


## Staff Briefing Papers

Meeting Date	July 15, 2021	Agenda Item *4
Company	All mobile wireless Lifeline-only ETCs	
Docket No.	<b>P-999/CI-17-509</b> <b>In the Matter of a Commission Investigation into the Appropriate Notice and Outreach Requirements for Eligible Telecommunications Carriers under 47 USC §214(e)</b>	
Issue	Should the Commission amend Ordering Paragraph 1 of its November 20, 2020 Order to allow mobile wireless Lifeline-only ETCs subject to the Order to distribute the required notice within a month of a new customer enrolling, rather than within seven (7) days?	
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 Relevant Documents	Date
PUC Notice of Comment Period	March 3, 2021
Office of the Attorney General – Residential Utilities Division Comments	March 26, 2021
Department of Commerce Comments	March 30, 2021
Sage Telecom Communications, LLC DBA TruConnect Comments	March 30, 2021
T-Mobile and Assurance Wireless Comments	April 2, 2021
Office of the Attorney General – Residential Utilities Division Reply Comments	April 16, 2021

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

## I. Statement of the Issue

Should the Commission amend Ordering Paragraph 1 of its November 20, 2020 Order to allow mobile wireless Lifeline-only ETCs subject to the Order to distribute the required notice within a month of a new customer enrolling, rather than within seven (7) days?

## II. Background

On November 20, 2020, the Commission issued an Order (November 20 Order) requiring certain customer disclosures for mobile wireless Lifeline-only ETCs.<sup>1</sup> Ordering Paragraph 1 required a notice to be distributed to new customers within seven (7) days of enrollment in Lifeline.<sup>2</sup> The Order also delegated the form, delivery, and schedule to the Executive Secretary for Mobile Wireless Lifeline-Only ETCs to comply with the customer notice requirement.<sup>3</sup>

On February 5, 2021, Commission staff hosted a workgroup meeting with mobile wireless Lifeline-only ETCs (“ETCs”)<sup>4</sup> and stakeholders to discuss the content and distribution of the customer notice per Ordering Paragraph 3 in the November 20 Order. In the meeting, ETCs raised that it would be more efficient to require the notice to be distributed within a month of Lifeline enrollment, rather than within seven days.<sup>5</sup> The informal discussion at the February 5 workgroup meeting indicated there did not seem to be major opposition to this change.

The PUC issued a Notice of Comment Period on March 3, 2021 to ask whether the Commission should amend Ordering Paragraph 1 to distribute the notice within a month, instead of within seven days.

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<sup>1</sup> Ordering Para. 1 states “Mobile Wireless Lifeline-Only ETCs shall, within seven days of enrolling a customer in Lifeline, and annually thereafter, distribute a notice to each Minnesota Mobile Wireless Lifeline-Only customer based on the CAO model notice and approved by the Executive Secretary, which contains the following information: a. The ETC’s name and customer service contact information; b. The rights and responsibilities of the Lifeline subscriber; c. Contact information for CAO; d. A summary of the Lifeline program; and e. Other related information, if necessary, including an opportunity to receive this notice in a different format per the customer’s choice.”

<sup>2</sup> The federal Lifeline program offers a \$9.50 discount to qualified low-income customers on their landline, broadband, or mobile service. Many of the mobile, wireless Lifeline-only ETCs offer cellphone devices and monthly service for free to customers.

<sup>3</sup> Docket P999/17-509 Order Establishing Customer Notice Requirement, November 20, 2020, Ordering Para. 2, pp. 7-8.

<sup>4</sup> This docket does not pertain to ETCs that offer landline and/or broadband service. In this docket, the term “ETCs” means ETCs that offer mobile wireless cellphone service.

<sup>5</sup> Meeting attendees agreed that distribution of the customer notice could happen via text message. The text messages to customers would include a link to a landing page that would display the approved customer notice. Mobile wireless Lifeline-only ETCs already have the capacity to send text messages and may not have the capacity to send mailings. Stakeholders and Commission staff agreed that text messages were suitable.

### III. Parties' Comments

#### A. Department of Commerce

The Department of Commerce ("Department") is not in opposition to the proposed amendment of Ordering Paragraph 1, "so long as this change is not found to cause customer harm."<sup>6</sup> The Department says that the Commission may "determine whether to reconsider the timing of the initial customer notice" if a detrimental effect for customers is found by allowing ETCs to issue the initial Lifeline notice to customers within one month of enrollment.<sup>7</sup>

#### B. Office of the Attorney General

In their initial comments, the Office of the Attorney General ("OAG") agrees with ETCs that monthly batching of the new subscriber notice is effective and will still reach customers in a timely manner. About the February 5, 2021 meeting, they say that the timing "concerns raised by the Mobile Wireless Lifeline-Only ETCs during the workshop were reasonable and did not compromise the consumer protection goals of the notice."<sup>8</sup> They do not think this change will negatively impact mobile wireless Lifeline-only customers.

In their reply comments, the OAG points out that they have used the language "within one month" for the amended Ordering Paragraph 1, while the Notice of Comment Period used the language "within a month." The OAG suggests using the language, "no later than one month after enrollment." They say that any of the language options will allow ETCs to distribute the new subscriber notices on a monthly rolling basis. The OAG supports changes that reflect the conversation in the February 5 meeting.

#### C. Mobile Wireless Lifeline-only ETCs

##### 1. Sage Telecom DBA TruConnect

Sage Telecom DBA TruConnect ("TruConnect") supports amending the Order:

TruConnect agrees with other attendees of the [February 5, 2021] meeting that it would be more efficient to distribute the required notice within a month of the customer enrollment in Lifeline, rather than within seven (7) days.<sup>9</sup>

##### 2. T-Mobile and Assurance Wireless

T-Mobile Central, LLC ("T-Mobile") and Assurance Wireless USA, L.P. ("Assurance") support the proposal to "slightly modify the customer notice requirement so that the notices could be sent in a batch, once a month, rather than on a rolling basis seven days after enrollment."<sup>10</sup>

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<sup>6</sup> Department comments, March 30, 2021, p. 2.

<sup>7</sup> Department comments, March 30, 2021, p. 2.

<sup>8</sup> OAG comments, March 30, 2021, p. 2.

<sup>9</sup> TruConnect comments, March 30, 2021, p. 1.

<sup>10</sup> T-Mobile and Assurance comments, April 2, 2021, p. 1.

T-Mobile and Assurance recommend that any changes made to the Order allow for flexibility in the timing and delivery of the new customer notice. They say that batching notices is more practical and less inefficient and cumbersome than a rolling seven-day notice. To send an SMS text message to groups of customers, a number of divisions within the company need to coordinate on an extensive process. The rolling notice would need to be performed every day instead of once a month.

They note that no attendees at the February 5, 2021 meeting opposed batching new subscriber notices monthly. T-Mobile and Assurance say that “sending out the customer notices in a batch once a month would still be effective and timely for the new subscribers.”<sup>11</sup>

#### IV. Staff Analysis

All parties either expressly support or do not oppose allowing ETCs to distribute the new customer notice in a batched manner within one month of a customer’s enrollment date.

Both the ETCs commenting in this docket and ETCs that attended the February 5 workgroup meeting agree that sending a batched text message with a link to the initial customer notice within one month of a new customer’s enrollment would be more efficient and easier to implement.

Other stakeholders, like the Department and the OAG, agree that changing the language in Ordering Paragraph 1 will not substantially change the intent of the Order. The Department expresses concerns about possible problems for customers, especially in vulnerable populations that qualify for Lifeline, but says that the timing of the initial notice could be revisited in the future if evidence is found of customer harm.

#### V. Decision Options

1. Mobile wireless Lifeline-only ETCs shall distribute customer notices to newly enrolled customers no later than one month after the customer’s enrollment date. (*OAG and mobile wireless Lifeline-only ETCs*)

**OR**

2. The Commission shall take no action.

*Staff recommends adoption of Decision Option 1.*

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<sup>11</sup> T-Mobile and Assurance comments, April 2, 2021, p. 4.