

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of Assist Wireless, Inc. for)
Designation as an Eligible)
Telecommunications Carrier for the)
Purpose of Offering Lifeline Service)
on a Wireless Basis)

Docket No. 17-2597-01

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June 27, 2017

DIRECT TESTIMONY OF BYRON YOUNG

1 WHAT IS YOUR NAME AND BUSINESS ADDRESS?

2 My name is Byron Young, and my business address is 2330 Gravel Drive, Fort Worth, Texas
3 76118.

4 WHAT IS YOUR POSITION WITH THE APPLICANT IN THIS PROCEEDING?

5 I serve as the Chief Executive Office or Assist Wireless, LLC (“Assist” or the “Company”), the
6 Applicant in this proceeding, and have held that position since the Company's inception in
7 October 2010.

8 PLEASE DESCRIBE YOUR EMPLOYMENT BACKGROUND.

9 I have more than 20 years of experience in the broadband, telecommunications and Internet
10 industries. I have served as an owner/member and as director as Chairman on several Boards of
11 Directors of both public and private companies in the utility industry, including both
12 telecommunications companies and energy companies. I currently serve as senior advisor and
13 board member to Young Energy, LLC, which was founded in January of 2004 and provides
14 postpaid and prepaid electricity services to residential and commercial customers in the state of
15 Texas.

16 I founded New Talk, Inc., a facilities-based CLEC in Texas. I also founded Extel Enterprises,
17 Inc. in 1996, and it operated successfully until its purchase in 2004.

18 In 1994, I founded Paging Express, Inc. which operated profitably during the peak of paging
19 services. Prior to Paging Express, I founded Discount Paging and Cellular in 1992 and operated
20 it until 1994.

1 **ARE YOU FAMILILAR WITH ASSIST’S ETC PETITION IN THIS CASE AND ARE**
2 **THE STATEMENTS THEREIN TRUE AND CORRECT?**

3 Yes, and I would like to incorporate Assist’s Petition for Designation as an Eligible
4 Telecommunication s Carrier in the State of Utah into this testimony by reference.

5 **WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

6 The purpose of my testimony is to demonstrate that Assist satisfies the requirements of the
7 Public Service Commission of Utah (“Commission”) and the Federal Communications
8 Commission (“FCC”), under the rules of the FCC and Utah Admin. Code R746-341, *et seq.* for
9 designation as a wireless Eligible Telecommunications Carrier (“ETC”) in the State of Utah
10 within the service area proposed in the Company’s Application and, further, that grant of this
11 designation is in the public interest.

12 **PLEASE BRIEFLY DESCRIBE ASSIST AND ITS OPERATIONS.**

13 Assist is a Texas limited liability company with principal offices in Fort Worth, Texas. Assist
14 was formed by experienced telecom industry professionals, including myself, to provide high-
15 caliber wireless services to consumers. The Company’s business plan is to provide competitive
16 offerings for domestic wireless voice and data services primarily to low-income consumers. For
17 its wireless offerings, the Company provides affordable prepaid voice service, enhanced with
18 optional data services and supported by high quality customer service.

19 Assist is designated as an ETC provider in the following states:

State	Docket Number	Date of Approval
Arkansas	10-093-U	February 28, 2011
Maryland	TE-10537	August 17, 2011
Missouri	RA-2011-0384	November 7, 2011

Oklahoma	PUD 201100137	November 29, 2011
Wisconsin	8289-TI-100	December 28, 2016

1 Assist has pending applications for ETC designation in the following states:

State	Proceeding Number
California	U-4468-C
Louisiana	S-31856
Michigan	U-18348
Minnesota	P6978/M-17-213
Texas	40860
Washington	UT-160877

2 **PLEASE BRIEFLY DESCRIBE THE SERVICES THAT ASSIST INTENDS TO**
3 **PROVIDE TO LIFELINE CUSTOMERS IN UTAH.**

4 Assist expects to offer the following menu of prepaid wireless plans to Utah Lifeline consumers.
5 These plans will consist of a set number of prepaid minutes, texts, and data per month, without
6 rollover. The particulars of each plan are explained later in my testimony.

7 **WHAT RELIEF DOES THE COMPANY SEEK IN ITS APPLICATION?**

8 Assist seeks designation as an ETC in the State of Utah for purposes of receiving federal
9 universal service Lifeline support. The Company seeks state support in a separate or bifurcated
10 proceeding which is expected to be processed after the Utah Commission has implemented rules
11 pursuant to new legislation concerning the state fund. The Company does not seek to receive
12 state or federal high cost fund support or support from any other universal service funds. The
13 designation sought here is limited to Lifeline-only reimbursements.

1 **PLEASE DESCRIBE THE COMPANY’S PROPOSED SERVICE AREA FOR ETC**
2 **DESIGNATION.**

3 As discussed below, Assist offers wireless services that would be provisioned using Assist's own
4 facilities in combination with certain elements (the cellular transmission systems) of the
5 networks of national wireless providers, and consequently seeks designation as an ETC in the
6 geographic areas in Utah where these national wireless network providers offer coverage.
7 Towards this end, the Company submitted a list of exchange areas in Utah where Assist proposes
8 to offer Lifeline services as Exhibit 4 to its ETC Petition.

9 **PLEASE DESCRIBE HOW THE COMPANY WILL PROVIDE ITS SERVICES IN**
10 **UTAH?**

11 Assist offers wireless services in conjunction with its national wireless network providers. In
12 addition, Assist continues to evaluate available industry resources to obtain the best pricing and
13 service arrangements. Assist will apply its own expertise to manage service plan design, pricing,
14 marketing, and ongoing customer service operations to the services it provides.

15 **WHAT ARE THE REQUIREMENTS FOR DESIGNATION AS AN ETC PURSUANT**
16 **TO FEDERAL AND UTAH LAW?**

17 The federal requirements are located in Section 214 of the Communications Act of 1934 (“Act”).
18 Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest,
19 convenience and necessity, the Commission may designate more than one common carrier as an
20 ETC in areas served by a rural telephone company and shall do so with respect to all other areas,
21 provided that the requesting carrier (i) offers services that are supported by federal universal
22 service support mechanisms and (ii) advertises the availability of such services.

23 Federal law also requires that ETCs provide the supported services using their own facilities or a

1 combination of their own facilities and resale of other carriers' facilities. Additional conditions
2 for ETC designation include (i) the applicant's certification that it will comply with service
3 requirements applicable to the support it receives; (ii) demonstration that the applicant will be
4 able to remain functional in emergency situations; (iii) demonstration that the applicant will
5 satisfy specified consumer protection and service quality standards; and (iv) demonstration of
6 financial and technical ability to provide the supported services.

7 **DOES ASSIST SATISFY THESE REQUIREMENTS?**

8 Yes.

9 **WILL ASSIST BE A COMMON CARRIER, AS DEFINED IN FEDERAL LAW?**

10 Yes. Section 332(c)(1)(A) of the Act specifically provides that providers of commercial mobile
11 radio services (wireless providers) are to be regulated as common carriers, and the FCC has
12 clearly reiterated this point.

13 **DOES ASSIST COMMIT TO PROVIDE THE SUPPORTED SERVICES**
14 **THROUGHOUT ITS ETC SERVICE AREA?**

15 Yes. The FCC's *Lifeline Modernization Order* modified Section 54.101 of the FCC's rules,
16 which defines the list of supported services.¹ The new rule indicates that the universal service
17 programs will support "voice telephony services and broadband service."² Voice telephony
18 services must include: (i) voice grade access to the public switched network; (ii) local usage; (iii)
19 access to emergency services; and (iv) toll limitation.³ Broadband services must include "the
20 capability to transmit data to and receive data by wire or radio from all or substantially all

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42 *et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 ¶ 30 (rel. Apr. 27, 2016) (hereinafter *Lifeline Modernization Order*).

² 47 CFR 54.101(a).

³ 47 CFR 54.101(a)(1).

1 Internet endpoints, including any capabilities that are incidental to and enable the operation of
2 the communications service.”⁴ Assist complies with each of these requirements.

3 The FCC has stated that voice-grade access consists of the ability for a user to make and receive
4 telephone calls within a specified bandwidth.⁵ Assist will provide this service to low-income
5 customers throughout its designated service area.

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

10 Assist’s proposed Lifeline offerings are comparable to the plans offered by the incumbent LECs
11 in the same designated service area. Assist will offer nationwide domestic voice minutes through
12 its Lifeline plans, throughout its designated service area in Utah, and affords consumers with the
13 ability make calls to 911 emergency services on a free-basis, regardless of service activation or
14 availability of minutes. In addition, 911 emergency services will not count against the customer’s
15 airtime. In addition, the plans (which are described in greater detail below) include free customer
16 service (611) (with no usage or fees charged) and no fee directory assistance calls (411)
17 (however, 411 calls will count as airtime minutes of usage).

18 The Company will provide access to emergency services provided by local government or public
19 safety officials, including 911 and E911 where available. In addition, Assist will comply with
20 any FCC or Commission requirements regarding customer access to 911 and E911 services as
21 well as the provision of E911-compatible handsets.

⁴ 47 CFR 54.101(a)(2).

⁵ See *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8810-11 (1997).

1 The toll limitation service (“TLS”) does not apply to Assist’s wireless offering. Like most
2 wireless carriers, Assist does not differentiate domestic long distance usage from local usage and
3 all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such “all-
4 distance” services are not considered to have voluntarily elected to receive TLS.⁶ If, in the future,
5 Assist should offer a Lifeline service which differentiates between local usage and long distance
6 usage, the Company commits to provide TLS to customers of that service.

7 Finally, Assist’s data offerings meet or exceed the FCC’s minimum standards of data allowances
8 and speed for mobile broadband as established in the *Lifeline Modernization Order*.⁷ Assist will
9 continue to meet these standards as higher standards phase in per the *Lifeline Modernization*
10 *Order*.⁸

11 **WILL ASSIST ADVERTISE THE AVAILABILITY OF THESE SUPPORTED**
12 **SERVICES USING MEDIA OF GENERAL DISTRIBUTION, AS REQUIRED BY 47**
13 **U.S.C. § 214(e)(1)(B)?**

14 Yes. The Company will advertise the availability of its Lifeline services using methods
15 reasonably calculated to effectively reach Lifeline-eligible customers in its service area as
16 required by Sections 54.201(d)(2) and 54.405(b) of the FCC’s Rules. Towards this end, Assist
17 expects to advertise its Lifeline services in a variety of ways, such as using media of general
18 distribution and outreach programs to target low-income consumers. The Company will expand
19 these outreach efforts as necessary to ensure that it reaches Lifeline-eligible customers. Further,
20 Assist will comply with all FCC requirements pertaining to the content of this advertising,

⁶ 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, ¶ 230 (2012) (“*Lifeline Reform Order*”).

⁷ *Lifeline Modernization Order*, ¶ 65.

⁸ *Id.*

1 including the disclosures required by Section 54.405(c) of the FCC's rules. An example of
2 Assist's advertising is Attachment A hereto.

3 **HOW DOES ASSIST PROPOSE TO COMPLY WITH THE REQUIREMENT THAT**
4 **ETC CARRIERS PROVIDE SERVICES SUPPORTED BY FEDERAL UNIVERSAL**
5 **SERVICE SUPPORT MECHANISMS EITHER BY USE OF THEIR OWN FACILITIES**
6 **OR BY USE OF A COMBINATION OF THEIR OWN FACILITIES AND RESALE?**

7 The Assist Wireless network configuration is particularly described in Assist's Petition in
8 Confidential Exhibit 2. Assist satisfies the "own facilities" requirement and does not seek any
9 forbearance from that requirement. One hundred percent of switching functionalities will be
10 provided by Assist's facilities (including the leased switch) on all incoming and outgoing calls.
11 No switching will be provided by the national wireless network carriers that will supply
12 additional elements. As a result, the Assist Wireless facilities, which include facilities leased for
13 the exclusive use of Assist, satisfies the "own facilities" requirement found in the federal
14 Telecommunications Act of 1996 at Section 102(e)(1)⁹ which provides:

15 A common carrier designated as an eligible telecommunications carrier under
16 paragraph (2), (3), or (6) shall be eligible to receive universal service support in
17 accordance with section 254 of this title and shall, throughout the service area for
18 which the designation is received—

19 (A) offer the services that are supported by Federal universal service support
20 mechanisms under section 254(c) of this title, either using its own
21 facilities or a combination of its own facilities and resale of another
22 carrier's services (including the services offered by another eligible
23 telecommunications carrier); . . .

24 In addition to the statutory language, the FCC also has a regulation, 47 CFR § 54.20, that
25 adds to the statutory provision cited above. It states, in pertinent parts:

⁹ 47 U.S.C. § 214.

1 (d) A common carrier designated as an eligible telecommunications carrier under
2 this section shall be eligible to receive universal service support in accordance
3 with section 254 of the Act and, except as described in paragraph (d)(3) of this
4 section, shall throughout the service area for which the designation is
5 received:

6 (1) Offer the services that are supported by federal universal service support
7 mechanisms under subpart B of this part and section 254(c) of the Act,
8 either using its own facilities or a combination of its own facilities and
9 resale of another carrier's services (including the services offered by
10 another eligible telecommunications carrier) ...

11 (e) For the purposes of this section, the term *facilities* means any physical
12 components of the telecommunications network that are used in the
13 transmission or routing of the services that are designated for support pursuant
14 to subpart B of this part.

15 (f) For the purposes of this section, the term "own facilities" includes, but is not
16 limited to, facilities obtained as unbundled network elements pursuant to part
17 51 of this chapter, provided that such facilities meet the definition of the term
18 "facilities" under this subpart.

19 The statutory provision and the regulation together have come to be known as the "own facilities
20 requirement." In its 1997 Universal Service Order,¹⁰ the FCC interpreted this requirement. That
21 Order explains that the term "facilities," for purposes of section 214(e), means "any physical
22 components of the telecommunications network that are used in the transmission or routing of
23 the services designated for support under section 254(c)(1)."¹¹

24 Assist Wireless has described the particular facilities that will be used in transmission or routing
25 of voice telephony in Assist's Petition as Confidential Exhibit 2. The *Universal Service Order*
26 expressly included switches within the definition of facilities: "For example, we would include
27 within this definition: local loops, switches, transmission systems, and network control
28 systems."¹² The Assist leased switch is what takes the voice traffic itself and decides how to
29 route the traffic. Voice telephony is switched and metered at the Assist leased facilities.

¹⁰ *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 (rel. May 8, 1997) (*Universal Service Order*).

¹¹ *Id.* ¶151.

¹² *Universal Service Order*, ¶ 151, note 380 (emphasis supplied).

1 Switching and metering functions are essential to voice telephony because without them there
2 would be no connection to a recipient, and no communication could be had between two or more
3 parties.

4 The Universal Service Order also states that "when a requesting carrier obtains an unbundled
5 element, such element—if it is also a 'facility'—is the requesting carrier's 'own facilit[y]' for
6 purposes of Section 214(e)(1)(A) because the requesting carrier has the 'exclusive use of that
7 facility for a period of time.'"¹³

8 The Assist Wireless network configuration involves both the use of leased facilities that are
9 dedicated to the exclusive use of Assist Wireless as well as system elements obtained from
10 national wireless carriers which are analogous to a local loop provided as a UNE by a wireline
11 ILEC.¹⁴

12 The *Universal Service Order* also includes the following discussion of the word "own":

13 158. The courts have recognized many times that the word "own" -- as well as its
14 numerous derivations -- is a "generic term" that "varies in its significance
15 according to its use" and "designate[s] a great variety of interests in property."
16 The word "ownership" is said to "var[y] in its significance according to the
17 context and the subject matter with which it is used." The word "owner" is a broad
18 and flexible word, applying not only to legal title holders, but to others enjoying
19 the beneficial use of property. Indeed, property may have more than one "owner"
20 at the same time, and such "ownership" does not merely involve title interest to
21 that property.

22 159. Additionally, we note that section 214(e)(1) uses the term "own facilities"
23 and does not refer to facilities "owned by" a carrier. We conclude that this
24 distinction is salient based on our finding that, unlike the term "owned by," the
25 term "own facilities" reasonably could refer to property that a carrier considers its
26 own, such as unbundled network elements, but to which the carrier does not hold
27 absolute title.

¹³ *Id* at ¶158.

¹⁴ See the discussion on page 3 of Assist's confidential Network Description describing an element obtained from a national wireless carrier as analogous to the copper loop in analog wireline telecommunications services.

1 Title ownership of the facilities described in the confidential Network Description is not
2 necessary as the leased facilities are dedicated to the carrier's exclusive use and, therefore, are
3 "own facilities" under the FCC's broad definition.¹⁵

4 The Assist switching facilities are located in Dallas, Texas. The *Universal Service Order*
5 discussed whether the facilities have to be located within the service territory to be served by the
6 Eligible Telecommunications Carrier and concluded that there is no such mandate.¹⁶

7 **HOW WILL ASSIST MEET THE REQUIREMENT TO PROVIDE 911 AND E911**
8 **ACCESS TO ITS LIFELINE CUSTOMERS?**

9 Assist understands its obligation as an ETC to provide access to emergency services provided by
10 local government or public safety officials. As explained above, the Company will utilize the
11 transmission systems of national wireless network providers in combination with Assist's own
12 facilities. Assist's customers will be provided the same access to emergency services that these
13 national wireless network providers provide to their own customers. Calls to 911 emergency
14 services will always be free and emergency service access will be available regardless of service
15 activation status or the availability of minutes. Finally, Assist will comply with all FCC and

¹⁵ The FCC has never changed or departed from its "own facilities" analysis and definitions in the Universal Service Order. In its *Lifeline Reform Order*, the FCC included the following paragraph reiterating its Universal Service Order explanation of "own facilities":

501. We also seek input on whether, in light of marketplace and other changes, we should revise or clarify our requirements regarding ownership of the facilities in question. In the USF First Report and Order, the Commission made clear that the facilities used must be the ETC's "own," meaning that the ETC must have the exclusive right to use the facilities to provide the supported services. The Commission concluded that if a carrier has obtained exclusive use of facilities, such as an unbundled loop, it would be treated as a carrier's "own facilities." The Commission has also held that if an ETC leases facilities from another carrier and uses such facilities to provision the USF supported services, the ETC has exclusive rights to those facilities and therefore "owns" the facilities as required under section 214(e)(1)(A).

¹⁶ *Universal Service Order* at paragraph 177 states: Location of Facilities for Purposes of Section 214(e)... we find that the statute does not mandate that the facilities be physically located in that service area...

1 Commission requirements regarding provision of E911-compatible handsets to ensure customer
2 access to these critical services.

3 **HAS ASSIST SUBMITTED A PROPOSED COMPLIANCE PLAN TO THE FCC?**

4 Yes, like most other compliance plans filed with the FCC, the Assist compliance plan has not
5 been acted upon.¹⁷

6 **IS AN APPROVED COMPLIANCE PLAN NECESSARY IN ORDER FOR ASSIST TO**
7 **OBTAIN THE REQUESTED ETC DESIGNATION IN THIS PROCEEDING?**

8 No. An approved compliance plan is only needed by wireless resellers who do not satisfy the
9 "own facilities" requirement discussed above. Wireless resellers must obtain approval of a
10 compliance plan as a condition to a forbearance from application of the federal Communications Act's
11 facilities requirement of section 214(e)(1)(A).¹⁸

12 **HAS ASSIST OFFERED TRIBAL SERVICE BEFORE?**

13 Yes. Assist offers tribal service in Oklahoma.

14 **DOES ASSIST SATISFY THE FCC'S ADDITIONAL ELIGIBILITY CRITERIA FOR**
15 **ETC DESIGNATION?**

16 Yes.

¹⁷ Assist Wireless did timely file a compliance plan with the FCC. In fact, a total of seventy-eight (78) compliance plans were submitted to the Wireline Competition Bureau ("Bureau"). In the second half of 2012, twenty (20) plans were approved by the Bureau. The last such approval was released December 26, 2012. Since that time, with the possible exception of two or three plans submitted by carriers with special circumstances, the Bureau has not approved any compliance plan whatsoever and has not provided any public explanation as to why over fifty (50) plans – including the plan submitted by Assist - have been allowed to languish with no action. No announcement was ever made as to how or why particular plans were selected for approval or why companies whose pending compliance plans that are substantially the same as those approved have not also received approval.

¹⁸ In its *Lifeline Reform Order*, the FCC decided to forbear from applying the federal Communications Act's facilities requirement of section 214(e)(1)(A) to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program, subject to certain conditions. One of those conditions was: "the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary." *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (FCC rel. Feb. 6, 2012) ("*Lifeline Reform Order*") at ¶368.

1 **SPECIFICALLY, DOES ASSIST CERTIFY THAT IT WILL COMPLY WITH ALL**
2 **SERVICE REQUIREMENTS APPLICABLE TO LIFELINE SUPPORT FUNDING?**

3 Yes. Assist certifies that it will comply with the service requirements applicable to the low-
4 income support it receives as a result of designation as an ETC for the purposes of providing
5 Lifeline services.

6 **HOW DOES ASSIST DEMONSTRATE ITS ABILITY TO REMAIN FUNCTIONAL IN**
7 **EMERGENCY SITUATIONS?**

8 As discussed in this testimony and in the Company's Application, Assist will provide service
9 pursuant to a contractual agreement with national wireless network providers. The networks of
10 these providers are capable of managing traffic spikes that may occur during emergency
11 situations and can reroute traffic in the event of damaged facilities. Assist also understands that
12 each company has sufficient back-up power to ensure functionality if its external power supply is
13 unavailable.

14 **HOW DOES ASSIST INTEND TO SATISFY ALL THE CONSUMER PROTECTION**
15 **AND SERVICE QUALITY STANDARDS APPLICABLE TO ITS PROPOSED ETC**
16 **OPERATIONS?**

17 The FCC has confirmed that a wireless ETC applicant may satisfy this requirement through a
18 commitment to comply with the CTIA Consumer Code.¹⁹ Assist willingly commits to comply
19 with the CTIA Consumer Code to ensure that it offers its subscribers the highest degree of
20 protection and service quality.

¹⁹ See 47 C.F.R. § 54.202(a)(3).

1 **DOES ASSIST HAVE THE REQUISITE FINANCIAL AND TECHNICAL**
2 **QUALIFICATIONS TO PROVIDE THE PROPOSED SERVICES?**

3 Yes, it does. The *Lifeline Reform Order* explains that elements of the financial and technical
4 qualifications include: (i) prior experience providing Lifeline service; (ii) length of the carrier’s
5 business history; (iii) the degree to which the carrier’s operations rely upon Lifeline revenues;
6 (iv) additional sources of revenue available to the carrier; and (v) the carrier’s regulatory history,
7 specifically with respect to any enforcement or ETC revocation actions. As discussed in its
8 Application, Assist’s principals and affiliates have developed considerable expertise in
9 marketing, particularly to low-income customers, arising from operations dating back numerous
10 years. The Company has been delivering Lifeline and non-Lifeline wireless services since March
11 2011. Assist’s key management team of myself, David Dorwart, and Kelly King have over 50
12 years of combined telecommunications experience. Our experience and skill sets specifically
13 enable us to fulfill the requirements necessary to manage the implementation and ongoing
14 support of this ETC designation.²⁰ Assist has never had a lapse in collecting and remitting any
15 public purpose program surcharges of any kind. Assist leases its own dedicated switching
16 facilities, and has back-office and operations support systems that are ideally suited to serve low
17 income subscribers. Assist has invested substantial sums to evaluate, design, develop and
18 integrate these systems. Further, Assist does not rely exclusively on Lifeline reimbursement to
19 operate, as it receives revenues from other sources in the form of non-Lifeline customers.

20 **PLEASE DESCRIBE THE COMPANY’S PROPOSED LIFELINE SERVICE**
21 **OFFERINGS FOR UTAH.**

22 Of course,. As explained in its Petition, the Company will offer a number of Lifeline service

²⁰ See Exhibit 5 to Assist’s Petition, “Assist Wireless Key Personnel.”

1 packages throughout its designated service area in Utah, as well as in Tribal Service Areas. The
2 Company's proposed Lifeline programs are listed below.

3 • **500/500** includes 500 monthly talk minutes of voice and 500 text messages per month at
4 no charge. This plan does not offer roll over voice minutes or text messages month to
5 month. Voice minutes and texts are counted separately; the use of minutes does not
6 equate to the use of text or vice versa. This plan will be available throughout the
7 Company's Utah service area except in Tribal areas.

8 • **500/1500** includes 500 monthly talk minutes of voice and 1500 text messages per month
9 for \$1.00. This plan does not offer roll over voice minutes or text messages month to
10 month. Voice minutes and texts are counted separately; the use of minutes does not
11 equate to the use of text or vice versa. This plan will be available throughout the
12 Company's Utah service area except in Tribal areas.

13 • **1000/Unlimited** includes 1000 monthly talk minutes of voice and unlimited text
14 messages per month for \$5.00. This plan does not offer roll over voice minutes month to
15 month. This plan will be available throughout the Company's Utah service area except in
16 Tribal areas.

17 • **50/100/500MB** includes 50 monthly talk minutes of voice, 100 text messages per month,
18 and 500MB of mobile broadband data per month at no charge. This plan does not offer
19 roll over voice minutes, text messages, or data month to month. Voice minutes and texts
20 are counted separately; the use of minutes does not equate to the use of text or vice versa.
21 This plan will be available throughout the Company's Utah service area except in Tribal
22 areas.

23 • **1000/Unlimited/500MB** includes 1000 monthly talk minutes of voice, unlimited text

1 messages per month, and 500MB of mobile broadband data per month for \$25.00 to
2 Lifeline customers and at no charge to Lifeline Tribal customers. This plan does not offer
3 roll over voice minutes or data month to month.

- 4 • **Unlimited/Unlimited/500MB** includes Unlimited monthly talk minutes of voice,
5 unlimited text messages per month, and 500MB of mobile broadband data per month for
6 \$26.00 to Lifeline customers and \$1.00 to Lifeline Tribal customers. This plan does not
7 offer roll over data month to month.

- 8 • **Unlimited/Unlimited/1GB** includes Unlimited monthly talk minutes of voice, unlimited
9 text messages per month, and 1GB of mobile broadband data per month for \$30.00 to
10 Lifeline customers and \$5.00 to Lifeline Tribal customers. This plan does not offer roll
11 over data month to month.

- 12 • **Unlimited/Unlimited/2GB** includes Unlimited monthly talk minutes of voice, unlimited
13 text messages per month, and 2GB of mobile broadband data per month for \$40.00 to
14 Lifeline customers and \$15.00 to Lifeline Tribal customers. This plan does not offer roll
15 over data month to month. Voice minutes and texts are counted separately; the use of
16 minutes does not equate to the use of text or vice versa. This plan will be available
17 throughout the Company's Utah service area.

18 **ARE THERE ADDITIONAL TERMS AND CONDITIONS ASSOCIATED WITH**
19 **ASSIST'S LIFELINE SERVICE PLANS?**

20 Yes. The Company's Terms and Conditions are provided to customers and are available on
21 Assist's website at www.assistwireless.com.

1 **WOULD DESIGNATION OF ASSIST AS AN ETC IN UTAH SERVE THE PUBLIC**
2 **INTEREST?**

3 Absolutely. Designation of Assist as an ETC for Lifeline purposes in Utah will ensure that low-
4 income Utah consumers have another choice among Lifeline providers. More importantly, it will
5 ensure the availability of high-quality mobile service and emergency services to a population that
6 may currently lack such services. As discussed in Assist’s petition, consumers will benefit from
7 Assist’s high quality service, competitive pricing, and a dedicated focus and marketing emphasis
8 on low-income consumers who are eligible for Lifeline supported services. Assist offers low-
9 income consumers a competitive option of no contract/no credit check/no deposit service. Assist
10 further expects consumers will choose Assist’s service offerings for their high-quality service
11 and Assist’s attention to overall customer satisfaction. As provided by the Act, the availability of
12 basic telecommunications services to low-income consumers is critical to the provision of public
13 health, safety, and other services. In addition, the FCC has long acknowledged the benefits to
14 consumers of being able to choose from a variety of telecommunications providers and the
15 resulting variety of telecommunications services they provide.²¹

16 **WILL DESIGNATION OF ASSIST AS AN ETC IN UTAH HAVE ANY EFFECTS UPON**
17 **COMPETITION IN THE STATE?**

18 Yes this is very likely. As the FCC suggests, Assist’s entry into the Utah market for
19 telecommunications services will apply market forces on other Lifeline providers to increase the
20 competitive caliber of their service offerings.

21 **WILL DESIGNATION OF ASSIST AS AN ETC IN UTAH HAVE ANY ADVERSE**

²¹ See, e.g., *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (FCC rel. Apr. 27, 2016) (“[W]e expect that increasing provider participation will increase competition among providers in the Lifeline program and incentivize providers to offer better quality services.”).

1 **EFFECT UPON THE UNIVERSAL SERVICE FUND?**

2 No. Assist is seeking reimbursement for federal Lifeline services only, whereas the vast bulk of
3 federal Universal Service Fund (“Fund”) expense arises from the high cost fund subsidies. The
4 FCC has confirmed that the advantages of adding a Lifeline-only ETC outweigh any potential
5 disadvantages, including the effect on the Fund.²² Further, it warrants mention that Lifeline
6 subsidies are customer-specific and remain the same regardless which carrier provides the
7 services. Assist’s presence in the market likely will increase participation in the Lifeline
8 program, resulting in increased Lifeline subsidies for Utah consumers.

9 **WILL ASSIST COMPLY WITH THE REQUIREMENTS FOR LIFELINE**
10 **ELIGIBILITY CERTIFICATION AND VERIFICATION?**

11 Assist is committed to full compliance with the requirements of the FCC and this Commission
12 regarding certification and verification of a customer’s qualification for Lifeline service and has
13 implemented procedures to ensure the requirements are met. The federal rules were substantially
14 overhauled in the *Lifeline Reform Order*, which adopted a number of measures intended to
15 standardize Lifeline enrollment and compliance on a nationwide basis.²³ Assist will certify and
16 verify consumer eligibility in accordance with the FCC’s requirements. Further, the Company
17 has developed detailed and comprehensive procedures to address customer certification and
18 verification requirements as well as the requirements concerning de-enrollment and duplication
19 of service. Assist also commits to comply with the FCC’s annual certification requirement, as
20 well as the FCC’s measures to prevent waste, fraud and abuse of Lifeline services. The Company
21 understands that effective elimination of wasteful and/or fraudulent drains on limited Lifeline

²² See *TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Order, FCC 08-100, ¶16, n. 47 (2008).

²³ See *Lifeline Reform Order*, ¶ 97, *et seq.*

1 funding can only be achieved through ongoing coordination with key state agency personnel and
2 active use of the NLAD duplicates database. For this reason, Assist commits to work
3 collaboratively with appropriate state agencies to ensure the initial and continued eligibility of its
4 Utah Lifeline customers.

5 **HOW DOES THE COMPANY’S DE-ENROLLMENT PROTOCOL WORK?**

6 Assist commits to full compliance with the FCC’s rules requiring de-enrollment of Lifeline
7 customers after 60 days of non-use. In addition, Assist will comply with the FCC’s rules
8 regarding de-enrollment of customers that fail to recertify their eligibility for Lifeline service on
9 an annual basis. Assist will de-enroll subscribers that do not respond to the annual verification or
10 fail to provide the required certification.²⁴ Assist will send a single written notice explaining that
11 failure to respond to the re-certification request within 30 days will result in the subscriber’s de-
12 enrollment from the Lifeline program. If the subscriber does not respond within the 30 days, the
13 Company will de-enroll the subscriber within five business days.

14 **HOW WILL ASSIST ENSURE THAT PROSPECTIVE CUSTOMERS COMPLY WITH**
15 **THE “ONE-PER-HOUSEHOLD” RULE FOR LIFELINE SUPPORT?**

16 Assist will comply with the FCC’s rules to ensure that customers receive only one Lifeline
17 benefit per household. Assist’s marketing materials will include a disclosure stating that only one
18 Lifeline discount may be received per household, which is consistent with the requirements of
19 the FCC’s rules. Second, at the outset of the Lifeline enrollment process applicants are asked if
20 their household currently receives a Lifeline benefit from any provider, and Assist confirms the
21 information the applicant provides through Lifeline duplicates databases, like NLAD. As part of
22 the enrollment process, customers are informed about the one per household requirement,

²⁴ See Lifeline Reform Order, ¶ 142; 47 C.F.R. § 54.405(e)(4).

1 including the definition of household. And, to enroll, applicants must certify that, to the best of
2 their knowledge, their household is not already receiving a Lifeline service benefit. As part of the
3 enrollment process, applicant names and addresses are checked against state and federal
4 databases to avoid duplicate benefits. Finally, customers are required to again certify that they
5 are not receiving more than one Lifeline benefit per household as part of the eligibility
6 recertification process.

7 **WILL ASSIST COMPLY WITH ALL OTHER FCC AND COMMISSION RULES**
8 **APPLICABLE TO ETC OPERATIONS IN UTAH?**

9 Yes. The Company stands by the commitments asserted in its Petition to comply with the rules
10 and regulations of the FCC and of this Commission with respect to provision of Lifeline services
11 in Utah, except as waived by the Commission.

12 **WILL ASSIST TIMELY PAY ALL APPLICABLE FEDERAL, STATE AND LOCAL**
13 **REGULATORY FEES AND ASSESSMENTS APPLICABLE TO ITS ETC**
14 **OPERATIONS IN UTAH?**

15 Yes, it will. Assist acknowledges and accepts its obligations with respect to payment of federal,
16 state and local regulatory fees, taxes and assessments (including customer assessment where
17 required).

18 **DOES THIS CONCLUDE YOUR TESTIMONY?**

19 Yes.