

Minnesota Public Utilities Commission
Staff Briefing Paper

Meeting Date: June 26, 2014 * Agenda Item # 6

Company: Total Call Mobile, Inc.

Docket No. P-6892/M-12-1182
In the Matter of the Petition of Total Call Mobile, Inc. (TCM) for Designation as
an Eligible Telecommunications Carrier (ETC) in Minnesota

Issues: Should the Commission approve TCM’s petition for ETC designation?

Staff: Kevin O’Grady.....651-201-2218

Relevant Documents

TCM PetitionOctober 30, 2012
Supplementary Comments: DOC June 3, 2014
Comments: OAC..... June 13, 2014
Reply Comments: TCM..... June 13, 2014

The attached materials are work papers of Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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Procedural Background

On October 30, 2012, TCM 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 June 3, 2014, the Minnesota Department of Commerce (DOC) filed comments recommending approval of TCM's request, subject to conditions.

On June 13, 2014, Open Access Connections (OAC) filed comments recommending approval of TCM's petition.

On June 13, 2014, TCM filed a letter agreeing to the recommendations of DOC.

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.

TCM seeks ETC status from this Commission for the provision of prepaid wireless services to customers eligible for Lifeline support in areas of Minnesota served by Sprint, its underlying carrier.

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), TAG Mobile (December 2013) and American Broadband (May 2014).

The Minnesota Department of Commerce (DOC) recommends the Commission find that TCM

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 TCM's petition. TCM agrees to the conditions recommended by DOC.

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 TCM'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 TCM'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 TCM 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.

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

Commission Options

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

- 1.c Take other action.

Staff recommends option 1.a.

Criterion #2: Has TCM 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.

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

Commission Options

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

Staff recommends option 2.b.

Criterion #3: Has TCM 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.

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

Commission Options

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

Staff recommends option 3.a.

Criterion #4: Has TCM 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.

TCM commits to advertising its services in a manner reasonably designed to reach those most likely to qualify for Lifeline services and, if granted ETC status on a conditional basis, it will file within 30 days a formal advertising plan. **DOC** recommends the Commission find that, within 30 days of the Commission's order approving TCM's petition, TCM 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. **TCM** agrees to the **DOC** recommendation. **Staff** supports the **DOC** recommendation.

Commission Options

- 4.a Find that TCM meets Criterion #4.
- 4.b Find that TCM meets Criterion #4 subject to the requirement that within 30 days of the Commission's order approving TCM's petition, TCM 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 TCM does not meet Criterion #4. Reject TCM's petition for ETC designation.

- 4.d Take other action.

Staff recommends option 4.b.

Criterion #5: Has TCM 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.

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

Commission Options

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

Staff recommends option 5.a.

Criterion #6: Has TCM 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.

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

finding that TCM meets Criterion #6.

Commission Options

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

Staff recommends option 6.a.

Criterion #7: Has TCM 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.

TCM has submitted a proposed informational tariff to DOC. DOC states that, with minor modifications, which can be addressed in a compliance filing, the tariff is complete and accurate and does not conflict with statutes rules or orders. DOC argues that the Commission should find that TCM meets this criterion upon the condition that, within 30 days of the Commission's Order approving TCM's petition, TCM must file its updated informational tariff. TCM 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, TCM 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. TCM must submit a revised tariff or customer service agreement page to reflect such changes. TCM agrees to the DOC recommendation. Staff supports the DOC recommendation.

Commission Options

- 7.a Find that TCM meets Criterion #7.
- 7.b Find that TCM does not meet Criterion #7. Reject TCM's petition for ETC designation.

- 7.c Find that TCM meets Criterion #7 subject to the condition that, within 30 days of the Commission's order approving TCM's petition, it must file its updated informational tariff. TCM 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, TCM 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. TCM 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 TCM 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.

TCM states that it is financially and technically capable of providing Lifeline-supported services. TCM has been in business for 6 years and provides services to both Lifeline and non-Lifeline customers. TCM already successfully provides wireless services in 49 states. TCM has not been subject to enforcement action or ETC revocation proceedings in any state. TCM does not, and has no intent to, offer exclusively Lifeline-supported services-and is therefore not exclusively dependent on universal service funds for its revenue. TCM also has the financial support of its parent company, KDDI of America, which is a subsidiary of KDDI of Japan, the second largest carrier in Japan. DOC has reviewed TCM's financial statements and concludes that TCM 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 TCM meets Criterion #8.
- 8.b Find that TCM does not meet Criterion #8. Reject TCM's petition for ETC designation.
- 8.c Take other action.

Staff recommends option 8.a.

Criterion #9: Is TCM 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. **TCM** has not yet received such certification. **DOC** notes that TCM should not be allowed to offer Lifeline service in Minnesota until it has received and filed such certification from the Department of Public Safety. **TCM** agrees to the **DOC** recommendation. **Staff** agrees with **DOC**.

Commission Options

- 9.a Find that TCM meets Criterion #9.
- 9.b Find that TCM does not meet Criterion #9. Reject TCM's petition for ETC designation.
- 9.c Find that TCM 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 TCM'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 TCM's Rate Structure

TCM, in correspondence with **DOC**, proposes to offer several plans to both tribal and non-tribal customers. With all plans the customer receives a free handset (no activation fee) and free voicemail, call waiting, caller ID and free calls to customer service and 911.

Non-Tribal Lifeline customers

- Plan 1: 250 minutes per month, and texts at a rate of 1 text per minute (additional usage at 10 cents per minute of voice and 5 cents per text)
- Plan 2: 1,000 minutes for 30 days at \$19.99 per month (texts at 1 text per minute)
- Plan 3: Unlimited talk and text for 30 days at \$29.99 per month
- Plan 4: Unlimited talk, text and data for 30 days at \$39.99 per month

Tribal Lifeline customers

- Plan 1: Unlimited talk and text at no charge
- Plan 2: Unlimited talk, text and data at a discount of \$39.99 off retail prices.

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

Commission Options

- 10-1.a Find that **TCM's** proposed rates for its Lifeline service are in the public interest.
- 10-1.b Find that **TCM's** proposed rates for its Lifeline service are in the public interest and that, going forward, **TCM** shall offer, in Minnesota, (i) the highest number of free minutes of usage offered in any jurisdiction by **TCM**, and (ii) supplementary minutes at the lowest price offered in any

other jurisdiction in which TCM provides wireless Lifeline service, provided that the available support is the same.

- 10-1.c Find that TCM's proposed rates for its Lifeline service are not in the public interest. Reject TCM'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 TCM to obtain certification from DPS. **TCM** has not yet obtained certification and it agrees with the **DOC** recommendation. **Staff** believes that requiring certification from DPS is in the public interest and that TCM should be required to obtain such certification.

Commission Options

- 10-2.a Find that TCM meets Criterion #10-2.
- 10-2.b Find that TCM 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 TCM shall not offer service to Lifeline customers in Minnesota.
- 10-2.c Find that TCM does not meet Criterion #10-2. Reject TCM'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 TCM's approval, specifically terms (a) through (g) below. **TCM** agrees with the **DOC** recommendation. **Staff** supports the **DOC** recommendation.

- a. TCM 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. TCM shall comply with the collection and remittance provisions of Minn. Stat. §§ 403.11 and 237.52.
- c. TCM 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, TCM shall provide customers an opportunity to try a different make or model. TCM 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. TCM 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. TCM shall offer instruction manuals to consumers at the point of sale and make them available upon request. TCM shall continue to maintain cell phone instruction manuals for the handsets it distributes.
- f. TCM shall provide its customers access to customer service without lengthy hold-times and without use of air-time minutes.
- g. To the extent that TCM conducts, or employ agents to conduct, in-person distribution events, TCM should endeavor to provide consumers with access to information via telephone as well as website, on its Minnesota distribution events, locations, and times. At a minimum, TCM should provide such information, when available, to social service agencies whose clients may qualify for Lifeline in order that consumers may make reasoned decisions about the Lifeline provider that best suits their needs.

Commission Options

- 10-3.a Require TCM to meet conditions (a) through (g), above.
- 10-3.b Do not require TCM 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 TCM’s Petition for ETC Designation?

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

Commission Options

- 11.a Find that TCM has made a credible showing of its capability and intent to provide and advertise an affordable, quality Lifeline offering throughout its proposed service area, and that its designation for the provision of Lifeline service is in the public interest subject to conditions. Approve TCM’s petition for ETC status for the limited purpose of providing Lifeline service to qualifying Minnesota customers, subject to the terms and conditions addressed in each of the decisions above.
- 11.b Reject TCM’s petition for ETC designation.
- 11.c Take other action.

Staff recommends option 11.a.

Summary List of Commission Options

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

Commission Options

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

Staff recommends option 1.a.

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

Commission Options

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

Staff recommends option 2.b.

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

Commission Options

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

Staff recommends option 3.a.

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

Commission Options

- 4.a Find that TCM meets Criterion #4.
- 4.b Find that TCM meets Criterion #4 subject to the requirement that within 30 days of the Commission's order approving TCM's petition, TCM 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 TCM does not meet Criterion #4. Reject TCM's petition for ETC designation.
- 4.d Take other action.

Staff recommends option 4.b.

Criterion #5: Has TCM Demonstrated Emergency Functionality?

Commission Options

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

Staff recommends option 5.a.

Criterion #6: Has TCM Satisfied Consumer Protection Commitments?

Commission Options

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

Staff recommends option 6.a.

Criterion #7: Has TCM Submitted an Informational Tariff?

Commission Options

- 7.a Find that TCM meets Criterion #7.
- 7.b Find that TCM does not meet Criterion #7. Reject TCM's petition for ETC designation.
- 7.c Find that TCM meets Criterion #7 subject to the condition that, within 30 days of the Commission's order approving TCM's petition, it must file its updated informational tariff. TCM 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, TCM 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. TCM 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 TCM Demonstrated Its Financial and Technical Capability?

Commission Options

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

Staff recommends option 8.a.

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

Commission Options

- 9.a Find that TCM meets Criterion #9.
- 9.b Find that TCM does not meet Criterion #9. Reject TCM's petition for ETC designation.
- 9.c Find that TCM 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 TCM's Petition in the Public Interest?

10-1 TCM's Rate Structure

Commission Options

- 10-1.a Find that TCM's proposed rates for its Lifeline service are in the public interest.
- 10-1.b Find that TCM's proposed rates for its Lifeline service are in the public interest and that, going forward, TCM shall offer, in Minnesota, (i) the highest number of free minutes of usage offered in any jurisdiction by TCM, and (ii) supplementary minutes at the lowest price offered in any other jurisdiction in which TCM provides wireless Lifeline service, provided that the available support is the same.
- 10-1.c Find that TCM's proposed rates for its Lifeline service are not in the public interest. Reject TCM'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 TCM meets Criterion #10-2.
- 10-2.b Find that TCM 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 TCM shall not offer service to Lifeline customers in Minnesota.
- 10-2.c Find that TCM does not meet Criterion #10-2. Reject TCM'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 TCM to meet conditions (a) through (g), above.
- 10-3.b Do not require TCM 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 TCM's Petition for ETC Designation?

Commission Options

- 11.a Find that TCM has made a credible showing of its capability and intent to provide and advertise an affordable, quality Lifeline offering throughout its proposed service area, and that its designation for the provision of Lifeline service is in the public interest subject to conditions. Approve TCM's petition for ETC status for the limited purpose of providing Lifeline service to qualifying Minnesota customers, subject to the terms and conditions addressed in each of the decisions above.
- 11.b Reject TCM's petition for ETC designation.
- 11.c Take other action.

Staff recommends option 11.a.