC’s most recent orders pertaining to Lifeline service, and by OAC 165:55-23-1, *et seq.* TruConnect’s wireless informational tariff lists the services in accordance with the most recent regulatory requirements and can be found on TruConnect’s website. Perry Dir. 6:12-16.

Ms. Perry testified that TruConnect will advertise the supported services and that TruConnect plans to use its website in a manner reasonably designed to reach those consumers likely to qualify for supported services. She testified that advertising will also appear in all TruConnect’s authorized agent locations. Required information such as rates for service and terms and conditions of service will also appear in all of TruConnect’s authorized agent locations. She stated that TruConnect would advertise utilizing social media, streaming ads and direct mail campaigns. Perry Dir. 6:17-7:3.

Ms. Perry testified that TruConnect believes that the requested designation is in the public interest and explained that there are obvious benefits to the public from designating TruConnect as an ETC in the requested areas. These benefits include promoting competition for the benefit of consumers and the goal of the support of universal service. The proven financial, technical and managerial resources of TruConnect, combined with the services it will offer, will be of particular benefit to the low-income Oklahomans who need the support of the Lifeline program to get and to stay connected to family, educators, healthcare providers, emergency and other government services and employers. Access to Lifeline services is particularly important today and the addition of TruConnect in the expanded area will have only desirable effects upon the Oklahoma market for Lifeline services by making these services more available and accessible. Perry Dir. 7:4-15.

Ms. Perry testified that for example, consumers will benefit from the opportunity to choose from among a larger variety of telecommunications service providers. In addition, TruConnect's expanded ETC designation will provide an incentive to the Incumbent Local Exchange Carriers ("ILECs") and other ETCs serving the area to improve their Lifeline programs in order to remain competitive. The result will be higher quality of service, additional choices and greater value available to consumers. Further, no market participants will be eliminated. Rather, the service choices available to Oklahoma consumers will increase, all to the benefit of consumers and in the public interest. Ms. Perry testified that the availability of affordable mobile telecommunications service such as that provided by TruConnect through its Lifeline service, is critical to unemployed Oklahomans' efforts to search for employment opportunities. In particular, the voice portion of TruConnect's Lifeline service benefits the public in that it includes a larger local calling scope (i.e., nationwide without toll charges) and the availability of E911 service combined with the convenience and security afforded by mobile telephone service. Perry Dir. 7:16-8:6.

Ms. Perry testified that TruConnect is in position to commence offering its Lifeline service to all locations served by any of TruConnect's underlying carriers immediately after receiving approval from the Commission. The only delay will be in the time needed to implement marketing strategies and efforts for the expanded area. As TruConnect already has plans under consideration, it anticipates any delay will be very short. She further testified that TruConnect will comply with the Commission's wireless ETC reporting requirements and will comply with the Commission's wireless ETC reporting requirements for service provided within the expanded area and all other Commission rules and regulations applicable to wireless ETCs. Perry Dir. 8:9-20.

B. Testimony of Ryan Hedrick on behalf of PUD

Ryan Hedrick is employed as the Telecom Manager for PUD. Mr. Hedrick testified that he manages the day-to-day activities of the Telecom group within PUD and supervises analysts who review all telecom-related cases filed with the Commission, all telecom-related submissions to the Commission, including the Oklahoma Telecommunications Annual Report, and tariff submissions. Mr. Hedrick testified that he is also responsible for the review and analysis of assigned cases, including requesting and analyzing data acquired through discovery. This involves collaboration with others in PUD, as well as the Administrative, Judicial, and Legal Services Division, to develop appropriate recommendations. Mr. Hedrick testified that he is also responsible for initial review of applications for ETC designation, tracking ETC-related activities at the federal and Oklahoma level, reviewing ETC compliance with federal and Oklahoma requirements, reviewing reports submitted by an ETC to the FCC and Universal Service Administrative Company ("USAC"), and reviewing various ETC performance metrics as directed. Hedrick Resp. 3:4-22.

Mr. Hedrick testified that a state commission may designate as an ETC any common carrier that, throughout the service area for which designation of ETC status is sought, offers services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's services, and advertises the availability of such services. In areas served by a Rural Local Exchange Carrier ("RLEC"), the Commission must also make a "public interest" finding in accordance with 47 U.S.C. § 214(e)(2). Hedrick Resp. 5:12-18.

Mr. Hedrick testified that the rules applicable to TruConnect's request for ETC designation for purposes of participation in federal universal services support programs are found at 47 U.S.C. § 214(e), 47 C.F.R. § 54.101, 47 C.F.R. § 54.201, 47 C.F.R. § 54.202, and 47 C.F.R. § 54.207. In addition to the federal requirements, Oklahoma's rules regarding ETC designation are found at OAC 165:55-23-2. Hedrick Resp. 5:20-6:2.

Mr. Hedrick testified that TruConnect is requesting ETC designation for the sole purpose of receiving support for low-income customers under 47 C.F.R. § 54.400 *et seq.* and is not required to provide a build-out plan as indicated in 47 C.F.R. § 54.202(a)(1)(ii). Hedrick Resp. 7:6-8.

Mr. Hedrick testified that 47 C.F.R. § 54.201(d)(1) requires services to be provided by a carrier's own facilities or through a combination of its own facilities and resale of another carrier's services, and 47 C.F.R. § 54.201(i) prohibits a state commission from designating a common carrier as an ETC if it offers the supported services exclusively through resale. Mr. Hedrick testified that these restrictions are not applicable to TruConnect, and that the FCC has granted forbearance from these restrictions for some qualifying carriers seeking designation for participation in the Lifeline program only. Hedrick Resp. 7:9-15.

Mr. Hedrick testified that TruConnect's Application and their Data Request responses contained all the information required by OAC 165:55-23-2(a), and the supporting information was consistent with the obligations required by OAC 165:55-23-2(c). Hedrick Resp. 8:10-14.

Mr. Hedrick testified that TruConnect has requested ETC designation on a statewide basis to the extent its underlying providers, Verizon and T-Mobile, have facilities and coverage. Hedrick Resp. 8:15-18.

Mr. Hedrick testified that there are multiple ETCs in addition to the ILEC designated in each of the exchanges where TruConnect is requesting ETC designation. Hedrick Resp. 10:1-5.

Mr. Hedrick testified that TruConnect is a common carrier as outlined in 47 C.F.R. § 54.201(b) and 47 U.S.C. § 214(e)(2). Hedrick Resp. 10:6-9.

Mr. Hedrick testified that TruConnect will offer the supported services that are outlined in 47 C.F.R. § 54.101. Mr. Hedrick testified that in its Application and written Direct Testimony of Danielle Perry, TruConnect affirmed that it will offer: 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; toll-limitation services to qualifying low-income customers; and eligible Broadband Internet Access Services which provides the capability to transmit and receive data by wire or radio from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, as provided in 47 C.F.R. §§ 54.400 through 54.422. Mr. Hedrick testified that these assertions are consistent with the requirements found at 47 C.F.R. § 54.101. Hedrick Resp. 10:10-22.

Mr. Hedrick testified that TruConnect will offer the supported services throughout the service area for which it seeks ETC designation, as required by 47 C.F.R. § 54.201(d) and 47 U.S.C. § 214(e)(1). Mr. Hedrick testified that TruConnect stated in its Application, the written Direct Testimony of Danielle Perry, and in response to data requests that, to the extent TruConnect's underlying providers have coverage and service, there are no areas within the area where ETC designation is requested where TruConnect's underlying carriers are unable to provide service. Hedrick Resp. 11:1-7.

Mr. Hedrick testified that TruConnect will provide the supported services in a manner consistent with 47 C.F.R. § 54.201(d)(1) and 47 U.S.C. § 214(e)(1)(A). Mr. Hedrick testified that TruConnect stated in its Application, the written Direct Testimony of Danielle Perry, and in response to data requests that it will provide all of the supported services using a combination of resold services from its underlying carriers, T-Mobile and Verizon. Hedrick Resp. 11:14-20.

Mr. Hedrick testified that TruConnect will advertise the availability of the supported services. Mr. Hedrick testified that pursuant to 47 C.F.R. § 54.201(d)(2), TruConnect stated in its Application and the written Direct Testimony of Danielle Perry that it will advertise the availability of the supported services in a manner reasonably designed to reach those consumers who qualify for the supported services. Mr. Hedrick testified that this includes, but is not limited to, social media, streaming, and direct mail campaigns. Mr. Hedrick testified that TruConnect also stated it will comply with OAC 165:55-23-16 should it choose to utilize mobile marketing of its Lifeline services. Hedrick Resp. 11:19-12:6.

Mr. Hedrick testified that TruConnect will comply with all the requirements for providing low-income support that are outlined in 47 C.F.R. § 54.400 *et seq.* and OAC 165:55-23. Mr. Hedrick testified that TruConnect stated that it will provide the supported services as described in its current rates, terms, and of conditions of service. Mr. Hedrick testified that TruConnect's current rates, terms and conditions are available on its website. Mr. Hedrick testified that upon TruConnect receiving ETC designation, it will apply the Lifeline discount as required, and will comply with all the requirements for providing low-income support outlined in 47 C.F.R. § 54.400 *et seq.* and OAC 165:55-23. Mr. Hedrick testified that in the Direct Testimony of Danielle Perry, TruConnect committed to complying with all FCC and Commission rules governing the Lifeline program, which include, but are not limited to, rules regarding initial subscriber eligibility certification, annual recertification, de-enrollment for non-usage of service, mobile marketing, recordkeeping, and auditing requirements. Hedrick Resp. 12:7-19.

Mr. Hedrick testified that TruConnect provided descriptions and rates for its Lifeline offering in the requested ETC designation area. Mr. Hedrick testified that TruConnect stated in its Application and Direct Testimony of Danielle Perry that it will offer the same Lifeline plans that it currently offers. Mr. Hedrick testified that the rates, terms, and conditions for TruConnect's Lifeline offerings in Oklahoma can be found on their website. Hedrick Resp. 12:20-13:2.

Mr. Hedrick testified that PUD believes that TruConnect has demonstrated sufficient financial and technical capabilities to support its request for ETC designation. Mr. Hedrick testified that in response to data requests, TruConnect provided the income statements for its parent company TSC Acquisition Corporation for 2021 and 2022. Mr. Hedrick testified that TruConnect's FCC compliance plan was approved on December 26, 2012, and that TruConnect has been designated

as an ETC in 13 states and the U.S. Virgin Islands. Mr. Hedrick testified that TruConnect will utilize the T-Mobile and Verizon networks, which are largely built out and have sufficient battery back up to provide the supported services. Hedrick Resp. 13:3-10.

Mr. Hedrick testified that 47 U.S.C. § 214(e)(2) specifically provides that a state commission shall make a public interest finding when a designation involves a rural telephone company study area. Mr. Hedrick testified that TruConnect's Application involves designation in a rural study area. Mr. Hedrick testified that multiple RLEC service territories are included in TruConnect's request. Hedrick Resp. 13:11-17.

Mr. Hedrick testified that there is a different public interest analysis involved when a request for ETC designation includes a rural telephone company service area, as opposed to when a request is limited to a non-rural service area. Mr. Hedrick testified that as articulated by the FCC in its ETC Designation Order, there are two levels of analysis. Mr. Hedrick testified that a more stringent public interest analysis is appropriate when the designation involves a rural telephone company study area. Mr. Hedrick testified that the Order does not address a specific set of criteria by which an application should be deemed to be in the public interest, but the Order allows for flexibility of the analysis to ensure that the goals of universal service are supported. Hedrick Resp. 14:1-9.

Mr. Hedrick testified that designating TruConnect as an ETC promotes the public interest. Mr. Hedrick testified that TruConnect demonstrated a reasonable commitment to providing high service quality. Mr. Hedrick testified that TruConnect can remain functional in emergency situations due to its underlying providers, T-Mobile & Verizon, having largely built-out networks with a reasonable amount of back-up power. Mr. Hedrick testified that TruConnect will utilize the National Verifier and National Lifeline Accountability Database for enrollment and determination of subscriber eligibility and has internal training processes described in their Application in place to ensure compliance with Lifeline program rules. Mr. Hedrick testified that, additionally, TruConnect's Lifeline offerings for both Non-Tribal and Tribal customers meet the required FCC minimum service standards. Mr. Hedrick testified that these reasons, combined with the demonstrated financial capability and technical expertise, also support the public interest. Mr. Hedrick testified that PUD believes that granting the requested ETC designation is in the public interest. Hedrick Resp. 14:10-21.

Mr. Hedrick testified that TruConnect has met the requirements for designation as a wireless, resale-only ETC for purposes of providing Lifeline service throughout the State of Oklahoma where ETC designation is requested. Mr. Hedrick testified that TruConnect has demonstrated sufficient financial and technical ability. Mr. Hedrick testified that PUD recommends a finding that designation of TruConnect as an ETC is in the public interest, and that an Order should be issued granting the requested Lifeline-only ETC designation. Hedrick Resp. 15:1-7.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

THE COMMISSION FINDS that it has jurisdiction over the above-captioned Case pursuant to the provisions of 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.201, Article IX, § 18 of the Oklahoma Constitution, and 17 O.S. §§ 131 *et seq.*

THE COMMISSION FURTHER FINDS that notice was proper and given as required by law and the rules of the Commission.

THE COMMISSION FURTHER FINDS that TruConnect Communications, Inc. has met all state and federal requirements for designation as a wireless Lifeline-only ETC throughout the requested service territory and exchanges.

THE COMMISSION FURTHER FINDS that the designation of TruConnect Communications, Inc. as a wireless Lifeline-only ETC on a statewide basis in the requested service territory and exchanges is in the public interest.


III. ORDER

THE COMMISSION THEREFORE ORDERS that the Application is hereby granted, and TruConnect Communications, Inc. is therefore designated as a wireless-only ETC throughout the requested service territory and exchanges for the limited purpose of providing Lifeline service, to the extent its underlying providers, Verizon and T-Mobile, have facilities and coverage.

THIS ORDER SHALL BE EFFECTIVE immediately.

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing findings, conclusions, and order are the report and recommendation of the undersigned Administrative Law Judge.



CARLY M. ORTEL
Administrative Law Judge

7-12-2024
Date

GOBIERNO DE PUERTO RICO
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO
NEGOCIADO DE TELECOMUNICACIONES PUERTO RICO

IN RE: TRUCONNECT
COMMUNICATIONS, INC.

CASO NÚM.: NET-2024-SU-0006

ASUNTO: SOLICITUD DESIGNACIÓN
ETC

ORDEN ADMINISTRATIVA

La presente *Orden Administrativa* atiende la *Moción en Cumplimiento con Resolución y Orden de 6 de Agosto de 2024* (Moción en Cumplimiento), presentada el 5 de septiembre de 2024 por Truconnect Communications, Inc. ("Truconnect" o "Peticionaria") ante el Negociado de Telecomunicaciones de la Junta Reglamentadora de Servicio Público de Puerto Rico ("NET").

I. TRACTO PROCESAL

El 7 de junio de 2024, la Peticionaria presentó Solicitud de Designación, para solicitar designación como una Compañía de Telecomunicaciones Elegible ("ETC", por sus siglas en inglés). En su *Solicitud* indicaron que actualmente ostentan designación de ETC en otras jurisdicciones de los Estados Unidos y que están registrados ante el NET como compañía que ofrece servicio comercial radiomóvil en Puerto Rico, y que interesan ser designados como ETC, exclusivamente para proveer el programa *Lifeline* en Puerto Rico a consumidores de bajos ingresos y recibir el apoyo del Fondo de Servicio Universal Federal ("FSUF") y del Fondo de Servicio Universal de Puerto Rico ("FSUPR"). De la solicitud surge que no interesan designación para recibir apoyo clasificado como alto costo ("high-cost program").

El NET atendió su solicitud conjuntamente con los documentos que le acompañaban y mediante *Resolución y Orden* emitida el 6 de agosto de 2024, ordenamos a la Peticionaria proveer la siguiente información adicional: (1) copia de sus acuerdos (contratos de reventa) vigentes, (2) evidencia que posee copia o enlace donde los clientes puedan revisar los términos y condiciones, así como las condiciones del programa *Lifeline* e incluir información aplicable a Puerto Rico sobre resolución de disputas e información del NET para la presentación de querrela de conformidad con los requisitos bajo la Sección 47 CFR §54.202(a), según dispuesto en la Regla 9.3 del Reglamento 7795 e (3) incluir muestras de anuncios o material promocional que cumpla con los requerimientos de la Sección 47 C.F.R. §54.405 (b), (c) y 7 (d).

El 5 de septiembre de 2024, compareció la Peticionaria mediante *Moción en Cumplimiento con Resolución y Orden de 6 de agosto de 2024*. Con su escrito anejó varios documentos en cumplimiento con lo ordenado.

II. ANÁLISIS Y DISCUSIÓN

La Peticionaria es una compañía registrada como acarreador comercial de servicio radiomóvil en Puerto Rico ("CMRS"), mediante *Orden Administrativa* de 10 de mayo de 2024, bajo el numero NET-CMRS-0229.

De la Peticionaria ser designada como una compañía ETC, estará obligada a cumplir continua y cabalmente con los reglamentos pertinentes y en específico con lo dispuesto en el Reglamento Sobre Servicio Universal¹("Reglamento 7795") de 14 de enero de 2010, según enmendado por las Enmiendas Provisionales al Reglamento Sobre Servicio Universal² ("Reglamento 8093") de 21 de octubre de 2011. Además, deberá cumplir con sus obligaciones bajo el registro que mantiene ante el NET.

¹ Reglamento Núm. 7795.

² Reglamento Núm. 8093.



Conforme dispuesto en la sección 9.2 del Reglamento 7795 sobre los requisitos de elegibilidad, una compañía de telecomunicaciones que desee ser designada como ETC, deberá (1) Ofrecer todos los servicios apoyados por el programa de Servicio Universal en todo Puerto Rico, utilizando sus propias facilidades o una combinación de sus propias facilidades y la reventa de los servicios de otra compañía de telecomunicaciones; (2) Anunciar la disponibilidad de tales servicios y los cargos por los mismos, a través de uno o más periódicos de circulación general; y (3) Participar en los programas o servicios discrecionales aprobados por el NET, apoyados por el Servicio Universal de Puerto Rico, delimitando el servicio a todo Puerto Rico. De no poder ofrecer el servicio en todo Puerto Rico, la ETC, mediante solicitud previa al NET y por excepción, lo brindará por municipalidades, según constituidas en los mapas oficiales.

Además de los requisitos dispuestos en la sección 9.2 del Reglamento 7795, la sección 9.3 requiere que una ETC cumpla con Sección 54.202 del Código de Reglamentación Federal, 47 CFR §54.202.

Con su Moción en Cumplimiento la Peticionaria acompañó copia de sus acuerdos vigentes, conforme ordenado. En cuanto, al requerimiento de evidencia que posee copia o enlace donde los clientes puedan revisar los términos y condiciones, así como las condiciones del programa *Lifeline* e incluir información aplicable a Puerto Rico sobre resolución de disputas e información del NET para la presentación de querrela, la Peticionaria incluyó dicha información bajo los enlaces <https://www.truconnect.com/lifeline> y <https://www.truconnect.com/states/puertorico>. Por último, sobre incluir muestras de anuncios o material promocional, la Peticionaria presentó evidencia del cumplimiento con la Sección 47 C.F.R. §54.405 (b), (c) y 7 (d).

El NET, en el descargo de su deber ministerial, ha revisado la información provista por la Peticionaria en su *Solicitud* y sus anejos, al igual que la provista en su escrito de 5 de septiembre de 2024 y determina que cumple con los requisitos aplicables en el Reglamento 7795, al igual que los dispuestos en las *Enmiendas Provisionales al Reglamento sobre Servicio Universal*, Reglamento Núm. 8093 y los criterios adicionales adoptados por el Código de Reglamentación Federal en su Sección 54.202 (47 C.F.R. §54.202) para ser designada como ETC.

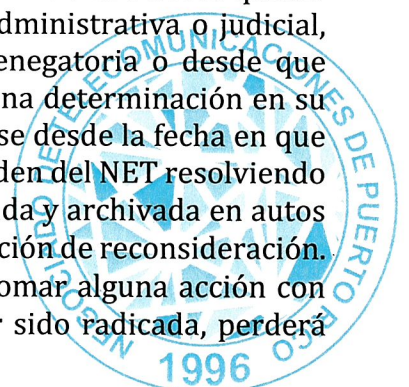
III. CONCLUSIÓN

A la Solicitud para ser designada como una Compañía de Telecomunicaciones Elegible: **HA LUGAR.**

Se **DESIGNA** a Truconnect Communications, Inc. como Compañía de Telecomunicaciones Elegible (ETC) para prestar exclusivamente los servicios de *Lifeline* en Puerto Rico, bajo el número **NET-ETC-0030**.

Disponiéndose, que cualquier parte adversamente afectada por la presente Resolución y Orden podrá presentar una moción de reconsideración en la Secretaría del Negociado de Telecomunicaciones de Puerto Rico (NET), dentro del término de veinte (20) días, contados a partir del archivo en autos de la notificación de esta orden. La parte peticionaria deberá enviar copia de tal escrito, por correo, a las partes que hayan intervenido en los procedimientos del caso.

El NET deberá considerar dicha moción de reconsideración dentro de los quince (15) días de haberse presentado la misma. Si la rechazare de plano o no actuare dentro de los quince (15) días, el término de treinta (30) días para solicitar revisión administrativa o judicial, comenzará a correr nuevamente desde que se notifique dicha denegatoria o desde que expiren esos quince (15) días, según sea el caso. Si se tomare alguna determinación en su consideración, el término para solicitar revisión empezará a contarse desde la fecha en que se archive en autos una copia de la notificación de la resolución u orden del NET resolviendo definitivamente la moción. Tal resolución u orden deberá ser emitida y archivada en autos dentro de los noventa (90) días siguientes a la presentación de la moción de reconsideración. Si el NET acogiere la moción de reconsideración, pero dejare de tomar alguna acción con relación a dicha moción dentro de los noventa (90) días de haber sido radicada, perderá

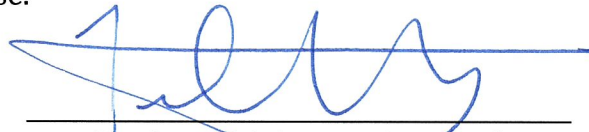


jurisdicción sobre la misma y el término para solicitar la revisión administrativa y judicial ante la Junta Reglamentadora de Servicio Público o ante el Tribunal de Apelaciones, respectivamente, empezará a contarse a partir de la expiración de dicho término de noventa (90) días, salvo que la agencia, por justa causa y dentro de esos noventa (90) días, prorrogue el término para resolver por un período que no excederá de treinta (30) días adicionales.

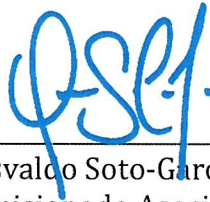
No obstante, el NET podrá acoger o tomar una determinación sobre una moción de reconsideración presentada oportunamente, aún después de los quince (15) días de haberse presentado la misma, siempre y cuando no haya transcurrido el término para acudir en revisión administrativa o judicial y no se haya presentado tal recurso de revisión. El NET también podrá reconsiderar, a iniciativa propia, la presente Resolución y Orden, mientras no haya transcurrido el término para acudir en revisión administrativa o judicial y no se haya presentado tal recurso de revisión.

Si la parte adversamente afectada por la presente orden o resolución final optare por no solicitar su reconsideración, de conformidad con lo dispuesto en la Sección 4.2 de la Ley de Procedimiento Administrativo Uniforme del Gobierno de Puerto Rico (Ley 38-2017), podrá presentar una solicitud de revisión ante la Junta Reglamentadora de Servicio Público o ante el Tribunal de Apelaciones de Puerto Rico, dentro de un término de treinta (30) días, contados a partir de la fecha del archivo en autos de la copia de la notificación de la orden o resolución final del NET. La parte notificará la presentación de la solicitud de revisión al NET y a todas las partes dentro del término para solicitar dicha revisión. La notificación podrá hacerse por correo. Disponiéndose que, si la fecha de archivo en autos de copia de la notificación de la orden o resolución final del NET es distinta a la del depósito en el correo de dicha notificación, el término de treinta (30) días para solicitar revisión administrativa o judicial se calculará a partir de la fecha del depósito en el correo.

Publíquese y notifíquese.



Ferdinand A. Ramos Soegaard
Comisionado Asociado
Presidente Interino



Osvaldo Soto-García
Comisionado Asociado

(vacante)

Comisionado Asociado

CERTIFICACIÓN

Certifico que así lo acordó la mayoría de los miembros del Negociado de Telecomunicaciones el 31 de octubre de 2024. Certifico, además, que el 31 de octubre de 2024 he procedido al archivo en autos de esta. Asimismo, certifico que una copia de esta *Resolución y Orden* emitida por el Negociado de Telecomunicaciones fue notificada a:

TRUCONNECT COMMUNICATIONS, INC.

Lcdo. Miguel J. Rodríguez Marxuach
mrm@mlawpr.com

Para que así conste, firmo la presente en San Juan, Puerto Rico, hoy 31 de octubre de 2024.



Rafael O. García Santiago
Secretario



BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2024-104-C – ORDER NO. 2024-417

JUNE 20, 2024

IN RE: Application of TruConnect	)	ORDER DESIGNATING
Communications, Inc. for Designation as an	)	TRUCONNECT
Eligible Telecommunications Carrier in the	)	COMMUNICATIONS, INC.
State of South Carolina (Low Income Only)	)	AS AN ELIGIBLE
	)	TELECOMMUNICATIONS
	)	CARRIER FOR THE PURPOSE
	)	OF OFFERING LIFELINE
	)	SERVICE

This matter comes before the Public Service Commission of South Carolina (Commission) on the Application of TruConnect Communications, Inc. (TruConnect or the Company) for designation as an Eligible Telecommunications Carrier (ETC) for the limited purpose of providing Lifeline services to qualifying consumers in South Carolina (the Application). TruConnect submits their Application pursuant to Section 214(e)(2) of the Communications Act of 1934 (the Act),¹ sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (FCC),² section 58-11-100(E) of the Code of Laws of South Carolina (2015), and the rules and regulations of the Commission, including S.C. Code Ann. Regs. 103-690 (2012).

TruConnect requests a waiver regarding submission of the two-year plan requirement found in S.C. Code Ann. Regs. 103-690.C(a)(1)(B) and the annual updates

¹ 47 U.S.C § 214(e)(2).

² 47 C.F.R §§ 54.101-54.207.

found in S.C. Code Ann. Regs. 103-690.1B(b)(1). The Company further requests expedited review of its Application and, for the purpose of judicial efficiency, a waiver of a formal evidentiary hearing.

Upon review of the Application and all of the supporting materials, as well as the Stipulation submitted by TruConnect and the South Carolina Office of Regulatory Staff (ORS), the Commission concludes that the Application should be approved and TruConnect should be granted statewide ETC designation to allow the Company to provide Lifeline service where its underlying, facilities-based providers have wireless coverage, pursuant to the terms in this Order. Further, the requested waivers of S.C. Code Ann. Regs. 103-690.C(a)(1)(B) and S.C. Code Ann. Regs. 103-690.1B(b)(1) should be approved.

I. FACTUAL AND PROCEDURAL HISTORY

a. Factual Background

TruConnect is a Delaware corporation with its principal office located in Los Angeles, California. Application, p. 3. TruConnect is authorized to do business in South Carolina. *Id.* TruConnect requests ETC designation solely to provide Lifeline service to qualifying South Carolina consumers. *Id.*, p. 1. The Company will not seek (and is not eligible to seek) access to funds from the federal Universal Service Fund (USF) for the purpose of participating in the Link-Up program or high-cost program. *Id.* Instead, TruConnect is positioned to reach unserved and underserved Lifeline-eligible consumers. *Id.*, p. 2.

TruConnect provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of facilities-based providers including T-Mobile USA, Inc. (T-Mobile) and/or Verizon Wireless (Verizon) (collectively, Underlying

Carriers). Application, p. 3. TruConnect’s Underlying Carriers provide all of the supported services to allow the Company to operate as a Voice Telephony Service,³ a common carrier,⁴ as well as providing Broadband Internet access service (BIAS).⁵ *Id.*, pp. 8-9. TruConnect is currently designated and operating as a wireless ETC in Alabama, California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, Wyoming, and the U.S. Virgin Islands. *Id.*, p. 3. Additionally, the Company is authorized by the FCC and the Universal Service Administrative Company (USAC) to participate in the Affordable Connectivity Program throughout the United States, including South Carolina. *Id.*

Formerly Telscape Communications, Inc., TruConnect is a subsidiary of TSC Acquisition Corporation (TSC). *Id.* TSC also owns Sage Telecom Communications, LLC doing business as TruConnect (Sage d/b/a TruConnect). *Id.*

b. Procedural History

TruConnect filed its Application for ETC designation on March 19, 2024. As directed by the Commission, notice of the filing of the Application was published in *The*

³ As set forth in 47 C.F.R. § 54.101(a)(1), a Voice Telephony Service must provide voice grade access to the public switched telephone network, local usage at no additional charge, access to emergency services, and toll limitation.

⁴ CMRS providers such as TruConnect are treated as common carriers. *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, 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)(1)(A) (“mobile services” providers are common carriers); *see also* PCIA Petition for Forbearance for Broadband Personal Communications Services et al., 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.”)

⁵ While no longer required by 47 C.F.R. § 54.101(a), TruConnect provides BIAS to ensure Lifeline customers receive full Lifeline support as outlined in 47 C.F.R. § 8.1(b). Application, pp. 9-10.

State and *The Greenville News*, both newspapers of general circulation, and proof of publication was filed with the Commission on April 26, 2024.

ORS is a statutory party to this action, pursuant to S.C. Code Ann. Section 58-4-10(B) (Supp. 2023). No petitions to intervene were filed in this matter. Therefore, TruConnect and ORS are the only parties (Parties) in this docket. On May 8, 2024, TruConnect filed the direct testimony of Danielle Perry, Chief Compliance Officer of the Company.⁶ On May 15, 2024, ORS filed a letter with the Commission, stating it did not intend to file direct testimony in the matter and stating that it did not object to the relief requested or plan to attend the scheduled hearing. ORS Letter Dated May 15, 2024.

On May 31, 2024, TruConnect filed a Motion for Expedited Review. The Motion set forth that counsel for ORS does not object to the Application and requests that the Commission cancel the hearing scheduled for June 11, 2024, and instead decide the matter at the Commission's next regularly scheduled business meeting or special meeting.

TruConnect and ORS entered into a Stipulation in which ORS stated that the Company's request for designation should be approved. The Stipulation was filed with the Commission on June 4, 2024. According to the Stipulation, the Parties agree that TruConnect should be designated as an ETC for the limited purpose of providing Lifeline service to qualifying customers in accordance with the terms contained in the filed Stipulation. A copy of the Stipulation is attached hereto as Order Exhibit No. 1, and its terms are incorporated by reference.

⁶ TruConnect filed corrected direct testimony for Danielle Perry on June 5, 2024.

At a Special Commission Business Meeting on June 6, 2024, the Commission granted the request for expedited review and approved the Application of TruConnect without a hearing. Commission Directive dated June 6, 2024.

II. APPLICABLE LAW

Section 214(e)(1) of the Telecommunications Act authorizes state commissions to designate common carriers as ETCs if they meet certain requirements. 47 U.S.C.A. § 214(e)(1). Under the Act, the carrier must:

(A) offer the services that are supported by Federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's services; and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

47 U.S.C.A. § 214(e)(1).

The South Carolina Code of Regulations establishes the requirements that an applicant must meet to be designated an ETC for the purpose of receiving federal universal service support pursuant to Section 214(e) of the Act. *See* S.C. Code Ann. Regs. 103-690 (2012). The requirements for ETC designation are as follows:

(1) commit to providing service throughout the proposed designated service area to all customers making a reasonable request for service.

(2) demonstrate its ability to remain functional in emergency situations.

(3) demonstrate that it will satisfy applicable consumer protection and service quality standards.

(4) demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

(5) certify by affidavit signed by an officer of the company that the carrier acknowledges that the Federal Communications Commission may require it 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.

(6) certify by affidavit signed by an officer of the company that it does offer or will offer the services that are supported by the federal universal service support mechanisms by using its own facilities or a combination of its own facilities and resale of another carrier's services.

(7) certify by affidavit signed by an officer of the company that it does or will advertise in a media of general distribution the availability of such services, including lifeline services and the applicable charges.

S.C. Code Ann. Regs. 103-690(C) (1-7) (2012).⁷

Section 254(e) of the Act affirms that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal support.” 47 U.S.C.A. § 254(e).

Section 214(e)(1) of the Act and section 54.201(d) of the FCC's rules provide that applicants for ETC designation must be common carriers that shall, throughout the designated service area, offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, except where the FCC has forborne from the “own facilities” requirement.

Section 160(e) of the Act states: “[a] State commission may not continue to apply or enforce any provision of this chapter that the [Federal Communications] Commission

⁷ The equal access requirement set out in Regulation 103-690(C)(5) is no longer required by federal law. Compare 47 C.F.R. § 54.202(a)(5) (2020) with 47 C.F.R § 54.202(a)(5) (2007). As such, the Commission will waive this requirement.

has determined to forbear from applying under subsection (a) of this section.” 47 U.S.C.A § 160(e). Subsection (a) sets forth: “the Commission shall forbear from applying any regulation or any provision of this chapter to a telecommunications carrier or telecommunications service...if the Commission determines that--

(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and

(3) forbearance from applying such provision or regulation is consistent with the public interest.

47 U.S.C.A § 160(a).

In the *Lifeline and Link Up Reform Order*,⁸ the FCC granted forbearance 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

⁸ *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”).

- (2) the carrier must file, and the Bureau 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 this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.

According to Commission regulations, in any case where compliance with any of the rules and regulations "introduces unusual difficulty or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the commission upon a finding by the commission that such a waiver is not contrary to the public interest." S.C. Code Ann. Regs. 103-601.3 (2012).

III. FINDINGS OF FACT

After review of the filings, the Commission makes the following Findings of Fact:

1. TruConnect is a Delaware corporation authorized to do business in South Carolina. The Commission has jurisdiction over TruConnect's request for ETC designation.
2. TruConnect is a commercial mobile radio service (CMRS) reseller that is treated as a common carrier.
3. TruConnect requests Lifeline-only statewide ETC designation and will provide prepaid wireless telecommunications services to qualifying South Carolina consumers by using the underlying wireless networks of facilities-based providers.
4. TruConnect meets all federal and state requirements for designation as a statewide Lifeline-only ETC except for the fact that they offer services over their own facilities. However, the FCC has granted forbearance from enforcement of this facilities

requirement to carriers seeking Lifeline-only ETC designation based on certain considerations, which the Company meets.

5. TruConnect's Application is unopposed by ORS.

6. TruConnect's request for a waiver of the requirements to file a two-year plan describing proposed improvements or upgrades to its network required by S.C. Code Ann. Regs. 103-690.C(a)(1)(B) and to file updates required by S.C. Code Ann. Regs. 103-690.1B(b)(1) is reasonable, unopposed, and not contrary to the public interest.

7. TruConnect's request for expedited treatment and a waiver of the hearing is reasonable, not contrary to public interest, and unopposed. The Company's Application, verified testimony, exhibits, and Stipulation with ORS were received without objection.

8. Granting TruConnect's Application furthers the goals and purposes of section 254 of the Act to provide voice and broadband services to low-income consumers; therefore, the Commission finds that granting the Application is in the public interest.

IV. EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT

A. Finding of Fact No. 1

TruConnect requests Lifeline-only ETC designation that is statewide in scope. Section 214(e)(2) of the Act provides state public utility commissions with the "primary responsibility" of designating ETCs. 47 U.S.C. § 214(e)(2). A state commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). *Id.*

B. Finding of Fact Nos. 2-5

In support of its Application, the Company filed the verified testimony of Danielle Perry, Chief Compliance Officer of TruConnect. Witness Perry testified the Company

meets certain state and federal regulation requirements for ETC designation. Perry Direct Testimony, 3:13-14. Specifically, section 214(e) of the Communications Act and section 54.201(d) of the FCC's rules provide that Applicants for ETC designation must be a common carrier that will offer all the services supported by universal service and will advertise the availability and rates of such services. *Id.*, 3:18-4:4. TruConnect satisfies these requirements according to Witness Perry. *Id.*

TruConnect only seeks ETC designation to provide Lifeline service to qualified low-income consumers; therefore, ETC certification requirements for the high-cost program are not applicable to the Company. Application, p. 10. As a Lifeline-only ETC, TruConnect agrees to provide voice and broadband services by (1) offering the services supported by federal universal support mechanisms, (2) through its own facilities or a combination of its own facilities and resale of another carrier's services, and (3) advertising the availability of such service and the charges therefor using media of general distribution. Stipulation, ¶ 3.

TruConnect will provide prepaid wireless telecommunications services wherever its underlying, facilities-based providers have wireless coverage.⁹ Perry Direct, 2:19-22. TruConnect states it will provide affordable prepaid mobile phone service, including calling, text messaging, and broadband access, along with user-friendly handsets or hotspot devices, and high-quality customer service. Application, p. 4. The Company will not require service contracts from its customers, and it will ensure competitively low pricing for its services and products. *Id.*

⁹ TruConnect is not a rural telephone company but understands that its service area overlaps with rural carriers in South Carolina. Application, p. 10.

According to Witness Perry, TruConnect is financially and technically capable of providing Lifeline-supported services in accordance with section 54.202(a)(4). Perry Direct, 8:16-19. The Company has been offering telecommunications service since 1998 and began providing non-Lifeline wireless service in October 2012, and Lifeline-supported wireless service in May 2013. *Id.* TruConnect has not been subject to ETC revocation proceedings. *Id.*, 8:22-23. The Company has operated as a telecommunications carrier for twenty-five years and is supported by the resources of its parent, TSC. *Id.*, 8:22-9:2. Moreover, “the senior management of TruConnect has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.” Application, p. 14; *see also* Perry Direct 9:6-8.

Pursuant to section 54.202(a)(4), TruConnect has the ability to remain functional in emergency situations. Perry Direct, 7:22-23. “[I]ts Underlying Carriers have access to a reasonable amount of back-up power to ensure functionality without an external power source, can reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations.” *Id.*, 8:1-4. Additionally, emergency (911) calls will be free, regardless of service activation or availability of minutes, and will not count against the customer’s airtime. *Id.*, 9:16-17.

TruConnect plans to manage all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and live customer service. Application, p. 4. The Company’s “prepaid, budget-friendly pricing” will give many low-income consumers the option of having mobile phone service and broadband access without the burden of hidden costs, varying monthly charges, or contractual commitments.

Id., pp. 4-5. TruConnect’s products and plans “will be geared toward serving lower income communities, especially in rural areas that are predominantly unserved by other ETCs designated in the state, and its service models and pricing plans will reflect this mission.” *Id.* As a result, TruConnect will help contribute to the expansion of mobile wireless and broadband services for low-income consumers in South Carolina. *Id.*, p. 5.

Additional requirements for federal universal support include voice telephony service or voice grade access to the public switched telephone network (PSTN), pursuant to section 54.101(a) of the FCC’s rules. 47 C.F.R. § 54.101(a)(1). According to Witness Perry, TruConnect provides voice grade access to the PSTN through the purchase of wholesale CMRS services from its Underlying Carriers. Perry Direct, 5:12-18. TruConnect also offers rate plans that provide its customers with minutes of use for local service at no additional charge and access to emergency services to the extent the local government in its service area has implemented 911 or E911 systems. *Id.* TruConnect is able to deliver all supported services required by section 54.101(a) of FCC’s Rules, including voice telephony service and broadband service. *Id.*, 5:10-12.

In accordance with the *Lifeline and Link Up Reform Order*, TruConnect filed a Compliance Plan with the FCC, which the FCC approved on December 26, 2012. Application, p. 7. TruConnect commits to providing Lifeline service in South Carolina in accordance with its FCC-approved Compliance Plan, as amended, and in compliance with applicable state and federal regulations. *Id.*, p. 8.

Section 54.201(i) of the FCC’s Rules prohibits state commissions from designating as an ETC a telecommunications carrier that offers services exclusively through the resale of another carrier’s services. 47 C.F.R. § 54.201(i). However, the FCC has granted

forbearance from enforcement of this facilities requirement to carriers seeking Lifeline-only ETC designation. Perry Direct 4:13-17. TruConnect satisfies the conditions for forbearance by complying with certain 911 provisions and filing a Compliance Plan. *See* Application, p. 7-10. Therefore, enforcement of this requirement is not necessary to ensure that the practices are just and reasonable and are not unjustly or unreasonably discriminatory. Moreover, enforcement of the provision is not necessary for the protection of consumers and forbearance is consistent with the public interest. The exception applies to TruConnect, and no party objects.

As demonstrated by the verified Application, testimony, exhibits, and the Stipulation, the Company has:

- certified that it will comply with the service requirements;
- demonstrated its ability and commitment to remain functional in emergency situations;
- demonstrated its commitment to satisfy applicable consumer protection and service quality standards, including reporting requirements;
- demonstrated that the Company is financially and technically capable of providing the service;
- demonstrated that it will provide voice local usage plans comparable to the incumbent local exchange carriers already operating in the area; and
- committed to comply with applicable federal and state reporting requirements including, but not limited to, submitting reports regarding unfulfilled requests for service under S.C. Code Ann. Regs. 103-

690.1B(b)(3) and other annual reports required by S.C. Code Ann. Regs. 103-690.1.

TruConnect satisfies the requirements for designation as an ETC under both state and federal law, and ORS supports granting TruConnect's Application pursuant to the Stipulation.

C. Finding of Fact Nos. 6-8

The Commission is authorized to waive a rule or regulation where circumstances indicate that a waiver is appropriate, upon a finding that such waiver is not contrary to the public interest. S.C. Code Ann. Regs. 103-601.3 (2012). TruConnect's request for a waiver of the requirements to file a two-year plan describing proposed improvements or upgrades to its network required by S.C. Code Ann. Regs. 103-690.C(a)(1)(B) and to file annual updates required by S.C. Code Ann. Regs. 103-690.1B(b)(1) is reasonable, unopposed, and not contrary to the public interest. Likewise, TruConnect's request for expedited treatment and a waiver of the hearing is reasonable, unopposed, and not contrary to the public interest.

Considering the factors outlined above, the Commission determines that it is in the public interest that the Commission grant TruConnect a limited ETC designation for the purpose of providing Lifeline services as well as the requested waivers. Further, promptly granting TruConnect's request would advance the public interest by enabling the Company to begin providing Lifeline services to a wide array of low-income South Carolina residents as soon as possible.

V. CONCLUSIONS OF LAW

Based upon the discussion above, and available filings made in the instant proceeding, the Commission makes the following Conclusions of Law:

1. The Commission has jurisdiction over designation of wireless ETCs.
2. TruConnect is a common carrier able to provide services supported by universal service by using a network of Underlying Carriers and will advertise the availability of its offerings and charges through media of general distribution.
3. TruConnect is seeking ETC designation strictly to provide Lifeline service to qualifying South Carolina consumers and will not seek any high-cost support of the federal Universal Service Fund.
4. Given that TruConnect only seeks Lifeline support from the low-income program and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to the Company.
5. TruConnect is financially and technically capable of providing Lifeline-supported services.
6. TruConnect meets the state and federal requirements for the limited ETC designation as described herein.
7. The Stipulation between TruConnect and ORS is reasonable and in the public interest.
8. The Commission is authorized to waive a rule or regulation where circumstances indicate that a waiver is appropriate, upon a finding that such waiver is not contrary to the public interest.
9. Granting this Application would allow TruConnect to serve underserved and unserved areas, bringing the benefits of voice and high-speed broadband to citizens in those areas; therefore, the designation of the Company as an ETC is in the public interest.

10. Based on the available filings and the lack of opposition from any parties, it is reasonable and not contrary to the public interest to grant the requested waivers as well as expedited review of this case.

11. TruConnect's request to cancel the hearing in this docket, which was scheduled for June 11, 2024, as set forth in the Motion for Expedited Review, should be granted.

VI. ORDERING PROVISIONS

IT IS THEREFORE ORDERED THAT:

1. The Commission adopts and approves the Stipulation executed between TruConnect and the Office of Regulatory Staff, which is attached as Order Exhibit No. 1 and incorporated herein.

2. The Company's request for a limited ETC designation for the purposes of providing Lifeline services statewide is granted, as of the effective date of this Order, and pursuant to the terms provided in the Stipulation and this Order.

3. The Company shall make available to the Commission and the Office of Regulatory Staff reports it is required to file with the FCC in connection with the provision of Lifeline service.

4. Except as provided in this Order, TruConnect shall meet the reporting and certification requirements for ETCs as outlined by the federal requirements and S.C. Code Ann. Regs. 103-690.1. A copy of this report shall also be provided by the Company to the Office of Regulatory Staff.

5. The Company shall file annual reporting information with the Commission no later than June 30th of each year. A copy of this report shall also be provided by the Company to the Office of Regulatory Staff.

6. The Commission grants the Company's request for a waiver of S.C. Code Ann. Regs. 103-690.C(a)(1)(B) regarding filing a two-year plan describing proposed improvements or upgrades to its network, and of S.C. Code Ann. Regs. 103-690.1.B(b)(1) regarding annual updates to the two-year plan.

7. The Company shall provide voice and broadband services in conformity with 47 U.S.C.A. § 214(e)(2), 47 C.F.R. § 54.101, and S.C. Code Ann. Regs. 103-690.1(E)(a).

8. TruConnect's request to cancel the hearing in this docket, scheduled for June 11, 2024, is granted.

9. This order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:





Florence P. Belser, Chair
Public Service Commission of South
Carolina

NOTICE TO ALL PARTIES: Pursuant to S.C. Code Ann. section 58-9-1200 (2015), any party to this proceeding may petition for a rehearing within

ten (10) days after service of the notice of the entry of this order. An applicant may seek rehearing in respect to any matter determined in this proceeding. Pursuant to S.C. Code Ann. Regs. 103-825(A)(4) (2012), the petition for rehearing shall set forth clearly and concisely: (a) the factual and legal issues forming the basis for the petition; (b) the alleged error or errors in the Commission order; and (c) the statutory provision or other authority upon which the petition is based. Additionally, pursuant to S.C. Code Ann. Regs. 103-825(B) (2012), any petition for rehearing must conform to the requirements of R. 103-819 through 103-822.

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2024-104-C

June 3, 2024

IN RE: Application for TruConnect)
Communications, Inc. for)
Designation as an Eligible)
Telecommunications Carrier in the)
State of South Carolina for the (Low)
Income Only))

STIPULATION

This Stipulation is made by and among the South Carolina Office of Regulatory Staff (“ORS”) TruConnect Communications, Inc (“Company” or “Applicant”) (collectively referred to as the “Parties” or sometimes individually as a “Party”).

WHEREAS, the Company, formerly Telscape Communications, Inc., is a subsidiary of TSC Acquisition Corporation (“TSC”). TSC also owns Sage Telecom Communications, LLC d/b/a TruConnect (“Sage d/b/a TruConnect”), formerly known as Sage Telecom, Inc. before a corporate restructuring in 2012;

WHEREAS, the Company is an approved provider in the Federal Communications Commission’s (“FCC”) Affordable Connectivity Program;

WHEREAS, the Company currently uses T-Mobile USA, Inc. (“T-Mobile”) and Verizon Wireless (“Verizon”) (collectively, “Underlying Carriers”) facilities, on a wholesale basis to offer nationwide service, to provide prepaid wireless telecommunications services to consumers including voice, text messaging, and broadband services;

WHEREAS, the Company is currently designated as a wireless ETC in Alabama, California, New Jersey, Massachusetts, Rhode Island, Vermont, Tennessee, Virginia, Wyoming, and U.S. Virgin Islands;

WHEREAS, on March 19, 2024, the Company filed its application (“Application”) with the Public Service Commission of South Carolina (“Commission”) seeking designation as an ETC for the entire geographic area of the State of South Carolina (“ETC Designation Area”) for the limited purpose of providing LifeLine Service to qualifying customers;

WHEREAS, ORS has reviewed the Application and the Direct Testimony of Danielle Perry, which was pre-filed on May 8, 2024;

WHEREAS, as a result of its investigation, ORS has determined that, subject to the provisions set forth below, the Company’s request for designation as a Lifeline-only ETC in the ETC Designation Area should be approved.

WHEREFORE, in the spirit of compromise, the Parties hereby stipulate and agree to the following terms and conditions:

1. The Company is a common carrier able to provide services supported by universal service, either using its own facilities or a combination of its own facilities and resale of another carrier’s services.
2. The Company has requested a Lifeline ETC Designation in the ETC Designation Area.
3. As a Lifeline-only ETC, Applicant agrees to provide voice and broadband service pursuant to Section 214(e)(1) of the Communication Act of 1934, as amended (“Act”), and Section 54.201(d) of the Rules of the FCC as required by the Lifeline-only designation received in the ETC Designation Area, where the Applicant owns or leases facilities, by (1) offering the services

supported by federal universal service support mechanisms, (2) either using its own facilities or a combination of its own facilities and resale of another carrier's services, and (3) advertising the availability of such services and the charges therefor using media of general distribution.

4. As a Lifeline-only ETC, Applicant agrees that it must offer the services that are supported by universal support mechanisms, which are voice telephony services and broadband service as defined in Section 54.101 of the FCC's Rules, either through its own facilities or a combination of its own facilities and resale of another carrier's facilities where the Applicant has such facilities in the ETC Designation Area.

5. As a Lifeline-only ETC, Applicant agrees that it will offer Lifeline discounts to qualifying customers and comply with federal Lifeline requirements in fulfillment of the requirement that ETCs offer Lifeline discounts to qualifying customers and to offer toll limitation service at no charge to qualifying customers in the ETC Designation Area, unless the Lifeline service does not distinguish between toll and non-toll calls in the pricing of the services.

6. As a Lifeline-only ETC, Applicant agrees to provide access to emergency services, either through its own facilities or its underlying carriers' facilities (Verizon and T-Mobile), as applicable, for its customers in the ETC Designation Area.

7. As a Lifeline-only ETC, Applicant will advertise its discounted voice and broadband services in a manner that is designed to fully inform potential customers of the supported services available to them, to disclose all associated rates, and to ensure that qualifying low-income individuals are informed about the availability and cost of Lifeline programs.

8. As a Lifeline-only ETC, Applicant, pursuant to FCC regulations, must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2)

demonstrate its ability to remain functional in emergency situations; and (3) demonstrate that it will satisfy consumer protection and service quality standards.

9. As a Lifeline-only ETC, the Applicant agrees to report to the FCC and the Commission on an annual basis the number of unfulfilled requests for service, as required.

10. As a Lifeline-only ETC, Applicant commits that its voice and broadband network, either through its own facilities or its underlying carriers' facilities (Verizon and T-Mobile), as applicable, is designed to remain functional in emergency situations without an external power source, is able to re-route traffic around damaged facilities, is capable of managing traffic spikes resulting from emergency situations, and complies with the FCC's back-up power requirements.

11. As a Lifeline-only ETC, Applicant certifies that it is complying with applicable service quality standards and consumer protection rules, including complying with Lifeline service standards pursuant to 47 C.F.R. §54.408, which includes minimum broadband speed requirements, data usage allowance, and accessibility to WiFi devices.

12. As a Lifeline-only ETC, Applicant agrees to offer a voice local calling plan comparable to the calling plan offered by the incumbent local exchange carrier where Applicant has facilities in the Designated ETC Area.

13. As a Lifeline-only ETC, Applicant acknowledges that the FCC may require Applicant to provide equal access to long distance carriers in the event that no other ETC is providing equal access where Applicant has facilities within the Designated ETC Area.

14. As a Lifeline-only ETC, Applicant agrees that it is a common carrier where it has facilities in the ETC Designated Area and has the obligation of a common carrier for the provision of voice and broadband service in such area.

15. The Company will contribute to the federal and state USF and will remit all applicable surcharges and fees in South Carolina, including the E911 surcharge.

16. The Company agrees to advertise the availability of Lifeline using media of general distribution.

17. The Company agrees to offer Lifeline benefits consistent with the rates, terms, and conditions contained in its rate schedules and website and will publish the availability and the pricing of these same offerings on its website or other public forum.

18. The Company agrees to utilize the Lifeline eligibility qualifications established by the FCC and set forth in 47 C.F.R. 54.409, as may be amended from time to time, for providing Lifeline service to eligible customers.

19. The Company agrees to notify the Commission and ORS ten business days in advance of any changes to its Lifeline rates in South Carolina, or the pricing, or changes in pricing of any plans offered to South Carolina Lifeline customers.

20. The Company agrees to advertise its voice and broadband rate plans on its website.

21. The Company will offer Lifeline discounted voice and broadband services, including a Lifeline discounted standalone voice service offering for as long as the FCC provides a Lifeline discount benefit for voice only service, to qualifying low-income consumers in accordance with the FCC's rules within its proposed ETC Designation Area, where the Company has facilities and/or its underlying carriers' have facilities.

22. The Company agrees that it will abide by all advertising, reporting and verification requirements established by the FCC and the Commission.

23. The Company agrees to provide ORS any FCC citations issued against the Company's Lifeline South Carolina customers within five business days of notice to the Company by the FCC of the customer citation.

24. The Company agrees to file all reports requested by ORS or the Commission, including but not limited to: the "Telecommunications Company Annual Report," the "Authorized Utility Representative Form," the "Gross Receipts Form," and the "USF Worksheet," all of which may be found on the ORS website at www.ors.sc.gov in the telecommunications forms and resources section.

25. The Company agrees to file with the ORS a certified true copy of its Form 481, Form 497, and Form 555 filed with the Universal Service Administrative Company ("USAC"), and all other reports required to be filed by federal requirements, including revisions thereto, no later than five (5) business days after any such form or revision is filed with USAC.

26. If the designations sought herein are granted, the Company agrees to pay the annual gross receipts assessment in accordance with S.C. Code §§ 58-3-100 and 58-4-60.

27. The Company agrees to implement or to participate in a program for initial certification and annual verification that ensures that an eligible Lifeline customer only receives one Lifeline benefit per residential address.

28. If the designations sought herein are granted, the Company will be supporting Universal Service in South Carolina based on its total South Carolina retail end user revenues, and must submit all documentation and Universal Service fees required by South Carolina.

29. The Company agrees to submit a quarterly report to ORS demonstrating the number of Lifeline customers who have been deactivated by the Company during the quarter due to: (1) non-usage on their customer account during two consecutive 30-day periods; (2) customer failure

to comply with or pass the annual verification requirement; or (3) voluntary customer-requested deactivation.

30. The Company agrees that ORS may examine the Company's records and documentation to ensure that the universal service support the Company receives is being used for the purpose for which it was intended. The Company is required to provide such records and documentation to ORS upon written request. The Company agrees that if it fails to fulfill the Lifeline requirements set forth in the Act, the Commission's rules, or the terms of this Stipulation after it begins receiving universal service support, the Commission or ORS may exercise its authority to seek to revoke the Company's Lifeline ETC Designation.

31. The Company agrees that its Lifeline ETC Designation is non-transferable to new owners and is cancelled upon discontinuance of service.

32. The Company shall comply with all applicable state and federal laws, rules, and regulations regarding its Lifeline ETC Designation and reporting requirements. More specifically, the Company agrees to abide by the Commission regulations regarding designation of an ETC found in S.C. Code Ann. Regs. 103-690, except to the extent that the Commission grants a waiver for any provisions in these South Carolina regulations that differ from the more recently adopted FCC Rules and Lifeline orders referenced in the Application, as well as requirements, applicable to the Company, set out by the FCC for ETC designation and for participation in the Lifeline program (e.g. the FCC's Regulations set forth in Title 47, Subpart E – Universal Service Support for Low-Income Consumers, of the Code of Federal Regulations).

33. Subject to the provisions set forth herein, ORS does not oppose the Application of the Company for designation as a Lifeline-only eligible telecommunications carrier.

34. ORS is charged by law with the duty to represent the public interest of South Carolina pursuant to S.C. Code § 58-4-10(B), and public interest is defined as, “the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer, and preservation of continued investment in and maintenance of utility facilities so as to provide reliable and high-quality utility services.”

ORS believes the Stipulation reached among the Parties serves the public interest as defined above.

35. The Parties agree to advocate that the Commission accept and approve this Stipulation in its entirety as a fair, reasonable and full resolution of all issues in the above-captioned proceeding and that the Commission take no action inconsistent with its adoption. The Parties further agree to cooperate in good faith with one another in recommending to the Commission that this Stipulation be accepted and approved by the Commission. The Parties agree to use reasonable efforts to defend and support any Commission order issued approving this Stipulation and the terms and conditions contained herein.

36. The Parties represent that the terms of this Stipulation are based upon full and accurate information known as of the date this Stipulation is executed. If, after execution, either Party is made aware of information that conflicts with, nullifies, or is otherwise materially different than that information upon which this Stipulation is based, either Party may withdraw from the Stipulation with written notice to the other Party.

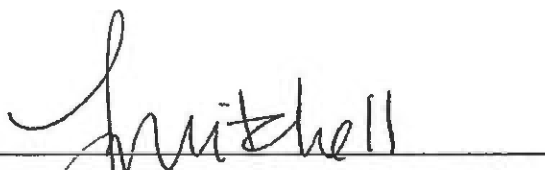
37. The Parties agree that signing this Stipulation will not constrain, inhibit, impair or prejudice their arguments or positions held in other collateral proceedings, nor will it constitute a precedent or evidence of acceptable practice in future proceedings. If the Commission declines to approve the Stipulation in its entirety, then any Party desiring to do so may withdraw from the Stipulation in its entirety without penalty or obligation.

38. This Stipulation shall be interpreted according to South Carolina law.

39. The above terms and conditions fully represent the agreement of the Parties hereto. Therefore, each Party acknowledges its consent and agreement to this Stipulation by affixing its signature or by authorizing counsel to affix his or her signature to this document where indicated below. Counsel's signature represents his or her representation that his or her client has authorized the execution of the agreement. Facsimile signatures and email signatures shall be as effective as original signatures to bind any Party. This document may be signed in counterparts, with the original signature pages combined with the body of the document constituting an original and provable copy of this Stipulation. The Parties agree that in the event any Party should fail to indicate its consent to this Stipulation and the terms contained herein, then this Stipulation shall be null and void and will not be binding on any Party.

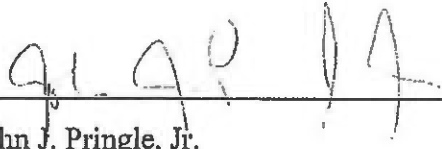
[PARTY SIGNATURES TO FOLLOW ON SEPARATE PAGES]

Representing the South Carolina Office of Regulatory Staff

A handwritten signature in cursive script, appearing to read "L. Mitchell", is written over a horizontal line.

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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING OF)		
TRUCONNECT COMMUNICATIONS, INC.'S)		ORDER APPROVING JOINT
PETITION FOR APPROVAL OF A DESIGNATION)		STIPULATION; ORDER GRANTING
AS AN ELIGIBLE TELECOMMUNICATIONS)		PETITION FOR DESIGNATION AS AN
CARRIER IN THE STATE OF SOUTH DAKOTA)		ELIGIBLE TELECOMMUNICATIONS
FOR THE LIMITED PURPOSE OF PROVIDING)		CARRIER
LIFELINE SERVICE TO QUALIFYING)		
CUSTOMERS)		TC24-004

On January 17, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition from TruConnect Communications, Inc.'s (TruConnect) for an Eligible Telecommunications Carrier (ETC) Designation. TruConnect seeks ETC designation throughout the state, including rural areas and federally recognized tribal lands.

On January 18, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of February 2, 2024, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On January 22, 2024, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene.

On February 7, 2024, the Commission issued an Order Granting Intervention to SDTA. On March 8, 2024, SDTA and TruConnect filed a Stipulation and Confidentiality Agreement. On April 19, 2024, TruConnect filed responses to staff's first set of data requests. On May 23, 2024, TruConnect filed responses to SDTA's second discovery request. On September 12, 2024, TruConnect filed coverage area information and responses to staff's second set of data requests. On September 18, 2024, staff filed a Joint Stipulation between all the parties. On September 19, 2024, SDTA filed comments. In its comments, SDTA specifically requested that, if ETC status is granted, it be conditioned upon the following six conditions:

- 1) ETC designation should be conditioned upon the representations and commitments made by TruConnect both in writing and orally at any future Commission meeting. SDTA Discovery request and TruConnect Answers are attached as Exhibit A.
- 2) TruConnect must provide new customers with notice that they may cancel service at any time without penalties or fees.
- 3) The Commission should be a resource for consumers and TruConnect in cases of consumer complaints and TruConnect must provide the Commission with direct contact for a TruConnect representative that has authority to resolve consumer complaints or concerns.
- 4) ETC designation should be limited to specific service territories wherein all public interest requirements are met. TruConnect's vague request regarding the ETC designated service territory should be rejected. The ETC designation service territory should be shown on a detailed map, publicly available in the docket.
- 5) TruConnect should be restricted from modifying its service territory in any way without prior approval from the Commission, through a docket filing.
- 6) TruConnect should provide an annual report to the Commission that includes:
 - a. A record of all TruConnect South Dakota Lifeline customer internal complaints.
 - b. A record of all retail non-profit, local and/or state agency partners used by TruConnect to communicate with prospective South Dakota customers and/or enroll South Dakota customers.

On October 31, 2024, Staff filed its memorandum in this matter. On November 5, 2024, TruConnect filed a response to the comments of SDTA. On November 6, 2024, TruConnect filed revised coverage area information. On November 12, 2024, TruConnect filed a letter regarding ZIP code coverage clarification.

The Commission has jurisdiction in this matter pursuant to 47 U.S.C. § 214(e), 47 C.F.R. § 54.201, SDCL Chapters 1-26, specifically SDCL 1-26-20, and 49-31, ARSD Chapter 20:10:01, specifically ARSD 20:10:01:19, ARSD Chapter 20:10:32, specifically ARSD 20:10:32:43 through ARSD 20:10:32:43.07.

At its regularly scheduled meeting on November 7, 2024, the Commission considered this matter. All Parties having agreed, the Commission voted unanimously to approve the Joint Stipulation. After reviewing all filings in the docket, considering oral arguments, and asking questions of the Parties, the Commission found that TruConnect has complied with the requirements for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal Lifeline support in rural and nonrural areas, subject to certain conditions, with the exception of those zip codes identified in TruConnect's November 6, 2024 filing as not having coverage. No party objected to the conditions nor the removal of the four identified zip codes from designation.

In order to be designated a Lifeline-only ETC, a carrier must offer voice telephony service or broadband Internet access service as the supported service, using its own facilities or a combination of its own facilities and resale of another carrier's services, throughout the service area for which the designation is received and advertise the availability of, and the charges for, those services throughout the service area. 47 U.S.C. § 214(e); 47 C.F.R. § 54.401(a)(2). However, the Federal Communications Commission (FCC) has granted blanket forbearance from the "own facilities" requirement to Lifeline-only carriers if the carriers comply with certain conditions. 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 at~ 368 (rel. Feb 6, 2012). TruConnect has been granted forbearance by the FCC.¹ TruConnect will provide its wireless service by reselling T-Mobile and Verizon services.

The Federal Communications Commission (FCC) has designated the following voice telephony services for support by federal universal service support mechanisms: (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service provided at no additional charge to end users; (3) 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 (4) toll limitation services to qualifying low-income consumers. 47 C.F.R. § 54.101(a). TruConnect has committed to providing the supported services.²

The carrier must also advertise the availability of such services and the charges for the services using media of general distribution. 47 U.S.C. § 214(e)(1)(B). TruConnect stated that it will advertise the availability of its services and the charges in a manner reasonably designed to reach Lifeline-eligible consumers in accordance with all applicable requirements.³ The Commission finds that TruConnect has demonstrated that it will meet the advertising requirement.

ARSD 20:10:32:42 states, in part, "the commission may not find it to be in the public interest if the telecommunications company requesting such designation is not offering its services coextensive with the rural telephone company's service area." However, the FCC has granted forbearance to this requirement for companies seeking Lifeline-only ETC designation in the area of a rural telephone company.⁴ Therefore, the Commission may find this designation to be in the public interest although the company will not offer its services coextensive with the rural telephone company's service area.

Pursuant to ARSD 20:10:32:43.01, an applicant for ETC status must commit to providing service to customers making a reasonable request for service in the service area. TruConnect demonstrated through its filings, responses to data requests, and responses to Commissioner questions at the November 7, 2024 Commission meeting that it is able to satisfy this rule for the areas in which it receives ETC designation. TruConnect has agreed not to receive ETC designation in those four zip codes where it does not have coverage.

¹ TruConnect's approved compliance plan is for Telscape Communications, Inc. TruConnect was formerly known as Telscape Communications, Inc.

² Petition, p. 9.

³ Petition, pp. 12-13.

⁴ *In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform*, Memorandum Opinion and Order, WC Docket No. 11-42, FCC 13-44, ¶ 1.

ARSD 20:10:32:43.02 requires an applicant requesting designation as an ETC to submit a two-year plan that describes proposed improvements or upgrades to the applicant's network throughout its proposed designated service area. As a Lifeline-only ETC, TruConnect will not be receiving high-cost support as contemplated by this administrative rule. Therefore, the Commission finds this rule is not applicable and a two-year plan is not necessary.

Pursuant to ARSD 20:10:32:43.03, an applicant must demonstrate its ability to remain functional in emergency situations including a demonstration that it has a reasonable amount of back-up power to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. Through the Petition and responses to data requests, TruConnect demonstrated that it has the ability to remain functional in emergency situations.⁵

Pursuant to ARSD 20:10:32:43.04, an applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. In a November 6, 2024 filing, TruConnect identified four zip codes in which it had no coverage. On November 12, 2024, TruConnect clarified that the four zip codes indicated on the map filed November 6, 2024 as having no coverage were correct; however, TruConnect's November 6, 2024 letter inadvertently referred to zip code 57734 in lieu of 57724. TruConnect did not object to not receiving ETC designation in those zip codes at this time. Specifically, those zip codes are 57634, 57644, 57645, and 57724. TruConnect has demonstrated that it will satisfy this rule.⁶

ARSD 20:10:32:43.05 requires that a requesting company demonstrate that it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier in the service areas for which the applicant seeks designation. This requirement was removed from federal law back in 2012.⁷ Therefore, the Commission finds TruConnect need not submit a local usage plan.

ARSD 20:10:32:43.06 requires an applicant requesting ETC designation to certify that it will provide equal access to long distance carriers if no other eligible telecommunications carrier is providing equal access within the service area. This requirement was removed from federal law in 2012. Therefore, the Commission finds such certification is not required in this matter.

In order to designate an applicant as an ETC, the Commission must determine whether such designation is in the public interest pursuant to ARSD 20:10:32:43.07. The Commission finds that TruConnect's Petition is in the public interest. As a Lifeline-only ETC it would serve the needs of low-income customers by increasing customer choice and offering a zero-cost option for Lifeline customers. After evaluating the public interest considerations, the Commission finds that the designation of TruConnect will bring the benefits of increased consumer choice, and it has committed to providing quality services to the designated service area. The Commission finds the designation of TruConnect as a Lifeline-only ETC is in the public interest.

ARSD 20:10:32:43.07 requires the Commission to conduct a creamskimming analysis if an applicant seeks designation in the study area of a rural telephone company. The FCC has stated that creamskimming is not a relevant concern regarding the designation of a Lifeline-only ETC.⁸ Therefore, the Commission finds that a creamskimming analysis is not required.

Pursuant to 47 C.F.R. § 54.201(h), a state commission may not designate a Lifeline-only ETC "unless the carrier seeking such designation has demonstrated that it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E of this part." The Petition and Response to data requests provided financial and technical information about TruConnect. The Commission finds that

⁵ Staff Memorandum, p. 7.

⁶ Staff Memorandum, p. 7.

⁷ 47 C.F.R. § 54.202 (2012).

⁸ *In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform*, Memorandum Opinion and Order, WC Docket No. 11-42, FCC 13-44, ¶ 13.

TruConnect has demonstrated it is financially and technically capable of providing the supported Lifeline service in compliance with subpart E.

It is therefore

ORDERED, that the request for approval of Joint Stipulation is hereby granted. It is further

ORDERED, that TruConnect is hereby designated as an Eligible Telecommunications Carrier in rural and nonrural areas in South Dakota for the purpose of receiving federal low-income universal service support for prepaid wireless Lifeline services, with the exception of zip codes 57634, 57644, 57645, and 57724. It is further

ORDERED, TruConnect must seek and receive authority from this Commission in order to be designated as an ETC in zip codes 57634, 57644, 57645, and 57724 in the future. It is further

ORDERED, that this ETC designation is conditioned upon all representations and commitments made by TruConnect both in writing and orally in this docket including filings, responses to data requests, and statements to the Commission. It is further

ORDERED, that as a condition of its ETC designation, TruConnect must provide the Commission with direct contact information for a TruConnect representative that has authority to resolve consumer complaints or concerns. This contact information does not need to be filed in the docket, rather it may be provided directly to Commission staff. TruConnect must promptly update the contact information if the contact person changes. It is further

ORDERED, that TruConnect shall be restricted from modifying its service territory in any way without prior approval from the Commission through a docket filing.

Dated at Pierre, South Dakota, this 12th day of November 2024.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.	
By:	<u><i>Kristie Fiegen</i></u>
Date:	<u>12 Nov 2024</u>

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 8, 2022

IN RE:)	
)	
TRUCONNECT COMMUNICATIONS, INC.	)	DOCKET NO.
PETITION FOR DESIGNATION AS AN ELIGIBLE	)	22-00036
TELECOMMUNICATIONS CARRIER)	

**ORDER DESIGNATING TRUCONNECT COMMUNICATIONS, INC. AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

This matter came before Chairman Kenneth C. Hill, Commissioner Robin L. Morrison, Commissioner Clay R. Good, Commissioner John Hie, and Commissioner David F. Jones¹ of the Tennessee Public Utility Commission (the “Commission” or “TPUC”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on June 20, 2022, for consideration of the *Petition for Designation as an Eligible Telecommunications Carrier* (“*Petition*”) filed by TruConnect Communications, Inc. (“TruConnect” or “Company”), on April 22, 2022.

BACKGROUND AND PETITION

In accordance with Tennessee law, the Commission annually certifies wireline companies as an Eligible Telecommunications Carrier (“ETC”) verifying compliance with federal standards. Orders designating wireline companies as ETCs are submitted to the Federal Communications Commission (“FCC”) so that these Tennessee companies can receive federal funding for certain selected services, including Lifeline service. Prior to a Tennessee legislative change adopted in 2022, the Commission lacked authority to designate non-wireline companies, e.g., wireless or cellular providers, as ETCs.

In March 2022, Tennessee Public Acts Chapter 789 became effective providing the Commission with the authority to designate cellular providers as ETCs. The newly enacted language provides:

¹ Commissioner Jones was not present and did not vote in this matter.

Notwithstanding § 65-4-101(6)(A)(vi), the Commission may upon petition designate a provider or reseller of domestic public cellular radio telephone service as an eligible telecommunications carrier pursuant to 47 C.F.R. § 54.201 for purposes of providing Lifeline service.²

On April 22, 2022, TruConnect filed its *Petition* for the purpose of providing Lifeline service to qualifying Tennessee consumers. In its *Petition*, TruConnect states that it satisfies all the statutory and regulatory requirements for designation as an ETC, including Tennessee Code Annotated Section 65-4-104 as recently amended. Further in support of its position, TruConnect states it is an established wireless carrier, operating in five (5) other States and the Virgin Islands as an ETC Lifeline provider and an affiliated company operates in twenty-eight (28) states and Puerto Rico as an ETC Lifeline provider.³ As support, the Company submitted a Compliance Plan which the FCC approved on December 26, 2012.⁴

TruConnect states that it seeks ETC designation solely to provide Lifeline service to qualifying Tennessee consumers and it will not, and is not eligible to, 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.⁵ The Company also filed the Affidavit of Nathan Johnson, Co-Chief Executive Officer, affirming that the matters, facts, and statements, set forth in the *Petition* are true to the best of his knowledge and outlining the Company’s qualifications to satisfy ETC requirements.⁶

STANDARD FOR COMMISSION APPROVAL

Commission approval is required for designation as an ETC pursuant to the Telecommunications Act of 1996, 47 U.S.C.A § 214(e), which provides, in relevant part:

(e) Provision of universal service

(1) Eligible telecommunications carriers. A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

² Tenn. Code Ann. §65-4-104(c) (West 2022). *See also* 2022 Tenn. Pub. Acts Ch. 789.

³ *Petition*, p. 3 (April 22, 2022).

⁴ *Id* at 9 & Exh. 2.

⁵ *Id.* at 1.

⁶ Updated Affidavit of Nathan Johnson, Co-Chief Executive Officer, Re: TruConnect Communications, Inc. (June 15, 2022).

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, 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.

(2) Designation of eligible telecommunications carriers

A State Commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. 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, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.⁷

FINDINGS AND CONCLUSIONS

State Commissions have been designated to certify ETCs that meet the requisite federal criteria, so that such designated companies may in turn receive federal support for providing certain services. In this case, TruConnect is seeking federal low-cost funds which are designated to provide Lifeline service to qualified Tennessee consumers.

According to information provided by the Company, TruConnect has been offering the requisite services (Lifeline) as defined in Section 254(c) of the Federal Telecommunications Act for numerous years in other states. The Company also advertises the availability of the services and otherwise meets the eligibility criteria for designation as an ETC. Further, this request to become certified as an ETC certainly meets the public interest as approval of this petition will allow TruConnect access to federal funds to greatly assist in the provisioning of wireless voice service as well as broadband service in areas that otherwise might not receive such essential service.

⁷ 47 U.S.C.A. § 214(e)(1)-(2).

Upon consideration of the *Petition*, Affidavit, and the entire record in this docket, the voting panel found that TruConnect meets the qualifications necessary to be designated as an ETC. Further, the panel found that it is in the public interest to designate TruConnect as an ETC. Therefore, the voting panel unanimously approved the *Petition*.

IT IS THEREFORE ORDERED THAT:

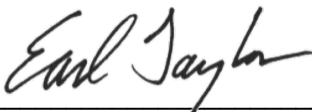
1. The *Petition for Designation as an Eligible Telecommunications Carrier* filed by TruConnect Communications, Inc. is approved, designating TruConnect Communications, Inc. as an Eligible Telecommunications Carrier in the State of Tennessee.
2. Any person who is aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen days from the date of this Order.
3. Any person who is aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty days from the date of this Order.

TENNESSEE PUBLIC UTILITY COMMISSION:

**Chairman Kenneth C. Hill,
Commissioner Robin L. Morrison,
Commissioner Clay R. Good, and
Commissioner John Hie, concurring.**

None dissenting.

ATTEST:



Earl R. Taylor, Executive Director

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

SYNOPSIS

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

BACKGROUND

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

PROCEDURAL HISTORY

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

¹ See Petition at 1.

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

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

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

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

5. There were no intervenors in this docket.

THE SETTLEMENT STIPULATION

In the Settlement, the Parties stipulate and agree that, among other things, TruConnect: (1) meets the requirements for Federal ETC designation; (2) seeks ETC designation to provide service wherever its underlying facilities-based providers have wireless coverage (as identified in Exhibit 3 of the Petition) for the purpose of receiving (a) federal universal Lifeline support for qualifying Utah customers, (b) federal enhanced tribal universal service Lifeline support for qualifying Utah customers, and (c) Lifeline support from the Utah Universal Public Telecommunications Service Support Fund (“UUSF”) for qualifying customers; (3) will provide telecommunications services, including those set forth in the Settlement, and

(4) satisfies the requirements for receiving UUSF support. The Parties also stipulate and agree that designating TruConnect as an ETC serves the public interest, convenience, and necessity, as defined in 47 U.S.C. § 214(e)(2).

The Settlement further provides:

1. TruConnect will use a Utah-specific fact sheet (reflected in Attachment 1 of the Settlement) containing concise and complete information about the services to be provided to each new customer at the time of enrollment, and to existing customers upon request. TruConnect will make the fact sheet available for download on its website. Additionally, TruConnect will promptly update the fact sheet anytime it changes its Utah Lifeline program offerings.

2. TruConnect will receive \$3.50 per qualifying line per month pursuant to Utah Admin. Code R746-8-403 and Utah Code Ann. § 54-8b-15.

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

4. TruConnect acknowledges that approval of the Petition and ongoing receipt of UUSF funds are conditioned upon the verified payment of all applicable state and local regulatory fees, including, but not limited to, universal service fees, emergency services, and relay services.

5. TruConnect agrees to adopt any changes to the certification and verification process required by the Federal Communications Commission or by the PSC.

6. Upon implementing any changes to its Lifeline offerings, TruConnect will file a timely notification with DPU and OCS describing the changed plans.

At hearing, the Parties testified the terms of the Settlement are just and reasonable in result and that approval of the Settlement is in the public interest. No party opposed the Settlement.

Based on the PSC's review of the Petition, Settlement, and other evidence of record, and considering there is no opposition, in addition to the above the PSC enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS, CONCLUSIONS, AND ORDER

Settlements of matters before the PSC are statutorily encouraged. To approve a settlement, the PSC must consider the interests of the public and other affected persons and find the settlement is just and reasonable in result.³

Based on our consideration of the Petition, the submitted written testimony, the testimony at hearing, the Settlement, and the lack of opposition, the PSC finds and concludes that the record or evidence supports that the Settlement and its terms, including TruConnect's commitments in the Utah-specific fact sheet, and TruConnect's

³ See Utah Code Ann. § 54-7-1.

DOCKET NO. 24-2646-01

- 5 -

request for statewide ETC designation that includes federally-recognized tribal lands, are just and reasonable in result and in the public interest.

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

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

/s/ John E. Delaney
Presiding Officer

Approved and Confirmed June 20, 2024 as the Order of the Public Service Commission.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

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

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#334347

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

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

By Email:

Debra McGuire Mercer (debra.mercer@nelsonmullins.com)
Nelson Mullins Riley & Scarborough LLP
Counsel for TruConnect Communications, Inc.

Nathan Johnson (njohnson@truconnect.com)
Co-CEO
Danielle Perry (dperry@truconnect.com)
Chief Compliance Officer
TruConnect Communications, Inc.

Patricia Schmid (pschmid@agutah.gov)
Patrick Grecu (pgrecu@agutah.gov)
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Alex Ware (aware@utah.gov)
Jacob Zachary (jzachary@utah.gov)
(ocs@utah.gov)
Office of Consumer Services

Administrative Assistant

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, MARCH 24, 2023

REGISTRATION SERVICE
BY THE STATE CORPORATION COMMISSION

2023 MAR 24 AM 10:12

220340154

APPLICATION OF

TRUCONNECT COMMUNICATIONS, INC.

CASE NO. PUR-2022-00127

For designation as an eligible
telecommunications carrier

FINAL ORDER

On August 3, 2022, TRUCONNECT COMMUNICATIONS, INC. ("TRUCONNECT" or "Company"),¹ filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to 47 U.S.C. § 214(e)(2), §§ 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),² § 56-479.4 of the Code of Virginia ("Code"),³ and 5 VAC 5-20-100 A of the Commission's Rules of Practice and Procedure,⁴ requesting that the Commission enter an order designating TRUCONNECT as an eligible telecommunications carrier ("ETC") in the Commonwealth of Virginia.⁵ Specifically, TRUCONNECT asked for ETC designation solely to provide Lifeline service to qualifying Virginia consumers.⁶ TRUCONNECT stated that it provides prepaid wireless telecommunications services to consumers by using the underlying wireless network of T-Mobile USA, Inc., on a wholesale

¹ While Application states the Company's name as TruConnect Communications Inc., records provided in response to discovery in the course of this proceeding documents that the official name of the Company on record with the State Corporation Commission as TRUCONNECT COMMUNICATIONS, INC. *See* Staff Report at 1 n.1.

² 47 C.F.R. §§ 54.101-54.207.

³ 2022 Va. Acts ch. 436.

⁴ 5 VAC 5-20-10 *et seq.* ("Rules of Practice").

⁵ Application at 1.

⁶ *Id.* at 2.

basis.⁷ TRUCONNECT requested ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying facilities-based carrier has wireless coverage.⁸

In support of the Application, TRUCONNECT stated that it is currently designated and operating as a wireless ETC in California, New Jersey, Massachusetts, Rhode Island, Vermont, and the U.S. Virgin Islands, and is authorized by the FCC and the Universal Service Administration Company ("USAC") to participate in the Affordable Connectivity Program throughout the United States, including Virginia.⁹

According to the Application, TRUCONNECT will provide affordable prepaid wireless services including: (1) local and long-distance calling; (2) access to the following custom calling features at no charge: (a) Caller ID; (b) Call Waiting; (c) Call Forwarding; (d) 3-Way Calling; and (e) Voicemail; (3) text messaging; (4) broadband access; and (5) the option for a consumer to "bring their own device."¹⁰ TRUCONNECT stated that its products and plans will be specially geared toward serving lower income communities, especially in rural areas that are predominantly unserved by other ETCs designated in the state, and its service models and pricing plans will reflect this mission.¹¹ TRUCONNECT further stated that it satisfies the requirements for designation as an ETC under 47 C.F.R. §§ 54.201 and 54.202; will provide service consistent with the FCC's grant of forbearance from 47 U.S.C. § 214's facilities

⁷ *Id.* at 4.

⁸ *Id.* at 12 and Exhibit 3.

⁹ *Id.* at 4-5.

¹⁰ *Id.* at 6.

¹¹ *Id.*

requirement; and will provide all the supported services required by the FCC for participation in the Lifeline program, including voice telephony and broadband Internet access service.¹² For purposes of demonstrating that it will satisfy applicable consumer protection and service quality standards, TRUCONNECT stated that it will comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service.¹³

On September 13, 2022, the Commission issued an Order for Notice and Comment that, among other things, directed TRUCONNECT to provide notice of its Application to the public and local exchange carriers certificated to provide service in Virginia; established a schedule by which interested parties could file comments, objections, or requests for hearing; and directed the Staff of the Commission ("Staff") to conduct an investigation and file a report ("Staff Report").

On October 19, 2022, TRUCONNECT filed its proof of the notice and service as directed by the Commission. The Commission did not receive any comments, objections, or requests for hearing on TRUCONNECT's Application.

On December 8, 2022, TRUCONNECT filed a Motion for Protective Order ("Motion") in accordance with 5 VAC 5-20-170 of the Commission's Rules of Practice to govern the procedure for the production and use of confidential information in the course of responding to discovery in this proceeding.

On January 12, 2023, Staff filed its Staff Report, which detailed Staff's review of TRUCONNECT's Application for ETC designation for purposes of participating in the Lifeline

¹² *Id.* at 9-20.

¹³ *Id.* at 15-16.

program.¹⁴ Staff did not oppose the Commission granting ETC designation to TRUCONNECT, and recommended certain requirements be included in any order granting TRUCONNECT an ETC designation for Lifeline services pursuant to Code § 56-479.4.¹⁵ Specifically, Staff recommended:

- TRUCONNECT should file or update necessary product guides for Lifeline services consistent with FCC requirements;
- TRUCONNECT should provide a copy of all its USAC annual reports, as well as data on the service area locations, whether public or confidential, to the Division of Public Utility Regulation;
- TRUCONNECT should be required to comply with all requirements and criteria of the FCC and USAC for participation in the Lifeline program;
- TRUCONNECT should be required to comply with the CTIA Consumer Code for Wireless Service;
- TRUCONNECT should be required to update its in-house regulatory contact information within 30 days of any changes to the contact information;
- The Company's designee should be required to respond to Commission Staff within 24 hours of receiving a complaint from the Commission. The Company response should be required to include confirmation that the Company has made contact with the customer, and it should also describe a plan for addressing the customer's complaint. The Company should be required to provide Commission Staff with a written confirmation when the customer complaint is resolved;
- TRUCONNECT should be required to retain a listing of all of the service areas within Virginia in which the ETC has provided Lifeline service during the preceding twelve (12) months, and provide such information to the Commission Staff upon request;
- TRUCONNECT should be required to post the Company's Lifeline services offered in Virginia on the Company's website and provide a link

¹⁴ Staff Report at 1-8. The FCC's Lifeline program is administered by USAC and provides a discount on phone service for qualifying low-income consumers as part of the FCC's Universal Service Fund. *Id.* at 2 n.8 (citing <https://www.fcc.gov/general/lifeline-program-low-income-consumers>).

¹⁵ Staff Report at 8.

to the web address to the Commission's Staff, as well as provide timely updates for all future changes;

- TRUCONNECT should be required to not abandon or discontinue providing Lifeline services to customers in Virginia without providing advance notice to the Commission, including a description of the notice that will be provided to customers to ensure that adequate time is given to find another provider; and
- The Company should be required to not discriminate among subscribers requesting service, and any finding of discrimination may be grounds for suspension or revocation of the ETC designation. Further, excessive subscriber complaints against TRUCONNECT that the Commission finds meritorious, may be grounds for suspension or revocation of TRUCONNECT's ETC designation.¹⁶

Further, Staff referenced the ongoing rulemaking by the Commission pursuant to Code § 56-479.4 in Case No. PUR-2022-00107,¹⁷ and recommended that approval of the requested ETC designation also be conditioned on the requirement that:

- TRUCONNECT will be subject to any rules adopted by the Commission pursuant to Code § 56-479.4 in Case No. PUR-2022-00107 or thereafter.¹⁸

On January 12, 2023, TRUCONNECT filed a letter stating that the Company will not be filing a response to the Staff Report, and requesting that the Commission enter an order granting the relief sought in its Application along with the conditions recommended in the Staff Report.

NOW THE COMMISSION, upon consideration of the foregoing and of the applicable law, is of the opinion and finds that TRUCONNECT's request for ETC designation to provide Lifeline service to qualifying Virginia consumers and receive federal universal service support

¹⁶ *Id.* at 8-10.

¹⁷ See *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing rules governing the designation of a commercial mobile or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing Lifeline services*, Case No. PUR-2022-00107, Doc. Con. Cen. No. 220730203, Order for Notice and Comment (July 27, 2022).

¹⁸ Staff Report at 11.

for Lifeline service provided pursuant to 47 U.S.C. § 214 (e) and associated federal regulations should be granted, subject to the requirements imposed herein as recommended by Staff. The Commission also finds that the Company's Motion is moot, and, therefore, the Motion should be denied.¹⁹

Accordingly, IT IS ORDERED THAT:

(1) Pursuant to Code § 56-479.4, TRUCONNECT's request for ETC designation to provide Lifeline service to qualifying Virginia consumers and receive federal universal service support for Lifeline service provided pursuant to 47 U.S.C. § 214 (e) and associated federal regulations is granted.

(2) TRUCONNECT's Lifeline-only ETC designation is, as requested, statewide in scope to allow the Company to provide Lifeline service wherever its underlying facilities-based provider has wireless coverage.

(3) TRUCONNECT shall file or update necessary product guides for Lifeline services consistent with FCC requirements.

(4) TRUCONNECT shall provide a copy of all its USAC annual reports, as well as data on the service area locations, whether public or confidential, to the Commission's Division of Public Utility Regulation.

(5) TRUCONNECT shall comply with all requirements and criteria of the FCC and USAC for participation in the Lifeline program, including, unless modified or eliminated by the FCC, the requirement to provide to Lifeline consumers E911 compliant handsets and to replace, at no additional charge, noncompliant handsets.

¹⁹ The Commission has not received a request for leave to review the confidential information submitted in this proceeding. Accordingly, we deny the Motion as moot noting that Staff will continue to treat the confidential information, to which the Motion pertains, as confidential pursuant to our Rules of Practice.

(6) TRUCONNECT shall comply with the CTIA Consumer Code for Wireless Service.

(7) TRUCONNECT shall update its in-house regulatory contact information on file with the Commission's Division of Public Utility Regulation within thirty (30) days of any changes to the contact information.

(8) The Company's designee shall respond to Staff within twenty-four (24) hours of receiving a customer complaint from the Commission. The Company's response shall include confirmation that the Company has made contact with the customer, and describe a plan for addressing the customer's complaint. The Company shall provide Staff with a written confirmation when the customer complaint is resolved.

(9) TRUCONNECT shall retain a listing of all of the service areas within Virginia in which the ETC has provided Lifeline service during the preceding twelve (12) months, and provide such information to Staff upon request.

(10) TRUCONNECT shall post the Company's Lifeline services offered in Virginia on the Company's website and provide a link to the web address to Staff, as well as provide timely updates for all future changes.

(11) TRUCONNECT shall not abandon or discontinue providing Lifeline services to customers in Virginia without providing advance notice to the Commission, including a description of the notice that will be provided to customers to ensure that adequate time is given to find another provider.

(12) The Company shall not discriminate among subscribers requesting service, and any finding of discrimination may be grounds for suspension or revocation of the ETC designation. Further, excessive subscriber complaints against a wireless ETC that the Commission finds meritorious, may be grounds for suspension or revocation of the carrier's ETC designation.

(13) TRUCONNECT shall be subject to any rules adopted by the Commission pursuant to Code § 56-479.4 in Case No. PUR-2022-00107 or thereafter.

(14) TRUCONNECT's Motion is denied.

(15) This case is dismissed.

Commissioner Patricia L. West participated in this matter.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:

Eric M. Page, Esquire, and Cody T. Murphey, Esquire, Eckert Seamans Cherin & Mellott, LLC, 919 East Main Street, Suite 1300, Richmond, Virginia 23219, epage@eckertseamans.com and cmurphey@eckertseamans.com; Lance J.M. Steinhart, Esquire, Lance J.M. Steinhart, P.C., 1725 Windward Concourse, Suite 150, Alpharetta, Georgia 30005, lsteinhart@telecomcounsel.com; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219, MBrowder@oag.state.va.us.

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

TRUCONNECT COMMUNICATIONS,
INC,

Seeking Designation as an Eligible
Telecommunications Carrier on a Wireless
(Lifeline Only) Basis

DOCKET UT-240165

ORDER 01

GRANTING PETITION FOR
DESIGNATION AS ELIGIBLE
TELECOMMUNICATIONS
CARRIER DESIGNATION AND
EXEMPTIONS FROM WAC 480-123-
030(1)(d), (f), and (g)

BACKGROUND

- 1 On June 3, 2024, TruConnect Communications, Inc (TruConnect or Company) filed a 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, as amended (the Act),¹ applicable Federal Communications Commission's (FCC) rules, and WAC 480-123-030. TruConnect seeks ETC designation in Washington for the purpose of receiving federal Low Income (Lifeline) support that subsidizes monthly charges for telecommunications service for qualified low-income households. Lifeline support is part of the federal Universal Service Fund (USF).² The Company is a reseller of facility based wireless service providers. TruConnect also requests an exemption from Washington Administrative Code 480-123-030(1)(d), (f), and (g), which require ETC applicants to file a substantive investment plan, wireless network maps, and certification on backup power capabilities.
- 2 On July 10, 2024, TruConnect submitted an Amended Petition revising Exhibit 1 of its petition, an unsworn declaration from a Company officer. In the subsequent months, Commission staff (Staff) worked with the Company in an attempt to use zip code areas in determining where the Company is requesting ETC designation. Unfortunately, Staff was unable to find an authoritative zip code area map and requested the Company use

¹ 47 U.S.C. § 214 (e)(2).

² The USF subsidizes monthly and, in certain circumstances, initial connection charges for qualified low-income households.

exchanges instead. On October 1, 2024, TruConnect submitted an amended Exhibit 3 to its petition, changing the requested area of designation to a list of exchanges, and those exchanges are set forth in Attachment 1 of this Order.

3 The Company states that its proposed Lifeline rate plans comply with the FCC's minimum service standards.³

4 TruConnect has been designated as an ETC in 30 states (and in the territory of U.S. Virgin Islands) through commercial mobile radio service by reselling the network services of T-Mobile USA, Inc and Verizon Wireless. The Company currently has applications pending for ETC designation in 10 other states.

5 Staff agree with TruConnect 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, and annual reports to be filed with the Commission. A list of exchanges is set forth in Attachment 1 to this Order. A complete list of these conditions is set forth in Attachment 2 to this Order.

6 Additionally, TruConnect's Petition seeks an exemption from WAC 480-123-030(1)(d) which 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. TruConnect 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.

7 TruConnect's Petition also seeks exemption from WAC 480-123-030(1)(f), which requires ETC petitioners to provide a map of proposed service area and cell sites. TruConnect is a reseller, and does not have access to the underlying cell maps of the carriers it purchases from.

8 TruConnect's Petition also seeks exemption from WAC 480-123-030(1)(g) which requires a wireless ETC to have back up power contingencies at each cell site, microwave hub, and switch. TruConnect is a reseller, and therefore does not have control over its underlying carriers' emergency power back up facilities.

³ See [Minimum Service Standards - Universal Service Administrative Company](#) for more detailed information about the minimum service standards.

9 Staff also agree with and recommend granting TruConnect's request for exemptions from the filing requirements of WAC 480-123-030(1)(d), (f), and (g) due to the limited nature of the designation as a Lifeline Only (LLO) ETC; and the limitations inherent to resellers of facility based wireless service providers. Staff recommend granting the exemptions.

DISCUSSION

10 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.⁴ 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.⁵

11 State commissions shall 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 therefore using media of general distribution.⁶

⁴ *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.

⁵ WAC 480-123-040.

⁶ 47 U.S.C. § 214(e)(1).

- 12 Here, TruConnect seeks ETC designation for the limited purpose of participating in the Lifeline program. We agree with Staff that TruConnect is capable of providing services supported by federal universal service mechanisms, as defined in 47 C.F.R. § 54.101(a) by reselling its underlying network carrier's services.
- 13 Based on the FCC's Lifeline and Link Up Reform Order, the Federal Communications Commission (FCC) forbears from applying the Act's facilities-based requirement to all carriers that seek limited ETC designation to participate in the Lifeline program on the condition that the FCC's Wireline Competition Bureau approves such ETC applicant's Compliance Plan. The Compliance Plan must demonstrate the ETC applicant's commitment to fight waste, fraud, and abuse in the Lifeline program and describe its adherence to the revised federal Lifeline rules. TruConnect has met the forbearance condition.
- 14 Based on the Company's operational history and updated Company financial statements and letters of guarantee, Staff concludes that the Company is technically and financially capable of providing the supported Lifeline service in compliance with the low-income program rules. We accept Staff's review and recommendation that TruConnect has the technical and financial capabilities to provide the supported Lifeline service.⁷
- 15 We agree with Staff that designating TruConnect as a Lifeline-only ETC will deliver benefits and additional choices to low-income households in Washington and is therefore in the public interest.
- 16 These services are supported by federal universal service support mechanisms.⁸ Further, TruConnect commits to advertise its Lifeline services.⁹ Designating the Company an ETC is consistent with the public interest, convenience, and necessity.
- 17 Staff is correct that certain additional conditions should be imposed on TruConnect as we have done when designating other similarly situated ETCs in Washington. Attachment 2 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 TruConnect's operations for strict adherence to all ETC requirements.

⁷ Company provided a letter of financial guarantee from TSC Acquisition Corp. (TruConnect's parent company) on July 15, 2024, in Docket UT-240165.

⁸ 47 C.F.R. § 54.101(a).

⁹ Petition at 11.

18 The Company meets the requirements of the Washington rule on ETC designation, WAC 480-123-030; except subsections (1)(d), (f) and (g):

- WAC 480-123-030(1)(d) requires an ETC petitioner to provide a “substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers.” TruConnect requests an exemption from the requirement because the company seeks only Lifeline support, not federal High-Cost support. It does not have an obligation to use federal USF for infrastructure investment.
- WAC 480-123-030(1)(f) requires a wireless ETC petitioner to provide “a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals.” TruConnect requests an exemption because it does not have access to its underlying carriers’ maps.
- WAC 480-123-030(1)(g) requires a wireless ETC to have “at least four hours of back up battery power at each cell site, backup generators at each microwave hub, and at least five hours back up battery power and backup generators at each switch.” TruConnect requests an exemption because it does not have control over its underlying carriers’ emergency power back up facilities.

19 We agree with Staff’s recommendation to grant the Company’s request for exemptions from the three requirements under WAC 480-123-030 listed above. Granting the request is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

- 20 (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.
- 21 (2) TruConnect is a telecommunications company seeking to do business in the state of Washington. TruConnect meets the requirements for designation as an ETC because the company provides services supported by federal universal support mechanisms and because TruConnect has committed to advertise the availability of its services and the charges therefore using media of general distribution. TruConnect's designation as an ETC will advance the purpose of universal service because TruConnect will offer voice telephony services and broadband services, which facilitate universal service. TruConnect has also demonstrated that its designation as an ETC is in the public interest.
- 22 (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. TruConnect 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, rules, and orders.
- 23 (4) This matter came before the Commission at its regularly scheduled meeting on November 21, 2024.

ORDER

THE COMMISSION ORDERS:

- 24 (1) TruConnect Communications, Inc.'s request for designation as an ETC on the exchanges set forth in Attachment 1 is hereby GRANTED, subject to the conditions set out in Attachment 2.
- 25 (2) TruConnect Communications, Inc.'s request for exemptions from WAC 480-123-030(1)(d), (f), and (g) are hereby GRANTED.

- 26 (3) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Lacey, Washington, and effective November 21, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered: April 24, 2024

CASE NO. 24-0262-C-PC

TRUCONNECT COMMUNICATIONS, INC.

Application of TruConnect Communications, Inc.
for Designation as an Eligible Telecommunication
Carrier in the State of West Virginia for the Limited
Purpose of Offering Lifeline Service to Qualified Households.

RECOMMENDED DECISION

This Recommended Decision approves the application as recommended by Staff.

BACKGROUND

On February 29, 2024, TruConnect Communications, Inc. (TruConnect) filed an application for designation as an Eligible Telecommunications Carrier (ETC) in the State of West Virginia, for the limited purpose of offering lifeline service to Qualified Households.

On March 12, 2024, the Commission referred the matter to the Division of Administrative Law Judges.

On April 24, 2024, Staff filed a Final Joint Staff Memorandum recommending that the Commission grant TruConnect's request to be designated as an ETC, and that upon approval and the granting of ETC designation, and that the Order require TruConnect to begin operations within one year from the date of the Final Order, or the authority granted shall become null and void.

DISCUSSION

As seen below, Staff's review of the application shows that TruConnect has met the requirements of being designated an ETC, and should be so designated as recommended by Staff.

5/16

FINDINGS OF FACT

1. TruConnect filed an application for designation as an Eligible Telecommunications Carrier (ETC) in the State of West Virginia, for the limited purpose of offering lifeline service to Qualified Households. (Application filed February 29, 2024).

2. Staff has reviewed TruConnect's application as there is compliance with the four ETC mandated conditions and four mandated support services, and recommends that it be granted. (Final Joint Staff Memorandum filed April 24, 2024).

CONCLUSION OF LAW

TruConnect's application should be granted, as it has met the conditions to be an Eligible Telecommunications Carrier in West Virginia.

ORDER

IT IS, THEREFORE, ORDERED that the application of TruConnect Communications, Inc. for designation is hereby approved.

IT IS FURTHER ORDERED that the illustrative tariff provided by TruConnect Communications, Inc. in this matter is hereby approved for all services rendered on and after the date this Recommended Decision becomes a Final Order of the Commission.

IT IS FURTHER ORDERED that TruConnect shall file with the Commission an original and no less than six (6) copies of the tariff approved herein within thirty (30) days of the date this Recommended Decision becomes a Final Order of the Commission. On the bottom of all pages, there should be the statement "Issued by authority of an Order of the Public Service Commission of West Virginia in Case No. 24-0262-C-PC dated _____," with the effective date of the Final Order inserted.

IT IS FURTHER ORDERED that the TruConnect begin operations within one year from the effective date of the Final Order, or the authority granted become null and void.

IT IS FURTHER ORDERED that this matter be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary serve this Order upon Staff by hand delivery, upon all parties of record who have filed an e-service agreement with the Commission by electronic service and by United States First Class Mail upon all other parties.

Leave is granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen days of the date of this Order. If

exceptions are filed, the parties filing exceptions shall certify that all parties of record have been served the exceptions.

If no exceptions are filed, this Order shall become the Order of the Commission, without further action or order, five days following the expiration of the fifteen day time period, unless it is ordered stayed by the Commission.

Any party may request waiver of the right to file exceptions by filing an appropriate petition in writing with the Executive Secretary. No such waiver, however, will be effective until approved by order of the Commission.



Darren Olofson
Administrative Law Judge

DO:s:lc
240262aa

SERVICE DATE Jun 27, 2024
--

PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of TruConnect Communications, Inc. for Designation as an Eligible Telecommunications Carrier

11247-TI-100

FINAL DECISION

This is the Final Decision of the Public Service Commission of Wisconsin (Commission) in the request of TruConnect Communications, Inc. (applicant) to be designated as an Eligible Telecommunications Carrier (ETC). The applicant requests ETC designation on a zip code level basis in the area served by its underlying providers, which requires a waiver of Wis. Admin. Code § PSC 160.13(5)(b) regarding the minimum size of the area in which a provide may be designated as an ETC (“wire center rule”). The Commission opened this docket by its authority under Wis. Stat. ch. 196. No hearing was required nor held in this docket. The Commission grants the applicant’s request for ETC designation and approves the granting of ETC designation on a zip code level basis. The applicant is designated as a low-income only ETC in the 840 zip codes shown in Appendix B. A list of parties to this docket can be found in Appendix A.

Introduction

The applicant filed an application for designation as an ETC in Wisconsin, for the limited purposes of receiving low-income program support on January 22, 2024. ([PSC REF#: 489342.](#)) Designation as an ETC makes a provider eligible to receive federal and state Universal Service Fund (USF) monies. The applicant is seeking designation solely for the purpose of receiving USF support for low-income programs. The applicant requested ETC designation for the 840 zip codes in which it intends to provide service, which are listed in Exhibit 4 of its application, and are attached to this order in Appendix B. The applicant’s request for ETC designation on a zip

code basis requires a waiver of Wis. Admin. Code § 160.13(5)(b), the wire center rule, a rule created in 1996.¹ The wire center rule specifies that “unless approved by the Commission and, if necessary, the Federal Communications Commission, no ETC designation may include only a portion of a wire center.” The applicant’s proposed service area is the service area of its underlying provider, and includes only portions of the several existing wire centers. The applicant’s request for designation for areas smaller than wire centers therefore requires the Commission to waive the wire center rule. The Commission has authority under Wis. Admin. Code § PSC 160.01(2)(b) to grant such a waiver.

The Commission issued a notice requesting comments on March 14, 2024, with comments due on or before March 28, 2024. ([PSC REF#: 493971.](#)) No comments were filed. The Commission also circulated for comments a memorandum on the application. ([PSC REF#: 500802.](#)) No comments were filed on that memorandum.

Findings of Fact

1. The applicant is a wireless provider registered to provide service in Wisconsin.
2. The applicant has committed to providing service to all requesting customers, and to advertising the availability of its service, throughout the 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. The applicant has filed a compliance plan with the Federal Communications Commission (FCC) and has received approval of that plan. The FCC has waived the “own-facilities” requirement found in 47 U.S.C. § 214(e)(1)(A) as part of that approval.

¹ A wire center is the area served by a single switch. Wire center boundaries were set during the time of monopoly franchises but are still used for a variety of purposes, such as defining the difference between local and long distance service in interconnection agreements. Wisconsin has 639 wire centers.

4. The applicant has committed to providing service that meets the requirements set forth in Wis. Admin. Code § PSC 160.13.

5. It is reasonable and in the public interest to designate the applicant as an ETC for the purpose of receiving Lifeline support in area served by its underlying providers, as defined in Exhibit 4 of the application, and consistent with this Final Decision.

6. It is reasonable to grant a waiver of Wis. Admin. Code § 160.13(5)(b), the ‘wire center rule’.

Conclusions of Law

1. The Commission has jurisdiction and authority under Wis. Stat. §§ 196.02, 196.016, 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 Final Decision.

2. The Commission has the authority to adopt different ETC requirements under Wis. Admin. Code § PSC 160.01(2)(b).

3. Pursuant to Wis. Stat. § 15.02(4), the Commission has delegated to the Administrator of the Division of Division of Digital Access, Consumer and Environmental Affairs those lawful functions enumerated above.

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 receive federal universal service funding. ETC designation is also required to

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receive funding from the state universal service fund for the Lifeline or High Rate Assistance Credit programs.

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 FCC’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 a state’s 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. PSC 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. Those rules have been periodically updated, most recently in docket 1-AC-236. The applicant has committed to meeting those rules.

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 for which designation is sought is served by a rural or non-rural provider.² The Commission finds that it is in the public interest to designate the applicant as an ETC in the areas for which the applicant requests such designation. The Commission finds that TruConnect meets the requirements for ETC designation, for the limited purpose of obtaining Lifeline support.

² *In the Matter of Federal-State Joint Board on Universal Service*, 20 F.C.C.R. 6371, 6373, ¶ 3 (2005).

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,³ the Commission staff has investigated this issue. Since the applicant has requested ETC status for the entirety of the area served by its underlying providers, the Commission finds no evidence of cream-skimming in this docket.

Wisconsin Admin. Code § PSC 160.13(5)(b), the wire center rule, specifies that “unless approved by the [C]ommission and, if necessary, the [F]ederal [C]ommunications [C]ommission, no ETC designation may include only a portion of a wire center.” The applicant is requesting designation in the service area of its underlying provider, which covers only portions of the existing wire centers.

The ETC program is intended to ensure universal telecommunications service in Wisconsin. If the last ETC in an area seeks to relinquish service, the Commission is obligated to by Wisconsin Admin. Code § PSC 160.13(8)(c) to find a replacement. This could require the Commission to hold auctions and use USF monies, if necessary, to find an alternative ETC. This process could prove expensive and burdensome. The wire center rule, Wis. Admin. Code § 160.13(5)(b), was created to reduce the likelihood of needing to use Wis. Admin. Code § PSC 160.13(8)(c) to find a replacement. For two decades after the Telecommunications Act of 1996, no incumbent providers surrendered any of the area in which they were designated as ETCs, due in part to the wire center rule. However, in recent years, the Commission has approved a number

³ 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 F.C.C.R. 13,723, 13,729 (2011).

of ETC designations based on geographic areas other than wire center boundaries. These have included waivers based on the areas in which the carriers involved were awarded broadband support to provide services in specific census blocks, and waivers permitting resellers to match the zip code-based service territory of the carriers.⁴

Most recently and most similar to the present application, the Commission granted a request for waiver of the ‘wire center rule’ to Boomerang Wireless, LLC (Boomerang). ([PSC REF#: 487365.](#)) Like the applicant, Boomerang was also a reseller requesting ETC designation for purposes of providing Lifeline service. At the time of its request for waiver, it had already been serving as an ETC statewide, and had served the entire state by reselling the cellular services of a number of wireless providers. After switching to using only one provider, Boomerang sought to reduce the area in which it was designated from the entire state to only the area served by its underlying provider. Like the applicant, Boomerang defined that area by filing a list of zip codes, which also serve as the basis for defining service territories in the [USAC Companies Near Me](#) portal used by potential Lifeline customers to find Lifeline providers. To avoid causing Boomerang to reduce its service area further to only those wire centers completely covered by its underlying provider’s footprint, and to maximize service for Wisconsin customers, the Commission granted Boomerang’s request and waived the ‘wire center rule’.

Like Boomerang, the applicant is a wireless provider that operates by reselling the services of other, facilities-based cellular carriers. The applicant is seeking ETC designation in the area covered by the footprint of its underlying provider. That footprint does not match the wire center boundaries, which are based on the historic landline carrier service territories. To

⁴ Details of these waivers may be found in the Commission staff memorandum. ([PSC REF#: 500802.](#))

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define its service territory, the applicant has listed the zip codes covered by its underlying provider's footprint.

Like Boomerang, the applicant does not operate its own network, nor does it install facilities. The Commission held, in docket 167-TI-100, that an ETC must serve all customers in a wire center "via its own service, resale or other technical means." Like Boomerang, the applicant is not able to build new towers or boost the signal strength of its underlying provider's network – the "other technical means" generally used to meet that provision. As in the case of Boomerang, if the Commission were to deny the wire center waiver, the applicant may choose to serve customers only in those wire centers completely covered by its underlying provider's cellular footprint, or to surrender its ETC designation in Wisconsin entirely.

The Commission grants the applicant a waiver to the 'wire center rule' contained in Wis. Admin. Code § PSC 160.13(5)(b) and designates the applicant an ETC in the 840 zip codes shown in Appendix B to this order.

The Commission has considered waivers of the 'wire center rule' in a variety of cases and has found it to be reasonable to grant those waivers. The Commission has established precedent and policy for handling such requests. It is therefore reasonable for the Commission to delegate to the Administrator of the Division of Digital Access, Consumer, and Environmental Affairs authority to approve waivers of Wis. Admin. Code § PSC 160.13(5)(b) to permit ETC designation on a zip code or census block basis when those designations provide alignment with federal or state program offerings or allow a reseller to serve within the footprint of its underlying provider(s).

Order

1. TruConnect Communications, Inc. is designated as an ETC, for the purpose of receiving state and federal Lifeline support, throughout the 840 zip codes shown in Appendix B of this order. The Commission authorizes a waiver to Wis. Admin. Code § PSC 160.13(5)(b) to permit ETC designation on a zip code basis.

2. TruConnect Communications, Inc. 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 Final Decision constitutes the Commission’s certification to that effect.

3. Jurisdiction is maintained.

4. This Final Decision is effective the day after the date of service.

Dated at Madison, Wisconsin, June 27, 2024.

For the Commission:



Joe Fontaine
Administrator
Division of Digital Access, Consumer, and Environmental Affairs

JF:prj:bs DL:02006999

Attachments: Notice of Rights
Appendix A
Appendix B

PUBLIC SERVICE COMMISSION OF WISCONSIN
4822 Madison Yards 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.⁵ 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

⁵ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

APPENDIX A

The persons listed below are defined by Wis. Admin. Code § PSC 2.02(7), (10), and (12) as parties in this docket and participated therein.

PUBLIC SERVICE COMMISSION OF WISCONSIN
(not a party but must be served)
P.O. BOX 7854
MADISON, WI 53707-7854

PETER JAHN
PUBLIC SERVICE COMMISSION OF WISCONSIN
P.O. BOX 7854
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SOPHIA ROGERS
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TRUCONNECT COMMUNICATIONS, INC.
1149 S. HILL STREET, SUITE 400
LOS ANGELES, CA 90015
REGULATORYAFFAIRS@TRUCONNECT.COM

APPENDIX B

Zip Codes in which TruConnect Communications, Inc Will Serve as an ETC					
(Total 840 zip codes)					
53001	53002	53003	53004	53005	53006
53007	53008	53010	53011	53012	53013
53014	53015	53016	53017	53018	53019
53020	53021	53022	53023	53024	53026
53027	53029	53031	53032	53033	53034
53035	53036	53037	53038	53039	53040
53042	53044	53045	53046	53047	53048
53049	53050	53051	53052	53056	53057
53058	53059	53060	53061	53062	53063
53064	53065	53066	53069	53070	53072
53073	53074	53075	53076	53078	53079
53080	53081	53082	53083	53085	53086
53088	53089	53090	53091	53092	53093
53094	53095	53097	53098	53099	53101
53102	53103	53104	53105	53108	53109
53110	53114	53115	53118	53119	53120
53121	53122	53125	53126	53127	53128
53129	53130	53132	53137	53138	53139
53140	53141	53142	53143	53144	53146
53147	53148	53149	53150	53151	53152
53153	53154	53156	53157	53158	53159
53167	53168	53170	53171	53172	53176
53177	53178	53179	53181	53182	53183
53184	53185	53186	53187	53188	53189
53190	53191	53192	53194	53195	53199
53201	53202	53203	53204	53205	53206
53207	53208	53209	53210	53211	53212
53213	53214	53215	53216	53217	53218
53219	53220	53221	53222	53223	53224
53225	53226	53227	53228	53233	53234
53235	53237	53244	53259	53263	53267
53268	53274	53278	53288	53290	53293
53295	53401	53402	53403	53404	53405
53406	53407	53408	53501	53502	53503
53504	53505	53506	53507	53508	53510
53511	53512	53515	53516	53517	53518
53520	53521	53522	53523	53525	53526
53527	53528	53529	53530	53531	53532
53533	53534	53535	53536	53537	53538

Zip Codes in which TruConnect Communications, Inc Will Serve as an ETC					
(Total 840 zip codes)					
53540	53541	53542	53543	53544	53545
53546	53547	53548	53549	53550	53551
53553	53554	53555	53556	53557	53558
53559	53560	53561	53562	53563	53565
53566	53569	53570	53571	53572	53573
53574	53575	53576	53577	53578	53579
53580	53581	53582	53583	53584	53585
53586	53587	53588	53589	53590	53593
53594	53595	53596	53597	53598	53599
53701	53702	53703	53704	53705	53706
53707	53708	53711	53713	53714	53715
53716	53717	53718	53719	53725	53726
53744	53774	53777	53778	53779	53782
53783	53784	53785	53786	53788	53789
53790	53791	53792	53793	53794	53801
53802	53803	53804	53805	53806	53807
53808	53809	53810	53811	53812	53813
53816	53817	53818	53820	53821	53824
53825	53826	53827	53901	53910	53911
53913	53916	53919	53920	53922	53923
53924	53925	53926	53927	53928	53929
53930	53931	53932	53933	53934	53935
53936	53937	53939	53940	53941	53942
53943	53944	53946	53947	53948	53949
53950	53951	53952	53953	53954	53955
53956	53957	53958	53959	53960	53961
53962	53963	53964	53965	53968	53969
54001	54002	54003	54004	54005	54006
54007	54009	54010	54011	54013	54014
54015	54016	54017	54020	54021	54022
54023	54024	54025	54026	54027	54028
54082	54103	54106	54107	54110	54111
54113	54115	54120	54121	54123	54126
54129	54130	54131	54136	54137	54140
54141	54151	54152	54155	54160	54162
54165	54166	54169	54170	54171	54173
54180	54182	54201	54204	54205	54207
54208	54213	54214	54215	54216	54217
54220	54221	54226	54227	54228	54229
54230	54232	54235	54240	54241	54245
54247	54301	54302	54303	54304	54305

Zip Codes in which TruConnect Communications, Inc Will Serve as an ETC					
(Total 840 zip codes)					
54306	54307	54308	54311	54313	54324
54344	54404	54405	54406	54407	54409
54410	54411	54412	54413	54415	54418
54420	54421	54422	54423	54424	54425
54428	54430	54433	54434	54435	54436
54437	54439	54441	54442	54443	54446
54447	54449	54451	54452	54454	54455
54456	54457	54458	54459	54460	54462
54463	54464	54465	54466	54467	54469
54470	54472	54473	54475	54479	54480
54481	54482	54485	54487	54488	54489
54490	54491	54492	54493	54494	54495
54498	54501	54511	54512	54513	54514
54515	54517	54519	54520	54521	54524
54525	54526	54527	54529	54530	54531
54532	54534	54537	54538	54539	54540
54541	54542	54543	54545	54546	54547
54548	54550	54552	54554	54555	54556
54557	54558	54559	54560	54561	54562
54563	54564	54565	54566	54568	54601
54602	54603	54610	54611	54612	54613
54614	54615	54616	54618	54619	54620
54621	54622	54623	54624	54625	54626
54627	54628	54629	54630	54631	54632
54634	54635	54636	54637	54638	54639
54640	54641	54642	54643	54644	54645
54646	54648	54649	54650	54651	54652
54653	54654	54655	54656	54657	54658
54659	54660	54661	54662	54664	54665
54666	54667	54669	54670	54701	54702
54703	54720	54721	54722	54723	54724
54725	54726	54727	54728	54729	54730
54731	54732	54733	54734	54735	54736
54737	54738	54739	54740	54741	54742
54743	54745	54746	54747	54748	54749
54750	54751	54754	54755	54756	54757
54758	54759	54760	54761	54762	54763
54764	54765	54766	54767	54768	54769
54770	54771	54772	54773	54774	54801
54805	54806	54810	54812	54813	54814
54816	54817	54818	54819	54820	54821

Zip Codes in which TruConnect Communications, Inc Will Serve as an ETC					
(Total 840 zip codes)					
54822	54824	54826	54827	54828	54829
54830	54832	54834	54835	54836	54837
54838	54839	54840	54841	54842	54843
54844	54845	54846	54847	54848	54849
54853	54854	54855	54856	54857	54858
54859	54861	54862	54864	54867	54868
54870	54871	54872	54873	54874	54875
54876	54880	54888	54889	54890	54891
54893	54895	54896	54901	54902	54903
54904	54906	54909	54911	54912	54913
54914	54915	54919	54921	54922	54923
54926	54927	54929	54930	54931	54932
54933	54934	54935	54936	54937	54940
54941	54942	54943	54944	54945	54946
54947	54949	54950	54952	54956	54957
54960	54961	54962	54963	54964	54965
54966	54967	54968	54969	54970	54971
54974	54976	54977	54979	54980	54981
54982	54983	54984	54985	54986	54990

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION)
OF TRUCONNECT COMMUNICATIONS,)
INC. FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER FOR)
THE LIMITED PURPOSE OF PROVIDING)
LIFELINE SERVICES TO QUALIFYING)
CUSTOMERS)

Docket No. 62188-1-RA-24
(Record No. 17485)

ORDER GRANTING DESIGNATION

(Issued March 15, 2024)

This matter is before the Wyoming Public Service Commission (Commission) upon the Application of TruConnect Communications, Inc., (TruConnect) for designation as an Eligible Telecommunications Carrier (ETC) (Application) for the limited purpose of offering Lifeline Services to qualified households, pursuant to 47 U.S.C. § 214(e)(2), Wyoming Statute § 37-15-104(a)(vi)(B), and Commission Rule Chapter 4, Section 13. The Commission, having reviewed the Application, its files regarding TruConnect, applicable Wyoming and federal telecommunications law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. TruConnect is a telecommunications company subject to the Commission’s jurisdiction. Wyo. Stat. §§ 37-15-103(a)(xi) and 37-15-401(vii).

2. On January 17, 2024, TruConnect filed its Application requesting designation as an ETC in areas of Wyoming for the limited purpose of providing Lifeline service to qualifying low-income Wyoming consumers. Lifeline is a federally-funded universal service program which provides a financial subsidy to qualified low-income end-users to help them afford voice telephone and broadband services. The program is jointly administered by federal, state, and tribal governments. United States Code Title 47, Section 214(e)(2) delegates to state regulatory commissions the authority to designate ETCs for purposes of receiving federal universal service support. Wyoming Statute § 37-15-104(a)(vi)(B) empowers the Commission to designate wireless ETCs in accordance with federal law.

3. TruConnect is a limited partnership registered to operate in Wyoming as a subsidiary of TSC Acquisition Corporation. TruConnect states it will provide Lifeline services using its parent company’s facilities-based wireless network. This fulfils the requirements of 47 U.S.C § 214(e)(1)(A) and Commission Rule Chapter 4, Section 13 that an ETC offer supported services using its own facilities and resale of another carrier’s services, or that an ETC provide Federal Communications Commission (FCC) documentation demonstrating approval of the carrier’s “Compliance Plan” and receipt of forbearance from the “own facilities” provision of the federal law¹.

¹ *Lifeline Reform Order*, 27 FCC Rcd at 6813. The FCC noted that historically it had conditioned forbearance from the “own facilities” requirement on the filing and approval of a compliance plan describing the ETC’s adherence to certain protections designed to protect consumers and the Fund. *See*, ¶ 379 of the *Lifeline Reform Order*.

4. TruConnect states in its Application that it meets all requirements for limited designation as an ETC pursuant to 47 U.S.C § 54.101 (a)(1), including [i] voice grade access to the public switched network; [ii] minutes of use for local service; [iii] access to 911 and E911 emergency services; [iv] toll limitation services for qualifying low-income consumers; and [v] dual tone multi-frequency signaling or its functional equivalent. TruConnect states it will offer and advertise its wireless services and rates to customers in Wyoming using media of general distribution.

5. TruConnect requests limited designation as an ETC within the wireless coverage service area identified in Exhibit 3 of its Application, excluding the coverage area of designated Tribal lands.

6. TruConnect commits to advertising the availability and rates of the supported services throughout its designated service areas using media of general distribution reasonably designed to reach those likely to qualify for Lifeline services, which may include by radio, television, print, internet and targeted mailings.

7. Commission Rule Chapter 4, Section 13(b)(v) requires that ETC designation applicants “[s]ubmit a five-year plan detailing, on a local exchange area basis, proposed improvements or upgrades to the carrier’s network throughout the carrier’s proposed designated service area.” As part of its Application, TruConnect provided a general description of its service plan offering to Lifeline subscribers and its network and resources available through the proposed designated service area.

8. TruConnect’s Application came before the Commission for consideration pursuant to due notice at its Open Meeting on February 13, 2024. Danielle Perry, Chief Compliance Officer, appeared for TruConnect providing information consistent with paragraphs 2 through 7. Commission Counsel recommended the Commission approve the Application.

9. Based on the Application, representations of Ms. Perry, and the recommendation and analysis of Commission Staff, the Commission finds and concludes that TruConnect’s Application for designation as an ETC should be approved for the limited purposes of offering Lifeline Services to qualified households.

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IT IS THEREFORE ORDERED:

1. Pursuant to Open Meeting action taken on February 13, 2024, the Application of TruConnect Communications, Inc., for designation as an Eligible Telecommunications Carrier in the State of Wyoming for the limited purposes of offering Lifeline service to qualified households, is approved.


2. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on March 15, 2024.

PUBLIC SERVICE COMMISSION OF WYOMING



MARY A. THRONE, Chairman



CHRISTOPHER B. PETRIE, Deputy Chairman



MICHAEL M. ROBINSON, Commissioner





IVAN H. WILLIAMS, Assistant Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March, 2024, a copy of the Commission's *Order Granting ETC Designation* was sent via electronic mail or certified postal mail to the following:

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dperry@truconnect.com



Elexess Overbey, Paralegal

CERTIFICATE OF SERVICE

I, Olivia Fergerstrom, hereby certify that on this 28th day of March, 2025, a copy of the foregoing Response to Bureau of Consumer Services Staff's Second Data Requests, was served by electronic mail upon the following:

Christopher F. Van de Verg
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/s/ Olivia Fergerstrom
Olivia Fergerstrom