

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Resolution of Certain)	Docket No. 10-2528-01
Issues Related to the Designation of a)	
Common Carrier as an Eligible)	TELRITE CORPORATION
Telecommunications Carrier)	D/B/A LIFE WIRELESS
)	MOTION FOR EXTENSION
)	OF TIME

**TELRITE CORPORATION D/B/A LIFE WIRELESS MOTION FOR EXTENSION OF
TIME
TO COMPLY WITH INTERIM COMPLIANCE PROCESSES**

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February 28, 2014

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I. INTRODUCTION

Telrite Corporation d/b/a Life Wireless (“Life Wireless” or the “Company”), by its undersigned counsel, and pursuant to the rules and regulations of the Public Service Commission of Utah (the “Commission”), hereby submits this Motion for Extension of Time to comply with the interim compliance processes developed in the Commission’s Notice of Interim Compliance Processes (the “Notice”) issued December 20, 2013 in the above-referenced docket (“Motion”). Life Wireless was designated as an Eligible Telecommunications Carrier (“ETC”) in the State of Utah by Order issued June 14, 2013 in Docket No. 12-2553-01. Life Wireless is a federal, Lifeline-only ETC and is not eligible to participate in Utah’s state universal service fund.

Grant of the Company’s Motion would advance the public interest because it would enable the Company to continue providing much-needed Lifeline service to eligible low-income Utah residents, while at the same time allowing the Company time to evaluate and remain in compliance, to the extent applicable, with the newly-adopted interim compliance processes in Utah. The Company received no notice of the Notice, as evidenced by the Certificate of Service attached to the Notice. Counsel to Life Wireless only received a copy of the Notice on the date of this motion,

leaving no time as a practical matter to even attempt evaluation of the requirements of the Notice or to attempt good faith compliance with the Notice. The Notice raises complex practical and legal issues which the Company nor its counsel have had adequate time to address. Accordingly, the Company respectfully requests that the Commission expeditiously approve this Motion for extension of time.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Motion should be addressed to:

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II. BACKGROUND

A. Company Overview

Life Wireless is a Georgia corporation with its principal offices located at 4113 Monticello Street, Covington, Georgia 30014. Life Wireless is a provider of commercial mobile radio service (“CMRS”) throughout the United States and has been designated as an ETC in 25 states, including the State of Utah. Life Wireless currently operates as an ETC and has Lifeline customers in Utah.

B. Life Wireless Enrollment Processes

As a federal-only ETC in Utah, Life Wireless (not a state administrator or agency) has been responsible for determining the initial eligibility of its Lifeline applicants, and has not had access to a state eligibility database in Utah. Therefore, in Utah, as in other states where Life Wireless is the party responsible for determining eligibility, Life Wireless has followed a strict and comprehensive Lifeline enrollment process in compliance with the Company's FCC-approved Compliance Plan, as well as with applicable federal and state rules. During the enrollment process, Life Wireless collects the information and certifications required by federal rules (47 C.F.R. § 54.410), and reviews documentation from the applicant establishing proof that the applicant meets either the program or income-based Lifeline eligibility criteria. Furthermore, Life Wireless employs numerous duplicate and fraud prevention techniques that meet and exceed federal Lifeline rule requirements. These include:

- Capturing an image of a valid form of state-issued ID to confirm consumer identity
- Capturing an image of qualifying program participation to facilitate compliance review (purged upon completion per FCC rule)
- Naming other Lifeline service providers at the time of enrollment to facilitate customers' understanding of the one benefit per household restriction
- Conducting an internal review of every enrollment prior to inclusion on any FCC Form 497, including confirmation that the spelling of the name and date of birth on the proof of ID match the information included on the Lifeline enrollment form
- Providing access to live customer care service representatives during specified business hours via 611 (with no decrement of airtime) and a toll-free number
- Conducting thorough and extensive training of all field representatives, including: "no-notice" onsite field audits (5-10 per month), routine "photo audits" to verify activities and systematic analysis of enrollment data anomalies
- Voluntarily participating in CGM LLC's pre-enrollment Intercompany Duplicates Database which has prevented over 300,000 duplicate enrollment attempts over the previous 15 months, resulting in approximately \$15 million in savings to the Universal Service Fund

In accordance with federal rules, Life Wireless has been collecting only the last four digits

of an applicant's social security number ("SSN"). Life Wireless has never been notified nor required to obtain the full SSN of Utah subscribers. As noted above, neither Life Wireless nor its counsel were served a copy of the Commission's Notice and therefore the Company has not had time to review the proposed processes to determine how Life Wireless may attempt compliance through obtaining this information and providing the customer specific information within the legally permissible scope of CPNI and other federal and state legal requirements.

C. Utah Interim Compliance Processes

Life Wireless applauds the Commission's progress towards a state database solution for eligibility verification that is available to wireless ETCs; however, the Company needs more time in order to review and attempt compliance with the processes detailed in the Notice (the "Interim Compliance Processes"). Specifically, ETCs are requested to submit their subscriber list to the Department of Public Utilities ("DPU") by February 28, 2014 so that the list may be run through the Department of Workforce Services ("DWS") database to check for eligibility. Thereafter, ETCs are requested to submit a list of subscriber changes at least once per month, starting in March 2014.

The proposed DWS database requires ETCs to provide a subscriber's full SSN in order to process the data for eligibility – without a full SSN, the subscriber will be listed as "not eligible." This issue presents several practical and legal difficulties, which Life Wireless has not yet had time to fully assess due to the lack of prior notice in this matter.

III. LIFE WIRELESS REQUESTS AN EXTENSION OF TIME TO COMPLY

Life Wireless is only requesting an extension of time to assess and evaluate, and to comply in good faith with the request that it submit its *existing* Lifeline subscriber list, and changes thereto, by the deadlines set forth in the Notice. Life Wireless does *not* request an extension for the procedures for initial NLAD (National Lifeline Accountability Database) entry, as it is already in compliance with the NLAD's published deadlines for Utah ETCs.

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A. Difficulties in Collecting Full SSN

Life Wireless anticipate that it may be difficult to collect the full SSN from existing subscribers for two main reasons: first, consumers are made acutely aware of the importance of protecting their sensitive personal information, especially their SSN; and second, Life Wireless' existing subscribers for the most part just recently enrolled with certification documents, and are therefore more likely to be suspicious of a request for full SSN.

B. Precedent set by the FCC's Lifeline Reform Order

In its *Lifeline Reform Order*,¹ the FCC introduced reforms to prevent waste, fraud, and abuse of the low-income programs of the Universal Service Fund. Among them was the requirement for ETCs to begin collecting date of birth and last four of SSN ("DOB/SSN Rules") from Lifeline applicants. The *Lifeline Reform Order* was released on February 6, 2012, and the DOB/SSN Rules became effective on June 1, 2012; however, ETCs were given until December 31, 2012 to collect the newly-required information for existing subscribers. The FCC reasoned, "we expect that the burden of collecting such information from both new and existing subscribers would be small because all ETCs must annually re-certify all of their subscribers and this information could be collected along with other information necessary for re-certification at that time."² The FCC understood that the most viable, likely way to collect the new information for existing subscribers was though the annual recertification process.

Life Wireless has heretofore complied with the procedures required by ther DOB/SSN Rules. Accordingly, Life Wireless has not collected full SSNs of its customers in Utah and does not have

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 12-11 (rel. Feb. 6, 2012) ("*Lifeline Reform Order*").

² *Lifeline Reform Order* at ¶ 192.

them available at this time.

IV. GRANT OF LIFE WIRELESS' MOTION IS IN THE PUBLIC INTEREST

The primary purpose of universal service is to ensure that consumers—particularly low-income consumers—receive affordable and comparable telecommunications services. The economic circumstances indicate that low-income individuals greatly benefit from the advantages offered by the Company's Lifeline service, thus allowing those adversely impacted by the failing economy or job loss to have access to wholly-supported wireless service to assist in emergency situations, facilitate job search efforts, and to maintain contact with family members. Providing Life Wireless with a reasonable amount of time to comply with the Interim Compliance Processes adopted in this Docket will allow the Company to continue to offer discounted Lifeline service to those most in danger of losing wireless service altogether, which undoubtedly promotes the public interest.

Furthermore, grant of the Company's request will not adversely affect or place at a disadvantage any other ETC. In this situation, Life Wireless was not served a copy of the Notice, and had no actual knowledge of the Notice until February 28, 2014.

V. CONCLUSION

Based on the foregoing, grant of Life Wireless' Motion is reasonable and is in the public interest.

WHEREFORE, Life Wireless respectfully requests that the Commission grant the Company an extension of time until August 31, 2014 to evaluate and review for purposes of compliance the Interim Compliance Processes developed in this docket, as discussed herein.

Respectfully submitted,

/s/Antonio A. Mejia

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

February 28, 2014

VERIFICATION

STATE OF GEORGIA

COUNTY OF COBB

PERSONALLY came and appeared before me, the undersigned party in and for the jurisdiction aforesaid, the within named Brian Lisle who after being duly sworn by me stated under oath as follows: that I am President of Telrite Corporation d/b/a Life Wireless (“Telrite”); that I executed the foregoing pleading for and on behalf of Telrite; that I am authorized to execute and file said pleading; and that the matters and things set forth in said pleading are true and correct to the best of my knowledge, information and belief.

/s/Brian Lisle
Brian Lisle

SWORN TO AND SUBSCRIBED before me on this the 28th day of February, 2014.

/s/Angela I. Griffith
NOTARY PUBLIC

My Commission Expires:

Notary Public, Cobb County, Georgia

My Commission Expires July, 2015