

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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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	)	TOTAL CALL MOBILE,
Telecommunications Carrier	)	INC. MOTION FOR
	)	EXTENSION OF TIME

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**TOTAL CALL MOBILE, INC.'S MOTION FOR EXTENSION OF TIME  
TO COMPLY WITH INTERIM COMPLIANCE PROCESSES**

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February 28, 2014

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**I. INTRODUCTION**

TOTAL CALL MOBILE, INC. (“Total Call” 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 (“Motion”) developed in the Commission’s Notice of Interim Compliance Processes (the “Notice”) issued December 20, 2013 in the above-referenced docket (“Motion”). Total Call was designated as an Eligible Telecommunications Carrier (“ETC”) in the State of Utah by an Order issued April 8, 2013 in Docket No. 12-2561-01. Total Call was granted ETC designation for the limited purpose of providing federal universal service low-income Lifeline service in Utah and is not eligible to participate in Utah’s state universal service fund.

Grant of the Company’s request for extension 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 come into compliance with the newly adopted interim compliance processes in Utah. 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**

Total Call is a Delaware Corporation.<sup>1</sup> Its principal office is located at 1411 W. 190th St., Suite 700, Gardena, California 90248. Total Call provides nationwide, prepaid and postpaid wireless telecommunications services to consumers by reselling the network services of Sprint PCS (“Sprint”). Total Call obtains from Sprint the network infrastructure and transmission facilities to allow the Company to operate as a Mobile Virtual Network Operator (“MVNO”). Total Call has been designated as an ETC by state public utilities commissions in Arizona, Colorado, Hawaii, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Puerto Rico, Texas, Utah, West Virginia, Wisconsin and Wyoming. Total Call

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<sup>1</sup> Total Call was incorporated in the State of Delaware on August 11, 2005. The Company hereby reports its corporate and trade names, along with its holding company, operating companies and affiliates as follows: Total Call International is the parent of Total Call Mobile, Inc.; KDDI of America is the majority owner of Total Call International; Locus Telecommunications and KDDI Global are affiliates of Total Call International.

currently has petitions for ETC designations pending with Arkansas, California, Georgia, Idaho, New Jersey, Pennsylvania, Rhode Island, South Dakota, Vermont and Washington, and is awaiting designation as an ETC by the FCC in the states of Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia.

Total Call's wireless services, which are affordable and easy to use, are attractive to low-income and lower-volume consumers because they provide low-income and lower-volume consumers with access to emergency services and a reliable means of communication that can be used at home or while traveling to remain in touch with friends and family, as well as a means of contacting prospective employers. Total Call offers consumers simple and affordable calling plans, a variety of prepaid and postpaid service plans, easy-to-use handsets, and high-quality customer service. Based on internal surveys, targeted pricing and marketing strategies, and the demographics of other, similar Mobile Virtual Network Operators' ("MVNO") customers, Total Call anticipates that many of its customers will be from low-income backgrounds and will not have previously enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. Total Call does not conduct credit checks or require customers to enter into long-term service contracts as a prerequisite to obtaining prepaid wireless service or its proposed Lifeline program service.

By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or who were previously ignored by traditional carriers, Total Call has and will continue to expand the availability of wireless services to an increased number of consumers and in doing so, address Congress' principal goal for the universal service program.

#### **B. Total Call Enrollment Processes**

As stated in the Notice, Total Call, a federal-only ETC, has been responsible for determining the initial eligibility of its Lifeline applicants. In Utah, as well as in other states where

Total Call is the party responsible for determining eligibility, Total Call 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, which include participation in the National Lifeline Accountability Database ("NLAD"). During the enrollment process, Total Call 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, Total Call employs numerous duplicate and fraud prevention techniques that meet or exceed federal Lifeline rule requirements.

These include:

- Verifying the applicant's identity by requiring and capturing an image of a picture ID
- Verifying the applicant's participation in a qualifying program by requiring and capturing an image of proof of qualifying program participation (purged upon completion per FCC rule)
- 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

In accordance with federal rules, Total Call has been collecting only the last four digits of an applicant's social security number ("SSN"). Before receiving the Notice, Total Call had not been notified or required to obtain the full SSN of Utah subscribers.

### **C. Utah Interim Compliance Processes**

As Total Call is constantly seeking new ways to bolster its duplicate and fraud prevention techniques, it welcomes the Commission's state database solution for eligibility verification that is available to wireless ETCs; however, the Company needs more time in order to comply 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.

Total Call looks forward to utilizing the DWS database to confirm the eligibility of its Lifeline subscribers, and in fact eagerly anticipates a time in the future when wireless ETCs may incorporate the DWS database in the initial determination of a Lifeline applicant’s eligibility. However, the 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 difficulties, which Total Call discusses more fully below.

### **III. TOTAL CALL REQUESTS AN EXTENSION OF TIME TO COMPLY**

Total Call is only requesting an extension of time to comply with the request that it submit its existing Lifeline subscriber list, and changes thereto, by the deadlines set forth in the Notice. Total Call does not request an extension for the procedures for initial NLAD entry, as it is already in compliance with the NLAD’s published deadlines for Utah ETCs.

Total Call does not request an extension in regards to the Interim Compliance Processes as they apply to new Lifeline applicants – the Company has already put procedures in place to comply with the Interim Compliance Processes as they relate to new Lifeline applicants/subscribers as of March 1, 2014. Total Call and will abide by the deadlines set forth in the Notice for any new Lifeline subscribers enrolled as of March 1, 2014 going forward, and will send the monthly data requested to DPU in regards to such subscribers.

In order to comply with the Interim Compliance Processes in regards to the Company’s existing subscribers (i.e. those enrolled prior to March 1, 2014), Total Call needs a reasonable

amount of time in which to reach out to its Utah subscriber base and collect the full SSN of those subscribers. Total Call submits that, as supported below, an extension of six (6) months is reasonable, and therefore Total Call requests an extension until August 31, 2014 to fully comply with the Interim Compliance Processes for its existing Lifeline subscribers. Total Call commits to submit the required information, on a rolling basis, to DPU for its existing subscribers as soon as it receives subscribers' full SSNs, so that Total Call may begin to check eligibility of existing subscribers through the DWS database as soon as possible, instead of waiting until the end of the extension period.

**A. Total Call was Not Served the Notice**

Total Call is requesting this Motion for Extension of Time in part because the Company was not served the Notice on December 20, 2013, which is the date that other federal-only ETCs received the Notice. Total Call was not included on the service list and the Company only became aware of the Notice through one of its vendors earlier this month.

**B. Difficulties in Collecting Full SSN**

Total Call finds that it is 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, Total Call's existing subscribers just completed their 2013 annual recertification, and are therefore more likely to be suspicious of a request for full SSN.

First, even with an extension of time, Total Call estimates that, given that people are wary of giving their full SSN, the vast majority of its current Lifeline customer base will still fail to respond to its request for full SSN. This number would undoubtedly be much higher if the Commission does not grant Total Call an extension of time to comply with the Interim Compliance Processes for its



existing Lifeline subscribers, which will be to the detriment of the affected customers, to Total Call, and ultimately to the Lifeline program's stated intent.

Second, Total Call's existing subscribers have just completed their 2013 annual recertification and are therefore more likely to be suspicious of a request for full SSN within only a couple of months from certifying their continued eligibility. Such recertification of continued eligibility is, by federal rules, valid until the end of 2014 (unless the customer notifies Total Call of a change in eligibility or becomes ineligible under Total Call's non-usage policy). Unfortunately, Total Call was not able to utilize the 2013 annual recertification process to collect the full SSN from Utah subscribers because such process ended on December 31, 2013, and the Notice, which was not served on Total Call, was only issued 11 days earlier. Part of the problem with contacting these customers so quickly after their initial enrollment or annual recertification is the obvious and suspicious duplication of the data request, compounded by the fact that the Company often calls from an out of state number, and then struggles to effectively explain why information is needed again so soon. Requiring Total Call to follow through with the Interim Compliance Processes so soon will result in the de-enrollment of otherwise eligible subscribers. Total Call does not believe this was the Commission's anticipated or intended outcome of the Notice.

### **C. Precedent set by the FCC's Lifeline Reform Order**

In its *Lifeline Reform Order*,<sup>2</sup> 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

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<sup>2</sup> *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*").

became effective on June 1, 2012; however, ETCs were given until December 31, 2012 to collect the newly-required information for existing subscribers. Using the FCC's *Lifeline Reform Order* as a precedent, it would indicate that approximately four (4) months constitutes a reasonable amount of time for ETCs to implement new processes and procedures going forward, and approximately ten (10) months (or, alternatively, a complete annual recertification cycle) is reasonable to allow ETCs to bring existing subscribers into compliance with the new processes and procedures.

#### **IV. GRANT OF TOTAL CALL'S 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 Total Call 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. Wireline ETCs already collect the information required by the Interim Compliance Processes, and wireless ETCs are free to seek the same relief from the Commission that Total Call seeks in the instant Motion.

#### **V. CONCLUSION**

Based on the foregoing, grant of Total Call's Motion is reasonable and is in the public interest.

WHEREFORE, Total Call respectfully requests that the Commission grant the Company an extension of time until August 31, 2014 to fully comply with the Interim Compliance Processes developed in this docket, as discussed herein.

Respectfully submitted,

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February 28, 2014

## **Certification**