

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF I-WIRELESS, LLC'S)
APPLICATION FOR DESIGNATION AS AN) CASE NO. WIR-T-15-01
ELIGIBLE TELECOMMUNICATIONS)
CARRIER) NOTICE OF APPLICATION
)
) NOTICE OF
) MODIFIED PROCEDURE
)
) ORDER NO. 33453**

On October 20, 2015, i-wireless, LLC (the Company) applied to the Commission for an Order designating it as an “eligible telecommunications carrier” (ETC) to provide Lifeline service to qualifying Idaho consumers. The Company filed 15 exhibits with its Application. On January 8, 2016, the Company filed a Letter with supplemental information, and on January 13, 2016, the Company filed a Notice of Mailing to Tribes. The Company requested that the matter be processed by Modified Procedure.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that i-wireless provides “commercial mobile radio service” (CMRS) throughout the country, and prepaid wireless telecommunications services using the Sprint Spectrum, L.P. network “on a wholesale basis to offer nationwide service.” Application at 2-3. Using Sprint’s wireless network, the Company operates as a Mobile Virtual Network Operator (MVNO). *Id.* at 3. The Company requests ETC status for service areas throughout Idaho, as set forth in Exhibit 14 to the Company’s Application. *Id.* at 21-22. The Company asks that its designation include authority to participate in and receive reimbursement from the Idaho Telephone Service Assistance Program (ITSAP). January 8, 2016 Letter.

YOU ARE FURTHER NOTIFIED that i-wireless notes that it has requested and been designated as an ETC in Arkansas, Arizona, California, Colorado, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Washington, West Virginia, and Wisconsin, and by the FCC in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and

Virginia. Application at 3, citing *In the Matter of Federal-State Joint Board on Universal Service, i-wireless, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier*, WC Docket No. 09-197, Order, DA 12-934 (rel. June 13, 2012). At the time i-wireless filed its Application here, the Company also had applications pending in Hawaii, Massachusetts, New Jersey, Oklahoma, and South Dakota. Application at 3. The Company maintains that it has never had a petition for ETC designation denied. *Id.*

YOU ARE FURTHER NOTIFIED that the Company asserts this Commission has authority to designate it an ETC under federal law, and notes that the Commission has designated numerous carriers – including wireless carriers – as ETCs in Idaho. *Id.* at 14-15, citing 47 U.S.C. § 214(e); see also *Idaho Code* § 62-615(1); Order No. 29841. The Company acknowledges that, under 47 U.S.C. § 214(e)(1) of the federal Telecommunications Act, ETCs must offer services, at least in part, over their own facilities. Application at 15. However, i-wireless petitioned to the FCC and was granted forbearance with respect to “the facilities-based service requirement Lifeline-only ETC designation.” *Id.*; Exh. 10 (*i-wireless Forbearance Order*). Accordingly, i-wireless asserts it is entitled to ETC designation under 47 U.S.C. § 214(e)(2), which authorizes state commissions to designate wireless ETCs. Application at 15-16, citing *Federal-State Joint Board on Universal Service, First Report and Order* (“*USF Order*”), 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997).

YOU ARE FURTHER NOTIFIED the Company contends that, given the FCC’s forbearance as to the “own facilities” requirement of Section 214(e)(1), it satisfies the requirements for designation as an ETC. Application at 16. Specifically, the Company asserts that it: (1) is a common carrier; (2) commits and is able to provide services supported by federal universal support mechanisms; (3) will advertise the availability of supported services; (4) commits to provide service throughout its service area in Idaho;¹ (5) is capable of remaining functional in emergency situations; (6) is committed to consumer protection and service; (7) describes its local usage plan, which it contends will meet or exceed incumbent local exchange

¹ i-wireless asserts it is not required to submit a five-year network improvement plan as part of its Application for designation as an ETC. Application at 22, citing *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* (“*Lifeline and Link Up Reform Order*”) 27 F.C.C.R. 6656 at ¶ 386 (rel. Feb. 6, 2012).

carrier (ILEC) plans;² (8) will promote the public interest, convenience and necessity; (9) will comply with requirements imposed by this Commission for ETC status, including reporting requirements;³ and (10) has provided notice of its Application to the affected tribal governments and tribal regulatory authorities. *Id.* at 18-28; Notice of Mailing to Tribes. The Company also states it will comply with applicable ITSAP regulations, including but not limited to required monthly reporting and execution of a Memorandum of Understanding with the Department of Health and Welfare. January 8, 2016 letter.

YOU ARE FURTHER NOTIFIED that the Company asserts granting it ETC designation will “promote competition and innovation, and spur other carriers to target low-income consumers,” and “help assure that quality services are available at ‘just, reasonable, and affordable rates’” as contemplated in the Telecommunications Act. Application at 28. Granting it ETC designation will, the Company states, “further the public interest by providing Idaho consumers, especially low-income consumers, with low prices and high quality services.” *Id.* at 26. “[D]esignating i-wireless as an ETC would significantly benefit low-income consumers eligible for Lifeline service in the State of Idaho – the intended beneficiaries of universal service.” *Id.*

YOU ARE FURTHER NOTIFIED that the Application, attached exhibits, supplemental letter, and Notice of Mailing to Tribes have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. These documents are also available on the Commission’s website at www.puc.idaho.gov. Click on the “File Room” tab at the top of the page, scroll down to “Open Telephone Cases,” and then click on the case number WIR-T-15-01.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified

² i-wireless notes it is no longer required to demonstrate that it offers a local usage plan “comparable” to that of the incumbent local exchange carrier, nor certification that the FCC may require it to provide equal access to long-distance carriers. Application at 23-24, *citing Lifeline and Link Up Reform Order* at § 208; revised 47 C.F.R. § 54.202(a).

³ The Company requests a waiver from the requirement that it submit a two-year network improvement and maintenance plan based on high-cost support, as it is not seeking high-cost support for its wireless service. Application at 25, *citing Order No. 29841, Appendix § D.*

Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission **within 21 days from the service date of this Order**. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Lance J.M. Steinhart, Managing Attorney
Lance J.M. Steinhart, P.C.
Attorneys for i-wireless, LLC
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Alpharetta, GA 30005
E-mail: lsteinhart@telecomcounsel.com

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Case Comment Form" under the "Consumers" tab, and complete the comment form, using the case number as it appears on the front of this document. These comments must also, however, be e-mailed to the Applicant at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code and specifically

Idaho Code §§ 62-610D, 62-615, and 62-622. The Commission may enter any final Order consistent with its authority under Title 62.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01, and *Idaho Code* § 62-619.

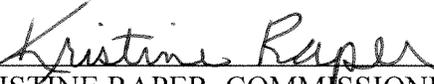
ORDER

IT IS HEREBY ORDERED that this matter be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so no later than 21 days from the service date of this Order.

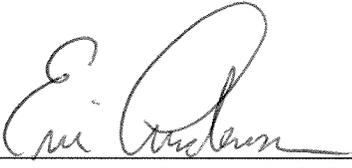
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *22nd* day of January 2016.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane Holt
Assistant Commission Secretary

O:WIR-T-15-01_djh