

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of Assist Wireless, LLC to)
Amend its Designation as an Eligible)
Telecommunications Carrier to)
Receive Utah Universal Service Fund)
Support for Lifeline Service)

Docket No. _____

May 16, 2018

Contents

I. Overview of Petitioner..... 2

II. Assist Requests Amended ETC Designation In Its Utah Service Area For Participation In
The State Lifeline Program..... 2

 A. Assist Meets Applicable Utah Law Requirements for Receipt of UUSF Support. 2

 B. Assist Will Use Utah USF Support to Offer an Enhanced Lifeline Plan to Utah Low-
Income Households Eligible for Lifeline Service..... 3

III. Amendment of Assist’s ETC Designation to Include Utah USF Support Will Serve the Public
Interest..... 4

IV. Conclusion 6

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

Petition of Assist Wireless, LLC)
For Designation as an Eligible)
Telecommunications Carrier for the) Docket No. _____
Purpose of Offering Lifeline)
Service on a Wireless Basis)

PETITION OF ASSIST WIRELESS, INC.

Assist Wireless, LLC (“Assist” or “Company”), by its counsel, respectfully submits this Petition to Amend its Designation as an Eligible Telecommunications Carrier (“ETC”) to Receive Utah Universal Service Fund Support for Lifeline Service. On December 21, 2017, in Docket No. 17-2597-01, the Public Service Commission of Utah (“Commission”) designated Assist as a wireless ETC, pursuant to 47 U.S.C. § 214(e)(2), thereby making Assist eligible to receive support by the federal Universal Service Fund (“FUSF”) Lifeline program in Utah (“Original ETC Designation”). By this petition, Assist seeks to amend its ETC designation to include authorization to receive support from the Utah Universal Public Telecommunications Service Support Fund (“UUSF”) for Lifeline service to eligible low-income consumers throughout the State of Utah, pursuant to Utah Code § 54-8b-15 (2017), Utah Administrative Code R746-8-403, and in compliance with Agreement Paragraph 12(B) in the Stipulation in Docket No. 17-2597-01,¹ in the same wire centers as were originally included in Assist’s Original ETC Designation. Assist respectfully requests Commission authorization to receive UUSF support for Lifeline service within the State of Utah.

¹ This paragraph states “In its petition, Assist Wireless also seeks Utah USF funding. However, pursuant to the Order Bifurcating Proceedings and Notice of Scheduling Conference issued herein on June 13, 2017, the PSC bifurcated this docket so that the immediate proceeding will adjudicate Assist Wireless’s request for designation as an Eligible Telecommunications Provider for the purpose of receiving federal Lifeline support for its Utah customers. After the PSC makes effective rules governing wireless providers’ eligibility for state Lifeline support, it will use those rules to adjudicate Assist Wireless’s request for state support.

As more fully described below, Assist satisfies the requirements for designation as an ETC eligible to receive distributions from the UUSF. The Commission's grant of Assist's petition will serve the public interest by allowing low-income Utah consumers to receive enhanced Lifeline offerings from Assist and to benefit from competition by having the ability to choose from a variety of wireless service providers and high-quality service offerings.

I. Overview of Petitioner.

Assist is a Texas limited liability company with principal offices at 2330 Gravel Drive, Fort Worth, Texas 76118. The Company registered with the Utah Secretary of State as a foreign corporation operating in Utah on March 17, 2017.² In addition to the state of Utah, Assist has been designated as an ETC by the States of Arkansas, Maryland, Michigan, Minnesota, Missouri, Oklahoma, and Wisconsin. Assist has pending ETC applications in Arizona, California, Louisiana, and Washington.

II. Assist Requests Amended ETC Designation In Its Utah Service Area For Participation In The State Lifeline Program.

By this Petition, Assist seeks the Commission's authorization to obtain UUSF funds so that it may provide an enhanced Lifeline service to qualifying low-income Utah households. As described below, Assist meets Utah's statutory and regulatory requirements for receipt of UUSF support.

A. Assist Meets Applicable Utah Law Requirements for Receipt of UUSF Support.

The Commission previously designated Assist as an ETC eligible to receive funding from the federal Universal Service Program. As discussed herein, Assist satisfies the requirements of

² A copy of the Company's foreign qualification documents for Utah is attached hereto as Exhibit 1.

Utah Code § 54-8b-15³ and Utah Administrative Code R746-8-403⁴ necessary for designation as an ETC eligible to participate in the UUSF program. Assist will provide Lifeline services throughout its designated service area in Utah pursuant to its current ETC designation and will offer essential telecommunication services to all customers in its designated service area in Utah. Assist will advertise its Lifeline services using media of general distribution in accordance with the requirement in section 54.201(d)(2) of the Federal Communications Commission’s rules and will continue such advertisements. A copy of a sample advertisement is attached hereto as Exhibit 3. Assist will provide Lifeline services which meet all of the applicable federal eligibility requirements in 47 C.F.R. §§ 54.201 and 54.202(a) throughout its designated service area in Utah.

B. Assist Will Use Utah USF Support to Offer an Enhanced Lifeline Plan to Utah Low-Income Households Eligible for Lifeline Service.

The UUSF provides ETCs with up to an additional \$3.50 per month per Lifeline customer beyond the \$9.25 monthly Lifeline benefit provided under the federal Lifeline program.⁵ In its current offerings as described in the Utah-Specific Fact Sheet, attached to the Stipulation and Settlement Agreement filed in Docket No. 17-2597-01, Assist offered eight FUSF-supported plans:

³ Section 54-8b-15(15)(a) provides that a facilities-based or nonfacilities-based wireless telecommunications provider is eligible for distributions from the UUSF “under the lifeline program described in Subsection (3)(b) for providing lifeline service that is consistent with the Federal Communications Commission’s lifeline program for low-income consumers.” Subsection (3)(b) states that the Commission shall use the UUSF to “fund a lifeline program that covers the reasonable cost to an eligible telecommunications carrier, as determined by the commission, to offer lifeline service consistent with the Federal Communications Commission’s lifeline program for low-income consumers.”

⁴ Assist is in compliance, and will continue to comply, with the Commission’s rules that apply to an ETC (defined in Utah Admin. Code R746-8-200(5) as “a provider that, if seeking to participate in the state Lifeline program: (a) is designated as an eligible telecommunications carrier by the commission in accordance with 47 U.S.C. Section 214(e); or (b) is designated by the FCC as a Lifeline Broadband Provider.”).

⁵ See Utah Admin. Code R746-341-6(A).

- 500 minutes and 500 text messages at no cost.
- 500 minutes and 1500 text messages for \$1.00 monthly.
- 1000 minutes and unlimited text messages for \$5.00 monthly.
- 50 minutes, 100 text messages, and 500MB of data at no cost.
- 1000 minutes, unlimited text messages, and 500MB of data for \$25.00 monthly.
- Unlimited minutes and text messages and 500MB of data for \$26.00 monthly.
- Unlimited minutes and text messages and 1 GB of data for \$30.00 monthly.
- Unlimited minutes and text messages and 2GB of data for \$40.00 monthly.

As a recipient of Utah state support, Assist proposes to apply the additional \$3.50 support by eliminating the 500 minutes and 500 text messages no cost plan and applying the \$3.50 support to each of the remaining plans, creating a new no cost plan providing 500 minutes and 1500 text messages monthly:

- 500 minutes and 1500 text messages at no cost.
- 1000 minutes and unlimited text messages for \$1.50 monthly.
- 50 minutes, 100 text messages, and 500MB of data at no cost.
- 1000 minutes, unlimited text messages, and 500MB of data for \$21.50 monthly.
- Unlimited minutes and text messages and 500MB of data for \$22.50 monthly.
- Unlimited minutes and text messages and 1 GB of data for \$26.50 monthly.
- Unlimited minutes and text messages and 2GB of data for \$36.50 monthly.

Assist has attached a Proposed Revised Utah-Specific Fact Sheet to this Petition as Exhibit 1.

III. Amendment of Assist’s ETC Designation to Include Utah USF Support Will Serve the Public Interest.

Expansion of Assist’s designation as an ETC to include Utah USF support will enable it to provide enhanced Lifeline benefits to Utah Lifeline customers as described above. Those enhanced Lifeline benefits will provide a valuable alternative to the existing Lifeline services available to low-income Utah households. Specifically, Assist’s receipt of Utah USF support will benefit consumers by increasing the number of Lifeline providers able to use the additional USF support to offer enhanced Lifeline service for wireless service. Utah Lifeline consumers will have more minutes to contact (or be contacted by) current and prospective employers, health care

providers, government services, and most importantly, to remain in contact with family members and friends. Utah Lifeline households overwhelmingly choose wireless Lifeline service over wireline Lifeline service. As of December 2016, 40.7 percent of all ETCs receiving federal USF support in Utah and serving non-Tribal lands are wireless carriers. However, those wireless carriers received 80.7 percent of the federal USF support distributed to Utah carriers serving non-Tribal lands in 2016.⁶ Those data demonstrate the large and growing demand by low-income Utah households residing on non-Tribal lands for wireless Lifeline services. Low-income Utah residents would benefit from increased competition within the Lifeline service market. Increased competition leads to additional consumer choices and delivery of greater value to consumers. If the Commission authorizes Assist to receive Utah USF support, then Assist will be able to deliver enhanced service choices and greater value to qualifying Utah households as described in this Petition.

⁶ See LI05 Annual Low Income Support Claimed by State and Company January 2014 through March 2017.xlsx, available at <http://www.usac.org/about/tools/fcc/filings/2017/q3.aspx>.

IV. Conclusion

WHEREFORE, for all of the foregoing reasons, Assist respectfully requests that the Commission grant this Petition to Amend Assist's Designation as an Eligible Telecommunications Carrier to receive Utah Universal Service Fund support.

Respectfully submitted,

By: 

FosterLaw

904 West Ave, Suite 107

Austin, TX 78701

(512) 708-8700

(512) 697-0058/fax

Jason A. Danowsky

Texas Bar No. 24092318

mark@mfoosterlaw.com

Mark Foster

Texas Bar No. 07293850

mark@mfoosterlaw.com