

Washington State Conditions on Designation of YourTel America, Inc. as an Eligible Telecommunications Carrier

1. ~~YourTel America, Inc. (YourTel or Company) designation as an Eligible Telecommunications Carrier (ETC) shall be for an interim period of one year from the effective date of the Commission's Order approving such designation, subject to Commission review. Before the end of one year after the effective date of the Order, YourTel may seek to renew its designation pursuant to WAC 480-123-030 through 040. YourTel's designation for the interim period shall continue until the Commission's decision to the designation. YourTel America, Inc.'s (YourTel or Company) designation as an Eligible Telecommunications Carrier (ETC) is contingent upon the Federal Communications Commission's (FCC) approval of the company's Compliance Plan. The commission will rescind the company's ETC designation if the FCC rejects its Compliance Plan. Should the Company's Compliance Plan be rejected by the FCC, the commission and YourTel shall cooperate to ensure a smooth transition of YourTel's subscribers to another ETC over a timeline not to exceed 180 calendar days.~~
2. ~~YourTel shall utilize federal default eligibility criteria only, i.e., stop utilizing Washington Telephone Assistance Program eligibility criteria that are not on the federal list, no later than January 1, 2014. All existing customers who enrolled in the company's Lifeline plan prior to January 1, 2014 based on criteria other than programs on the federal default list should be grandfathered. Within 30 days of approval of its ETC designation in Washington and prior to offering Lifeline services, YourTel must make a compliance filing for approval by the Commission containing the following:~~
 - a. ~~YourTel's Lifeline rate plans, terms and conditions. The rates, terms and conditions shall include all provisions that apply to the Lifeline services offered by YourTel in Washington state and detailed procedures explaining how customers can participate in a particular Lifeline plan.~~
 - b. ~~YourTel's proposed language to be used in all advertising of Lifeline services and on its websites. The language shall include information directing customers to the Washington State Office of the Attorney General for complaints regarding any Lifeline service issues.~~
 - c. ~~YourTel's Lifeline Customer Application Form.~~~~Commission Staff shall review YourTel's compliance filing and recommend to the Commission whether it should be approved or rejected within ten business days. YourTel shall not offer Lifeline services until the Commission has approved its compliance filing.~~
3. YourTel shall file with the Commission any future changes to its rates, terms, ~~or~~ conditions or Lifeline customer application form at least one day prior to the effective date of the change.

4. The information on YourTel's rates, key terms and conditions, e.g., return policy, usage definition, refill methods, annual recertification requirement, and customer service contact, shall be provided in a package sent or given to Lifeline customers after enrollment in YourTel's Lifeline program, as well as at YourTel's official Lifeline websites.
- ~~5. YourTel shall also provide Lifeline customers with the choice of all other rate plans available to its regular customers.~~
- ~~6.5. During this interim period (i.e., the time until the Commission issues an order recertifying YourTel's ETC designation for Lifeline services), For the rate plans free of charge to customers, YourTel must offer at least one plan with a minimum of 250 minutes per month. The Company may invoke Condition No. 3 only for the purpose of increasing the number of minutes or enhancing the features in the Lifeline plan, but not decreasing the number of minutes.~~
- ~~7.6. YourTel shall deactivate a Lifeline account if the customer has no usage for 60 consecutive days pursuant to 47 C.F.R. § 54.407(c)(2). No fewer than eight business days before deactivation, YourTel shall send the customer a written notice by mail about the potential deactivation and ways to avoid unwanted deactivation. The customer shall have a 30 day grace period from the deactivation date to reactivate the Lifeline account by making a call incurring "usage" as defined in 47 C.F.R. § 54.407(c)(2). When a customer reactivates the account, the customer will be able to use the allotment of free minutes deposited into the customer's account by YourTel YourTel must deposit the minutes the customer is entitled to for the grace period.~~
- ~~8.7. On a quarterly basis, beginning with the quarter ending on September 30, 2011, YourTel shall provide the number of Lifeline customers that it enrolls each month. YourTel shall also report the number of deactivated Lifeline customers each month by service plan and the reasons for deactivation, (e.g., no usage for 60 consecutive days, annual verification unsuccessful, or voluntary exit). Quarterly reports shall be filed with the Commission no later than 30 days after the end of each quarter.~~
- ~~9.8. YourTel shall respond within 30 days to Commission Staff's information requests on YourTel's Lifeline operations, including but not limited to Lifeline customers' usage patterns and Lifeline customer records.~~
- ~~10.9. YourTel shall cooperate with the Commission commission and the Department of Social and Health Services (DSHS) to work out a procedure to verify YourTel Lifeline customers' eligibility. YourTel shall maintain access to DSHS's online query database to verify the eligibility of Lifeline applicants who qualify based on their participation in Medicaid, Supplemental Nutrition Assistance Program, Supplemental Security Income and Temporary Assistance for Needy Families. This condition shall be required until the national Lifeline eligibility database is fully functional.~~

- 11.10. YourTel must not deduct airtime minutes for calls to customer care made from the customer's handset by dialing 611. YourTel shall explicitly state the policy of free 611 calls in its Lifeline service agreements. YourTel may require the customer to call the toll-free customer care number from another phone if necessary to resolve technical issues related to the handset or its programming.
- 12.11. ~~YourTel shall have DSHS audit its Washington Lifeline customers' eligibility at least once a year.~~ By ~~March~~January 31 of each year, YourTel shall ~~file with the Commission~~provide DSHS with its complete Washington Lifeline customer records of the prior calendar year. ~~The customer records are subject to review of the Commission and DSHS.~~The records must have all the necessary information and be in an electronic format required by DSHS. After ~~the Commission and~~ DSHS ~~notify~~notifies YourTel of the results of the review, YourTel must take appropriate measures to either correct the customer records or stop providing services to ineligible customers and report the resolutions to the ~~commission and DSHS~~agencies within 60 days of the DSHS notice. This condition shall be required until the national accountability database for duplicate Lifeline claims and the national Lifeline eligibility database are fully functional.
- 13.12. YourTel shall provide the ~~Commission~~commission a copy of its annual Lifeline Re-certification ~~Verification survey~~results within 30 days ~~that~~it files with the Universal Service Administration Company (USAC) ~~by August 31 of~~ each year.
- 14.13. YourTel shall file with the ~~Commission~~commission, by March 31 of each year, a report on the number of complaints, categorized by the different nature of complaints that it received from Washington Lifeline customers during the prior calendar year, (e.g., billing disputes and service quality complaints). This report shall include complaints filed with YourTel, the ~~Commission's~~commission's Consumer Protection and Communications Section, the Washington State Office of the Attorney General, and the ~~Federal Communications Commission (FCC).~~ This report shall not include calls from customers with regard to general inquiries such as account balance, additional purchases, service availability or technical support. The Commission reserves the rights to revoke YourTel's ETC designation if YourTel fails to provide reasonable quality of service.
- 15.14. YourTel shall cooperate with the Washington State Enhanced 911 Program (E911) and all Public Safety Answering Points on E911 issues and shall, upon request, designate a representative to serve as a member or alternate member of the Washington State E911 Advisory Committee or its Communications Sub-committee.
16. ~~YourTel shall participate in the Washington State E911 Program's "What's Your Location" public information campaign if the E911 Program requests the participation of wireless carriers.~~
17. ~~YourTel shall collaborate with the Washington State E911 Program to test the compatibility of its handsets with the new Emergency Service Information Network in~~

~~Washington, including supplying handsets representative of YourTel's proprietary software and technical assistance should call delivery discrepancies be discovered.~~

- ~~16.15.~~ YourTel shall comply with rules on cessation of business as specified in WAC 480-120-083.
- a. Prior to cessation of business, YourTel shall make arrangements with its underlying carriers to provide minutes already sold to customers under the same terms and conditions it has with the customers, or provide refunds to the existing customers.
 - b. YourTel shall provide written notice to the following persons at least 30 days in advance of cessation of service:
 - i. The Commission;
 - ii. The state 911 program;
 - iii. Each of its customers;
 - iv. The national number administrator.
 - c. The notice to the Commission and the state 911 program must include the same information required by WAC 480-120-083-(3).
 - d. The notice to the customers must include the same information required by WAC 480-120-083-(4).
 - e. The notice to the national number administrator must include the same information required by WAC 480-120-083-(7).
 - f. YourTel shall file with the Commission at least 30 days in advance of its cessation of business and request the relinquishment of its ETC designation in Washington.
- ~~17.16.~~ YourTel shall collect and maintain necessary records and documentation to ensure its compliance with the applicable FCC and Commission requirements, including existing requirements and any future modifications. The records and documentation shall be provided to Commission Staff upon request.
- ~~18.17.~~ YourTel shall cooperate with Commission Staff on phone number conservation issues and shall comply with 47 C.F.R. § 52.
- ~~19.18.~~ YourTel shall comply with all applicable federal and Washington state statutes and regulations, including ~~Enhanced~~ 911 tax contributions.