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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Telrite Corporation's Petition to Amend Designation as an Eligible Telecommunications Carrier to Participate in the Utah Universal Service Fund	Docket No. 18-2553-_____
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TELRITE CORPORATION'S PETITION TO AMEND ITS DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIER TO PARTICIPATE IN UTAH UNIVERSAL SERVICE FUND SUPPORT FOR LIFELINE SERVICE

Telrite Corporation d/b/a Life Wireless ("Telrite"), by its counsel, hereby petitions the Public Service Commission of Utah ("Commission") to amend Telrite's designation as an Eligible Telecommunications Carrier ("ETC") to include authorization to participate in the low-income Utah Universal Service Fund ("UUSF"). Specifically, Telrite seeks approval from the Commission to expand its current federal-only ETC designation for the limited purpose of providing additional support to qualifying low-income households in Utah due to additional funds from the UUSF. Telrite does not seek to amend its ETC status for the purpose of receiving support from any other USF programs such as high cost. Telrite proposes to increase its Lifeline offering in Utah in the form of additional minutes and data if granted this designation to participate in the UUSF.

As demonstrated by the facts stated herein and as set forth in the attached Verification, Telrite meets all the statutory and regulatory requirements for an expansion of its designation as an ETC in the State of Utah to participate in the UUSF program. The Commission's grant of Telrite's Petition will serve the public interest by allowing qualifying Utah low-income households to receive enhanced Lifeline offerings and benefit from increased competition in the market for wireless Lifeline service. Telrite is currently the fourth largest provider of wireless Lifeline service in the nation and has demonstrated its commitment to serving eligible subscribers and to complying with the Lifeline rules.

I. BACKGROUND

Telrite is a Georgia corporation with its principal offices located at 4113 Monticello Street, Covington, Georgia 30014.

Telrite is a wireless ETC in the states of Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Mississippi Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, West Virginia, Wisconsin, Puerto Rico and the US Virgin Islands. For its wireless services, the Company resells the services of AT&T Mobility, Inc. as well as the network of T Mobile. Telrite operates its Lifeline business under the name Life Wireless.

On June 14, 2013, in Docket No. Docket No. 12-2553-01, the Commission issued an Order Approving a Settlement Stipulation signed by Telrite, the Division of Public Utilities, and the Office of Consumer Services ("Settlement Stipulation"), which granted Telrite designation as a limited Eligible Telecommunications Carrier in Utah. That Settlement Stipulation included the

explicit condition that “Telrite is not currently seeking any Utah USF funding. If Telrite seeks Utah USF funding in the future, Telrite will file a separate application requesting such state support.” With this Petition, Telrite respectfully requests that the Commission authorize it to obtain UUSF funds to enable it to provide enhanced Lifeline benefits to qualifying low-income Utah subscribers.

II. TELRITE SATISFIES THE COMMISSION’S REQUIREMENTS FOR ETC DESIGNATION AND IS ELIGIBLE FOR UTAH UNIVERSAL SERVICE FUND SUPPORT

As noted in Section I, *supra*, Telrite’s original Petition for Designation as an Eligible Telecommunications Carrier in Utah, filed June 20, 2012, did not at that time seek access to funds from the UUSF. Utah Senate Bill 130, effective July 1, 2017, and codified at Utah Code § 54-8b-15 amended certain statutory provisions regarding Utah USF. Among the changes it made is the following:

A facilities-based or **nonfacilities-based** wireless telecommunications provider is eligible for distributions from the Universal Telecommunications Service Support Fund under the lifeline program described in Subsection 3(b) for providing lifeline service that is consistent with the Federal Communications Commission’s lifeline program for low-income consumer.¹ (emphasis added)

and

[The] Commission shall use funds in the Utah USF to “fund a lifeline program that covers the reasonable cost to an eligible telecommunications carrier, as determined by the commission, to offer lifeline service consistent with the Federal Communications Commission’s lifeline program for low-income consumers.”²

¹ Utah Code § 54-8b-15(15)(a).

² *Id.* at § 54-8b-15(3)(b).

If the Commission grants this Petition, Telrite intends to fully comply with the Commission's rules governing Lifeline ETCs participating in the state Lifeline program. To the extent that the requirements for ETCs participating in the state Lifeline program are greater than for ETCs authorized only to offer service in Utah under the federal Lifeline program, Telrite intends to fulfill the duties of an ETC as detailed in R746-8-403. Those duties include: providing potential Lifeline subscribers with application materials and information, providing service to any customer who is verified as eligible for participation as set forth in R746-8-403(3)(b), adding the Lifeline discount to a customer's account within five (5) business days of notification of the customer's eligibility, under FCC Lifeline requirements; removing the Lifeline discount from an account within five (5) business days of notification of the subscriber's ineligibility and; submitting a complete Lifeline subscriber list to the Division by May 1 of each year.

Telrite is a designated ETC in Utah that provides primarily non-facilities-based wireless Lifeline service to qualifying low-income Utah residents meeting the qualifications of the federal Lifeline program. Telrite provides service that is consistent with federal requirements for Lifeline service, as discussed below. Telrite operates as a common carrier in Utah, offering all of the services and functionalities required by the FCC for wireless Lifeline providers. Telrite's plans are different from but comparable to those offered by the ILEC in the same designated service area. Telrite of course provides access to emergency services including 911 and E911, where available, and regardless of whether the subscriber's service is still active or has any available minutes. Telrite does not provide toll limitation services because, like most wireless carriers, Telrite does not distinguish domestic long distance usage from local usage and all usage

is prepaid. Telrite also provides its Lifeline subscribers with broadband access that has the capability to transmit data to and receive data from all or substantially all Internet endpoints.

Telrite therefore satisfies all requirements necessary for UUSF support as set forth in Utah Code § 54-8B-15 and Utah Administrative Code R746-8-403.

III. TELRITE WILL USE UTAH USF SUPPORT TO OFFER AN ENHANCED LIFELINE PLAN TO ELIGIBLE UTAH RESIDENTS

Utah provides ETCs with up to an additional \$3.50 per month for each Lifeline subscriber on top of the \$9.25 monthly benefit provided under the federal Lifeline program. If this Petition is granted and Telrite is authorized to receive funds from the Utah USF, Telrite intends to offer its current Utah Lifeline subscribers 750 minutes, 2 GB mobile broadband Internet access and unlimited SMS text messaging. New enrollees will receive a plan consisting of a new Android smartphone, 750 minutes, 2 GB of mobile broadband Internet access and unlimited SMS text messaging.³ The smartphones will be Wi-Fi capable and capable of being used as a Wi-Fi hotspot. In addition to these no-cost-to-subscribers voice and data services, Telrite's Lifeline plan includes custom calling features including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, Voice Mail, No Roaming charges and free access to Customer Care by dialing 611 from customers' Life Wireless handset or by dialing 1-888-543-3620 from any wireline phone. All plans include domestic long-distance at no extra per-minute charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Additional

³ Telrite's proposed offer for Utah if granted Utah USF funds matches what it intends to offer subscribers in Kentucky as of December 1, 2018. Kentucky is the only other state in which Telrite operates that provides ETCs \$3.50 per Lifeline subscriber per month in state USF funds. Telrite's proposed offer for Utah is superior to what it offers in states that do not provide additional state support for Lifeline.

minutes and data are available for purchase through any Money Gram location and on the Company's website.⁴

Telrite's proposed offering clearly meets the Utah requirements for UUSF support and also complies with (and exceeds) the federal minimum service standards that take effect December 1, 2018.

IV. Granting This Petition Will Serve the Public Interest

Approving Telrite's Petition to participate in the Utah Universal Service Fund will further the Commission's universal service goals to benefit Lifeline-eligible Utah citizens. The Company will be able to offer more supported prepaid low cost wireless service to low-income consumers that will increase consumer choice and Utah residents' access to telephone and broadband services. Increasing customer choice could also incentivize other wireless ETC providers to compete for eligible customers by providing the highest value (e.g., higher quality handsets, superior customer service).

Further, grant of this Petition will provide Utah consumers access to more quality mobile and broadband services and the related benefits. Wireless voice and broadband service offers a reliable contact method where traditional landline service, even supported by Lifeline, might be unaffordable. Individuals who qualify for Lifeline are among the very lowest income residents of any state and are often faced with making difficult choices about how to allocate limited resources. Telrite's Lifeline plan and additional for-purchase offerings enable subscribers to tailor their wireless and broadband services to their needs and budgets even as the prepaid nature

⁴ Top-up minutes are provided using the PureTalk USA and Pure Unlimited brands, by Puretalk Holdings, LLC, a sister company of Telrite with common ownership, though not technically an affiliate.

of the service is especially important for the significant percentage of very-low-income citizens who are “unbanked.”

The public interest benefits to low-income Utah consumers of Telrite’s wireless service include the convenience and security afforded by mobile service and a generous amount of voice and broadband access included without cost, after application of the federal and state Lifeline support. Providing Telrite the authority to seek reimbursement for its Lifeline services from the UUSF will further the public interest already by allowing the Company to provide a greater amount of voice and data services to those currently without access to essential telephone and broadband services, or those most in danger of losing wireless service altogether. This will promote the public interest.

V. CONCLUSION

Telrite respectfully requests that the Commission promptly approve Telrite’s petition seeking approval to expand its ETC designation to include the right to seek support from the Utah Universal Service Fund.

DATED this 9th day of November 2018.

Respectfully submitted,



By:

Phillip J. Russell
HATCH, JAMES & DODGE, P.C.

*Attorneys for Telrite Corporation d/b/a Life
Wireless*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Telrite Corporation's Petition to Amend its Designation as Eligible Telecommunications Carrier to Participate in Utah Universal Service Fund Support for Lifeline Service was served by email this 9th day of November, 2018, on the following:

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/s/ Phillip J. Russell