

Minnesota Public Utilities Commission
Staff Briefing Paper

Meeting Date: May 15, 2014 * Agenda Item # 5

Company: American Broadband and Telecommunications Company

Docket No. P-6916/M-13-675
In the Matter of the Petition of American Broadband and Telecommunications Company (ABT) for Designation as an Eligible Telecommunications Carrier (ETC) in Minnesota

Issues: Should the Commission approve ABT's petition for ETC designation?

Staff: Kevin O'Grady.....651-201-2218

Relevant Documents

ABT Petition August 2, 2013
Comments: DOC..... April 14, 2014
Comments: OAC..... April 25, 2014

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Procedural Background

On August 2, 2013, ABT filed a petition seeking designation as an Eligible Telecommunications Carrier (ETC) in Minnesota for the purpose of providing voice telephony service to Lifeline-qualified customers.

On April 14, 2014, the Minnesota Department of Commerce (DOC) filed comments. DOC recommended approval of ABT's request, subject to conditions.

On April 25, 2014, Open Access Connections (OAC) filed comments recommending approval of ABT's petition.

Introduction

The Telecommunications Act (Act) makes provision for the subsidization of voice telephony service for customers in high-cost areas and for low-income customers. Section 214(e)(1) of the Act dictates that to receive federal universal service support a common carrier must be designated as an Eligible Telecommunications Carrier (ETC). Section 214(e)(2) grants state commissions the authority to determine whether a petitioning carrier should be granted ETC status.

ABT seeks ETC status from this Commission for the provision of prepaid wireless services to customers eligible for Lifeline support in non-rural areas of Minnesota served by its underlying carrier (Sprint).

In November and December of 2011 the Commission granted ETC designation to Telrite Corporation (Telrite) and Midwestern Telecommunications (MTI). The Commission subsequently granted ETC status to TerraCom (November 2012), Virgin Mobile and i-wireless (December 2012), Budget Prepay (January 2013), Global Connections (February 2013), Q Link and Boomerang (March 2013), Nexus (May 2013), Blue Jay (October 2013) and TAG Mobile (December 2013).

The Minnesota Department of Commerce (DOC) recommends that the Commission find that ABT has made a credible showing of its capability and intent to provide and advertise an affordable, quality offering throughout its proposed service area, and that its designation as an

ETC for the purpose of providing service to Lifeline-eligible customers is in the public interest. However, DOC recommends that the approval be conditioned upon a number of terms to be discussed below. Open Access Connections (OAC), an organization supporting the provision of telecommunications services to homeless and low-income Minnesotans, also supports ABT's petition, subject to conditions.

Table 1 summarizes the criteria, established by the FCC, the Minnesota legislature and the Minnesota Commission, to be used in reviewing requests by prepaid wireless carriers for Lifeline-only ETC designation. Staff will discuss each criterion individually in the context of ABT's application. After the Commission has addressed the ten criteria in Table 1, the Commission may wish to make an all-inclusive statement as to the disposition of ABT's petition (an eleventh decision point).

Table 1. Criteria for Approval of Eligible Telecommunications Carrier Designation	
Number	Criterion
1	Common Carriage and Supported Services. The applicant must be a common carrier and commit to providing voice telephony services: (1) voice grade access to the public switched telephone network or its functional equivalent, (2) minutes of local usage at no additional charge, (3) access to 911 and E-911 services, and (4) toll limitation for qualifying low-income customers. (47 USC § 214(e)(1) and 47 CFR § 54.101)
2	Facilities Ownership. The applicant must offer services either using its own facilities or a combination of its own facilities and resale of another carrier's services. (47 USC § 214(e)(1)(A))
3	Service Offering. The applicant must file information describing the terms and conditions of any voice telephony plan offered to Lifeline subscribers. (47 CFR § 54.202(a)(5))
4	Advertising Plan. The applicant must publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service. ((47 CFR § 54.405(b))
5	Emergency Functionality. The applicant must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. ((47 CFR § 54.202(a)(2))

6	Consumer Protection. The applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service will satisfy this requirement. ((47 CFR § 54.202(a)(3))
7	Informational Tariff. The applicant must file an informational tariff, or customer service agreement that shows the rates, service plans, cost of related equipment and installation charges, and all terms and conditions related to the universal service offering, and including the CTIA's Consumer Code for Wireless Service.
8	Financial and Technical Ability. The applicant must demonstrate that it is financially and technically capable of providing Lifeline service. ((47 CFR § 54.202(a)(4))
9	Payment of 911 Fees. The applicant may not provide service as an ETC until and unless the Commissioner of the Minnesota Department of Public Safety certifies that the applicant is not in arrears in amounts owed to the 911 emergency telecommunications service account. (Minn. Stat. § 403.11)
10	Public Interest. Prior to designating an eligible telecommunications carrier the state commission shall determine that such designation is in the public interest. (47 USC § 214(e)(2))

Criterion #1: Is ABT a Common Carrier and Will it Provide Voice Telephony Services?

Criterion #1: Common Carriage and Supported Services. The applicant must be a common carrier and commit to providing voice telephony services: (1) voice grade access to the public switched telephone network or its functional equivalent, (2) minutes of local usage at no additional charge, (3) access to 911 and E-911 services, and (4) toll limitation for qualifying low-income customers.

ABT states that it will offer the services required by the FCC as necessary for qualification for ETC status. **DOC** notes that ABT is a common carrier and acknowledges ABT's commitment to provide the required services. **Staff** believes that ABT meets Criterion #1. Should ABT fail to offer all of the required services in the future it would become ineligible for ETC support.

Commission Options

- 1.a Find that ABT meets Criterion #1.
- 1.b Find that ABT does not meet Criterion #1. Reject ABT's petition for ETC designation.

- 1.c Take other action.

Staff recommends option 1.a.

Criterion #2: Has ABT Met the Facilities Ownership Requirement?

Criterion #2: Facilities Ownership. The applicant must offer services either using its own facilities or a combination of its own facilities and resale of another carrier's services.

ABT has not met the facilities requirement of the Act. However, on May 25, 2012, the FCC granted ABT forbearance from the ownership requirement, finding that it has met certain public safety and compliance obligations. **DOC** acknowledges the FCC waiver. **Staff** believes that the FCC's waiver relieves ABT from the requirement to meet Criterion #2.

Commission Options

- 2.a Find that ABT meets Criterion #2.
- 2.b Find that, by virtue of the FCC's forbearance order, ABT is not required to meet Criterion #2.
- 2.c Take other action.

Staff recommends option 2.b.

Criterion #3: Has ABT Met the Service Offering Requirement?

Criterion #3: Service Offering. The applicant must file information describing the terms and conditions of any voice telephony plan offered to Lifeline subscribers.

ABT has described the terms and conditions of its voice telephony offering. **DOC** believes that ABT's offering adequately meets the FCC's requirements. **Staff** believes that ABT has met Criterion #3. The details of that offering will be addressed subsequently under Criterion #10: Public Interest.

Commission Options

- 3.a Find that ABT meets Criterion #3.
- 3.b Find that ABT does not meet Criterion #3. Reject ABT's petition for ETC designation.
- 3.c Take other action.

Staff recommends option 3.a.

Criterion #4: Has ABT Met the Advertising Plan Requirement?

Criterion #4: Advertising Plan. The applicant must publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service.

ABT commits to advertising its Lifeline service in a manner reasonably designed to reach Lifeline-eligible customers. **ABT** has not yet submitted a formal plan but states that it will do so if required by the Commission. **DOC** recommends the Commission find that, within 30 days of the Commission's order approving **ABT**'s petition, **ABT** must submit (i) a formal advertising and outreach plan listing the specific local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service and (ii) a proposed schedule or statement of anticipated frequency of such advertising. **Staff** supports the **DOC** recommendation.

Commission Options

- 4.a Find that ABT meets Criterion #4.
- 4.b Find that ABT meets Criterion #4 subject to the requirement that within 30 days of the Commission's order approving ABT's petition, ABT must submit (i) a formal advertising and outreach plan listing the specific local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service and (ii) a proposed schedule or statement of anticipated frequency of such advertising.
- 4.c Find that ABT does not meet Criterion #4. Reject ABT's petition for ETC designation.

4.d Take other action.

Staff recommends option 4.b.

Criterion #5: Has ABT Demonstrated Emergency Functionality?

Criterion #5: Emergency Functionality. The applicant must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

ABT will provide service through Sprint, its underlying carrier. **DOC** states that Sprint provides underlying service to other carriers approved by this Commission and that, as such, **ABT** has the capability to allow it to remain functional in a variety of emergency situations. **Staff** supports a finding that **ABT** meets Criterion #5.

Commission Options

5.a Find that **ABT** meets Criterion #5

5.b Find that **ABT** does not meet Criterion #5. Reject **ABT**'s petition for ETC designation.

5.c Take other action.

Staff recommends option 5.a.

Criterion #6: Has ABT Satisfied Consumer Protection Commitments?

Criterion #6: Consumer Protection. The applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service will satisfy this requirement.

ABT commits to compliance with the CTIA Consumer Code for Wireless Service. **DOC** acknowledges this commitment and believes that **ABT** meets this Criterion. **Staff** supports a finding that **ABT** meets Criterion #6.

Commission Options

- 6.a Find that ABT meets Criterion #6.
- 6.b Find that ABT does not meet Criterion #6. Reject ABT's petition for ETC designation.
- 6.c Take other action.

Staff recommends option 6.a.

Criterion #7: Has ABT Submitted an Informational Tariff?

Criterion #7: Informational Tariff. The applicant must file an informational tariff, or customer service agreement that shows the rates, service plans, cost of related equipment and installation charges, and all terms and conditions related to the universal service offering, and including the CTIA's Consumer Code for Wireless Service.

ABT has filed a proposed informational tariff. **DOC** states that it will work with ABT to ensure that its tariff is complete and accurate. **DOC** argues that the Commission should find that ABT meets this criterion upon the condition that, within 30 days of the Commission's Order approving ABT's petition, ABT must file a revised informational tariff as recommended by **DOC**. ABT should also be required to ensure that the Terms and Conditions applicable to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff. Further, ABT must notify the Commission and **DOC**, in writing, immediately upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. ABT must submit a revised tariff or customer service agreement page to reflect such changes. **Staff** supports the **DOC** recommendation.

Commission Options

- 7.a Find that ABT meets Criterion #7.
- 7.b Find that ABT does not meet Criterion #7. Reject ABT's petition for ETC designation.
- 7.c Find that ABT meets Criterion #7 subject to the condition that, within 30 days of the Commission's order approving ABT's petition, it must file a revised

informational tariff as recommended by DOC. ABT must also ensure that the Terms and Conditions applicable to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff. Further, ABT must notify the Commission and DOC, in writing, immediately upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. ABT must submit a revised tariff or customer service agreement page to reflect such changes.

7.d Take other action.

Staff recommends option 7.c.

Criterion #8: Has ABT Demonstrated Its Financial and Technical Capability?

Criterion #8: Financial and Technical Ability. The applicant must demonstrate that it is financially and technically capable of providing Lifeline service.

ABT states that it is technically and financially qualified to operate as a Lifeline-only ETC. ABT currently operates as a wireline Lifeline ETC in the states of Michigan and Ohio, and is licensed as a telecommunications carrier in Ohio, Michigan and Indiana. ABT serves more than 30,000 customers in these three states, including more than 10,000 Lifeline-qualified wireline customers in Ohio and Michigan. ABT's management has more than 50 years of experience in the telecommunications industry. Lifeline customers are a relatively small part of its overall revenue, and it is not dependent upon Lifeline support revenue as its primary source of income. ABT operates profitably and has never filed for bankruptcy protection. **DOC** has reviewed ABT's financial statements and concludes that ABT has the financial and technical ability to offer services to Lifeline customers in Minnesota. **Staff** does not disagree with **DOC's** recommendation.

Commission Options

8.a Find that ABT meets Criterion #8.

8.b Find that ABT does not meet Criterion #8. Reject ABT's petition for ETC designation.

8.c Take other action.

Staff recommends option 8.a.

Criterion #9: Is ABT in Arrears for 911 Payments?

Criterion #9: Payment of 911 Fees. No wireless communications provider may provide telecommunications services under a designation of eligible telecommunications carrier, as provided under Minnesota Rule 7811.1400, until and unless the commissioner of public safety certifies to the chair of the public utilities commission that the wireless telecommunications provider is not in arrears in amounts owed to the 911 emergency telecommunications service account in the special revenue fund. (Minn. Stat. § 403.11, Subd. 3d.)

Note that the above quoted statute was enacted in May of 2013. **ABT** has not yet received such certification but it is in the process of doing so. **DOC** notes that ABT should not be allowed to offer Lifeline service in Minnesota until it has received and filed such certification from the Department of Public Safety.

Commission Options

- 9.a Find that ABT meets Criterion #9.
- 9.b Find that ABT does not meet Criterion #9. Reject ABT's petition for ETC designation.
- 9.c Find that ABT will meet Criterion #9 upon a showing to the Commission that it has obtained certification from the Minnesota Department of Public Safety that it is not in arrears for amounts owed to the 911 emergency telecommunications service account in the special revenue fund. Absent such a showing it shall not offer Lifeline service to customers in Minnesota.
- 9.d Take other action.

Staff recommends option 9.c.

Criterion #10: Is Approval of ABT's Petition in the Public Interest?

Criterion #10: Public Interest. Prior to designating an eligible telecommunications carrier the state commission shall determine that such designation is in the public interest.

A number of issues may be grouped under the public interest heading. They will be discussed in turn below.

10-1 ABT's Rate Structure

ABT proposes to offer two basic rate plans:

250 minutes of voice (no rollover) plus 250 texts, and
325 minutes of voice (no rollover) plus 2 texts per minute of voice.

With all plans the customer receives a free handset (no activation fee) and free voicemail, call waiting, three-way calling and caller ID. ABT offers additional minutes and/or texts at a number of increments:

\$6.99	for 100 minutes of voice,
\$9.99	for 250 minutes of voice plus 250 texts,
\$19.99	for 500 minutes of voice plus 500 texts,
\$29.99	for 1,000 minutes of voice plus 1,000 texts,
\$2.99	for 100 texts,
\$4.99	for 300 texts,
\$7.99	for 500 texts, and
\$12.99	for 1,000 texts.

DOC does not object to ABT's offering. **DOC** recommends that, going forward, ABT should be required to offer, in Minnesota, (i) the highest number of free minutes of usage offered in any jurisdiction by ABT, and (ii) supplementary minutes at the lowest price offered in any other jurisdiction in which ABT provides wireless Lifeline service, provided that the available support is the same. **OAC** believes that ABT's offering will benefit low-income consumers and support's **DOC**'s recommendation regarding rates for supplemental minutes. **Staff** agrees with **DOC** and **OAC**.

Commission Options

- 10-1.a Find that ABT's proposed rates for its Lifeline service are in the public interest.
- 10-1.b Find that ABT's proposed rates for its Lifeline service are in the public interest and that, going forward, ABT shall offer, in Minnesota, (i) the highest number of free minutes of usage offered in any jurisdiction by ABT, and (ii) supplementary minutes at the lowest price offered in any other jurisdiction in which ABT provides wireless Lifeline service, provided that the available support is the same.

- 10-1.c Find that ABT's proposed rates for its Lifeline service are not in the public interest. Reject ABT's petition for ETC designation.
- 10-1.d Take other action.

Staff recommends option 10-1.b.

10-2 PSAP Certification

In granting ETC status to prepaid-wireless service providers the Minnesota Commission has required the applicants to obtain certification from the Minnesota Department of Public Safety (DPS) indicating that the applicant's handsets are 911 and E911 compliant at Minnesota Public Safety Answering Points (PSAPs). **DOC** recommends that the Commission require ABT to obtain certification from DPS. **ABT** has not yet obtained certification. **Staff** believes that requiring certification from DPS is in the public interest and that ABT should be required to obtain such certification.

Commission Options

- 10-2.a Find that ABT meets Criterion #10-2.
- 10-2.b Find that ABT will meet Criterion #10-2 upon a showing that it has obtained certification of its handsets by the Minnesota Department of Public Safety. Absent such a showing ABT shall not offer service to Lifeline customers in Minnesota.
- 10-2.c Find that ABT does not meet Criterion #10-2. Reject ABT's petition for ETC designation.
- 10-2.d Take other action.

Staff recommends option 10-2.b.

10-3 Additional Public Interest Concerns

DOC recommends that the Commission place a number of conditions upon ABT's approval, specifically terms (a) through (g) below. **Staff** is not aware of ABT's position regarding all of these recommendations. Staff supports the DOC recommendation.

- a. ABT shall report any unfulfilled requests of Lifeline-qualified customers. If it determines that it cannot reasonably serve a consumer, it will report the unfulfilled request to DOC and the Commission within 10 days after making such a determination.
- b. ABT shall comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
- c. ABT shall provide customers with access to usable phones. Frequent static or other interference on the line, lack of clarity, dropped calls, inability to place a call, or receive a call under normal circumstances are not acceptable. If the buttons on phones are too small to use, for example, ABT shall provide customers an opportunity to try a different make or model. ABT must make hearing-aid compatible handsets available to Lifeline-qualified customers, at no charge.
- d. Policies regarding repair, maintenance, replacement of handsets, batteries, and chargers and options to purchase handsets must be clear to consumers, and available to consumers who do not have web access. ABT shall provide detailed information in writing, at the time of enrollment, of repair and replacement policies for phones and accessories (batteries, chargers) and purchase options.
- e. ABT shall provide cell phone instruction manuals to its Lifeline customers.
- f. ABT shall provide its customers access to customer service without lengthy hold-times and without use of air-time minutes.
- g. To the extent that ABT conducts, or employ agents to conduct, in-person distribution events, it shall provide consumers with access to information, via telephone as well as website, on all Minnesota distribution events, locations, and times.

Commission Options

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|--------|---|
| 10-3.a | Require ABT to meet conditions (a) through (g), above. |
| 10-3.b | Do not require ABT to meet conditions (a) through (g), above. |
| 10-3.c | Take other action. |

Staff recommends option 10-3.a.

Issue 11: Should the Commission Approve ABT's Petition for ETC Designation?

By this point, the Commission has made a number of decisions as to whether ABT's petition has met stated criteria. For purposes of clarity Staff recommends that the Commission make a direct statement as to its disposition of ABT's petition.

Commission Options

- 11.a **Approve ABT's petition for ETC designation for Lifeline services**
subject to the terms and conditions addressed in each of the decisions
above.
- 11.b **Reject ABT's petition** for ETC designation.
- 11.c Take other action.

Staff recommends option 11.a.

Summary List of Commission Options

Criterion #1: Is ABT a Common Carrier and Will it Provide Voice Telephony Services?

Commission Options

- 1.a Find that ABT meets Criterion #1.
- 1.b Find that ABT does not meet Criterion #1. Reject ABT's petition for ETC designation.
- 1.c Take other action.

Staff recommends option 1.a.

Criterion #2: Has ABT Met the Facilities Ownership Requirement?

Commission Options

- 2.a Find that ABT meets Criterion #2.
- 2.b Find that, by virtue of the FCC's forbearance order, ABT is not required to meet Criterion #2.
- 2.c Take other action.

Staff recommends option 2.b.

Criterion #3: Has ABT Met the Service Offering Requirement?

Commission Options

- 3.a Find that ABT meets Criterion #3.
- 3.b Find that ABT does not meet Criterion #3. Reject ABT's petition for ETC designation.
- 3.c Take other action.

Staff recommends option 3.a.

Criterion #4: Has ABT Met the Advertising Plan Requirement?

Commission Options

- 4.a Find that ABT meets Criterion #4.
- 4.b Find that ABT meets Criterion #4 subject to the requirement that within 30 days of the Commission's order approving ABT's petition, ABT must submit (i) a formal advertising and outreach plan listing the specific local and community newspapers and commercial broadcast stations in Minnesota through which it intends to advertise the availability of Lifeline service and (ii) a proposed schedule or statement of anticipated frequency of such advertising.
- 4.c Find that ABT does not meet Criterion #4. Reject ABT's petition for ETC designation.
- 4.d Take other action.

Staff recommends option 4.b.

Criterion #5: Has ABT Demonstrated Emergency Functionality?

Commission Options

- 5.a Find that ABT meets Criterion #5
- 5.b Find that ABT does not meet Criterion #5. Reject ABT's petition for ETC designation.
- 5.c Take other action.

Staff recommends option 5.a.

Criterion #6: Has ABT Satisfied Consumer Protection Commitments?

Commission Options

- 6.a Find that ABT meets Criterion #6.
- 6.b Find that ABT does not meet Criterion #6. Reject ABT's petition for ETC designation.
- 6.c Take other action.

Staff recommends option 6.a.

Criterion #7: Has ABT Submitted an Informational Tariff?

Commission Options

- 7.a Find that ABT meets Criterion #7.
- 7.b Find that ABT does not meet Criterion #7. Reject ABT's petition for ETC designation.
- 7.c Find that ABT meets Criterion #7 subject to the condition that, within 30 days of the Commission's order approving ABT's petition, it must file a revised informational tariff as recommended by DOC. ABT must also ensure that the Terms and Conditions applicable to Minnesota customers, posted on its website, do not conflict with the terms and conditions included in its Minnesota informational tariff. Further, ABT must notify the Commission and DOC, in writing, immediately upon any change to the Lifeline offering terms, conditions, or rates, or if it seeks to withdraw its Lifeline offering or any portion thereof. ABT must submit a revised tariff or customer service agreement page to reflect such changes.
- 7.d Take other action.

Staff recommends option 7.c.

Criterion #8: Has ABT Demonstrated Its Financial and Technical Capability?

Commission Options

- 8.a Find that ABT meets Criterion #8.
- 8.b Find that ABT does not meet Criterion #8. Reject ABT's petition for ETC designation.
- 8.c Take other action.

Staff recommends option 8.a.

Criterion #9: Is ABT in Arrears for 911 Payments?

Commission Options

- 9.a Find that ABT meets Criterion #9.
- 9.b Find that ABT does not meet Criterion #9. Reject ABT's petition for ETC designation.
- 9.c Find that ABT will meet Criterion #9 upon a showing to the Commission that it has obtained certification from the Minnesota Department of Public Safety that it is not in arrears for amounts owed to the 911 emergency telecommunications service account in the special revenue fund. Absent such a showing it shall not offer Lifeline service to customers in Minnesota.
- 9.d Take other action.

Staff recommends option 9.c.

Criterion #10: Is Approval of ABT's Petition in the Public Interest?

10-1 ABT's Rate Structure

Commission Options

- 10-1.a Find that ABT's proposed rates for its Lifeline service are in the public interest.
- 10-1.b Find that ABT's proposed rates for its Lifeline service are in the public interest and that, going forward, ABT shall offer, in Minnesota, (i) the highest number of free minutes of usage offered in any jurisdiction by ABT, and (ii) supplementary minutes at the lowest price offered in any other jurisdiction in which ABT provides wireless Lifeline service, provided that the available support is the same.
- 10-1.c Find that ABT's proposed rates for its Lifeline service are not in the public interest. Reject ABT's petition for ETC designation.
- 10-1.d Take other action.

Staff recommends option 10-1.b.

10-2 PSAP Certification

Commission Options

- 10-2.a Find that ABT meets Criterion #10-2.
- 10-2.b Find that ABT will meet Criterion #10-2 upon a showing that it has obtained certification of its handsets by the Minnesota Department of Public Safety. Absent such a showing ABT shall not offer service to Lifeline customers in Minnesota.
- 10-2.c Find that ABT does not meet Criterion #10-2. Reject ABT's petition for ETC designation.
- 10-2.d Take other action.

Staff recommends option 10-2.b.

10-3 Additional Public Interest Concerns

Commission Options

- 10-3.a Require ABT to meet conditions (a) through (g), above.
- 10-3.b Do not require ABT to meet conditions (a) through (g), above.
- 10-3.c Take other action.

Staff recommends option 10-3.a.

Issue 11: Should the Commission Approve ABT's Petition for ETC Designation?

Commission Options

- 11.a **Approve ABT's petition for ETC designation for Lifeline services** subject to the terms and conditions addressed in each of the decisions above.
- 11.b **Reject ABT's petition** for ETC designation.
- 11.c Take other action.

Staff recommends option 11.a.