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May 5, 2020

VIA ELECTRONIC FILING

Attention: Filing Center
Public Utility Commission of Oregon
201 High Street SE, Suite 100
P.O. Box 1088
Salem, Oregon 97308-1088

Re: Docket UM 2081 – TRUCONNECT COMMUNICATIONS, INC., Application for Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider, and Request for Certain Waivers

Attention Filing Center:

Attached for filing in the above-captioned docket is TruConnect Communications, Inc.'s Application for Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider, and Request for Certain Waivers.

Please contact this office with any questions.

Sincerely,

/s/ Alisha Till

Alisha Till
Paralegal

Attachments

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

In the Matter of

TRUCONNECT COMMUNICATIONS, INC.

Application for Designation as an Eligible
Telecommunications Carrier and Eligible
Telecommunications Provider, and Request
for Certain Waivers

APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS
CARRIER AND ELIGIBLE
TELECOMMUNICATIONS PROVIDER, AND
REQUEST FOR CERTAIN WAIVERS

May 5, 2020

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I. INTRODUCTION

TruConnect Communications, Inc. (“TruConnect” or the “Company”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”)¹, Sections 54.101 *et seq.* of the rules of the Federal Communications Commission (“FCC”),² and the rules and regulations of the Public Utility Commission of Oregon (“Commission”),³ hereby submits its Application for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Oregon, along with its request for designation as an Eligible Telecommunications Provider (“ETP”) for participation in the Oregon Telephone

¹ 47 U.S.C. § 214(e)(2)

² 47 C.F.R. §§ 54.101 *et seq.*

³ See *In the Matter of Public Utility Commission of Oregon Staff Investigation into Eligible Communication Carriers’ Requirements*, Third Partial Stipulation Adopted, Order No. 06-292 Amended to Change Initial Designation Requirements, Oregon Public Utility Commission, Docket No. UM 1648, Order No. 15-382 (entered Dec. 1, 2015) (“*Oregon ETC Order*”). ETC designation, certification and reporting requirements are contained in Appendix A to the Oregon ETC Order.

Assistance Program (“OTAP”) under Oregon Administrative Rule (“OAR”) Chapter 860, Division 033: Residential Service Protection Fund (“RSPF”). TruConnect seeks ETC and ETP designation solely to provide Lifeline and OTAP services to qualifying Oregon consumers; it will not seek federal Universal Service Funds (“USF”) for the purpose of providing service to high cost areas, nor support from the Tribal Lifeline or Link Up portions of the federal USF.⁴ TruConnect meets the statutory and regulatory requirements for designation as an ETC, including the requirements outlined in the FCC’s *Lifeline Reform Order*⁵ and *Lifeline Modernization Order*.⁶ TruConnect also meets the statutory and regulatory requirements for designation as an ETP specified in OAR Chapter 860, Division 33, with the exception of those for which waivers are requested herein.

Designating TruConnect as an ETC and ETP will advance the Commission’s goal of making telephone service more affordable and accessible to those who can least afford it and will serve the public interest. Accordingly, TruConnect respectfully requests that the Commission expeditiously approve this Application.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

⁴ Given that TruConnect only seeks Lifeline support from the low-income program and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to the Company.

⁵ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline Reform Order*”).

⁶ *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90, Third Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (“*Lifeline Modernization Order*”).

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II. BACKGROUND

A. Company Overview

TruConnect is a Delaware corporation⁷ with its principal office located at 1149 S. Hill Street, Suite 400, Los Angeles, California 90015. TruConnect Communications, Inc., formerly Telscape Communications, Inc., is a subsidiary of TSC Acquisition Corporation (“TSC”). TSC also owns Sage Telecom Communications, LLC d/b/a TruConnect (“Sage d/b/a TruConnect”), formerly known as Sage Telecom, Inc. before a corporate restructuring in 2012, and the owners of TSC separately own TruConnect Mobile, LLC, which sells mobile hotspot devices and low-cost monthly data plans, as well as TruConnect Technologies, LLC, a mobile data analytics company that develops data intelligence products and services for wireless carriers, cable operators, and

⁷ TruConnect was organized in the State of Delaware on June 19, 2001 and has received a Certificate of Authority to operate in Oregon.

content providers.

TruConnect provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of facilities-based providers, primarily T-Mobile USA, Inc. (“T-Mobile”), and also Sprint Spectrum, L.P. (“Sprint”) which recently merged with T-Mobile (collectively, “Underlying Carriers”) on a wholesale basis to offer nationwide service.

TruConnect’s prepaid wireless services are affordable, easy to use, and attractive to low-income and lower-volume consumers, providing them with access to emergency services and a reliable means of communication that can be used both at home and while traveling to remain in touch with friends and family and for contacting prospective employers. TruConnect offers consumers simple and affordable prepaid calling plans, easy-to-use handsets and high-quality customer service. Given its pricing and marketing strategy and the demographics of its customers in other states, TruConnect anticipates that many of its customers will be from low-income backgrounds who have not previously enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. TruConnect does not conduct credit checks or require customers to enter into long-term service contracts as a prerequisite to obtaining wireless service.

By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or who were previously ignored by traditional carriers, TruConnect will expand the availability of wireless services to many more consumers, which is the principal reason for which Congress created the universal service program.

B. Company ETC Designations

TruConnect is currently designated and operating as a wireless ETC in California and the U.S. Virgin Islands, and Sage d/b/a TruConnect is designated and operating as a wireless ETC in Arizona, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Carolina, Texas, Utah, U.S. Virgin Islands, West Virginia and Wisconsin. TruConnect has an application for ETC designation pending with the New Jersey Board of Public Utilities, and Sage d/b/a TruConnect has applications for ETC designation pending with the FCC and with the state public utility commissions in Hawaii, New Mexico and Washington.

C. The Commission Has Jurisdiction to Designate Wireless ETCs

Section 214(e)(2) of the Act provides state public utility commissions with the “primary responsibility” for the designation of ETCs.⁸ Although Section 332(c)(3)(A) of the Act prohibits states from regulating the entry of or the rates charged by any provider of commercial mobile service or any private mobile service, this prohibition does not allow states to deny wireless carriers ETC status.⁹ Therefore, the Commission has the authority to designate TruConnect as an ETC. Pursuant to this authority, the Commission has historically participated in determining whether to grant ETC status to an applying carrier, including any requesting wireless carrier.¹⁰

⁸ 47 U.S.C. § 214(e)(2).

⁹ See *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) (“*USF Order*”).

¹⁰ See, *i.e.*, *In the Matter of Cingular Wireless, LLC, Application for Designation as an Eligible Telecommunications Carrier*, Docket No. UM 1253, Order No. 07-111 (March 29, 2007); see also *In the Matter of i-wireless, LLC, Application for Designation as an Eligible Telecommunications Carrier in*

Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). TruConnect recognizes that Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over their own facilities and that Section 54.201(i) of the FCC's Rules (47 C.F.R. § 54.201(i)) prohibits state commissions from designating as an ETC a telecommunications carrier that offers services exclusively through the resale of another carrier's services. However, pursuant to the FCC's *Lifeline Reform Order* resellers are granted blanket forbearance from this facilities requirement, subject to conditions, in connection with limited ETC designation to participate in the Lifeline program.¹¹ As demonstrated below, TruConnect satisfies all of these requirements and therefore the Commission may grant it ETC designation in the State of Oregon.

Section 10(e) of the Act (47 U.S.C. § 160(e)) provides: “[a] State commission may not continue to apply or enforce any provision of this chapter that the [Federal Communications] Commission has determined to forbear from applying under subsection (a) [of this section].” As such, the Commission is required by Section 10(e) to act in accordance with the FCC's grant of forbearance, and therefore, may not apply the facilities-based requirement to TruConnect. Therefore, the Commission has the authority to act under Section 214(e)(2) of the Act and to grant TruConnect's request for designation as an ETC throughout the State of Oregon.

Oregon for the Purpose of Offering Lifeline Service to Qualified Households, Docket No. UM 1509, Order No. 15-300 (Sep 29, 2015) (“*i-wireless ETC Order*”).

¹¹ See *Lifeline Reform Order* at ¶ 368.

III. TRUCONNECT SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC AND ETP

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) of this title shall be eligible to receive specific Federal universal service support.” Section 214(e)(2) of the Act authorizes state commissions, such as the Commission, to designate ETC status for federal universal service purposes and authorizes the Commission to designate wireless ETCs.¹² Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide that applicants for ETC designation must be common carriers that will offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier’s services. However, as described above, the FCC has granted forbearance from the “own facilities” requirement with respect to carriers such as TruConnect. Applicants also must commit to advertise the availability and rates of such services¹³ and provide additional information set forth in 47 C.F.R. § 54.202(a). As detailed below, TruConnect satisfies each of the above-listed requirements and the requirements set forth in Appendix A to the Oregon ETC Order, Initial Application Requirements (referred to hereinafter as the “ETC Requirements”).

A. ETC Requirements 1 and 2 – Common Carrier Status and Type of Federal Universal Service Support for Which Designation is Requested

In previous sections of this Application, TruConnect provided information on its corporate affiliations (ETC Requirement 1.1) and indicated that the instant request for ETC designation is limited to Lifeline support (ETC Requirement 2). With respect to ETC Requirement 1.2,

¹² *USF Order*, at 8858-59, ¶ 145.

¹³ *See* 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

TruConnect is a resale-based Commercial Mobile Radio Service (“CMRS”) provider and is thus a common carrier¹⁴ as defined in 47 U.S.C. § 153(11), and therefore is eligible for designation as an ETC in Oregon.

With respect to ETC Requirement 1.3, TruConnect is authorized to provide wireless telecommunications services throughout Oregon. In accordance with ETC Requirement 1.4, TruConnect is financially and technically capable as demonstrated in Section III.M below.

B. ETC Requirement 3 – Commitment and Ability to Provide All Supported Services

1. Statement of Commitment (ETC Requirement 3.1)

Through its wholesale arrangements with its Underlying Carriers, TruConnect provides all supported services required by Section 54.101(a) of the FCC’s Rules (47 C.F.R. § 54.101(a)) and ETC Requirement 3.1, including broadband Internet access service—a supported service as of December 2, 2016—and voice telephony service:

a. Voice Grade Access to the Public Switched Telephone Network

The FCC has stated that voice-grade access consists of the ability for a user to make and receive telephone calls within a specified bandwidth.¹⁵ TruConnect provides voice grade access to the public switched telephone network (“PSTN”) through the purchase of wholesale CMRS

¹⁴ *In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory “mobile services” category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(1)(A) (“mobile services” providers are common carriers); *see also PCIA Petition for Forbearance for Broadband PCS*, WT Docket No. 98-100, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 16857, 16911 ¶ 111 (1998) (“We concluded [in the *Second Report and Order*] that CMRS also includes the following common carrier services: cellular service, ... all mobile telephone services *and resellers of such services*[.]”) (emphasis added).

¹⁵ *See USF Order*, ¶¶ 63-64.

services from its facilities-based Underlying Carriers.

b. Minutes of Use for Local Service

The FCC has concluded that carriers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes.¹⁶ In its *USF/ICC Transformation Order*, the FCC revised 47 C.F.R. § 54.101(a) to reference minutes of use for local service “provided at no additional charge to end users,” and clarified that its original intent for local access minutes was “to ensure that consumers would not pay additional charges for message units on top of the rate charged for basic local service.”¹⁷ TruConnect offers rate plans that provide its customers with minutes of use for local and long distance service alike at no additional charge beyond the monthly plan rate (which is \$0 after Lifeline and OTAP support).

c. Access to Emergency Services

TruConnect provides 911 and E911 access for all of its customers to the extent the local government in its service area has implemented 911 or E911 systems, and calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. TruConnect also complies with the FCC’s regulations governing the deployment and availability of E911 compatible handsets.

¹⁶ See *Lifeline Reform Order*, ¶ 49.

¹⁷ See *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”), note 115.

d. Toll Limitation for Qualified Low-Income Customers

In its *Lifeline Reform Order*, the FCC provided that toll limitation would no longer be deemed a supported service.¹⁸ “ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.”¹⁹ Nonetheless, TruConnect’s offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. TruConnect’s service, moreover, is not offered on a distance-sensitive basis and local and domestic long-distance minutes are treated the same.

e. Capability to Transmit Data

Broadband Internet access service (“BIAS”) is a supported service as of December 2, 2016. The FCC has stated that BIAS consists of the ability for a user to receive “the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service.”²⁰ TruConnect provides BIAS to low-income consumers via resale of its Underlying Carriers’ mobile services.

2. Services Not Offered (ETC Requirement 3.2)

Because TruConnect will offer all required supported services, as described above, ETC Requirement 3.2 is inapplicable.

¹⁸ See *Lifeline Reform Order* at ¶ 367.

¹⁹ See *id.* at ¶ 49.

²⁰ See 47 C.F.R. § 8.2(a).

3. TruConnect's Lifeline Service Offerings (ETC Requirements 3.3 and 3.4)

TruConnect intends to be a leader in the wireless marketplace by offering consumers exceptional value and competitive amounts of voice and broadband usage. TruConnect's Lifeline-supported services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408. To the extent TruConnect provides devices for use with Lifeline-supported broadband service, such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408(f), and TruConnect will not impose an additional or separate tethering charge for mobile data usage below the minimum standard. TruConnect agrees that it will pass through to its Lifeline customers all funds received from the federal universal service fund in addition to \$3.50 per customer per month from OTAP. Attached hereto as Exhibit 2 is a summary table of TruConnect's proposed Oregon Lifeline & OTAP Plan which proposes to give Oregon Lifeline and OTAP customers 1,000 minutes, unlimited text messages and 3 gigabytes ("GB") of data per month, at no cost after application of federal Lifeline and OTAP support. There are currently no additional calling plans to which customers could elect to apply the federal Lifeline and OTAP support in accordance with OAR 860-033-0010(2).

Additional minutes or data will be available for purchase by calling TruConnect's Customer Service, through TruConnect's IVR automated system, and online via the Company's website (<https://www.truconnect.com/international>). In addition to supported voice and broadband services, TruConnect's Lifeline offering will include a free SIM card as well as access to voice mail, caller I.D., call forwarding, 3-way calling, and call waiting features at no additional charge. Customers may use their minutes to place domestic long-distance calls at no additional charge. TruConnect does not impose burdensome credit checks or long-term service contracts on

its Lifeline customers. Customers are not bound by a local calling area requirement; all TruConnect plans come with domestic long distance at no extra per minute charge and exceptional nationwide digital coverage. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Calls to TruConnect customer service are also free, with no deduction of minutes.

C. ETC Requirement 4.1 - Proposed Designated Service Area

In accordance with ETC Requirement 4.1, Exhibit 3 attached hereto includes a map illustrating the zip code areas that comprise the proposed designated service area. The map is an approximation of the zip code areas and is to be used for illustrative purposes only. Exhibit 4 lists the zip codes in which TruConnect, through its Underlying Carriers, provides substantial, if not total, coverage. The designated service area excludes any Tribal Lands that lie within the areas of the zip codes listed. TruConnect's designated service area includes zip codes that will provide customers with at least good or better coverage for voice and data services using the network of the Underlying Carriers as demonstrated by Exhibit 5. The Underlying Carrier networks for TruConnect's service provision in Oregon will be used based on availability at the requesting customer's home address. The zip codes contained in the Company's proposed ETC service area designation provide good or better network coverage. The zip code list explicitly defines the areas that comprise the proposed designated service area. Zip codes are used as the chosen geographic unit because that is how the underlying carrier designates its service area.

D. ETC Requirement 4.2 – Commitment to Provide Service Throughout Designated Service Area

TruConnect will provide the supported services for all requesting customers that qualify for the Lifeline program in the proposed designated ETC service area. Further, TruConnect agrees

to report to the Commission Staff the number of requests for service from potential eligible customers within the designated service area that could not be fulfilled due to any lack of adequate service availability. TruConnect will provide confidential reports on a semi-annual basis for the first two calendar years following ETC designation that include such customer's application address. For customers that cancel service due to poor coverage, the report will include addresses for those customers so that the data may be analyzed to determine areas of insufficient service. TruConnect also agrees to make available coverage maps in accordance with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service at the point of sale and on its website upon designation.

E. ETC Requirement 5 – Types of Facilities

With respect to ETC Requirements 5.1 and 5.2, TruConnect will provide service through resale, utilizing facilities of its Underlying Carriers. TruConnect commits to file a notice with the Commission in the designation docket at least thirty days before adding or eliminating an underlying carrier.

Although Section 214 requires ETCs to provide services using their own facilities, at least in part, the FCC has forborne from that requirement with respect to carriers such as TruConnect. In the *Lifeline Reform Order*, the FCC granted forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:²¹

(1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible

²¹ See *Lifeline Reform Order* at ¶¶ 368, 373 and 379.

subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and

(2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.”

TruConnect has availed itself of the FCC's grant of blanket forbearance. In accordance with the *Lifeline Reform Order*, TruConnect filed its Compliance Plan which the FCC approved on December 26, 2012. A copy of the FCC's Public Notice of Approval and TruConnect's FCC-Approved Compliance Plan are attached hereto as Exhibit 6.

With respect to ETC Requirement 5.4, TruConnect has a resale agreement with each of its Underlying Carriers. In compliance with ETC Requirement 5.3, Exhibit 5 includes a coverage map indicating areas of coverage with minimal signal strength of -97 decibel milliwatts (dBm).

F. ETC Requirement 6 - Commitment to Use Support Funds Only for the Intended Purposes

By the certification attached as Exhibit 1,²² TruConnect affirms that Lifeline support funds will be used only for the intended purposes, and TruConnect will comply with the service requirements applicable to the support that it receives (i.e. 47 C.F.R. § 54 subpart E as well as the *Lifeline Reform Order*, *Lifeline Modernization Order*, and other orders issued in FCC WC Docket No. 11-42) in accordance with 47 C.F.R. § 54.202(a)(1)(i). Because TruConnect seeks ETC designation solely for purposes of receiving low-income support, ETC Requirement 6.3 does not apply to TruConnect.

²² Per ETC Requirement 6.1, the form of certification is an affidavit, however, in light of the on-going COVID-19 pandemic, notary services are not readily accessible and TruConnect has instead submitted a sworn declaration. To the extent that the Commission requires a notarized affidavit to meet the certification requirement, TruConnect proposes to later supplement its filing.

G. ETC Requirements 7 and 8 - Commitment to Offer and Advertise Lifeline and OTAP Services

TruConnect requests ETC designation for only low-income support, and thus ETC Requirement 7 is not applicable. In satisfaction of ETC Requirement 8.1, TruConnect is committed to offer and advertise Lifeline and OTAP services. TruConnect will engage in advertising campaigns specifically targeted to reach those likely to qualify for Lifeline and OTAP services, promoting the availability of cost-effective wireless services to this neglected consumer segment.

With respect to ETC Requirement 8.2, TruConnect's service offerings are described in Section III.B.3 and Exhibit 2, and the Company's terms and conditions of service are maintained online at <https://www.truconnect.com/legal-terms-and-conditions-personal>. For Lifeline services provided at no charge to the consumer (after application of support), TruConnect commits to submit any information about proposed reductions in minutes, units or other material terms of the Lifeline service offerings to the Commission in accordance with Requirement 8.2.1. TruConnect will otherwise file information about changed minutes, units or other material terms in the designation docket within ten days after the changes to the service offerings become effective. TruConnect also commits to notifying existing customers within ten days following an increase in minutes, units or other material terms of the Lifeline service offerings and to permit existing customers to immediately subscribe to the increased service offering if the customer does not automatically receive the benefit as required by ETC Requirement 8.2.2.

ETC Requirement 8.3. TruConnect will advertise the availability and rates for the services described above using media of general distribution as required by 47 C.F.R. § 54.201(d)(2) of the FCC's regulations. TruConnect's advertising will comply with the requirements set forth in the

Lifeline Reform Order, as outlined in TruConnect’s Compliance Plan.²³ Per the FCC, “‘media of general distribution’ may include web advertisements reasonably calculated to reach the relevant community, mail, email, or other text-based methods of advertising.”²⁴ The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline service, using mediums for outreach such as print advertisements, direct marketing, social media and the Internet. TruConnect may also promote the availability of its Lifeline offering by distributing brochures at various state and local social service agencies and may partner with nonprofit assistance organizations in order to inform customers of the availability of its Lifeline service.

TruConnect will explain in clear, easily understood language the following disclosures in all marketing materials related to the supported service: (a) that the service is an OTAP and Lifeline-supported service; (b) that only eligible consumers may enroll in the program; (c) that proof of eligibility is required, and what documentation is necessary for enrollment; and (d) that the benefit is limited to one per household consisting of either wireline or wireless service and is non-transferrable. TruConnect will also explain that OTAP and Lifeline are government benefit programs and that willfully making false statements to obtain Lifeline benefits may be punished by fine or imprisonment or result in being barred from the program. Additionally, TruConnect will disclose the company name under which it does business and the details of its Lifeline service offerings in any Lifeline-related marketing and advertising. Further, TruConnect will comply with OAR 860-033-0110, and any other applicable OARs related to advertising, marketing and outreach

²³ See Exhibit 6. See also *Lifeline Reform Order* at Section VII.F.

²⁴ See *Lifeline Modernization Order* ¶ 364.

established by the Commission.

ETC Requirement 8.4. In order to offer Lifeline and OTAP services in Oregon, an ETC must also receive designation as an ETP. Therefore, TruConnect requests ETP designation. ETP requirements are found in the RSPF Rules, OAR 860-033-0001 *et seq.* OAR 860-033-0005(c) requires an ETP to comply with OAR 860-033-0005 through 860-033-0100, which TruConnect will do with the exception of the waivers requested in Section IV herein. TruConnect does not seek ETC or ETP designation for purposes of participating in the Tribal Link Up program, therefore OAR 860-033-0050 is not applicable to TruConnect.

ETC Requirement 8.5. It is TruConnect's policy that all third-party representatives and field representatives complete TruConnect's Compliance Training on Federal and State Lifeline Program rules and they must pass a test prior to conducting any enrollment activities. All Representatives are required to utilize the Company's proprietary electronic enrollment compliance platform to process Lifeline enrollments and are required to certify, under penalty of perjury, that the information they submit is accurate to the best of their knowledge and they understand willfully activating a new line with false or fraudulent information, with the intent of defrauding State and Federal governments is punishable by law and may result in criminal prosecution. It is also Company policy that representatives cannot retain any subscriber information or documentation that has been entered securely into the Company's proprietary electronic enrollment compliance platform and violation of this policy is grounds for immediate termination. TruConnect carefully screens each employee/field representative candidate through referrals, background checks and in person interviews (or through agreements with Master Agents, which carry out these processes with the independent agents). TruConnect staffs a Training

Department that is responsible for training and certifying all employees and field agents that are involved in the Lifeline applicant enrollment process, on the FCC Lifeline rules, National Lifeline Eligibility Verifier (“National Verifier”), and any state specific requirements and enrollment processes. Because Lifeline applications will go through the Commission in Oregon rather than the National Verifier, TruConnect will utilize the Company’s proprietary electronic enrollment compliance platform to provide subscribers with a compliant and efficient electronic tool to assist with the Lifeline application, which will ultimately be forwarded to the Oregon Commission for eligibility determination. All completed applications undergo multiple layers of compliance screening. All determinations of eligibility are performed by the National Verifier or, in this case, the Commission, a process which includes checks for subscriber identity verification, address validation, duplicate person, duplicate address, name normalization duplicate checks, and subscriber identity and eligibility documentation. TruConnect uses agent logins so that each enrollment can be traced to the representative entering the applicant information. TruConnect also performs a real time review to audit the subscriber demographic information and that the representative followed all applicable Lifeline rules.

ETC Requirement 8.6. Finally, TruConnect will file all necessary information with the FCC to fulfill any and all requirements of the Commission under 47 C.F.R. § 54.401(d) after ETC designation is granted by the Commission.

H. ETC Requirement 9 - Ability to Remain Functional in Emergencies

In accordance with 47 CFR §54.202(a)(2), TruConnect has the ability to remain functional in emergency situations. As discussed, TruConnect will utilize the extensive and well-established networks and facilities of its Underlying Carriers to provide its Lifeline services. The Company

understands that the Underlying Carriers' networks have access to a reasonable amount of back-up power to ensure functionality without an external power source, are able to reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations. Indeed, these Underlying Carriers have repeatedly certified to the FCC that their networks function in emergency situations.²⁵ The Underlying Carriers provide the same functionality to TruConnect and its customers as these carriers provide to themselves and their own customers. TruConnect hereby affirms that it will remit all applicable assessments, fees, surcharges, and taxes, including those that support 911 as outlined in ORS 403.200 to ORS 403.230.

I. ETC Requirement 10 - Commitment to Meet Service Quality and Consumer Protection Standards

Under FCC guidelines, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards, which wireless carriers may do by committing to comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service.²⁶ TruConnect hereby commits to comply with the CTIA Consumer Code for Wireless Service. As a reseller, TruConnect's service is of the same quality and reliability as that of its Underlying Carriers.

In accordance with ETC Requirement 10.2, TruConnect commits to resolve complaints received by the Commission and will designate a contact person to work with the Commission's

²⁵ See, e.g., *Sprint Nextel Corporation Verified Filing in Compliance with 47 C.F.R. § 54.209*, CC Docket No. 96-45, at 6 (filed Sept. 30, 2011); *In the Matter of Telecommunications Carriers Eligible for Universal Service Support, Petition of T-Mobile USA, Inc. for Designation as a Low-Income Eligible Telecommunications Carrier, et al.*, WC Docket No. 09-197, at 20 (rel. Aug. 16, 2012).

²⁶ See 47 C.F.R. § 54.202(a)(3); see also ETC Requirement 10.1.

Consumer Services Division for complaint resolution. TruConnect will ensure that it makes available adequate personnel for communications with Staff regarding Lifeline questions and concerns and Lifeline reporting issues. TruConnect will also make available adequate personnel for raising issues to appropriate levels of authority above the customer service representative level for resolution, including but not limited to issues related to loss prevention. TruConnect will provide designated personnel's contact information including but not limited to e-mail addresses and telephone numbers to the Commission's RSPF Section. Prior to offering Lifeline service in Oregon, TruConnect will list the Commission's Consumer Services Section's contact information in the Company's Terms and Conditions for customer complaints, concerns, or disputes.

J. ETC Requirement 11 - Designation on Tribal Lands

TruConnect's request for ETC designation excludes tribal lands, and thus ETC Requirement 11 is not applicable.

K. ETC Requirement 12 - Public Interest Showing

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is "to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies" to all citizens, regardless of geographic location or income.²⁷ Designation of TruConnect as an ETC in Oregon will further the public interest by providing low-income Oregon consumers with low-cost, high quality mobile and broadband services. Whether because of financial constraints, poor credit history or intermittent employment, many low-income customers in Oregon have yet to reap the full benefits of the intensely competitive wireless market.

²⁷ *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56 (1996).

The instant request for ETC designation should be examined in light of the Act’s goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers—particularly low-income consumers—receive affordable and comparable telecommunications services. Given this context and TruConnect’s proven track record as a Lifeline service provider, designating TruConnect as an ETC and ETP would significantly benefit low-income consumers eligible for Lifeline services in the State of Oregon—the intended beneficiaries of universal service.

1. The Benefits of Consumer Choice

The benefits to consumers of being able to choose from among a variety of telecommunications service providers have been acknowledged by the FCC for more than three decades.²⁸ Designation of TruConnect as an ETC will promote competition, and thus spur other carriers to target low-income consumers with robust service offerings tailored to their needs, resulting in improved services to consumers. Designation of TruConnect as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.²⁹ Introducing TruConnect into the market as an additional wireless ETC provider will afford low-income Oregon residents a wider choice of providers and available services while enhancing a competitive marketplace as ETCs compete for a finite number of eligible customers. Increasing the competitive marketplace of providers has the potential to effectively increase the

²⁸ See, e.g., *In the Matter of Establishment of Policies and Procedures for Consideration of Application to Provide Specialized Common Carrier Services in the Domestic Public Point-to-Point Microwave Radio Service and Proposed Amendments to Parts 21, 43, and 61 of the Commission’s Rules*, Docket No. 18920, First Report and Order, 29 FCC2d 870 (1971).

²⁹ See 47 U.S.C. § 254(b)(1).

penetration rate and reduce the number of individuals not connected to the PSTN and/or without access to broadband services.

2. Advantages of TruConnect's Service Offering

The public interest benefits of TruConnect's wireless service include larger local calling areas (as compared to traditional wireline carriers); the convenience, portability and security afforded by mobile telephone service; the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge; the opportunity for customers to receive both the minimum service standards for voice *and* broadband usage within the same rate plan; the ability of users to use the supported service to send and receive unlimited "SMS" or text messages at no additional cost; the ability for customers to purchase additional usage at flexible and affordable amounts in the event that included usage has been exhausted (and the courtesy of free low-balance alerts); unlimited international calling to Canada, Mexico, and China (first 10 unique numbers each month) at no additional cost, and the option to purchase additional international calling at affordable rates; the opportunity for customers to receive service without going through a credit check or deposit requirement, or committing to a long-term service contract; and access to 911 and E911 service in accordance with current FCC requirements.

Low-income individuals can greatly benefit from the advantages offered by the Company's Lifeline service, which provides access to wholly-supported wireless service to assist in emergency situations, facilitate job search efforts, and to maintain contact with family members. It is a commonly accepted fact that in today's market all consumers, including qualified Lifeline customers, view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents, wherever they may be, allows a

person seeking employment the ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers, regardless of location. TruConnect's prepaid wireless service is likely to be an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long-term contract issues. Providing TruConnect with the authority necessary to offer discounted Lifeline service to those without—or most in danger of losing—wireless service undoubtedly promotes the public interest.

Moreover, TruConnect is pairing its existing Lifeline service with pursuing telehealth initiatives to better provide medical service for the low-income populations that it already serves. TruConnect has a telehealth pilot under review with the California Public Utilities Commission and intends to submit a pilot proposal to the FCC. TruConnect's desire is to expand its telehealth program to other states. Given the current national state of emergency due to the novel coronavirus (COVID-19), unprecedented actions have been taken to slow the spread of the virus; millions of Americans are having to work and school from home, and telehealth services have become essential for the safety of patients and providers alike. Unfortunately, millions of low-income Americans do not have access to affordable telecommunications services necessary to contact healthcare providers and access safe telemedicine services, obtain essential services, or survive in an online-only work and school environment—and *many of these Americans are eligible for telecommunications services through the Lifeline program*. At this critical time, it is vital that the Commission grant TruConnect the ability to offer Lifeline service in Oregon so the Company can provide telemedicine solutions, enroll more eligible subscribers, and meet the life-threatening needs of many Oregonians.

Finally, grant of TruConnect's Application will serve the public interest in increasing the number of ETCs in Oregon. By granting ETC status to TruConnect, the Commission will enable TruConnect to increase the number of Oregon residents receiving Lifeline support, thereby increasing the amount of USF money flowing into Oregon. In sum, ETC designation in Oregon would enable TruConnect to provide all of the public benefits cited by the FCC in its analysis in the *Virgin Mobile Order*; namely, TruConnect would provide "increased consumer choice, high-quality service offerings, and mobility,"³⁰ as well as the safety and security of effective 911 and E911 services.³¹

3. TruConnect will Contribute to RSPF and 911

TruConnect hereby affirms that it will remit all applicable assessments, fees, surcharges, and taxes, including those that support 911 and RSPF services.

4. Impact on the Universal Service Fund

TruConnect's request for designation as an ETC solely for purposes of participating in the Lifeline program would not unduly burden the USF or otherwise reduce the amount of funding available to other ETCs. With Lifeline, ETCs only receive support for customers they obtain. The amount of support available to an eligible subscriber is exactly the same whether the support is given through a company such as TruConnect or the Incumbent LEC operating in the same service area. The number of persons eligible for Lifeline support is the same regardless of the Company's designation as an ETC; TruConnect will only increase the amount of USF Lifeline funding in

³⁰ See *In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. §214(e)(1)(A) et al.*, CC Docket No. 96-45, Order, 24 FCC Rcd 3381, 3395 ¶ 38 (rel. March 4, 2009) ("Virgin Mobile Order").

³¹ See *Id.* at 3391 ¶ 23.

situations where it obtains Lifeline customers not already enrolled in another ETC's Lifeline program. By implementing the safeguards set forth in the *Lifeline Reform Order* in conjunction with the Commission's robust procedures for determining initial and ongoing eligibility, the likelihood that customers are not eligible or are receiving duplicative support either individually or within their household is greatly minimized. TruConnect's ability to increase the Lifeline participation rate of qualified low-income individuals will further the goal of Congress to provide all individuals with affordable access to telecommunications service, and thus any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers.

5. Prevention of Waste, Fraud and Abuse

TruConnect recognizes the importance of safeguarding the USF. Consistent with FCC rules and OAR 860-033-0035(3), TruConnect will not request OTAP or Lifeline reimbursement for a customer unless the customer is eligible for the Lifeline program and the customer activates their handset, which initiates the customer's service cycle.

Furthermore, TruConnect abides by a non-usage policy in accordance with federal regulations (*see* 47 C.F.R. §§ 54.405(e)(3) and 54.407(c)) and will de-enroll any subscriber that has not used the Company's Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2). An account will be considered active if the authorized subscriber establishes usage, as "usage" is defined by 47 C.F.R. § 54.407(c)(2), during the specified timeframe, currently a period of thirty (30) days, or during the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen (15) days. In accordance with 47 C.F.R. § 54.405(e)(3), TruConnect will provide the subscriber advanced notice, using clear, easily understood language, that the subscriber's failure to use the

Lifeline service within the notice period will result in service termination for non-usage. Customers that have been deactivated may participate in the Company's Lifeline service in the future by reapplying and re-establishing eligibility.

To further protect the integrity of the USF, TruConnect has developed its own auditing system to process and validate the Company's subsidy data to prevent: (1) Duplicate Same-Month Lifeline Subsidies (Double Dip): any name/address that is already receiving a lifeline subsidy from the Company will be automatically prevented from receiving a second lifeline subsidy in that same month; (2) Inactive lines receiving subsidy: system compare all subsidy requests to underlying network status to ensure that subsidies are requested only for active lines; and (3) Subsidies for Deceased subscribers: Death Master search to ensure that subsidies are not requested for a deceased subscriber. Through the processes described above, TruConnect ensures that it does not over-request from support funds.

Finally, TruConnect will comply with the FCC's *Fifth Report and Order*, which set forth reforms to strengthen the Lifeline program's enrollment, recertification, and reimbursement processes, once the rule changes set forth therein become effective.³²

³² *In the Matter of Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) (hereinafter, "*Fifth Report and Order*"). The order is effective January 27, 2020, except for section 54.406(b) [*Prohibition of commissions for enrollment representatives*], which is effective February 25, 2020, and section 54.406(a) [*Enrollment representative registration*], which is effective March 26, 2020. Revisions to Sections 54.404(b)(12) [*relating to not enrolling/claiming a subscriber unless they are verified to be alive*] and 54.410(f) [*changes to recertification*] are delayed and the FCC will publish a document announcing the effective date.

L. Financial and Technical Capability

In accordance with 47 C.F.R. § 54.202(a)(4), TruConnect is financially and technically capable of providing Lifeline-supported services. The Company has been offering telecommunications service since 1998 and began providing non-Lifeline wireless service in October 2012 and Lifeline-supported wireless service in May 2013. TruConnect, in combination with its affiliate Sage d/b/a TruConnect, already successfully provides wireless services nationwide, including Lifeline services in thirty (30) jurisdictions. TruConnect has not been subject to enforcement actions and has not been subject to ETC revocation proceedings. The Company has operated as a telecommunications carrier for twenty years and has never had to file for bankruptcy protection, and is supported by the resources of its parent, TSC. TruConnect does not, and does not intend to, offer exclusively Lifeline-supported services—and is therefore not exclusively dependent on USAC for its revenue. The result of TruConnect’s efforts is that it is fully capable of honoring all its service obligations to customers and regulatory obligations to state and federal regulators. Furthermore, the senior management of TruConnect has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.³³ TruConnect will be providing resold wireless service, and therefore will also rely upon the managerial and technical expertise of its Underlying Carriers.

M. Compliance with Requirements for Certification and Verification

TruConnect is aware of the FCC’s current requirements regarding certification and verification of a customer’s qualification for Lifeline service and has implemented procedures to ensure these requirements are met. TruConnect confirms that it will not provide a consumer with

³³ See Exhibit 7 for key management bios.

an activated device and will not activate a Lifeline service unless or until it has confirmed that the consumer is a qualifying low-income consumer pursuant to 47 C.F.R. § 54.409, and completed the required eligibility determination and certification requirements of 47 C.F.R. §§ 54.410(a), 54.404-54.405. These procedures comply with the FCC's customer certification and verification requirements.³⁴ TruConnect also will comply with the FCC's annual certification requirements as well as with the FCC's measures to prevent waste, fraud and abuse of Lifeline services, as discussed above.

Furthermore, TruConnect will comply with OAR 860-033-0030 pertaining to OTAP and Lifeline eligibility. TruConnect understands that National Verifier soft-launched in Oregon on December 20, 2019 but on a modified basis,³⁵ such that the Commission remains responsible for the initial determination of subscriber eligibility, including confirmation that the consumer's household is not receiving Lifeline from another company, as well as the annual verification of continued subscriber eligibility in Oregon. TruConnect will thus follow the Oregon-specific application processes,³⁶ including use of the Commission's Lifeline application forms and submission of completed Lifeline applications to Oregon for eligibility determination.

N. Compliance with Commission and FCC Requirements on ETC Designation Relinquishment

If at some point in the future, TruConnect seeks to relinquish its ETC designation, TruConnect will comply with the requirements of 47 C.F.R. § 54.205 and any applicable

³⁴ See 47 C.F.R. § 54.410.

³⁵ See FCC Public Notice DA 19-1290 released Dec. 18, 2019, <https://docs.fcc.gov/public/attachments/DA-19-1290A1.pdf>.

³⁶ See <https://www.usac.org/lifeline/eligibility/customer-eligibility/state-eligibility-verification-processes/>; see also <https://www.oregon.gov/puc/Pages/Free-Service.aspx>.

Commission requirements.

O. ETC Requirement 13 - Commitment to Provide Required Reports

TruConnect will comply with all applicable FCC and Commission annual ETC reporting requirements following designation as an ETC,³⁷ and will comply with OAR 860-033-0046 pertaining to OTAP reporting requirements. TruConnect agrees to provide additional special reports that the Commission finds necessary.

IV. REQUEST FOR CERTAIN WAIVERS

TruConnect hereby requests waivers of the following RSPF rules for ETP designation. The requested waivers are appropriate, are based on Commission precedent (*see i-wireless ETC Order*) and are in the public interest. The Commission is authorized to grant the requested waivers, for good cause shown, per OAR 860-033-0001(2).

1. OAR 860-033-0005(8)(a)

TruConnect requests a waiver of the requirement in OAR 860-033-0005(8)(a) to the extent it requires TruConnect to offer services using its own facilities. The FCC has granted forbearance from the companion federal requirement and has approved TruConnect's Compliance Plan.

2. OAR 860-033-0006(3)(b)

TruConnect requests a waiver of OAR 860-033-0006(3)(b) to the extent that it would require TruConnect to *collect* the Residential Service Protection Fund ("RSPF") surcharge from its Lifeline or non-Lifeline customers. TruConnect will remit the RSPF surcharge on behalf of its Oregon customers, and thus waiver of this requirement will have no financial impact on the RSPF. As a prepaid service provider, TruConnect does not issue invoices. Also, TruConnect offers Lifeline plan options which require no financial contribution from customers.

3. OAR 860-033-0006(3)(c)

TruConnect requests a waiver of OAR 860-033-0006(3)(c) to the extent that it would require TruConnect to identify the RSPF surcharge on each customer's bill. As discussed

³⁷ See 47 C.F.R. §§ 54.416, 54.422; *see also Oregon ETC Order*, Appendix A (Annual Recertification Requirements).

above, TruConnect is a prepaid wireless service provider and therefore does not issue bills to its Lifeline customers.

V. CONCLUSION

Based on the foregoing, designation of TruConnect as an ETC and ETP in the State of Oregon accords with the requirements of Section 214(e)(2) of the Act and Commission rules and is in the public interest.

WHEREFORE, TruConnect respectfully requests that the Commission promptly designate TruConnect as an ETC and ETP in the State of Oregon solely for purposes of participating in the Lifeline and OTAP programs.

Respectfully submitted,

s/ Lance J.M. Steinhart

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Attorneys for TruConnect Communications, Inc.

Dated May 5, 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 1

to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

Certification of Nathan Johnson, Co-CEO of TruConnect

May 5, 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

In the Matter of

TRUCONNECT COMMUNICATIONS, INC.

Application for Designation as an Eligible
Telecommunications Carrier and Eligible
Telecommunications Provider, and Request
for Certain Waivers

DECLARATION OF NATHAN JOHNSON

I, Nathan Johnson, declare under penalty of perjury under the laws of the state of Oregon:

1. My full name is Nathan Johnson and I am the Co-Chief Executive Officer (“Co-CEO”) of TruConnect Communications, Inc. (“TruConnect”).

2. I have read the foregoing Application and know the contents thereof.

3. I declare under penalty of perjury that the statements made therein are true and correct to the best of my knowledge, information and belief.

4. Further, I certify that universal service support and OTAP funds received will be used by TruConnect only for the intended purposes and TruConnect will comply with the service requirements applicable to the Lifeline and OTAP support it receives.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence before the Commission and is subject to penalty for perjury.

SIGNED this 5th day of May, 2020, at Los Angeles, California.

Signed:  _____

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 2

to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

Proposed Lifeline Offering

May 5, 2020

Proposed Lifeline Offering

TruConnect Communications, Inc.

Terms & Conditions maintained at www.truconnect.com

Plan	Minutes	Text	Data	Net Cost to Lifeline Customer
Lifeline Plan	1,000	Unlimited	3.0 GB	\$ 0.00

Plans Include:

- Free SIM card
- Free calls to Company Customer Service
- Free calls to 911 emergency services
- Free access to Voicemail, Caller-ID, Call Waiting, Call Forwarding, and 3-Way Calling
- Free Domestic Long Distance
- Unlimited Calls to Canada, Mexico, and China (first 10 unique numbers each month)
- Data at 3G speeds or higher

Additional airtime available for purchase

Voice, Data, and International Talk refill options are maintained on the Company's website:
<https://www.truconnect.com/international>

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 3

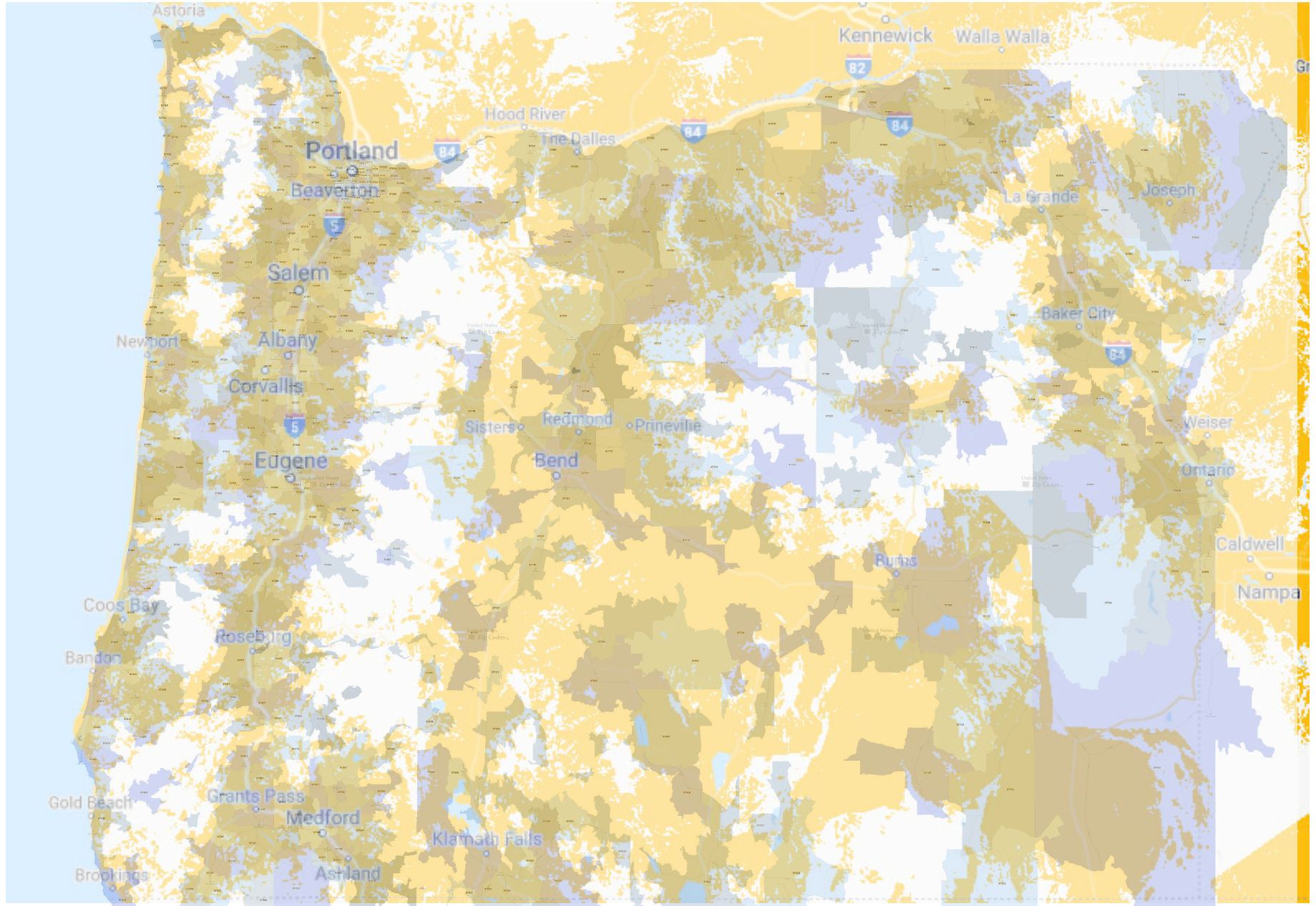
to

**TruConnect Communications, Inc.
Application for Designation as an Eligible Telecommunications
Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

Proposed Designated Service Area and Wireless Coverage-Maps

May 5, 2020

TruConnect Oregon Coverage Map (Signal Strength is at least -97 dBm)



**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 4

to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

**Proposed Designated Service Area – Zip Code List
(Excluding Tribal Lands)**

May 5, 2020

TruConnect – Current Zip Code Coverage in Oregon

97001	97055	97133	97239	97330	97394	97469
97002	97056	97134	97240	97331	97396	97470
97003	97057	97135	97242	97333	97401	97471
97004	97058	97136	97250	97335	97402	97475
97005	97060	97137	97251	97338	97403	97477
97006	97062	97138	97252	97339	97404	97478
97007	97063	97140	97253	97341	97405	97479
97008	97064	97141	97254	97342	97406	97480
97009	97065	97143	97256	97343	97408	97481
97010	97067	97144	97258	97344	97409	97484
97011	97068	97145	97266	97345	97410	97486
97013	97070	97146	97267	97346	97412	97487
97014	97071	97148	97268	97347	97413	97488
97015	97075	97149	97269	97348	97415	97489
97016	97076	97201	97280	97350	97416	97490
97017	97077	97202	97281	97351	97417	97492
97018	97078	97203	97282	97352	97419	97494
97019	97079	97204	97283	97355	97424	97495
97020	97080	97205	97286	97357	97426	97496
97021	97086	97206	97290	97358	97429	97497
97022	97089	97207	97291	97360	97430	97498
97023	97101	97208	97292	97361	97431	97499
97024	97102	97209	97293	97362	97432	97501
97026	97103	97210	97294	97364	97434	97502
97027	97106	97211	97296	97365	97435	97503
97028	97107	97212	97298	97366	97436	97504
97029	97108	97213	97301	97367	97437	97520
97030	97109	97214	97302	97368	97438	97522
97031	97110	97215	97303	97369	97440	97523
97032	97111	97216	97304	97370	97442	97524
97033	97112	97217	97305	97371	97443	97525
97034	97113	97218	97306	97373	97446	97526
97035	97114	97219	97307	97374	97447	97527
97036	97115	97220	97308	97375	97448	97528
97037	97116	97221	97309	97376	97451	97530
97038	97117	97222	97310	97377	97452	97531
97039	97118	97223	97311	97378	97453	97532
97040	97119	97224	97312	97380	97454	97533
97041	97121	97225	97313	97381	97455	97534
97042	97122	97227	97314	97383	97456	97535
97044	97123	97228	97317	97384	97457	97536
97045	97124	97229	97321	97385	97458	97537
97048	97125	97230	97322	97386	97459	97538
97049	97127	97231	97324	97388	97461	97539
97050	97128	97232	97325	97389	97462	97540
97051	97129	97233	97326	97390	97463	97541
97053	97131	97236	97327	97391	97466	97543
97054	97132	97238	97329	97392	97467	97544

TruConnect – Current Zip Code Coverage in Oregon

97601	97810
97602	97812
97603	97813
97604	97818
97621	97823
97622	97826
97623	97827
97624	97830
97625	97835
97626	97836
97627	97837
97630	97838
97632	97839
97633	97843
97634	97844
97636	97850
97637	97856
97638	97859
97639	97868
97640	97869
97641	97875
97701	97880
97702	97882
97703	97886
97707	97901
97708	97903
97709	97906
97711	97907
97712	97908
97730	97909
97731	97913
97733	97914
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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 5

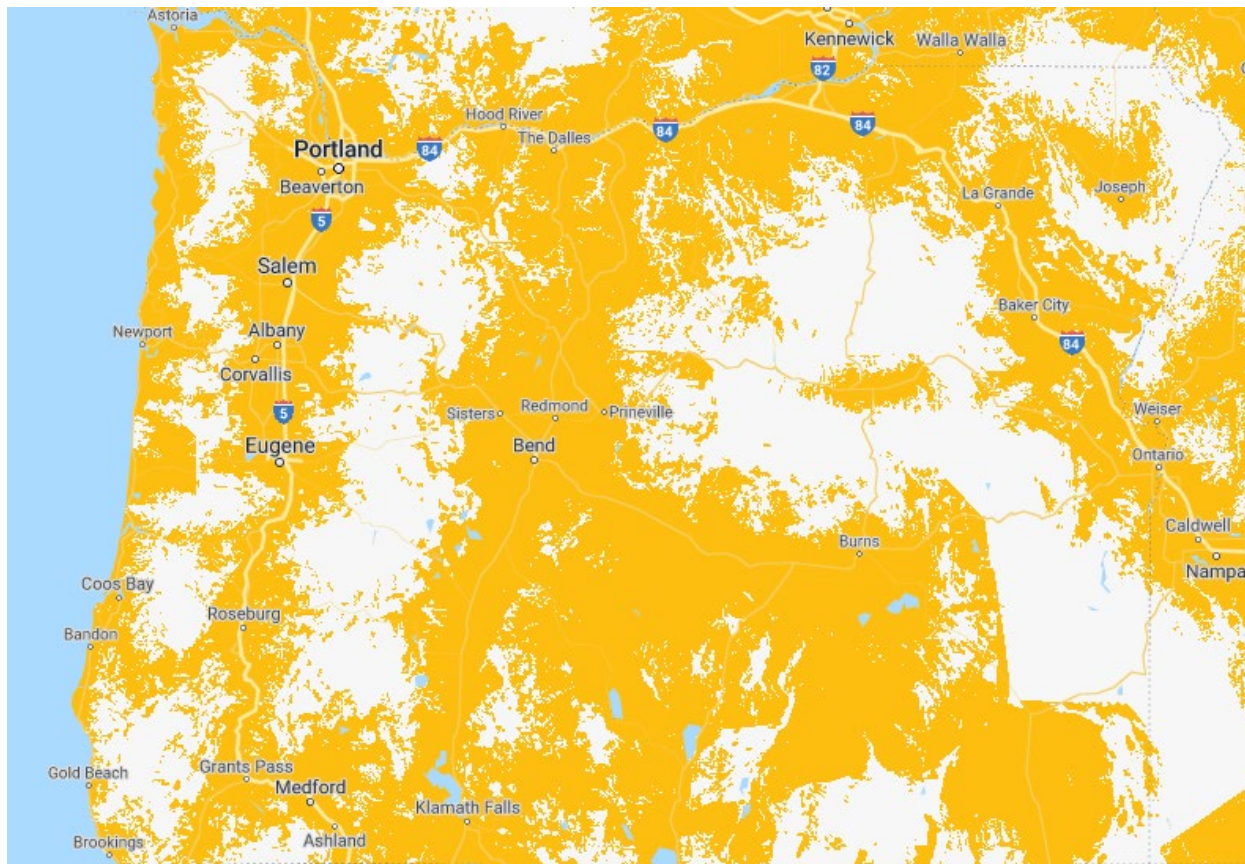
to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

Proposed Designated Service Area Details

May 5, 2020

TruConnect Oregon Coverage Map (Signal Strength is at least -97 dBm)



**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 6

to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

FCC-Approved Compliance Plan

May 5, 2020



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-2063

Release Date: December 26, 2012

**WIRELINE COMPETITION BUREAU APPROVES THE COMPLIANCE PLANS OF
 AIRVOICE WIRELESS, AMERIMEX COMMUNICATIONS, BLUE JAY WIRELESS,
 MILLENNIUM 2000, NEXUS COMMUNICATIONS, PLATINUMTEL COMMUNICATIONS,
 SAGE TELECOM, TELRITE AND TELSCAPE COMMUNICATIONS**

WC Docket Nos. 09-197 and 11-42

The Wireline Competition Bureau (Bureau) approves the compliance plans of nine carriers: AirVoice Wireless, LLC (AirVoice); AmeriMex Communications Corp. (AmeriMex); Blue Jay Wireless, LLC (Blue Jay); Millennium 2000, Inc. (Millennium 2000); Nexus Communications, Inc. (Nexus); PlatinumTel Communications, LLC (PlatinumTel); Sage Telecom, Inc. (Sage); Telrite Corporation (Telrite); and Telscape Communications, Inc. d/b/a Telscape Wireless (Telscape). The compliance plans were filed pursuant to the *Lifeline Reform Order* as a condition of obtaining forbearance from the facilities requirement of the Communications Act of 1934, as amended (the Act), for the provision of Lifeline service.¹

The Act provides that in order to be designated as an eligible telecommunications carrier (ETC) for the purpose of universal service support, a carrier must “offer the services that are supported by Federal universal service support mechanisms . . . either using its own facilities or a combination of its own facilities and resale of another carrier’s services”² The Commission amended its rules to define voice telephony as the supported service and removed directory assistance and operator services, among other things, from the list of supported services.³ As a result of these amendments, many Lifeline-only ETCs that previously met the facilities requirement by providing operator services, directory assistance or other previously supported services no longer meet the facilities requirement of the Act.⁴ In the *Lifeline Reform Order*, the Commission found that a grant of blanket forbearance of the facilities requirement,

¹ See *Lifeline and Link Up Reform and Modernization et al*, WC Docket No.11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6816-17, paras. 379-380 (2012) (*Lifeline Reform Order*). A list of the compliance plans approved through this Public Notice can be found in the Appendix to this Public Notice.

² 47 U.S.C. § 214(e)(1)(A).

³ See *Lifeline Reform Order*, 27 FCC Rcd at 6678, para. 47; see also 47 C.F.R. § 54.101(a).

⁴ See *Lifeline Reform Order*, 27 FCC Rcd at 6812, para. 366, App. A; *Connect America Fund et al*, WC Docket 10-90, Order on Reconsideration, 26 FCC Rcd 17633, 17634-35, para. 4 (2011) (*USF/ICC Transformation Order on Reconsideration*). Some ETCs have included language in their compliance plans indicating that they have facilities or plan to acquire facilities in the future. See, e.g., Blanket Forbearance Compliance Plan, WC Docket Nos. 09-197 and 11-42, Q Link Wireless, LLC’s Third Amended Compliance Plan at 4 n. 2 (filed July 30, 2012). To the extent ETCs seek to avail themselves of the conditional forbearance relief established in the *Lifeline Reform Order*, we presume they lack facilities to provide the supported service under sections 54.101 and 54.401 of the Commission’s rules. See 47 C.F.R. §§ 54.101 and 54.401. Such ETCs must comply with the compliance plan approved herein in each state or territory where they are designated as an ETC, regardless of their claim of facilities for other purposes, such as eligibility for state universal service funding.

subject to certain public safety and compliance obligations, is appropriate for carriers seeking to provide Lifeline-only service.⁵ Therefore, in the *Lifeline Reform Order*, the Commission conditionally granted forbearance from the Act's facilities requirement to all telecommunications carriers seeking Lifeline-only ETC designation, subject to the following conditions: (1) compliance with certain 911 and enhanced 911 public safety requirements; and (2) Bureau approval of a compliance plan providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will take to implement the obligations contained in the *Order*.⁶

The Bureau has reviewed the nine plans listed in the Appendix for compliance with the conditions of the *Lifeline Reform Order* and now approves those nine compliance plans.⁷

Filings, including the Compliance Plans identified in the Appendix, and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 448-5563, or via email www.bcpweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-7400 or TTY (202) 418-0484.

For further information, please contact Michelle Schaefer, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

⁵ See *Lifeline Reform Order*, 27 FCC Rcd at 6813-6817, paras. 368-381.

⁶ See *id.*, 27 FCC Rcd at 6814, 6819, paras. 373, 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans pursuant to the *Lifeline Reform Order*. *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197 and 11-42, Public Notice, 27 FCC Rcd 2186 (Wireline Comp. Bur. 2012).

⁷ The Commission has not acted on any pending ETC petitions filed by these carriers, and this Public Notice only approves the compliance plans of the carriers listed above. While these compliance plans contain information on each carrier's Lifeline offering, we leave it to the designating authority to determine whether or not the carrier's Lifeline offerings are sufficient to serve consumers. See *Lifeline Reform Order*, 27 FCC Rcd at 6679-80, 6818-19, paras. 50, 387.

APPENDIX

Petitioner	Compliance Plans As Captioned by Petitioner	Date of Filing	Docket Numbers
AirVoice Wireless, LLC	AirVoice Wireless, LLC's Amended Compliance Plan	December 7, 2012	09-197; 11-42
AmeriMex Communications Corp.	AmeriMex Communications Corp. Revised Compliance Plan	December 6, 2012	09-197; 11-42
Blue Jay Wireless, LLC	Blue Jay Wireless, LLC Compliance Plan	December 19, 2012	09-197; 11-42
Millennium 2000 Inc.	Amended Compliance Plan of Millennium 2000 Inc.	December 18, 2012	09-197; 11-42
Nexus Communications, Inc.	Third Amended Compliance Plan of Nexus Communications, Inc.	December 6, 2012	09-197; 11-42
PlatinumTel Communications, LLC	PlatinumTel Communications LLC's Revised Compliance Plan	December 19, 2012	09-197; 11-42
Sage Telecom, Inc.	Revised Compliance Plan of Sage Telecom, Inc.	December 19, 2012	09-197; 11-42
Telrite Corporation	Telrite Corporation Compliance Plan	December 19, 2012	09-197; 11-42
Telscape Communications Inc. d/b/a Telscape Wireless	Revised Compliance Plan of Telscape Communications, Inc.	December 19, 2012	09-197; 11-42

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

_____)	
In the Matter of)	
)	
Federal-State Joint Board on)	WC Docket No. 09-197
Universal Service)	
)	
Lifeline and Link Up Reform Modernization))	WC Docket No. 11-42
)	
_____)	

REVISED COMPLIANCE PLAN OF TELSCAPE COMMUNICATIONS, INC.

Telscape Communications, Inc. dba Telscape Wireless (“Telscape”), by its attorneys, respectfully submits this Revised Compliance Plan (“Plan”). Telscape’s original Compliance Plan was filed July 2, 2012, and an initial revised version of the plan was filed September 24, 2012.

In the *Lifeline Reform Order*,¹ the Commission adopted rules and procedures through which it instituted “blanket forbearance” from the applications of the facilities requirement to all telecommunications carriers seeking a limited ETC designation to provide wireless Lifeline services. In order to qualify for this blanket forbearance, the Commission requires carriers to comply with certain 911 requirements and file and receive approval of a compliance plan providing specific information about its service offerings and procedures to safeguard against waste, fraud and abuse.

¹ *In the Matter of Lifeline and Link Up Reform and Modernization Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-12, ¶ 172 (rel. Feb. 6, 2012) (“*Lifeline Reform Order*”).

Therefore, Telscape respectfully submits this Plan in accordance with the Lifeline Reform Order and instructions set forth in the Wireline Competition Bureau *Public Notice* issued on February 29, 2012.² Telscape seeks approval of this compliance plan only for the provision of Lifeline support to provide wireless services nationwide, as the company offers wireline service as a facilities-based carrier under the approval of state commissions. This Plan sets forth Telscape's service offerings and the procedures and measures it will use to safeguard against waste, fraud and abuse. In support of this request, Telscape provides the following information:

(1) Information about the carrier and the Lifeline plans it intends to offer:

(a) names and identifiers used by the carrier, its holding company, operating company and all affiliates;

Telscape is a competitive local exchange carrier ("CLEC") based in Los Angeles, California. The company has provided traditional wireline service since 1996 and wireless service in California as a non-ETC carrier since 2007. Telscape is also a provider of broadband Internet services. Telscape's service primarily focuses on offering specialized services to meet the needs of the Spanish-speaking market, as well as low-income consumers. Telscape is also an ETC in California, having provided wireline service to low income consumers under California's state low income support program. Telscape has authority to operate as a wireless ETC from the California PUC as well.

Telscape is a Delaware corporation with offices located at 355 South Grand Avenue, Ste. 3100, Los Angeles, CA 90071. Telscape has authority to provide local exchange and interstate

² Public Notice, Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order, DA 12-314, (Rel. Feb. 29, 2012).

telecommunications services in California and seven other states.³ On October 6, 2011, the California Public Utilities Commission designated Telscape as an ETC for both wireless and wireline services in the state of California for purposes of participating in the Lifeline program. Telscape provides its wireless service under the name “Telscape Wireless” and does not offer wireless services under any other brand or company names.

Telscape is wholly-owned by TSC Acquisition Corporation (“TSC”). On July 2, 2012, TSC completed its acquisition of Sage Telecom, Inc. (“Sage”), a CLEC that provides service in numerous states including Arkansas, California, Connecticut, Illinois, Kansas, Michigan, Missouri, Ohio, Oklahoma, Nevada, Texas and Wisconsin. Sage’s service to customers in these 12 states complements, in part, Telscape’s focus on the southwestern United States. As a result of the acquisition, Telscape, through its common ownership with Sage, has gained collective access to a broader market and combined subscriber growth. The majority of Sage’s current customers are non-Lifeline customer, but Sage currently has wireline Lifeline customers in five states for which it is reimbursed through both state and federal programs, depending upon the state and the customer.⁴ In addition, through this combined ownership, Telscape has also gained access to the expertise of Sage’s managers and operations.⁵

Telscape is also affiliated with TruConnect Mobile, LLC (“TruConnect”), through partial common ownership. TruConnect is 40% owned by TSC, Telscape’s parent company as described above. TruConnect provides mobile broadband data services and does not provide any services supported by the low income program.

³ These states are Arizona, Florida, Illinois, Nevada, New York, New Jersey and Texas.

⁴ In California, Sage receives support only from the CPUC’s Low Income Programs. Sage also receives support from state programs in Kansas, Texas and Wisconsin. Sage receives support on a federal level for service in these three states and Oklahoma.

⁵ Additional information concerning TSC ownership structure and qualifications is set forth in its application to acquire Sage Telecom, Inc. filed in WC Docket No. 12-119.

(b) detailed information demonstrating the carrier is financially and technically capable of providing the supported Lifeline services in compliance with the Commission's rules;

As a long-time provider of both wireline and wireless services in California, Telscape has a proven record of technical and financial qualifications. For example, Telscape owns and operates its own switching facilities back-office and operations support systems ("OSS"), which allows it to operate at lower costs and pass those savings on to its subscribers. Throughout the years, Telscape has invested substantial revenue to develop, integrate and maintain its systems.

As a carrier who has provided service in California for over 15 years, Telscape possesses the financial viability, as well as the expertise to continue to provide affordable and quality service to customers and has the proven experience to maintain its compliance with all applicable federal and state regulatory guidelines. Telscape derives the majority of its revenue from the telecommunications services it provides to its customers. Telscape does not and will not rely exclusively on the Universal Service Fund ("USF") disbursements to operate, but rather relies on revenues it receives from providing non-Lifeline wireline and wireless service, the payment for service by Lifeline customers,⁶ as well as high-speed Internet services. In addition, Telscape is a fully audited corporation and has not been subject to any type of enforcement action or ETC revocation proceeding by the FCC or California.

Telscape is already working with Sprint Spectrum and resells Sprint's wireless services to its non-Lifeline customers in California. As a Lifeline service provider, Telscape will continue to work with Sprint, who provides the necessary network infrastructure and wireless facilities necessary for the operation of Telscape's services as a Mobile Virtual Network Operator ("MVNO"). As the Commission is aware, Sprint is a large, nationwide carrier who provides

⁶ All of Telscape's Lifeline wireline customers currently pay a monthly fee for the discounted service.

similar service to other wireless Lifeline providers operating as MVNOs. Telscape's agreement and partnership with Sprint further demonstrates its financial and technical capability to provide these services.

(c) detailed information, including geographic locations, of the carrier's current service offerings if the carrier currently offers service;

As detailed in response to Question 1(a) above, Telscape currently provides local and interstate wireline and wireless services in California as well as broadband Internet services in that state.

(d) the terms and conditions of each Lifeline service plan offering, including rates, the number of minutes provided and additional charges, if any, for toll calls;

At this time, Telscape plans to offer the following Lifeline plans and services to customers in California and eventually similar plans nationwide. The California service plans are listed below and were approved by the CPUC as part of the ETC application process. The basic plan provides 300 minutes a month to Lifeline customers for \$2.50 a month. A similar plan is marketed to non-lifeline customers at \$15.00, but would be discounted to \$2.50 for Lifeline eligible customers (after reimbursement). All plans require a monthly payment by the customer.

Plan 1 – 300 Minutes \$2.50 a month	
Call Waiting	Included
3 Way Calling	Included
Caller ID	Included
Voicemail	Included
911	Free
611 (Customer Service)	Free
Directory Assistance	\$1.50 per call

Plan 2 – 1,100 Minutes \$20.00 a month

Call Waiting	Included
3 Way Calling	Included
Caller ID	Included
Voicemail	Included
911	Free
611 (Customer Service)	Free
Directory Assistance	\$1.50 per call

Additional Minutes. For both Plans above, if the subscriber wishes to purchase additional minutes, they may do so at any time during a given month and such minutes will be available at \$0.03 per minute, with a minimum purchase of 200 minutes. For example, 200 additional minutes will cost \$6.00 and 500 additional minutes will cost \$15.00.

Text Messages. Plans above include text messaging and text messages will be assessed at a rate of 1 minute per text message sent and 1 minute per text message received. In other words, each text message is the equivalent of one minute of calling.

Other. Telscape's plans will include a free handset and the customer calling features listed above. Customers are not limited by a local calling area and may use the minutes for any type of call other than international calls. Calls to 911 are free and customers may call 911 regardless of the availability of minutes. There is a \$30.00 activation fee for Telscape wireless service.

Outside of California, Telscape will offer plans similar to the following, subject to state specific requirements or requests from state PUCs. As with California, these plans are offered to both Lifeline and non-Lifeline subscribers, with a discount applied to the Lifeline customer. Services will be offered on a prepaid basis, and potentially also on a postpaid basis, as is done in California. All services will normally have an activation fee and will likely require a monthly payment from the customer. The prices listed below show the basic, non-Lifeline price and the price to the consumer with the \$9.25 Lifeline credit applied. All plans will likely require a monthly payment by the customer. Telscape commits to providing a minimum of 250 minutes per month for the \$9.25 subsidy.

Telscape is still determining the exact plans it will offer (reiterating the condition that plans will provide a minimum of 250 minutes for the \$9.25 subsidy), but a sample plan would be as follows:

ValuMobile Plus Price: \$24.25 per month/Lifeline Price: \$15.00

Features	Cost
500 minutes Voice/Text	Included
Call Waiting	Included
3 Way Calling	Included
Caller ID	Included
VoiceMail	Included
911	Free
611 (Customer Service)	Free
Directory Assistance	\$1.50

Activation Fee: \$25.00

Additional Minutes: For all service plans the customer can purchase additional voice, data, MMS, text minutes for \$0.05 per minute with a minimum purchase of \$5.00. For example, 100 additional minutes will cost \$5.00. The customer will have the ability to purchase 100 minutes (\$5.00); 200 minutes (\$10.00); 300 minutes (\$15.00) and 500 minutes (\$25.00). For Unlimited service plans the customer will not need additional voice or text but will need to purchase additional minutes for data and MMS. MMS is priced at \$0.15 per minute and Data is \$0.05 per MB.

Text Messages: The service plans include text messaging; text messaging rates are assessed at 1 minute per text message sent and 1 minute per text message received.

Other: Plans do not permit rollover minutes. Top Ups are available for a 30 day period as long as the customer renews the service at the normal plan rate. Plans do not allow roaming. The \$25.00 Activation Fee includes selection of a basic handset which is activated and provided ready for use. Customers are allowed to call internationally but will be assessed the international rates. International text rates are \$0.20 per minute for messages sent or received. Special Promotional offer: 10 MB data FREE for 3 months with the selection of a data capable phone. .

(e) all other certifications required under newly amended section 54.202 of the Commission's rules.

Section 54.202 requires ETCs to (1) certify that it will comply with the applicable service requirements; (2) file a five-year plan detailing proposed improvements or upgrades in the

network unless the ETC is receiving only Lifeline support; (3) demonstrate that it will continue to function in emergency situations including reasonable back-up backup power and emergency traffic management; (4) demonstrate that the carrier will comply with applicable consumer protection and service quality standards; (5) demonstrate that it is financially and technical qualified to provide Lifeline services that comply with the applicable rules; and (6) provide information concerning the terms and conditions of the service plans offered to Lifeline customers.

In response to item (1), Telscape certifies that it will comply with applicable service requirements and regulations for Lifeline support.

In response to item (2), Telscape is not required to submit a five year plan since it is seeking to obtain only Lifeline support for its eligible customers.

In response to item (3), as a CLEC provider in California for over 15 years, Telscape has significant experience with emergency preparedness. Telscape has detailed Emergency Action and Disaster Recovery Plans in place to respond to emergencies.. In addition, Telscape's agreement with Sprint provides for the continuation of services during emergencies and sets forth obligations for the service to remain functioning during disasters and similar emergency situations. In addition, as a nationwide carrier and provider of wireless service, Sprint also remains subject to the Commission's authority and must, and does, comply with federal outage reporting requirements.

In response to item (4), Telscape certifies that it will comply with the applicable consumer protection and service quality standards. As a CLEC operating in California, Telscape is already subject to that state's consumer protection and service quality requirements. Telscape's Lifeline customers will also receive the same quality service and protections.

Telscape's response to items (5) and (6) are provided above and in the provided exhibits

(2) A detailed explanation of how the carrier will comply with the Commission's new rules relating to determinations of subscriber eligibility for Lifeline services, including all consumer eligibility, consumer enrollment and re-certification procedures as required by Section VI and Appendix C of the Lifeline Reform Order, and a copy of the carrier's certification form;

Under the *Lifeline Reform Order*, ETCs must comply with eligibility rules for Lifeline services, including initial eligibility, certification, and annual re-certification procedures. In addition to the Commission's rules, Telscape must also comply with all certification and verification requirements for Lifeline eligibility established by states where Telscape is designated as an ETC. For states that do not have a Lifeline administrator or state agency responsible for determining eligibility and initial certifications and annual certifications, Telscape certifies it will comply with the Commission's certification and verification requirements and will follow the procedures outlined below until such time as the Commission implements its planned National Lifeline Accountability Database.

Procedures for Initial Eligibility Determination and Certification of Lifeline Subscribers.

With respect to determining eligibility certification procedures, the rules provide that an ETC must determine a Lifeline applicant's eligibility and provide and receive certification forms with proper documentation from Lifeline subscribers, except where there is a state Lifeline administrator or a state agency responsible for eligibility verification.

In states where there is a third party entity acting as the Lifeline administrator (also referred to as the "Certifying Agent" in California) who is responsible for determining the eligibility of consumers seeking to subscribe to Lifeline service, sending out certification forms, reviewing documentation and providing ETCs with the appropriate approval of a potential

subscriber's eligibility for Lifeline, Telscape will comply with the program rules established in those states and will cooperate fully with any state Lifeline administrator.

Based on Telscape's history of providing Lifeline and non-Lifeline customers in wireline products, Telscape's primary source of signing up Lifeline customers will be via telephone, although some customers (entirely in California at this point) will be signed up in person at the retail locations staffed by Telscape employees. Visitors to Telscape's website will be given information about the program but are required to contact Telscape directly via telephone to complete the sign-up process. These callers speak to Telscape employees who are specially trained on the Lifeline programs. Telscape's customer services representatives will review income- and program-based requirements with applicants via telephone contact or point of sale contact at one of Telscape's retail locations.⁷ During the initial sign up for service, Telscape will (a) require the applicant to confirm that he or she is not already receiving a Lifeline service and that no one else in the applicant's household is subscribed to a Lifeline service in order to avoid providing duplicate services; and (b) inform the applicant of both the income- and program-based eligibility requirements to determine initial eligibility and any state-specific requirements.

Customers are offered the choice to either sign up for service as a non-Lifeline customer pending confirmation of eligibility, or to have their application for service held pending confirmation of eligibility. In the event the customer chooses to proceed, they are processed as a new non-Lifeline customer and the verification process continues as described below. If, after the verification process is completed, the customer is deemed eligible, they are credited with the

⁷ For example, Telscape has retail store locations called "Telemercados" throughout its service areas in the Los Angeles and San Diego, California areas to provide its subscribers the opportunity to walk in and deal with a Telscape representative directly, as well as over 380 authorized payment locations throughout all of Southern California.

Lifeline discount back to the date service was initiated. If the customer is eventually deemed ineligible, they receive no credit. Where the customer chooses to wait for confirmation of eligibility before starting service, the employee will take down the relevant information from the consumer, including payment information, but the order is then held pending verification of eligibility. Only if the customer is determined to be eligible is the order processed.

The Verification process varies by state, in states with a Lifeline administrator, if a new applicant indicates that he or she is eligible for Lifeline service, Telscape will provide the applicant's relevant information to the administrator in conformance with any state or Lifeline administrator specific rules. The Lifeline administrator will provide the requisite forms and will be responsible for processing those forms when returned and ensuring the documentation is satisfactory as set forth in state regulations. Telscape will not provide Lifeline service or seek reimbursement for providing services to such applicant until it receives a certification of eligibility from the Lifeline administrator.

In states where there is no Lifeline administrator or state agency responsible for determining initial eligibility and certifying Lifeline applicants, Telscape will require all applicants to demonstrate either: (1) the applicant's household income is at or below 135% of the Federal Poverty Guidelines based on the income-eligibility criteria set forth in Sections 54.409(a)(1) or (a)(3) or (2) the applicant participates in Medicaid, Food Stamps, Supplemental Security Income, Federal Public Housing Assistance, Low-Income Home Energy Assistance Program, National School Lunch Program or Temporary Assistance for Needy Families. As required to prevent suspected duplications, Telscape will also require the customer to complete the Lifeline Household Worksheet issued by USAC to ensure that duplicate support is not provided to any household. Telscape will inform the applicant that any information provided

will be submitted to USAC as necessary under the Commission's rules to verify the household is not receiving duplicate Lifeline support.

After confirming initial eligibility either in person or over the phone, Telscape will provide the individual with an application via mail requiring him or her to provide certain information and certify that they meet either the income-based eligibility requirements or the program-based requirements, make certain certifications and submit documentation.

Specifically, Telscape's Lifeline application form will collect the following information from the potential Lifeline customers: (i) the subscriber's full name; (ii) the subscriber's full residential street address (P.O. Boxes will not be acceptable); (iii) whether the residential address is permanent or temporary; (iv) the subscriber's billing address, if different; (v) the subscriber's date of birth; (vi) the last four digits of the subscriber's Social Security number (or Tribal identification number if the subscriber is a member of a Tribal nation and does not have a Social Security number); (vii) if the subscriber is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the subscriber, or his or her dependents, or his or her household receives benefits; and (viii) if the subscriber is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.

In addition, as part of the Lifeline application, Telscape will require all Lifeline applicants to certify, under penalty of perjury, that:

- the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline either because the household receives benefits from a state or federal assistance program (and list the name of the program) or has income at or below 135% of the Federal Poverty Guidelines;
- the applicant has provided documentation to Telscape that correctly and accurately confirms the subscriber's household income or participation in the above-listed

program(s);

- the applicant will notify its carrier within thirty (30) days if, for any reason, he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, the applicant is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit. The applicant will also certify that they understand this requirement and may be subject to penalties if they fail to notify Telscape;
- if the applicant moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within thirty (30) days;
- if the applicant provided a temporary residential address to the eligible telecommunications carrier, he or she will be required to verify his or her temporary residential address every ninety (90) days;
- the applicant acknowledges that the subscriber will be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits;
- the applicant's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
- the information contained in the applicant's certification form is true and correct to the best of his or her knowledge, that providing false or fraudulent documentation or information in order to receive assistance is punishable by fines, imprisonment, de-enrollment or being barred from the program;
- That a violation of the one-per-household rule constitutes a violation of FCC rules and will result in their de-enrollment from the Lifeline program
- the applicant understands that Lifeline is a non-transferable benefit and the service may not be transfers to anyone else; and
- the applicant understands their information, including name, telephone number and address, will be given to the Universal Service Administrative Company (USAC) and/or its agents for the purpose of verifying the applicant and the applicant's household do not receive more than one Lifeline benefit and consenting to the inclusion of that information into a Lifeline database.

A sample Telscape application is attached hereto as Exhibit A.

This application is mailed by Telscape to the customer for completion and is returned to Telscape for review and certification. All applications are reviewed by Telscape employees or

by employees of their affiliate Sage. Should Telscape engage sales agents to assist in signing up customers, those applications will also be reviewed by employees to ensure the applicant's eligibility.⁸ This review includes a review to determine eligibility as well as a duplicate review process described below. Telscape will make itself available as a direct point of contact with all Lifeline applicants, either in person through its employees, or by telephone. In addition, all Telscape employees who have contact with potential Lifeline customers will be fully trained on the state and Commission Lifeline eligibility rules.

If Telscape cannot determine a prospective subscriber's eligibility through a review of an appropriate federal or state database, Telscape personnel will require the submission of appropriate documentation required to establish income-based and program-based eligibility and will review each subscriber's documentation for compliance with the eligibility criteria. If documentation is not sufficient or if the application is incomplete, then Telscape will deny the application and inform the applicant of the reason for such rejection. For applicants submitting proof of income-eligibility or program-based eligibility, Telscape will not retain copies of such documentation but will maintain accurate records detailing how the customer demonstrated his or her eligibility.⁹ In addition, if the subscriber provides Telscape with a temporary address, it will verify with the subscriber every 90 days that this address remains valid. If the subscriber fails to respond to the Telscape within 30 days, the subscriber will be de-enrolled from the Lifeline program.

Procedures for Annual Re-Certification. Similar to the initial certification process, an ETC must annually certify all subscribers, unless there is a Lifeline administrator that is

⁸ In states with a Lifeline Administrator, this process would be handled pursuant to the procedures of the Administrator.

⁹ 47 C.F.R. §§ 54.410(b)(1)(ii)-(iii) and 54.410(c)(1)(ii)-(iii).

responsible for re-certification. In states where a Lifeline administrator is responsible for completing annual re-certifications, Telscape will rely on such administrator completing the annual certification. If the Lifeline administrator provides notice to Telscape that a current subscriber did not re-certify, then Telscape will comply with the de-enrollment requirements required by the FCC's rules. Telscape will cooperate fully with any Lifeline administrator and take any necessary steps to ensure it is in compliance with both state and federal re-certification procedures.

In states where there is not a Lifeline administrator, Telscape will require its Lifeline subscriber to annually re-certify their eligibility as set forth in Rules 54.410(f)(2) and (f)(5) and 54.405(e)(4). Telscape may complete the re-certification process on a rolling basis throughout the year. If Telscape cannot determine on-going eligibility by accessing a qualifying database, Telscape will re-certify the continued eligibility of its subscribers by contacting them in person, in writing (by mail), by phone, by text message, by email or otherwise through the Internet.¹⁰ Alternatively, beginning in 2013, Telscape may elect to have the USAC administer the annual self-certification process.¹¹

As part of the re-certification process, Telscape will inform its Lifeline subscribers that they must confirm eligibility to retain Lifeline benefits, when Lifeline benefits will be terminated if confirmation of eligibility is not provided and how to contact Telscape for more information or assistance. If a Lifeline subscriber does not respond to the notice within 30 days, Telscape will

¹⁰ *Lifeline Reform Order*, ¶ 130.

¹¹ *Id.*, ¶ 133.

send a notice of impending termination. Subscribers who do not respond to the impending termination notice will be de-enrolled from the Lifeline program within five business days.¹²

(3) A detailed explanation of how the carrier will comply with the forbearance conditions relating to public safety and 911/E-911 access;

The Commission conditioned its grant of forbearance on an ETC (a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.¹³ Telscape's wireless service currently complies with these requirements and will continue to comply with these conditions.

Specifically, Telscape provides its wireless subscribers with 911/E911 access at the time their service is initiated, regardless of activation status and availability of minutes and provides its subscribers with E911-compliant handsets. It is the company's practice to provide access to 911/E911 to the extent these services are available from the underlying carrier, Sprint. Telscape also enables 911 emergency calling from all properly activated handsets regardless of whether the account associated with the handset is active, suspended to terminated. Telscape will transmit all 911 calls initiated from any of its handsets even if the associated account has no remaining minutes.

In addition, all phones provided by Telscape are 911/E911 compliant. Telscape uses phones from Sprint that, based on representations made to Telscape by Sprint, have been through the applicable certification process in the company's labs. In the event that a customer does not have an E911-complaint handset, Telscape will replace it with a compliant handset at no charge.

¹² 47 C.F.R. § 54.405(e)(4).

¹³ *Lifeline Reform Order*, ¶ 373.

All new customers who qualify for Lifeline services with Telscape will receive a 911/E911-compliant handset free of charge.

(4) A detailed explanation of how the carrier will comply with the Commission's marketing and disclosure requirements for participation in the Lifeline program;

Telscape has experience in providing clear, concise and consistent marketing and disclosure information to its wireline Lifeline to its customers. Given the make-up of its customer base, primarily limited English speaking consumers, some of whom are of lower income, Telscape strives to use language that is easily understandable so as to avoid customer confusion. With respect to its wireless services, Telscape will emphasize in clear, easily understood language: (a) that the service is a Lifeline-supported service; (b) that only eligible consumers may enroll in the program; (c) what documentation is necessary for enrollment; and (d) that the benefit is limited to one per household consisting of either wireline or wireless service and is non-transferrable. Telscape will also explain that Lifeline is a government benefit program and willfully making false statements to obtain Lifeline benefits may be punished by fine or imprisonment or result in being barred from the program. Telscape has and will continue to clearly disclose its name (Telscape or Telscape Wireless) on all marketing materials. A sample advertisement that was approved for use in California by the California PUC is attached hereto as Exhibit B. Marketing outside of California will contain similar disclosures.

(5) A detailed explanation of the carrier's procedures and efforts to prevent waste, fraud and abuse in connection with Lifeline funds, including but not limited to, procedures the carrier has in place to prevent duplicate Lifeline subsidies within its own subscriber base, procedures the carrier undertakes to de-enroll subscribers receiving more than one Lifeline subsidy per household, information regarding the carrier's toll limitation service, if applicable, and the carrier's non-usage policy, if applicable.

Telscape fully understand and shares the Commission's commitment to minimize waste, fraud and abuse with respect to the Lifeline program. This is part of the reason that Telscape has

focused on providing excellent service for low-income customers, many of whom speak only Spanish. Moreover, Telscape has taken a focused approach and offering service initially only in California, as compared to launching services into several states or on a nationwide basis. This approach has allowed Telscape to refine its business practices and to implement policies consistent with the Commission's goal of minimizing waste, fraud and abuse before launching its service nationwide at some time in the future.

Prevention of Duplicates In Telscape's Subscriber Base. At time of initial sign up of a new subscriber, the subscriber's service address is validated for accuracy against the USPS ("United States Postal Service") database and saved in the USPS-approved format, which permits the Telscape subscriber database to more accurately prevent duplicates by preventing variations of the same address from appearing multiple times in the database. Once the address is validated for accuracy and format, Telscape can check it in available databases or provide it to the Lifeline administrator, where applicable, to be checked against addresses for all Lifeline customer addresses for the entire state. For example, if an existing Lifeline subscriber, regardless of the carrier providing service, is receiving service at the same address, Telscape understands that the California Lifeline administrator will provide Telscape with a denial and that Lifeline applicant will be denied. Telscape further understands, for example purposes, that the California Lifeline administrator also has a process to check its database for the same subscriber name, date of birth and the last four digits of the person's social security number.

In addition, while it is anticipated that Telscape and its affiliate, Sage will only operate in different states, to the extent that they have Lifeline customers in the same state, customers can be checked against each company's records to further avoid duplication.

Activation and Non-Usage Policy. In California, Telscape does not consider a wireless subscriber activated until the customer has chosen a *non-Lifeline* service plan, activates their service by paying the activation fee, and then applies for and is approved for a Lifeline service plan. Adhering to this “prequalification guideline” prevents waste, fraud and abuse by requiring customers to first sign up for service at regular rates and then only provide discounted service once the customer’s eligibility has been confirmed and approved by the Lifeline administrator. As such, Telscape will not seek reimbursement for any wireless subscriber until the subscriber activates service and is approved by the Lifeline administrator or by Telscape, in states without a third party Lifeline administrator. Customers who wish to be confirmed as an eligible Lifeline subscriber prior to commencing service can place a non-Lifeline order and have the order held pending verification of eligibility as described above. Because customers do not receive their handset and service until they have an order processed and the activation fee is paid, customers receive activated handsets. Thus, there is no possibility of Telscape receiving reimbursement for a customer who does not have an active handset. After the order is processed, Telscape personnel activate, configure and test the handsets before they are sent to the consumer. Thus all customers receive an activated handset.

As required by the *Lifeline Reform Order*, Telscape has implemented a non-usage policy under which it will de-enroll Lifeline customers that have not used the Telscape’s Lifeline service for 60 consecutive days. When consumers sign-up for Telscape’s service, Telscape will inform them about the usage requirement. If a Telscape Lifeline customer’s account does not reflect any usage during any consecutive 60-day period, Telscape will deactivate the customer’s Lifeline service. Accounts will be deemed active if the Lifeline subscriber: (a) completes an outbound call; (b) purchases minutes or an additional month of service to add to the subscriber's

Lifeline service plan; (c) answers an incoming call from a party other than Telscape, its agent or representative; or (d) responds to a direct contact from Telscape and confirms that he or she wants to continue receiving the Lifeline service.¹⁴

For Lifeline subscribers failing to use their Lifeline service for a 60-day consecutive period as described above, Telscape will provide a clear, easily understood notice that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage. Telscape will not terminate service to Lifeline subscribers that use their Lifeline service within 30 days of Telscape providing said notice.¹⁵

Cooperate with Federal and State Regulators and Lifeline Administrators. Telscape will cooperate with the Commission and has and will continue to cooperate with state regulators and Lifeline administrators to prevent waste, fraud and abuse. Telscape will, for example:

- As applicable, participate in industry working groups conducted by or in coordination with state commissions and Lifeline administrators;
- Respond to requests from the Commission, USAC or state commissions concerning consumers' eligibility to be enrolled in Lifeline service, among other matters;
- Upon having a reasonable basis and/or upon any notification from federal or state commissions and/or Lifeline administrators, timely investigate issues concerning a Telscape Lifeline customer receiving service from another carrier or customers receiving more than one Lifeline subsidy per household;
- As applicable and when available, access the National Lifeline Accountability Database to determine if an applicant is currently receiving Lifeline service from another carrier or if another person residing at the applicant's residential address is receiving Lifeline service; and
- Comply with federal and state audit requirements.

¹⁴ See *Lifeline Reform Order*, ¶ 261; 47 C.F.R. § 54.407(c)(2).

¹⁵ 47 C.F.R. § 54.405(e)(3).

CONCLUSION

Telscape respectfully submits that the foregoing Compliance Plan fully satisfies the conditions set forth in the *Lifeline Reform Order*. Accordingly, Telscape respectfully requests approval of this Compliance Plan so that Telscape can provide essential Lifeline wireless service to eligible low-income customers nationwide.

Respectfully submitted,

/s/ electronically signed

Douglas D. Orvis II
Kimberly A. Lacey
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006

Date: December 19, 2012

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 7

to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

Key Management Bios

May 5, 2020

TruConnect Communications, Inc.
Executive Bios

Nathan R. Johnson, Co-Chief Executive Officer

Nathan Johnson is Executive Chairman of the Board and an investor in TruConnect Communications, Inc., where he oversees the strategic vision and effective governance of the organization. Mr. Johnson is also a Managing Partner of Gemini Partners, a middle-market investment bank, where he has financed, sold, and advised several small- and middle-market telecommunications companies including Telemac, Distributive Networks, and Pulse Entertainment, among others. Prior to Gemini Partners, Mr. Johnson served as Vice President in investment banking at Deutsche Bank, where he advised several Latin American companies including Telefonos de Peru and a Venezuelan phone company in their efforts to take the companies private. Mr. Johnson received his MBA from the Wharton School at the University of Pennsylvania with a concentration in Finance and Multinational Management. He also received his MA from the University of Pennsylvania with concentrations in Latin America and Spanish.

Matthew H. Johnson, Co-Chief Executive Officer

Matthew Johnson is Managing Partner of Gemini Partners and a Board Member and investor of TruConnect Communications, Inc. At Gemini Partners, a middle-market investment bank, Mr. Johnson has financed, sold, and advised several small- and middle-market telecommunications companies including Telemac, Distributive Networks, and Pulse Entertainment, among others. Previously, Mr. Johnson served as Vice President in investment banking at Credit Suisse First Boston where he financed numerous telecommunications companies specifically located in Latin America, including Bestel Communications, a company that operated fiber loops stretching from the U.S. to Mexico, and Globopar, a telecommunications and media conglomerate based in Brazil. Mr. Johnson holds an MBA from Northwestern University's Kellogg School of Management.

Jeffrey Misthal, Chief Financial Officer

Mr. Misthal is the Chief Financial Officer responsible for all accounting and finance functions for the company. He has 20 years of finance experience working with technology companies, including Leaf Group and Yahoo, and as an investment banker for GCA Savvian and JPMorgan where he was an advisor for technology companies responsible for mergers and acquisitions and arranging financing for his clients. Mr. Misthal holds a BS in Economics from the Wharton School at the University of Pennsylvania and an MBA from UCLA Anderson.

Lucy Sung, General Manager, Global Operations

Ms. Sung is the General Manager of Global Operations and leads the Legal, Compliance, Customer Care, Sales Operations, Human Resources, and Billing Operations teams. She has over 30 years of experience in the wireless carrier industry, and has 15 years of experience managing the operations and expansion of wireless ETCs. She has held senior management positions in companies that include AT&T, among others. Ms. Sung holds a Bachelor of Science Degree in Business Administration.

Aleksandr Gudkov, Chief Technology Officer

Mr. Gudkov is the Chief Technology Officer and leads all Business Intelligence, data warehouse, and technology related initiatives. Mr. Gudkov has over 18 years of experience in information technology supporting private, state and local governments. He has managed several large-scale integration and migration initiatives for the California Lifeline program, CEL child care eligibility system, and Arizona APS energy income eligibility program. Mr. Gudkov holds a Master of Science degree in Nuclear Engineering from National Research Nuclear University, Moscow Russia.

Danielle Perry, Chief Information Officer

Danielle Perry is the Chief Information Officer and is responsible for leading all technology related aspects of the business; from software development to data analytics. Ms. Perry has over 20 years of experience in the telecommunications field, with 8 of those years being focused on Lifeline. In her previous position she was the Chief Information Officer at Blue Jay Wireless.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2081

Exhibit 8

to

**TruConnect Communications, Inc.
Application for Designation as an Eligible
Telecommunications Carrier and
Eligible Telecommunications Provider, and
Request for Certain Waivers**

Notice to ETCs

May 5, 2020

EXHIBIT 8

Notice to ETCs

To: Oregon Eligible Telecommunications Carriers

Please be advised that TruConnect Communications, Inc. has filed with the Public Utility Commission of Oregon for Designation as an Eligible Telecommunications Carrier in the attached coverage area.

DATED: May 5, 2020



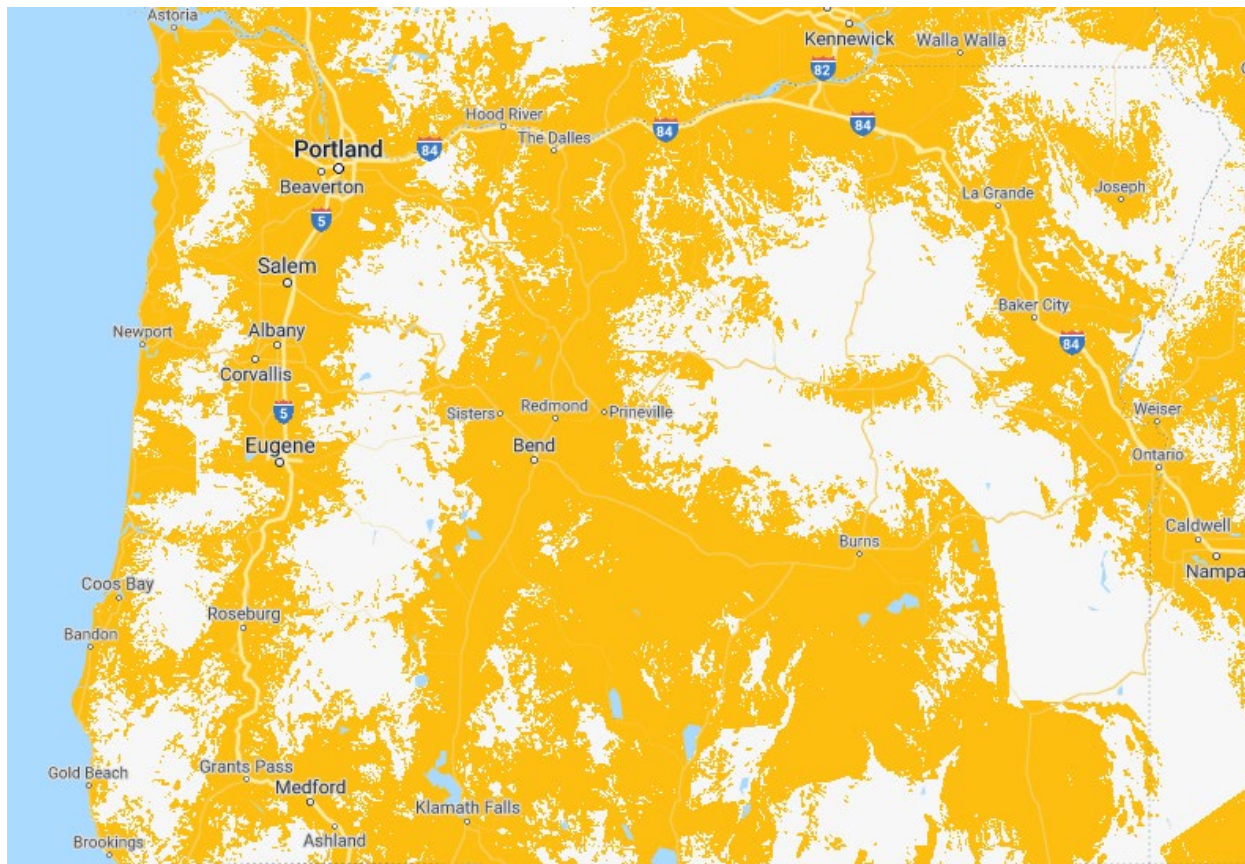
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Inc.*

TruConnect Oregon Coverage Map (Signal Strength is at least -97 dBm)



TruConnect Oregon Coverage Map (Signal Strength is at least -97 dBm)

