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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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**Petition of American Broadband & Telecommunications Company for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis** )  
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**Docket No.** \_\_\_\_\_  
**Petition**

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**February 27, 2015**

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**PETITION OF AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY**

American Broadband and Telecommunications Company (“American Broadband” or the “Company”), by its counsel, respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(2), 47 U.S.C. §214(e)(2) of the Communications Act of 1934, as amended (the “Act”), and Section 54.101 *et seq.* of the Rules of the Federal Communications Commission (“FCC”), 47 C.F.R. § 54.101 *et seq.*, and the rules and regulations of the Public Service Commission of Utah (“Commission”). American Broadband requests that the Commission grant it designation as a wireless ETC in the State of Utah for the sole purpose of receiving federal universal service Lifeline support in the geographic areas specified in this Petition. American Broadband does not request ETC status for the purpose of receiving high-cost or LinkUp support from the federal universal service fund.<sup>1</sup>

As discussed in more detail below, American Broadband meets the statutory and regulatory requirements for designation as an ETC in Utah, and is able and prepared to offer Lifeline-supported services throughout its designated non-rural service area in Utah. Granting ETC status to American Broadband will benefit the public interest by making the Company’s services

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<sup>1</sup> If support from the state USF becomes available to wireless carriers such as American Broadband and the Company desires to receive such support, the Company will file a separate application with the Commission to request such support.

available to a broad range of low-income consumers. Because the availability of American Broadband's services so clearly serves the interests of Utah consumers, American Broadband respectfully requests that the Commission grant this Petition as quickly as possible.

In support of this Petition, American Broadband provides the following information:

**I. OVERVIEW OF APPLICANT AND SERVICE OFFERINGS.**

American Broadband is a Delaware corporation with principal offices at One Seagate, Toledo, Ohio 43604. The Company registered with the Utah Secretary of State as a foreign corporation operating in Utah on September 9, 2014.<sup>2</sup> American Broadband does not provide service to customers in Utah at present. The Company currently is authorized to provide competitive telecommunications services to consumers in the States of Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin on a resale and facilities-basis. American Broadband is designated as an ETC in the states of Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, West Virginia and Wisconsin. In addition to seeking wireless ETC status in Utah, the Company currently has pending applications or plans to file applications for wireless ETC status in California, Florida, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas.

American Broadband will operate as a common carrier and will provide wireless mobile phone services to consumers across the United States, including those in the State of Utah. American Broadband will provide domestic voice and certain data services (such as internet access and text messaging), primarily to low-income consumers. As a reseller of wireless services,

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<sup>2</sup> American Broadband is incorporated in Delaware and is an authorized foreign corporation in Alabama, California, Connecticut, Washington, DC, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, Wisconsin and West Virginia. A copy of the Company's foreign qualification documents for Utah is attached hereto as Exhibit A.

American Broadband will purchase wireless network infrastructure and wireless transmission facilities from T-Mobile USA (“T-Mobile”), SprintCom Wireless Co., L.P. and Nextel West Corp. (jointly, “Sprint PCS”) on a wholesale basis and resell these services to American Broadband’s customers.

American Broadband will provide affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets and high quality customer service. American Broadband’s products and plans will be specially geared toward serving lower income communities, and its service models and pricing plans reflect this mission. American Broadband will not require service contracts from its customers, and the Company always ensures competitive low pricing for its services and products. By providing affordable service, American Broadband can reach out to those who are often ignored by traditional carriers.

American Broadband will manage all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and live customer service. American Broadband’s prepaid, budget-friendly pricing will give many low-income consumers the option of having basic mobile phone service without the burden of hidden costs, varying monthly charges, or contractual commitments. Customers will also be able to customize their mobile phone service to suit their needs with American Broadband’s available bundles of minutes and text packages to supplement their mobile plan.

American Broadband’s customer base typically will be low-income consumers and the majority will not have phone service of any kind prior to enrollment. American Broadband’s customers will depend on and benefit greatly from American Broadband’s inexpensive and flexible pricing plans. American Broadband will not impose credit checks or require any deposits or contractual commitments. Most of American Broadband’s customers likely will turn to the

Company because they cannot afford the postpaid services provided by traditional wireless carriers. The Company will affirmatively reach out to the low-income sector of the consumer base to offer attractive and affordable communications options. As such, American Broadband will contribute to the expansion of mobile wireless services for low-income consumers in Utah. American Broadband also will seek ETC designation in additional states and jurisdictions so that it may continue to expand the service options for low-income consumers.

## **II. AMERICAN BROADBAND SATISFIES THE COMMISSION’S AND THE FCC’S REQUIREMENTS FOR ETC DESIGNATION.**

Per the Commission’s rules, carriers seeking ETC designation in Utah are evaluated under the standards established by the FCC.<sup>3</sup> Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest, convenience and necessity, the Commission may designate more than one common carrier as an ETC in areas served by a rural telephone company and shall do so with respect to all other areas, provided that the requesting carrier (i) offers services that are supported by federal universal service support mechanisms and (ii) advertises the availability of such services.<sup>4</sup> FCC rules impose additional requirements on a carrier requesting ETC designation.<sup>5</sup> American Broadband addresses each of these requirements below.

### **1. American Broadband Will Operate as a Common Carrier.**

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<sup>3</sup> See Utah Admin. Code R746-341-1.

<sup>4</sup> 47 U.S.C. §214(e)(2); *see also* 47 C.F.R. § 54.201(d).

<sup>5</sup> See 47 C.F.R. § 54.202.

American Broadband will operate in Utah as a common carrier as defined in 47 U.S.C. § 153(10), and thus is eligible for designation as an ETC.<sup>6</sup> The FCC has consistently held that providers of wireless services are to be treated as common carriers for regulatory purposes. Moreover, American Broadband is a Commercial Mobile Radio Service (“CMRS”) provider. Section 332(c)(1)(A) of the Act states that CMRS providers are regulated as common carriers.<sup>7</sup>

**2. American Broadband Will Provide the Services Designated for Lifeline Support.**

The FCC has determined that “voice telephony services” shall be supported by the federal USF program.<sup>8</sup> Eligible voice telephony services must provide:

- voice grade access to the public switched network;
- local usage;
- access to emergency services; and
- toll limitation for qualifying low-income consumers.

American Broadband will provide all of these supported services in each state in which it receives ETC designation, and will provide each of these required services throughout its designated service area in Utah, as described in more detail below.

American Broadband’s Lifeline service offering will be provided as described in this Petition and pursuant to the Company’s established rates, as provided in this Petition, and its terms and conditions of service, which are available and will be maintained at American Broadband’s publically available website at: <http://americanassistance.com>. American Broadband will offer Lifeline subscribers attractive voice telephony service plans. The Company’s Lifeline subscribers

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<sup>6</sup> 47 U.S.C. §214(e)(2); 47 C.F.R. § 54.201(d).

<sup>7</sup> See 47 U.S.C. § 332(c)(1)(A); see also 47 C.F.R. § 20.9.

<sup>8</sup> 47 C.F.R. § 54.101(a).

will be eligible to receive the same service plans that American Broadband generally will make available to the public.

### **3. American Broadband's Means of Providing Lifeline Services.**

The Company will provide service via resale of underlying carrier services provided by Sprint PCS and T-Mobile USA (“T-Mobile”). Section 214(e)(1)(A) of the Act provides that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”<sup>9</sup> Pursuant to the FCC’s *Lifeline Reform Order*, however, resellers are granted blanket forbearance from this facilities requirement, subject to conditions, in connection with limited ETC designation to participate in the Lifeline program.<sup>10</sup> The FCC conditioned blanket forbearance on the reseller’s compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and prepaid minutes availability, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer.<sup>11</sup> In addition, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the reseller’s service offerings and that outlines the measures that the reseller will take to implement the obligations established in the *Lifeline Reform Order*.<sup>12</sup>

American Broadband commits to compliance with all of these conditions. To this end, American Broadband submitted a Compliance Plan for FCC review that meets the requirements

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<sup>9</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>10</sup> *See 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 FCC Rcd 6656, ¶ 368 (2012) (“*Lifeline Reform Order*”).

<sup>11</sup> *See id.*, ¶ 373.

<sup>12</sup> *See id.*, ¶ 368.

of the *Lifeline Reform Order* on April 27, 2012<sup>13</sup>. The Compliance Plan is attached hereto as Exhibit B. The FCC approved American Broadband’s Compliance Plan in a Public Notice on May 25, 2012<sup>14</sup>. The Public Notice is attached hereto as Exhibit C. Consequently, American Broadband is not required to meet the “own facilities” requirement of Section 214(e)(1)(A). Accordingly, the Company’s proposal to operate as an ETC in Utah using resold services will be entirely compliant with FCC requirements.

Pursuant to its ETC designation, American Broadband will provide supported services as follows:

*A. Voice Grade Access.*

The FCC has stated that voice-grade access consists of the ability for a user to make and receive telephone calls within a specified bandwidth.<sup>15</sup> American Broadband will provide this service via resale of Sprint PCS and T-Mobile mobile services to low-income customers in its designated service area.

*B. Local Usage.*

The FCC’s rules require an applicant for ETC designation to demonstrate that its proposed local usage plan is comparable to one offered by the incumbent local exchange carrier (“ILEC”) in the same designated service area. The determination of comparability requires a case-by-case review, taking into account value-added capabilities and services included within a service plan.

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<sup>13</sup> See American Broadband & Telecommunications Revised Compliance Plan, available at <http://apps.fcc.gov/ecfs/document/view?id=7021914483> (last visited February 22, 2015).

<sup>14</sup> See Wireline Competition Bureau Approves the Compliance Plans of American Broadband & Telecommunications, Budget Prepay, Consumer Cellular, Global Connection, Terracom and Total Call, available at [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-12-828A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-12-828A1.pdf) (last visited February 22, 2015).

<sup>15</sup> See *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8810-11 (1997).

American Broadband will offer “American Assistance,” the Company’s Lifeline Assistance program, throughout its designated service area in Utah.

American Broadband will offer several different Lifeline service packages in Utah, including: (1) a 250 voice minutes per month plan at no charge to Lifeline-eligible consumers; (2) a 500 voice minutes per month plan for voice calls at a low monthly rate to Lifeline-eligible consumers; (3) the ability to apply the \$9.25 Lifeline credit to the Company’s non-Lifeline packages (one of which is a plan with unlimited minutes of voice telephone and text messages at a low monthly rate); and (4) a combined 4,000 voice minute and text plan for qualified residents of Tribal lands. The plans offered by American Broadband do not offer roll over voice minutes or roll over text messages, month to month.

Previously, in the Compliance Plan submitted to the FCC, American Broadband said that its current business plan did not include providing service to Tribal areas. For the state of Utah, however, American Broadband is applying to offer ETC service in Tribal lands.

In the 250 voice minutes per month plan, qualified applicants in Utah will be eligible to receive the following free service: the qualified applicant will receive a free cell phone, 250 monthly talk minutes of voice at no charge, and 250 text messages per month at no charge. In addition, this plan offers access to 911, free voicemail, caller ID and call waiting, free access to operator service and directory listings for publicly listed, domestic, landline telephone numbers and addresses, and no annual contracts or monthly bills. This plan will be available throughout American Broadband’s service area except in Tribal lands.

In the 500 minutes per month plan, Lifeline qualified applicants in Utah will be eligible to receive a free cell phone, 500 monthly talk minutes of voice, and 500 text messages for \$10.70 per month (after application of the \$9.25 Lifeline credit to the non-Lifeline rate of \$19.95). In addition,

this plan offers access to 911, free voicemail, caller ID and call waiting, free access to operator service and directory listings for publicly listed, domestic, landline telephone numbers and addresses, and no annual contracts. This plan will be available throughout American Broadband's service area except in Tribal lands.

The Tribal Resident plan will provide a monthly package of 4,000 minutes of combined anytime, local and domestic long distance voice calling and text messaging at no cost to the subscriber after application of the \$34.25 Lifeline credit. Like subscribers to American Broadband's non-Tribal Lifeline plans, qualified residents of Tribal lands will receive access to 911, free voicemail, caller ID and call waiting, free access to operator service and directory listings for publicly listed, domestic, landline telephone numbers and addresses, and are not subject to annual contracts. Residents of Tribal lands may add a data/picture package to the plan at an additional cost of \$15.00 a month. This plan is available only to qualified residents of Tribal lands.

In addition, if granted ETC designation status in Utah, American Broadband will offer to Lifeline eligible customers the availability to sign up for the identical packages that the Company intends to offer to its Utah non-Lifeline customers throughout its proposed service area, including an unlimited voice and unlimited texting plan. These plans include the following:

<b><u>Plan – Prepaid</u></b>	<b><u>Price Per Month</u></b>
<b>Unlimited Voice/Text and 1 GB Data</b>	<b>\$49.95</b>
<b>1500 Minute Talk/1500 Text</b>	<b>\$29.95</b>
<b>1000 Texts and 250 Talk Minutes</b>	<b>\$19.95</b>
<b>4000 Combined Voice Minutes and Text</b>	<b>\$34.25</b>

American Broadband will apply the \$9.25 (\$34.25 for residents of Tribal lands) Lifeline credit to the non-Lifeline rate listed above for these plans. All of these plans offer access to 911, free

voicemail, caller ID and call waiting, free access to operator service and directory listings for publicly listed, domestic, landline telephone numbers and addresses, and no annual contracts.

In addition, American Assistance also allows customers to add minutes and texts to their plan as needed, including the following:

100 Talk	100 Talk Minutes	\$6.99
250 Talk and Text	250 Talk Minutes + 250 Text Messages	\$9.99
500 Talk and Text	500 Talk Minutes + 500 Text Messages	\$19.99
1,000 Talk and Text	1,000 Talk Minutes + 1,000 Text Messages	\$29.99
100 Text	100 Text Messages	\$2.99
300 Text	300 Text Messages	\$4.99
500 Text	500 Text Messages	\$7.99
1,000 Text	1,000 Text Messages	\$12.99

These supplemental packages, or “top-up” minutes, will be available for purchase at American Broadband’s website and at its retail locations. American Broadband’s terms and conditions are included on its website at [www.americanassistance.com/program/](http://www.americanassistance.com/program/).

All plans include domestic long-distance at no extra per minute charge and subscribers are not required to pay any initial connection fees. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes, and will not count against the customer’s airtime. As stated, the plans include free customer service (611) (with no usage or fees charged), and no fee directory assistance calls (411); however, 411 calls will count as airtime minutes of

usage.<sup>16</sup> Therefore, American Broadband's usage plan is different from, but comparable to, the plans offered by the ILEC in the same designated service area.

*C. Access to emergency services.*

The Company will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. In addition, American Broadband will comply with any FCC or Commission requirements regarding customer access to 911 and E911 services as well as the provision of E911-compatible handsets, specifically including those obligations imposed as part of the FCC's forbearance grant conditions.

*D. Toll limitation for qualifying low-income consumers.*

American Broadband will not provide toll limitation service ("TLS"). Like most wireless carriers, American Broadband does not differentiate domestic long distance usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such "all-distance" services are not considered to have voluntarily elected to receive TLS.<sup>17</sup> If, in future, American Broadband should offer a Lifeline service which differentiates between local usage and long distance usage, the Company commits to provide TLS to customers of that service.

*E. Service area.*

Sections 214(e)(2) and 214(e)(5) of the Act provide that ETC designations shall be made for a "service area," defined as a geographic area established by the state. The Company seeks

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<sup>16</sup> Additional information regarding the Company's plans, rates and services can be found on its website, <http://www.americanassistance.com>.

<sup>17</sup> See *Lifeline Reform Order*, ¶ 230.

certification to operate as an ETC in the non-rural geographic service areas throughout Utah where its underlying carrier, Sprint PCS and T-Mobile, provides coverage.<sup>18</sup> Attached as Exhibit D is a list of wire centers the Company proposes to include as its service area.

#### **4. American Broadband Will Advertise its Lifeline Service Offerings.**

American Broadband will advertise the availability of its services and charges in a manner reasonably designed to reach Lifeline-eligible consumers, as required by Section 54.201(d)(2) and 54.405(b) of the FCC Rules.<sup>19</sup> The Company intends to advertise its Lifeline services using media of general distribution.<sup>20</sup> In addition, the Company will advertise the availability of Lifeline service on its internet website. The Company will use these advertising media to advertise the availability of its services to Lifeline customers and will expand its advertising efforts if necessary to ensure that Lifeline-eligible customers are aware of the service offerings.<sup>21</sup>

In addition, American Broadband will ensure that all of its Lifeline advertising materials comply with the FCC's revised rule section 54.405(c). Specifically, American Broadband's marketing materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) American Broadband is the provider of the

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<sup>18</sup> Consistent with FCC holdings, there is no need for a "creamskimming" analysis in connection with American Broadband's Petition because the Company is seeking ETC designation only for purposes of receiving federal low-income support. *See, e.g., Virgin Mobile USA, L.P.*, Order, 24 FCC Rcd 3381, ¶ 39 n. 101 (2009).

<sup>19</sup> 47 C.F.R. §§ 54.201(d)(2), 54.405(b).

<sup>20</sup> *See* 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2).

<sup>21</sup> *See* 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2).

services. Moreover, American Broadband's Lifeline application/certification form<sup>22</sup> will state that Lifeline is a federal benefit and that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

American Broadband's Compliance Plan, attached hereto as Exhibit B, contains a sample of the type of advertising materials that American Broadband intends to use in Utah, and a comprehensive description of the certification and verification process for Lifeline customers. The sample attached to the Compliance Plan will be updated to include revisions to the federal rules after American Broadband's Compliance Plan was approved.

**5. American Broadband Complies with the Commission's and the FCC's Additional Obligations for ETCs.**

*A. American Broadband certifies that it will comply with the applicable FCC service requirements.*

Per the requirements of 47 C.F.R. § 54.202(a)(1)(i), American Broadband certifies that it will comply with the service requirements applicable to the low-income support it receives as a result of designation as an ETC for the purposes of receiving Lifeline support.

*B. American Broadband has the ability to remain functional in emergency situations.*<sup>23</sup>

American Broadband's Lifeline services will remain functional in emergency situations. As discussed herein, American Broadband will utilize the extensive and well-established Sprint PCS and T-Mobile networks and facilities to provide American Broadband's mobile services. The Company understands that the Sprint PCS and T-Mobile networks are capable of managing traffic

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<sup>22</sup> See *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, Erratum, ¶ 63 (rel. May 16, 2012).

<sup>23</sup> See, e.g., 47 C.F.R. § 54.202(a)(2).

spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. American Broadband also understands that Sprint PCS and T-Mobile have sufficient back-up power to ensure functionality if their external power supplies are unavailable. Indeed, Sprint PCS has repeatedly certified to the FCC that its network functions in emergency situations.<sup>24</sup> Sprint PCS and T-Mobile will provide the same functionality to American Broadband and American Broadband's customers as Sprint PCS provides to itself and its own customers.

*C. American Broadband will satisfy applicable consumer protection and service quality standards.*

The FCC's rules require the applicant to demonstrate that it satisfies applicable consumer protection and service quality standards. The FCC has stated that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this requirement. American Broadband commits to comply with the CTIA Consumer Code to ensure that the Company offers its subscribers the highest level of protection and quality service.<sup>25</sup>

American Broadband's pledge to provide quality service and to comply with the CTIA Consumer Code evidences American Broadband's commitment to satisfy all of the consumer protection and service quality standards applicable to Lifeline services. The Company will make every effort to resolve expeditiously complaints received by the Commission and will designate a specific contact person to work with Commission staff to resolve any complaints or other compliance issues.

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<sup>24</sup> See, e.g., *Sprint Nextel Corporation Verified Filing in Compliance with 47 C.F.R. § 54.209*, CC Docket No. 96-45, at 6 (filed Sept. 30, 2011).

<sup>25</sup> See, e.g., 47 C.F.R. § 54.202(a)(3). American Broadband has not obtained certification of its compliance with the CTIA Consumer Code from CTIA. To the best of American Broadband's knowledge, CTIA does not presently certify carrier compliance with the CTIA Consumer Code.

*D. American Broadband is financially and technically capable of providing Lifeline services in compliance with the FCC's rules.*

The FCC's rules, as revised,<sup>26</sup> require ETC applicants to demonstrate financial and technical capability to comply with the FCC's Lifeline service requirements.<sup>27</sup> Among the factors to be considered are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate, whether the carrier receives revenues from other sources; and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding.

American Broadband receives revenue from a number of sources which are completely independent from the revenue it will receive in the form of Lifeline reimbursements. American Broadband's revenue stream includes income from the sale of non-Lifeline prepaid telecommunications services to customers in Indiana, Michigan and Ohio, and more recently in Illinois and Kentucky. In addition, American Broadband has provided non-Lifeline prepaid domestic telecommunications and mobile data services since 2004 and has a substantial non-Lifeline customer base. American Broadband receives revenues from these non-Lifeline retail offerings. Consequently, American Broadband will not be relying exclusively on Lifeline reimbursement for its operating revenues. The Company has not been subject to enforcement sanctions or ETC revocation proceedings in any state.

*E. American Broadband will comply with FCC requirements for certification and verification.*

American Broadband is aware of the FCC's current requirements regarding certification and verification of a customer's qualification for Lifeline service and has implemented procedures

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<sup>26</sup> See, e.g., revised 47 C.F.R. § 54.202(a)(4).

<sup>27</sup> *Lifeline Reform Order*, ¶¶ 387-388 (revising 47 C.F.R. § 54.202(a)(4)).

to ensure these requirements are met. As described in American Broadband's Compliance Plan, the Company has detailed and comprehensive procedures to address customer certification and verification requirements as well as requirements concerning de-enrollment and duplication of service. In addition, American Broadband affirms that it will comply with the FCC's revisions to Section 54.410(a). Specifically, American Broadband has the following Checklist in place to make sure that a potential subscriber's eligibility determination takes place prior to activating Lifeline service for a consumer:

Assure that the consumer is not an existing American Broadband customer;

Assure that the consumer is not receiving a Lifeline benefit from another company through the NLAD Database;

Confirm that there is not a duplicate address in existence in the American Broadband active customer database;

Send a non-activated handset to qualified addresses only; and

Require the consumer to activate the phone prior to receiving any Lifeline service.

American Broadband further confirms that it will not provide a consumer with an activated device and will not activate a Lifeline service unless or until it has confirmed that the consumer is a qualifying low-income consumer pursuant to 47 C.F.R. § 54.409, and completed the required eligibility determination and certification requirements of 47 C.F.R. §§ 54.410(a), 54.404-54.405. These procedures comply with the FCC's recently-revised customer certification and verification requirements.<sup>28</sup>

American Broadband also will comply with both the FCC's annual certification and reporting requirements as well as with the FCC's measures to prevent waste, fraud and abuse of

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<sup>28</sup> See 47 C.F.R. §§ 54.410.

Lifeline services.<sup>29</sup> In particular, Section IV.A. of American Broadband's Compliance Plan discusses steps that the Company will take to ensure activation of service and to implement de-enrollment in the event of inactivity for a period of 60 days.

*F. American Broadband will comply with Commission and FCC requirements for fees, charges, and reports.*

American Broadband will comply with all applicable Commission and FCC requirements regarding fees, charges, and reports. The Company will not collect service deposits for its plans and will not charge a number-portability fee for Lifeline accounts.<sup>30</sup> Further, American Broadband will timely pay all applicable federal, state, and local regulatory fees, including applicable universal service fees, E911 fees, and telecommunications relay service fees. The Company will also comply with the FCC's annual reporting requirements for ETCs.<sup>31</sup>

*G. American Broadband will comply with Commission and FCC requirements on relinquishment of ETC designation.*

If at some point in the future, American Broadband seeks to relinquish its ETC designation, American Broadband will comply with the requirements of 47 C.F.R. § 54.205 and any applicable Commission requirements.

*H. American Broadband will comply with all other regulations imposed by the Commission.*

By this Petition, American Broadband hereby asserts its willingness and ability to comply with all the rules and regulations that the Commission may lawfully impose upon the Company's provision of service contemplated by this Petition. American Broadband certifies that all federal

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<sup>29</sup> See 47 C.F.R. §§ 54.416, 54.422; See also *In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, 25 FCC Rcd 17797, ¶ 24 (2010).

<sup>30</sup> See 47 C.F.R. § 54.401(c), (e).

<sup>31</sup> See 47 C.F.R. § 54.422.

USF funding received will be used for Lifeline support and will be flowed through to the direct benefit of eligible low income consumers. American Broadband will likewise pay into the federal and state USF and emergency services fund for its Lifeline customers.

Finally, if required by the Commission, American Broadband can develop a Utah-specific information sheet and use this document in marketing its Lifeline services

### **III. DESIGNATED CONTACT INFORMATION.**

The legal name, address and telephone number of the Company and its designated contact person is:

American Broadband and Telecommunications Company  
One Seagate  
Toledo, Ohio 43604  
(419) 824-5810  
(419) 205-9014  
E-mail: JAnsted@ambt.net

Designated contact person: Jeffrey Ansted, President

The names, address and telephone number of the Company's attorneys are:

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(312) 857-7070

### **IV. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST.**

Designation of American Broadband as an ETC for Lifeline purposes will further the Commission's goals for the Lifeline program and will benefit Utah consumers. Specifically, the Company will offer prepaid low cost wireless service to low-income consumers thereby increasing consumer choice by enabling the entry of a provider offering affordable telecommunications services to low-income consumers. In addition, increasing consumer choice will spur wireless ETC providers to compete for eligible customers by providing the highest value (*e.g.*, higher quality handsets, customer service).

Further, grant of this Petition will provide consumers with access to high quality service and the benefits of a mobile service. The mobility of the service will be particularly attractive to Lifeline-eligible consumers who may frequently change residences or work in migratory jobs. Wireless service therefore offers a stable contact method where traditional landline service would be unavailable or not a viable option. American Broadband's prepaid wireless service is an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long term contract issues.

In the current economy, many consumers in Utah are faced with making difficult choices about how to allocate and spend their limited resources. The ability to meet their communications needs while at the same time anticipating and controlling the associated costs is critical. American Broadband's prepaid service offerings and supplemental mobile phone plans enable customers to tailor their wireless services to their needs and budgets, and the prepaid nature of the service also provides an alternative for "unbanked" consumers. Further, American Broadband will not impose credit checks thereby providing an alternative for those low-income consumers unable to obtain credit for post-paid services provided by traditional carriers.

American Broadband's prepaid mobile calling service package will provide low-income consumers with a generous number of included, low-cost, anytime minutes to the consumers, as well as free Caller ID, Call Waiting, Call Forwarding, Basic Voicemail, and calls to 911 services. These "free" services and low-cost minutes are an invaluable resource for cash-strapped consumers who may be seeking employment and need a means to contact potential employers. The package is also useful for those consumers that need the ability to stay in touch with children or other family members as well as to contact 911 emergency services when needed. American Broadband's services will provide consumers with a valuable alternative for obtaining telephone service. This competition in turn could spur other service providers to improve their service options.

WHEREFORE, American Broadband respectfully requests that the Commission, as expeditiously as possible, issue an order designating the Company as an ETC in Utah throughout the service area specified above for the purpose of receiving federal Lifeline support and reimbursement for provision of low-income communications services on a wireless basis to qualified low-income customers.

**AMERICAN BROADBAND AND  
TELECOMMUNICATIONS COMPANY**

By  /s/ David J. Shaw

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*Attorneys for American Broadband and  
Telecommunications Company*

Date: February 27, 2015

**VERIFICATION**

STATE OF OHIO                    )  
  ) ss.  
County of                            )

I, Jeffrey Ansted, being first duly sworn upon oath, depose and say that I am the President of American Broadband and Telecommunications Company, and as such am authorized to make this verification on its behalf; that I have read the foregoing Petition; that I know the contents thereof; and that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

## **Exhibit A**

American Broadband and Telecommunications Company  
Foreign Qualification Documentation

## **Exhibit B**

American Broadband and Telecommunications Company  
FCC Compliance Plan  
(Proposed April 27, 2012)

## **Exhibit C**

Federal Communications Commission Approval of  
American Broadband and Telecommunications Company  
Compliance Plan

(Approved May 25, 2012)

## **Exhibit D**

American Broadband and Telecommunications Company

Proposed Designated Service Areas