BEFORE THE   
  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of )

)

Telrite Corporation d/b/a Life Wireless ) Docket No. UT-110321

for Designation as an Eligible )

Telecommunications Carrier in the State of )

Washington Pursuant to 47 U.S.C. § 214(e)(2) )

on a Wireless Basis (Low Income Only) )

**PETITION OF TELRITE CORPORATION D/B/A LIFE WIRELESS FOR RENEWAL OF ITS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF WASHINGTON PURSUANT TO 47 U.S.C. § 214(E)(2) AND WAC 480-123-030 - 040 ON A WIRELESS BASIS (LOW INCOME ONLY)**

September 24, 2014

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By Order dated June 13, 2013 in this docket (“June 13 Order”), Telrite Corporation d/b/a Life Wireless (“Telrite” or the “Company”) was designated by the Washington Utilities and Transportation Commission (the “Commission”) as an Eligible Telecommunications Carrier (“ETC”) in portions of the State of Washington identified in Exhibit “B” to the Order (the “Service Area”). The Commission granted Telrite’s Amended Petition for ETC designation filed January 29, 2013, as supplemented on May 31, 2013. Telrite’s ETC designation is for the limited purpose of receiving federal low-income universal service support for prepaid wireless services, specifically Lifeline services. Telrite hereby submits this Petition for Renewal of its ETC designation (“Renewal Petition”) in its Service Area throughout the State of Washington.[[1]](#footnote-1) In support of its petition, Telrite provides the following information:

1. Telrite is a Georgia corporation with its principal offices located at 4113 Monticello Street, Covington, Georgia 30014. Telrite’s Articles of Incorporation and Certificate of Authority to do Business in Washington were attached as Exhibit “B” to the Amended Petition for ETC designation filed with the Commission on January 29, 2013. A current Certificate of Authority to do Business in Washington is attached as Exhibit A.
2. Telrite has been designated as a wireless ETC in the states of Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Puerto Rico, and the U.S. Virgin Islands and has pending applications in California, Massachusetts, Mississippi, New Jersey, and South Dakota.
3. Correspondence or communications pertaining to this Renewal Petition should be directed to Telrite’s attorneys of record:

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and:

Susan J. Berlin

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E-mail: susan.berlin@telrite.com

1. Questions concerning the ongoing operations of Telrite following certification should be directed to:

Susan J. Berlin

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1. In the Commission’s June 13 Order, the Company was designated as an ETC for purposes of offering Lifeline services to qualifying low-income consumers in the State of Washington.
2. On July 1, 2013, as amended by filings made August 5, 2013, and August 8, 2013, Telrite submitted its compliance filing for approval of the Commission including Lifeline rate plans, terms, and conditions, proposed advertising language, and a customer application form. The compliance filing was subsequently approved by the Commission on August 13, 2013.
3. Telrite has provisioned Lifeline services to low-income consumers in its Service Area in the State of Washington since commencing operations in March 2014. As of the date of this Renewal Petition, the Company currently serves approximately 1340 consumers throughout the State of Washington.
4. As shown in the Commission’s June 13, 2013 Order in this matter, the Commission has previously determined that Telrite meets the requirements for ETC designation by the Commission pursuant to 47 U.S.C. § 214(e)(2) and Washington Administrative Code (“WAC”) § 480-123-030 through -040.
5. Telrite met with Commission staff on March 4, 2014 and September 10, 2014 to discuss its business plans for Washington State, to address any questions or concerns Staff wished to pose and to provide an overview of how Telrite conducts its business.
6. Telrite has met and will continue to meet the Washington State Conditions as set forth in Appendix “A” to the Commission’s Order. Specifically:

* As noted above, Telrite made a timely compliance filing for approval by the Commission containing the required items and approved by the Commission on August 13, 2013.
* Telrite maintains on file with the Commission its current rates, terms and conditions and has timely informed the Commission of any changes.
* Telrite provides a package of information to customers enrolling in its Lifeline service containing information about its rates, terms and conditions and links to its website.
* Telrite makes available to its Lifeline customers the choice of all other rates plans available to other customers.
* Telrite offers at least one plan with a minimum of 250 minutes per month.
* Telrite has checks and procedures in place to deactivate a Lifeline account if the customer has no usage for 60 consecutive days and timely notifies such customers in writing by mail about the potential activation and ways to avoid same. Telrite offers customers a 30 day grace period from the deactivation date to reactivate the Lifeline account by incurring usage and, in such instances, reinstates the minutes to which the customer was entitled from the grace period.
* Telrite timely files reports with the Commission on a quarterly basis providing the number of Lifeline customers it enrolls and deactivates each month and reasons for deactivations.
* Telrite timely responds to information requests from Commission Staff.
* Telrite cooperates with the Commission and the Department of Social and Health Services (DSHS) and has developed procedures for verifying Lifeline customers’ eligibility. Telrite has engaged in meetings with DSHS on the best ways to serve the public interest as well as on database access and usage.
* Telrite does not deduct airtime minutes for calls to customer care made from the customer’s handset by dialing 611 and makes this policy of free 611 calls explicit to customers.
* Telrite provides password protected data files to DSHS on a quarterly basis containing relevant subscriber data. In this manner DSHS is able audit Telrite’s Lifeline customers’ eligibility (including program eligibility and duplication with other Lifeline providers).
* Telrite provides the Commission with a copy of its annual Lifeline Verification survey results within 30 days of the date it files with USAC each year.
* Telrite files with the Commission, by March 31 of each year, a report on the Washington Lifeline customer number of complaints from the prior year, organized by category and including complaints lodged with Telrite, the Commission, the Washington Attorney General, and the FCC.
* Telrite cooperates with the Washington State Enhanced 911 Program and PSAPs on E911 issues.
* Telrite is available to participate in Washington State’s E911 Program "What's Your Location" public information campaign if the E911 Program requests the participation of wireless carriers.
* Telrite is familiar with the rules on cessation of business as specified in WAC 480-120-083 and is aware of the requirement to comply in the event of such cessation.
* Telrite collects and maintains necessary records and documentation to ensure its compliance with applicable FCC and Commission requirements and can make these available to Commission staff upon request.
* Telrite cooperates regarding phone number conservation issues and complies with 47 C.F.R. § 52.
* Telrite uses best efforts to comply with all applicable federal and state statutes and regulations.

1. In addition, Telrite hereby demonstrates as follows pursuant to the requirements of WAC § 480-123-030:
   1. Telrite seeks to serve and will continue to serve the Service Area identified in Appendix “B” to the Commission’s Order;
   2. Telrite will continue to offer the services supported by federal universal service support mechanisms throughout the Service Area;
   3. Telrite will continue to provide each supported service in the State of Washington as follows:

* As an ETC in Washington, and consistent with state and federal policies favoring universal service, Telrite will offer voice telephony services as described in Section 47 C.F.R. § 54.101.
* Telrite will also provide access to emergency services provided by local government or public safety officials, including 911 and enhanced 911 (“E911”) where available and will comply with any Department requirements regarding E911-compatible handsets. Telrite will comply with the Commission’s forbearance grant conditions relating to the provision of 911 and E911 services and handsets. Telrite commits to pay in a timely manner all applicable federal, state and local regulatory fees, including but not limited to universal service and E911 fees.
* Telrite will not provide toll limitation service (“TLS”), which allows low-income consumers to avoid unexpected toll charges. However, since the Company is a prepaid service provider, customers cannot be disconnected for failure to pay toll charges, nor are there additional charges for exceeding their minutes. Further, the Company, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the Lifeline Reform Order, subscribers to such services are not considered to have voluntarily elected to receive TLS.
* Telrite will provide wireless service through resale. In its Lifeline Reform Order, the FCC decided to forbear, on its own motion, from applying the facilities requirement of Section 214(e)(1)(A) to any telecommunications carrier that seeks limited ETC designation to participate in the Lifeline program, conditioned on the ETC’s compliance with certain 911 requirements and the ETC’s filing with and approval by the FCC of a compliance plan describing the ETC’s adherence to certain protections prescribed by the FCC (“Blanket Forbearance”). On December 26, 2012, the FCC approved Telrite’s Compliance Plan and copy of Telrite’s FCC-approved Compliance Plan was filed as Exhibit “D’ in the instant docket on January 3, 2013. Telrite continues to seek the same limited ETC designation in Washington to participate in the Lifeline program.
* Telrite, in its provision of wireless services, will offer resold services which Telrite will obtain from its underlying wireless provider, AT&T. This extended footprint allows Telrite to provide expanded coverage throughout otherwise underserved markets.
* Telrite has developed and implemented a diverse network that delivers all of the services required by the federal Lifeline guidelines, and employs AT&T to ensure ubiquitous coverage.
* As demonstrated above, through its service arrangements Telrite is able to offer all of the services and functionalities supported by the federal universal service program throughout its Service Area.

* 1. WAC § 480-123-030(1)(d) requires petitions for ETC designation to include a substantive plan of the investments to be made with initial federal support during the first two years in which support is received. This requirement applies to carriers that seek high-cost support to fund investments to their networks. Telrite is requesting renewed ETC designation in Washington solely for the purpose of participating in the Lifeline program as a prepaid wireless carrier. It is not seeking designation for the purpose of participating in the USF’s high-cost program. Based on the foregoing, Telrite has no basis for filing an investment plan and should continue to be exempt from WAC § 480-123-030(1)(d).
  2. Telrite will continue to advertise the availability of Lifeline services supported by federal universal service mechanisms in a way that is reasonably calculated to reach low-income consumers not receiving discounts. Since commencing operations in Washington in March 2014 Telrite has utilized and will continue to utilize the following types of advertisements: Community Outreach, Site Events: Live Enrollments, FCC and State Compliant Banners and Signs, Website directs potential customers to sign up locations, and regional newspaper advertisements (see Exhibit B, Telrite’s Advertising and Marketing Plan).
  3. WAC § 480-123-030(1)(f) requires petitions for ETC designation to include 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. Telrite does not own, control, nor plan to develop cell sites. Telrite’s Service Area encompasses all of the areas for which it was approved in Exhibit B of the Commission’s June 13 Order. As Telrite does not have access to the underlying carriers’ maps of geographic service areas showing the location of cell sites, Telrite respectfully requests a waiver of the requirement under WAC § 480-123-130(1)(f) to provide coverage maps. (g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC [480-120-411](http://app.leg.wa.gov/wac/default.aspx?cite=480-120-411) or, for a wireless carrier, information that demonstrates it has at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch; and
  4. WAC § 480-123-030(1)(g) requires petitions for ETC designation on a wireless basis to include information that demonstrates its ability to remain functional in emergency situations including information that demonstrates it has at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch. Telrite resells facilities owned by AT&T in the State of Washington and, therefore, relies on the facilities of AT&T for backup battery power at each cell site, backup generators at each microwave hub, and backup battery and generators at each switch located in Washington. For these reasons, Telrite respectfully requests a waiver of the requirements of WAC § 480-123-030(1)(g) given that AT&T maintains the appropriate level of backup power at each such site in Washington.

1. Telrite’s enrollment process is as follows: Every prospective Lifeline customer is certified during the enrollment process. The goals of the certification process are to properly confirm eligibility, and to ensure that no one in the prospective customer’s household is currently receiving Lifeline service. In short, Telrite confirms prospective customer’s identity by reviewing government-issued photo ID, confirms that the prospective customer is eligible for Lifeline under program eligibility or income eligibility, that he or she provides a valid household address, and that no one in the household is currently receiving a Lifeline subsidy. In the State of Washington, a database maintained by the Department of Health and Human Services is checked to verify eligibility if a customer is attempting to qualify for service through SNAP, TANF, SSI, or Medicaid.

Telrite acquires the following information from prospective customers: name, home address, the government assistance program(s) in which prospective customer is currently enrolled, signature, date, social security number and date of birth.

All prospective customers must answer and attest to the following questions:

* Is anyone in your household currently receiving a Lifeline subsidy from any other Lifeline service provider, such as Safelink, Assurance, or Reachout Wireless? (If “yes, the prospective customer cannot receive service.)
* I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required.
* I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement.
* I am not listed as a dependent on another person’s tax return (unless over the age of 60).
* The address listed below is my primary residence, not a second home or business.
* If I move to a new address, I will provide that new address to the Company; I will verify my temporary residential address every 90 days.
* I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law.
* I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de- enrollment and the termination of my Lifeline benefits.

1. Renewal of Telrite’s ETC designation will continue to promote the public interest in the State of Washington for the reasons as previously set forth in its Initial Petition for ETC designation.

WHEREFORE, premises considered, having demonstrated herein that Telrite satisfies all the conditions of eligibility necessary for continuing designation as an ETC in Washington, and having shown that the public and universal service interests of the telecommunications consumers of the State of Washington will be properly served, Telrite respectfully requests that the Commission promptly grant this Renewal Petition, grant the waivers requested and renew the designation of Telrite Corporation d/b/a Life Wireless as a wireless eligible telecommunications carrier in its Service Area throughout the State of Washington.

Respectfully Submitted,

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Attorneys for Telrite Corporation d/b/a Life Wireless

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 24th day of September, 2014, served the true and correct original, along with the correct number of copies, of the foregoing document upon the WUTC, via Overnight and electronic mail, properly addressed as follows:

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| --- | --- | --- | --- |
| Steven V. King  Acting Secretary and Executive Director  Washington Utilities and Transportation Commission  1300 S Evergreen Park Drive SW  PO Box 47250  Olympia, WA 98504-7250 |  | Hand Delivered | |
|  | U.S. Mail (first-class, postage prepaid) | |
| x | Overnight Mail (UPS) | |
|  | Facsimile (360) 586-8203 | |
| x | Email (records@wutc.wa.gov) | |
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**Exhibit A**

**Certificate of Authority to do Business in Washington**

**Exhibit B**

**Telrite Corporation**

**Washington Advertising and Marketing Plan**

1. The June 13 Order required Telrite to file to renew its certification within one date of the order approving designation. Due to an administrative error, Telrite did not fileby the date ordered. Immediately upon notice of its error, Telrite began to prepare this filing. [↑](#footnote-ref-1)