

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET UT-240165
TRUCONNECT COMMUNICATIONS, INC,	ORDER 01
Seeking Designation as an Eligible Telecommunications Carrier on a Wireless (Lifeline Only) Basis	GRANTING PETITION FOR DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION AND EXEMPTIONS FROM WAC 480-123- 030(1)(d), (f), and (g)

BACKGROUND

- 1 On June 3, 2024, TruConnect Communications, Inc (TruConnect or Company) filed a petition with the Washington Utilities and Transportation Commission (Commission) requesting designation as an Eligible Telecommunications Carrier (ETC) in the state of Washington under the Communications Act of 1934, as amended (the Act),¹ applicable Federal Communications Commission's (FCC) rules, and WAC 480-123-030. TruConnect seeks ETC designation in Washington for the purpose of receiving federal Low Income (Lifeline) support that subsidizes monthly charges for telecommunications service for qualified low-income households. Lifeline support is part of the federal Universal Service Fund (USF).² The Company is a reseller of facility based wireless service providers. TruConnect also requests an exemption from Washington Administrative Code 480-123-030(1)(d), (f), and (g), which require ETC applicants to file a substantive investment plan, wireless network maps, and certification on backup power capabilities.
- 2 On July 10, 2024, TruConnect submitted an Amended Petition revising Exhibit 1 of its petition, an unsworn declaration from a Company officer. In the subsequent months, Commission staff (Staff) worked with the Company in an attempt to use zip code areas in determining where the Company is requesting ETC designation. Unfortunately, Staff was unable to find an authoritative zip code area map and requested the Company use

¹ 47 U.S.C. § 214 (e)(2).

² The USF subsidizes monthly and, in certain circumstances, initial connection charges for qualified low-income households.

exchanges instead. On October 1, 2024, TruConnect submitted an amended Exhibit 3 to its petition, changing the requested area of designation to a list of exchanges, and those exchanges are set forth in Attachment 1 of this Order.

- 3 The Company states that its proposed Lifeline rate plans comply with the FCC's minimum service standards.³
- 4 TruConnect has been designated as an ETC in 30 states (and in the territory of U.S. Virgin Islands) through commercial mobile radio service by reselling the network services of T-Mobile USA, Inc and Verizon Wireless. The Company currently has applications pending for ETC designation in 10 other states.
- 5 Staff agree with TruConnect that the Company meets all applicable regulatory requirements to be designated as an ETC. However, Staff presented, and the Company agreed to comply with, a list of conditions the Commission previously imposed on other similarly situated Lifeline ETCs seeking to operate in Washington. These include compliance filings, customer communications, and annual reports to be filed with the Commission. A list of exchanges is set forth in Attachment 1 to this Order. A complete list of these conditions is set forth in Attachment 2 to this Order.
- 6 Additionally, TruConnect's Petition seeks an exemption from WAC 480-123-030(1)(d) which requires high-cost program participants to file a substantive plan of the investments to be made with initial federal support for the first two years of their programs. TruConnect indicates that it does not seek ETC designation for the purpose of participating in the USF high-cost program, making the substantive investment plan inapplicable to its petition.
- 7 TruConnect's Petition also seeks exemption from WAC 480-123-030(1)(f), which requires ETC petitioners to provide a map of proposed service area and cell sites. TruConnect is a reseller, and does not have access to the underlying cell maps of the carriers it purchases from.
- 8 TruConnect's Petition also seeks exemption from WAC 480-123-030(1)(g) which requires a wireless ETC to have back up power contingencies at each cell site, microwaves hub, and switch. TruConnect is a reseller, and therefore does not have control over its underlying carriers' emergency power back up facilities.

³ See [Minimum Service Standards - Universal Service Administrative Company](#) for more detailed information about the minimum service standards.

9 Staff also agree with and recommend granting TruConnect's request for exemptions from the filing requirements of WAC 480-123-030(1)(d), (f), and (g) due to the limited nature of the designation as a Lifeline Only (LLO) ETC; and the limitations inherent to resellers of facility based wireless service providers. Staff recommend granting the exemptions.

DISCUSSION

10 Common carriers receiving designation as ETCs under 47 U.S.C. § 214 are eligible to receive funds from the federal USF for Lifeline services. State utility commissions are responsible for designating common carriers as ETCs for the purpose of receiving such funds, and may impose conditions on a common carrier so designated.⁴ The Commission will approve petitions from carriers requesting ETC designation if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.⁵

11 State commissions shall designate more than one carrier as an ETC in an area if such designation is consistent with the public interest, convenience, and necessity and the carrier seeking ETC designation meets these two requirements of 47 U.S.C. § 214(e)(1):

- (A) Offer the services that are supported by federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and
- (B) Advertise the availability of such services and the charges therefore using media of general distribution.⁶

⁴ *In the Matter of the Petition of TracFone Wireless, Inc. for Exemption from WAC 480-123-030(1)(d), (f) and (g); and Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Lifeline Support from the Federal Universal Service Fund*, Order 03 (June 24, 2010), UT-093012, ¶ 78.

⁵ WAC 480-123-040.

⁶ 47 U.S.C. § 214(e)(1).

- 12 Here, TruConnect seeks ETC designation for the limited purpose of participating in the Lifeline program. We agree with Staff that TruConnect is capable of providing services supported by federal universal service mechanisms, as defined in 47 C.F.R. § 54.101(a) by reselling its underlying network carrier's services.
- 13 Based on the FCC's Lifeline and Link Up Reform Order, the Federal Communications Commission (FCC) forbears from applying the Act's facilities-based requirement to all carriers that seek limited ETC designation to participate in the Lifeline program on the condition that the FCC's Wireline Competition Bureau approves such ETC applicant's Compliance Plan. The Compliance Plan must demonstrate the ETC applicant's commitment to fight waste, fraud, and abuse in the Lifeline program and describe its adherence to the revised federal Lifeline rules. TruConnect has met the forbearance condition.
- 14 Based on the Company's operational history and updated Company financial statements and letters of guarantee, Staff concludes that the Company is technically and financially capable of providing the supported Lifeline service in compliance with the low-income program rules. We accept Staff's review and recommendation that TruConnect has the technical and financial capabilities to provide the supported Lifeline service.⁷
- 15 We agree with Staff that designating TruConnect as a Lifeline-only ETC will deliver benefits and additional choices to low-income households in Washington and is therefore in the public interest.
- 16 These services are supported by federal universal service support mechanisms.⁸ Further, TruConnect commits to advertise its Lifeline services.⁹ Designating the Company an ETC is consistent with the public interest, convenience, and necessity.
- 17 Staff is correct that certain additional conditions should be imposed on TruConnect as we have done when designating other similarly situated ETCs in Washington. Attachment 2 to this order provides the Company specific guidance on our expectations for regulatory compliance, customer service, consumer protection, and various reporting requirements that will ensure Staff can monitor TruConnect's operations for strict adherence to all ETC requirements.

⁷ Company provided a letter of financial guarantee from TSC Acquisition Corp. (TruConnect's parent company) on July 15, 2024, in Docket UT-240165.

⁸ 47 C.F.R. § 54.101(a).

⁹ Petition at 11.

18 The Company meets the requirements of the Washington rule on ETC designation, WAC 480-123-030; except subsections (1)(d), (f) and (g):

- WAC 480-123-030(1)(d) requires an ETC petitioner to provide a “substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers.” TruConnect requests an exemption from the requirement because the company seeks only Lifeline support, not federal High-Cost support. It does not have an obligation to use federal USF for infrastructure investment.
- WAC 480-123-030(1)(f) requires a wireless ETC petitioner to provide “a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals.” TruConnect requests an exemption because it does not have access to its underlying carriers’ maps.
- WAC 480-123-030(1)(g) requires a wireless ETC to have “at least four hours of back up battery power at each cell site, backup generators at each microwave hub, and at least five hours back up battery power and backup generators at each switch.” TruConnect requests an exemption because it does not have control over its underlying carriers’ emergency power back up facilities.

19 We agree with Staff’s recommendation to grant the Company’s request for exemptions from the three requirements under WAC 480-123-030 listed above. Granting the request is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

- 20 (1) The Commission has jurisdiction over the subject matter of this order and is authorized to designate Eligible Telecommunications Carriers in Washington under 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.201(b)-(c), and WAC 480-123.
- 21 (2) TruConnect is a telecommunications company seeking to do business in the state of Washington. TruConnect meets the requirements for designation as an ETC because the company provides services supported by federal universal support mechanisms and because TruConnect has committed to advertise the availability of its services and the charges therefore using media of general distribution. TruConnect's designation as an ETC will advance the purpose of universal service because TruConnect will offer voice telephony services and broadband services, which facilitate universal service. TruConnect has also demonstrated that its designation as an ETC is in the public interest.
- 22 (3) The Commission may grant an exemption from any of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. TruConnect has demonstrated that the requirements of WAC 480-123-030(1)(d), (f), and (g) should not apply to the Company and that granting the requested exemption is in the public interest and consistent with applicable laws, rules, and orders.
- 23 (4) This matter came before the Commission at its regularly scheduled meeting on November 21, 2024.

ORDER

THE COMMISSION ORDERS:

- 24 (1) TruConnect Communications, Inc.'s request for designation as an ETC on the exchanges set forth in Attachment 1 is hereby GRANTED, subject to the conditions set out in Attachment 2.
- 25 (2) TruConnect Communications, Inc.'s request for exemptions from WAC 480-123-030(1)(d), (f), and (g) are hereby GRANTED.

- 26 (3) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Lacey, Washington, and effective November 21, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner