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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
GLOBAL CONNECTION INC. OF AMERICA)	CASE NO. GLO-T-18-01
DBA STAND UP WIRELESS FOR)	
DESIGNATION AS AN ELIGIBLE)	COMMENTS OF THE
TELECOMMUNICATIONS CARRIER)	COMMISSION STAFF
PURSUANT TO 47 U.S.C. § 214(E)(2).)	
)	

STAFF OF the Idaho Public Utilities Commission, by and through its Attorney of record, Edward Jewell, submits the following comments.

BACKGROUND

On June 20, 2018, Global Connection Inc. of America dba STAND UP WIRELESS ("StandUP Wireless" or "the Company") filed an Application requesting designation as an eligible telecommunications carrier ("ETC") for the sole purpose of providing Lifeline services to qualifying consumers in the State of Idaho. The lifeline program is intended to provide more affordable telecommunications service benefits to eligible low-income customers through the federal Universal Service Fund ("USF") and the Idaho Telecommunications Service Assistance Program ("ITSAP"). Idaho participates in the residential Lifeline program pursuant to *Idaho Code* § 56-901. See Order No. 21713.

The Application

StandUP Wireless is a Georgia Corporation with its principal place of business in Norcross, Georgia. Application at 3. StandUP Wireless provides commercial mobile radio service by using the Sprint Spectrum L.P. and T-Mobile USA networks on a wholesale basis. *Id.* at 4. StandUP Wireless states that it will operate throughout Idaho, excluding tribal lands. *Id.* at 15. StandUP Wireless asserts that it meets the requirements of Section 214(e)(1)¹ of the federal Telecommunications Act to be designated as an ETC. *Id.* at 12-13.

StandUP Wireless asserts it is entitled to ETC designation under 47 U.S.C. § 214(e)(2), which authorizes state commissions to designate wireless ETCs. *Id.* at 11-13. The Company asserts that it: (1) is a common carrier; (2) has the financial and technical capability to provide Lifeline service; (3) commits and is able to provide services supported by federal universal support mechanisms; (4) will advertise the availability of supported services in a manner reasonably designed to reach those likely to qualify; (5) commits to provide service throughout its service area in Idaho; (6) is capable of remaining functional in emergency situations; (7) is committed to consumer protection and service; (8) will comply with all program uniform eligibility requirements; and (9) will comply with requirements imposed by this Commission for ETC status. *Id.* at 14-25.

The Company further states that granting it ETC designation would promote the public interest, and fulfill one of the principal goals of the Communications Act of 1934, as amended by the Telecommunications Act of 1996; to secure lower prices and higher quality services for consumers and encourage the rapid deployment of new telecommunications technologies to all citizens, regardless of geographic location or income. *Id.* at 25. Specifically, the Company contends that ETC designation is in the public interest because: (1) wireless service includes larger local calling areas (as compared to traditional wireline carriers); (2) mobile telephone service provides convenience and security for customers; (3) customers can control cost by receiving a preset amount of monthly airtime and data at no net cost; (4) customers can purchase additional usage at flexible and affordable amounts in the event that included usage has been exhausted; (5) customers receive 911/E911 service in accordance with current FCC requirements; (6) StandUP Wireless has partnered with “Cell Phones for Soldiers” in an effort to

¹ In December 2011, the FCC amended the list of required services for ETC designation by removing dual tone signaling, single-party service, and access to operator services, interexchange services, and directory assistance. IN the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking, 27 F.C.C. Rcd. 6656 at ¶365 (Feb. 6, 2012).

expand awareness of the Lifeline program among veterans; and (7) granting ETC status to StandUP Wireless will increase the number of ETCs in Idaho. *Id.* at 25 -27.

StandUP Wireless's Lifeline Service Offerings

StandUP Wireless intends to offer qualified customers one of two Lifeline Service Plans: (1) Voice Plan; or (2) Broadband Plan. *Id.* at 5-6. The Voice Plan would provide 750 voice minutes, unlimited texts, and 100 MB of data. *Id.* The Broadband Plan would provide 500 voice minutes, unlimited texts, and 1 GB of data. *Id.* The Company notes that all of its proposed plans would enable Lifeline customers the capability of purchasing additional voice minutes and/or data to supplement their Lifeline plans according to the proposed lifeline offerings. *Id.* at 5-6.

The Company acknowledges that, under 47 U.S.C. § 214(e)(1)(A) of the Telecommunications Act of 1996, ETCs must offer services, at least in part, utilizing their own facilities. *Id.* at 13. The Company seeks to proffer services only through resale of other carriers' facilities. *Id.* However, StandUP Wireless invokes the FCC's 2012 Lifeline and Link Up Reform Order.² The Company states that the FCC granted forbearance to any telecommunications carrier that seeks Lifeline-only ETC if the ETC complies with certain 911 requirements and the ETC files a compliance plan with the FCC describing the ETC's adherence to certain protections prescribed by the FCC, and such plan is approved. Application at 13. The Company attached its approved Compliance Plan as Exhibit 3 to the Application.

StandUP Wireless further asserts that it is not seeking high-cost support for its wireless service, and therefore qualifies for a waiver of the Commission requirements in Order No. 29841 Section B.1 to provide a two-year network improvement and maintenance plan. The Company reads this requirement to be based on the receipt of high-cost support. *Id.* at 25.

STAFF ANALYSIS

Staff has reviewed StandUP Wireless's Application along with the FCC-approved Compliance Plan. Staff has conducted an analysis of the Company's fulfillment of the federal Telecommunications Act of 1996, the proceedings in FCC 16-38 including the Lifeline and Link Up Reform and Modernization Order, the Third Report and Order, Further Report and Order,

² *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 F.C.C.R. 6656,

and Order on Reconsideration, as well as Commission Order No. 29841. Specific state and federal requirements for ETC designation are discussed in more detail as follows.

Public Interest Considerations

Staff typically applies a two-prong test when analyzing whether a Company's ETC Application is in the public interest. First, Staff determines whether the Company contributes to Idaho funds. Second, Staff analyzes whether the Company's Application raises "cream skimming" concerns.

In the Company's Application, StandUP Wireless confirmed that upon approval as an ETC in Idaho, the Company would participate in the appropriate Idaho programs, specifically the Idaho Lifeline program and the 9-1-1 program and any future reporting requirements deemed appropriate for competitive telecommunications providers. *See* Application at 13. The Company requests ETC designation statewide. *Id.* at 15-16. Therefore, no cream skimming analysis is required. Thus, Staff believes StandUP Wireless satisfies the public interest considerations.

Network Improvement Plan

In the Idaho ETC Designation Order, a two-year network improvement and progress report is required of all ETCs receiving high-cost support. *See* Order No. 29841 at 18. However, the Commission determined in Cricket Communications, Inc.'s ETC Application in CRI-T-11-01 that a two-year network improvement plan was not applicable to Lifeline-only ETCs. Order No. 32501.

In the USF/ICC Transformation Order,³ the FCC amended 47 C.F.R. § 54.202 to clarify that a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC. Lifeline-only ETCs do not receive high-cost funds to improve or extend networks, therefore the FCC "saw little purpose in requiring such plans as part of the ETC designation process."⁴ StandUP Wireless's Application seeks only low-income USF support as a Lifeline-only ETC.

³ In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up Universal Service Reform – Mobility Fund, WC Dkt No. 10-90 et al.

⁴ See Lifeline and Link up Reform and Modernization et al, WC Dkt No. 11-41 et al. Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 at para 386.

Thus, Staff agrees that a network improvement plan is not a requirement for StandUP Wireless's ETC Application.

Ability to Remain Functional in Emergencies

The Company states that it has the ability to remain functional in emergency situations in accordance with Commission Order 29841 and 47 C.F.R. § 54.202(a)(2). Application at 18. StandUP Wireless asserts that because it is reselling wireless services, the Company is able to provide the same ability to remain functional in emergency situations as the underlying carriers provide to its own customers. Namely, the Company asserts that the underlying carrier networks "have access to a reasonable amount of back-up power to ensure functionality without an external power source, are able to reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations." *Id.* at 18. Staff agrees StandUP Wireless satisfies this requirement.

Other ETC Designation Requirements

Additional requirements for ETC designation are detailed in Appendix 1 of Order No. 29841 and are discussed in more detail below.

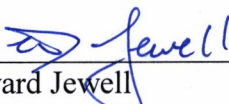
1. Common Carrier Status. StandUP Wireless is a common carrier as defined in U.S.C. Title 47. *Id.* at 14.
2. Provide Universal Services. StandUP Wireless will provide all required services and functionalities as set forth in Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)). *Id.*
3. Advertising. StandUP Wireless will advertise the availability and rates for its services described in the Application through media of general distribution as required by 47 U.S.C. § 214(e)(1)(B). *Id.* at 17.
4. A Commitment to Consumer Protection and Service. StandUP Wireless commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards, including compliance with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service as required by 47 C.F.R. § 54.202(a)(3). *Id.* at 19.
5. Description of the Local Usage Plan. StandUP Wireless will offer two Lifeline Service Plans. *Id.* at 5-6. Furthermore, the Company will meet the changing minimum service

standards that will become effective on December 1, 2018, as established in the FCC's 2016 Lifeline Modernization Order. *Id.* at 5.

STAFF RECOMMENDATION

Based on its review of the Company's Application, Staff believes that the Application demonstrates the Company's commitment to fulfill the obligations of a Lifeline-only ETC in Idaho. The Company will provide all universal services supported by the federal USF throughout its service territory; it has addressed all of the public interest questions that accompany an ETC Application; StandUP Wireless's compliance plan has been approved by the FCC; and it will provide multiple pricing plans, which will increase consumer choice for low-income telephone service in Idaho. Thus, Staff believes StandUP Wireless's Application for designation as an ETC is in the public interest and should be approved for the entire state.

Respectfully submitted this ^{19th} day of September 2018.



Edward Jewell
Deputy Attorney General

Technical Staff: Daniel Klein

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 19TH DAY OF SEPTEMBER 2018, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. GLO-T-18-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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