

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

I-WIRELESS, LLC,

Petitioner,

For an Exemption from WAC 480-123-030(1)(d),(f), and (g), and Designation as an Eligible Telecommunications Carrier

DOCKET UT-101640

ORDER 03

ORDER GRANTING

PETITION TO AMEND ORDER 02

BACKGROUND

- 1 On September 13, 2012, the Washington Utilities and Transportation Commission (Commission) entered Order 01 in this docket, designating i-wireless, LLC (i-wireless or Company) as an Eligible Telecommunications Carrier (ETC) under the Communications Act of 1934¹ (Communications Act) and WAC 480-123.
- 2 On May 29, 2014, the Commission entered Order 02 in this docket, renewing i-wireless's ETC designation subject to conditions.
- 3 On January 20, 2017, i-wireless filed with the Commission a Petition for Waiver of Ordering Condition (Petition). In its Petition, i-wireless requests the Commission waive Condition 5 in Appendix A of Order 02 related to deactivation of Lifeline service for non-use pursuant to 47 C.F.R. Part 54.407(c)(2).
- 4 Specifically, Condition 5 requires i-wireless to deactivate a Lifeline account if the customer incurs no usage for 60 consecutive days. Condition 5 further requires the Company to send the customer a written notice by mail at least eight days prior to deactivation. Finally, Condition 5 provides a 30-day grace period from the deactivation date to reactivate the account by incurring usage.
- 5 In its Petition, i-wireless explains that on December 2, 2016, the Federal Communications Commission (FCC) adopted non-usage reforms. The reforms now require customers to use their service at least once every 30 days in order to remain

¹ 47 U.S.C. § 214 (e)(2) (2012).

eligible for Lifeline service and reduce the grace period to 15 days. Accordingly, Condition 5 now conflicts with FCC requirements because the sum of both the non-usage and grace periods (45 days) expires prior to the non-usage period of 60 days designated by Condition 5.

6 The Company requests the Commission waive the application of Condition 5, including the eight-day written notice requirement, which, it argues, is both administratively burdensome and inadequate for helping customers to avoid service disconnection. Instead, i-wireless uses text messaging, email notification, IVR messaging, and account log-in notifications to communicate with its customers.

7 Commission staff (Staff) has reviewed the Company's Petition and recommends the Commission amend Order 02 to remove Condition 5 because it conflicts with FCC requirements.

DISCUSSION

8 We agree with Staff's recommendation and amend Order 02 to eliminate Condition 5 from Appendix A because FCC requirements have rendered the terms of Condition 5 obsolete. We also agree with the Company that requiring written notice by mail is inefficient and unnecessary in light of the Company's policy of using electronic communications to notify customers of potential disconnections.

FINDINGS AND CONCLUSIONS

9 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property, and affiliated interests of public service companies, including telecommunications companies.

10 (2) i-wireless is a telecommunications company and a public service company subject to Commission jurisdiction.

11 (3) On January 20, 2017, i-wireless filed a Petition requesting the Commission waive the application of Condition 5 in Appendix A of Order 02.

- 12 (4) This matter came before the Commission at its regularly scheduled meeting on February 9, 2017.
- 13 (5) After reviewing the Petition and giving due consideration, the Commission finds that amending Order 02 to remove Condition 5 is consistent with the public interest because a recent change in FCC regulations has rendered Condition 5 obsolete, and the Company's electronic disconnection notice methods are acceptable.

ORDER

THE COMMISSION ORDERS:

- 14 (1) Order 02 is amended to remove Condition 5 from Appendix A.
- 15 (2) The Commission retains jurisdiction over the subject matter and i-wireless, LLC to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective February 9, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary