

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1509

In the Matter of)
)
i-wireless LLC)
) **JOINT MOTION TO AMEND ORDER**
Application for Designation as an Eligible)
Telecommunications Carrier in Oregon for the)
Purpose of Offering Lifeline Service to)
Qualified Households.)
_____)

For the reasons set forth below, pursuant to ORS 756.568, i-wireless LLC d/b/a Access Wireless (“Access Wireless”, “i-wireless”, or the “Company”), the Staff of the Public Utility Commission of Oregon (“Staff”) and the Oregon Citizens’ Utility Board (“CUB”) (collectively, the “Parties”) hereby move the Oregon Public Utility Commission (“Commission”) to amend Order No. 15-300 by adding three new paragraphs (40.1, 40.2 and 40.3); modifying paragraphs 12 and 40 and modifying Exhibit F of the Stipulation adopted as Appendix A to the Order. The agreed upon modifications are as follows:

1. The Stipulating Parties agree to modify paragraphs 12 and 40 of the Stipulation as follows:

12. i-wireless's ETC and ETP designated service area will be comprised of the zip code areas set forth in Exhibit A to this Stipulation, and illustrated in the map in Exhibit B to this Stipulation. The designated service area excludes any Tribal Lands that lie within the areas of the zip codes listed, i-wireless will provide its prepaid wireless services throughout its designated area in Oregon by purchasing services on a wholesale basis from SprintT-Mobile, i-wireless represents that SprintT-Mobile has substantial if not complete coverage throughout each of these zip code areas. ~~As i-wireless will be unable to improve service to customers where its underlying carrier does not provide acceptable levels of wireless reception, i-wireless agrees to report quarterly on the number of customers within the designated service area that are declined service or cancel service because of poor or no reception. The report must include addresses for those customers so that the data may be analyzed to determine areas of insufficient service.~~

40. ~~Upon designation,~~ i-wireless may will provide applicants approved for i-wireless's Oregon Lifeline service with the option to receive a free handset. However, when i-wireless provides OTAP supported service consistent with paragraphs 40.1, 40.2, and 40.3 below, and receives compensation from the State of Oregon pursuant to OAR 860-033-0045, i-wireless will make available the option to apply online for Oregon Lifeline service and, upon notice of applicant approval from the Commission, i-wireless will send the successful applicant a free handset. All handsets offered will have immediate E911 functionality. The cost of the free handset is borne by i-wireless. No portion of the handset costs is subsidized either by the federal Universal Service Fund or the RSPF. ~~i-wireless will provide one free phone per year that is reported lost or stolen as long as the customer is an active i-wireless subscriber approved for Lifeline service.~~ i-wireless will provide one free phone to replace a handset that an applicant approved for Lifeline service received from i-wireless if the applicant reports the handset as defective within sixty (60) days of receipt and troubleshooting by the Company does not resolve the defect.

2. The Stipulating Parties agree to modify the Stipulation to add the following additional language:

40.1 For the twelve-month period from July 1, 2022 to July 1, 2023 ("Initial 12-month period") i-wireless shall offer the OTAP-supported service for Lifeline-only service plans and may seek compensation from the State of Oregon as provided in OAR Chapter 860, Division 33 for the OTAP-supported service for Lifeline-only service plans. During this Initial 12-month period, when i-wireless receives compensation from the State of Oregon pursuant to OAR 860-033-0045, i-wireless will provide applicants approved for Oregon Lifeline-only service with the option to receive a free handset. During the Initial 12-month period, i-wireless will accept online applications for service in Oregon without requiring the applicant to provide handset information, such as an IMEI number. i-wireless may request compensation for the State of Oregon monthly support amount of \$10.00 per customer under OAR 860-033-0045 during this time, provided it meets the minimum service standards of OAR 860-033-0035(1)(c). The requirement to offer unlimited data in OAR 860-033-0035(1)(c) shall be waived during the Initial 12-month period provided i-wireless provides a monthly 5 GB of data and unlimited talk and text to a customer. The parties support this waiver as appropriate and in the public interest.

40.2 In the event i-wireless decides, at its discretion, during the Initial 12-month period, not to offer the OTAP-supported service for Lifeline-only service plans and will not seek compensation from the State of Oregon pursuant to OAR 860-033-0045 for reasons including but not limited to a federal Minimum Service Standards increase or for economic reasons that impact costs in such a way that makes it impracticable to continue to offer a free handset, the Company will provide 60 days' advance written notice to the Stipulating Parties that identifies the reason(s) for the decision.

40.3 Following the Initial 12-month period, the Stipulating Parties may confer and agree to extend the terms of paragraphs 40.1 and 40.2 for an additional period of time if the extension will be in the best interests of customers, the Commission and the Company.

A revised Exhibit F (Quarterly Report Form) is attached to this motion. The Parties agree to substitute existing Exhibit F¹ with the attached form.

DISCUSSION

The Oregon Telephone Assistance Program (OTAP) is a plan of assistance to low-income customers established under Sections 2 and 6, chapter 290, Oregon Laws 1987, as amended, to ensure adequate, affordable residential telecommunication service is available to all citizens and to support broadband internet access service. It is the state counterpart to the Federal Communications Commission's (FCC's) Lifeline program, collectively known as Oregon Lifeline.

i-wireless was designated an Eligible Telecommunications Carrier (ETC) and Eligible Telecommunications Provider (ETP) based on Commission approval of a stipulation resolving the Company's ETC/ETP application. The Parties entered into the original stipulation in this docket in 2015. In light of subsequent changes to the applicable administrative rules of the Commission and the Federal Communications Commission's (FCC's) Lifeline program, the Parties support the adoption of the changes to the original stipulation approved in Order No. 15-300, Appendix A, as set forth above.

1. Removal of Required Data Element in Quarterly Report under Paragraph 12.

The Parties support amending paragraph 12 of the Stipulation to remove the following text:

~~. As i-wireless will be unable to improve service to customers where its underlying carrier does not provide acceptable levels of wireless reception, i-wireless agrees to report quarterly on the number of customers within the designated service area~~

¹ *In the Matter of i-wireless LLC*, Docket UM 1509, Order No. 15-300, Appendix A at 31-32 (September 29, 2015).

~~that are declined service or cancel service because of poor or no reception. The report must include addresses for those customers so that the data may be analyzed to determine areas of insufficient service.~~

Customers generally contact the Commission regarding a variety of issues affecting their Lifeline-supported service, including adequacy of wireless reception. Staff and the Company engage in daily business communications to address these issues and determine the next appropriate course of action. The Parties agree there is no need for the Company to report this required data element on a quarterly basis because Staff already has the relevant information based on direct customer contact.

2. *Revised Exhibit F Quarterly Report Form.*

The Parties support adoption of the revised Exhibit F (Quarterly Report Form) that is attached to this motion. This revised form is updated to remove the information proposed for deletion from paragraph 12 and described above. Other updates address the current information needs of Commission Staff for administration of the program. The Parties agree to substitute the updated form for Exhibit F under Order No. 15-300.

3. *Amendments related to Handset Requirements.*

The Parties support modifying the general requirement that i-wireless provide Oregon customers with the option for a free handset to allow i-wireless discretion to offer a free handset except in the circumstances further specified in the proposed changes. i-wireless must continue to offer a handset for a twelve-month period for Oregon Lifeline-only service when it seeks reimbursement for the Oregon support amount of \$10 during this period. Additional paragraphs addressing the minimum service offering requirements for i-wireless when offering OTAP-supported services and a process for modifications are proposed in new paragraphs 40.1 and 40.2. Under new paragraph 40.3, the Parties may agree to extend the terms of the Initial 12-month

period.

The Parties further support modifying paragraph 40 to eliminate the requirement for i-wireless to provide one free handset per year that is lost or stolen and replace it with a requirement to provide one free phone when applicant reports the handset as defective within sixty (60) days of receipt and troubleshooting does not resolve the defect.

Parties support these changes based on state and federal regulatory developments since approval of the Stipulation in Order No. 15-300 and changing market conditions. Shortly after the order was issued, the FCC issued its *2016 Lifeline Modernization Order*.² Under this Order, minimum service standards were implemented, setting speed requirements and monthly data minimums for Lifeline-supported mobile broadband service plans and minimum minutes for voice-only plans. These standards were first effective December 1, 2016, and minimum data and voice minutes have been subject to regularly scheduled increases.³ At the same time, the Lifeline monthly basic support amount for customers on non-tribal lands has remained set at \$9.25 per month, while the support amount for voice-only plans was phased down.⁴ The FCC also established minimum equipment standards that apply when an ETC provides a handset device to a Lifeline customer: the device must be Wi-Fi enabled and an increasing number of devices must be capable of being used as a hotspot.⁵

The Commission meanwhile has raised the OTAP support amount to the current monthly benefit for customers to \$10.⁶ For customers receiving the monthly benefit at no charge, the ETP

² *In re Lifeline & Link Up Reform & Modernization et al.*, WC Docket No. 11-42 *et al.*, 31 FCC Rcd. 3962 (released April 27, 2016).

³ 47 CFR 54.408.

⁴ 47 CFR 43.403.

⁵ 47 CFR 54.408(f).

⁶ OAR 860-033-0035(1).

must provide unlimited voice minutes for basic service and unlimited data for any broadband internet access service provided to the customer.⁷

i-wireless represents that the increased service standards, with no corresponding increase in federal support amounts, along with current supply chain constraints, have made it no longer economic for the company to offer a free handset device to each Oregon customer and potentially provide a free replacement on an annual basis. By modifying paragraph 40 to eliminate the general requirement to offer a handset, and amend the replacement provision, i-wireless represents it will be able to provide Lifeline-supported services on a continuing basis.

The Parties recognize the various changes over the past five years in the Lifeline program, and support the amendments to paragraph 40 to allow i-wireless discretion in offering a free handset and to limit the requirement to provide a free handset or replacement to the replacement of defective equipment within 60 days of receipt by the customer. The Parties also recognize the value of a free handset offer in the initial enrollment of customers and their ability to use supported services. To this end, the Parties support the addition of language to the Stipulation that requires i-wireless to offer a handset for a twelve-month period for Oregon Lifeline-only service when the Company receives compensation from the State of Oregon, with the option for the parties to confer on an extension of this term for an additional period of time. i-wireless may seek reimbursement for the Oregon support amount of \$10 during this period, provided it meets the Commission's minimum service standards. During the twelve-month period of the handset offer, the Parties support a waiver of the minimum data in OAR 860-033-0035(1)(c) to reduce the requirement to provide unlimited data down to 5 GB per month.⁸ i-wireless, may decide not to offer the supported

⁷ OAR 860-033-0035(1)(c).

⁸ Under OAR 860-033-0001(2) the Commission may waive any of the rules in Division 33 upon request or its own motion.

service and seek compensation from the State of Oregon, with 60 days' notice to the Stipulating Parties. The Parties further support terms to allow this twelve-month period and the associated waiver to be extended an additional period of time.

Therefore, the Parties support adding the following provisions to the Stipulation:

40.1 For the twelve-month period from July 1, 2022 to July 1, 2023 ("Initial 12-month period"), i-wireless shall offer the OTAP-supported service for Lifeline-only service plans and may seek compensation from the State of Oregon as provided in OAR Chapter 860, Division 33 for the OTAP-supported service for Lifeline-only service plans. During this twelve-month period, when i-wireless receives compensation from the State of Oregon pursuant to OAR 860-033-0045, i-wireless will provide applicants approved for Oregon Lifeline-only service with the option to receive a free handset. During the Initial 12-month period, i-wireless will accept online applications for service in Oregon without requiring the applicant to provide handset information, such as an IMEI number. i-wireless may request compensation for the State of Oregon monthly support amount of \$10.00 per customer under OAR 860-033-0045 during this time, provided it meets the minimum service standards of OAR 860-033-0035(1)(c). The requirement to offer unlimited data in OAR 860-033-0035(1)(c) shall be waived during the Initial 12-month period provided i-wireless provides a monthly 5 GB of data and unlimited talk and text to a customer. The parties support this waiver as appropriate and in the public interest.

40.2 In the event i-wireless decides, at its discretion, during the Initial 12-month period, not to offer the OTAP-supported service for Lifeline-only service plans and will not seek compensation from the State of Oregon pursuant to OAR 860-033-0045 for reasons including but not limited to a federal Minimum Service Standards increase or for economic reasons that impact costs in such a way that makes it impracticable to continue to offer a free handset, the Company will provide 60 days' advance written notice to the Stipulating Parties that identifies the reason(s) for the decision.

40.3 Following the Initial 12-month period, the Stipulating Parties may confer and agree to extend the terms of paragraphs 40.1 and 40.2 for an additional period of time if the extension will be in the best interests of customers, the Commission and the Company.

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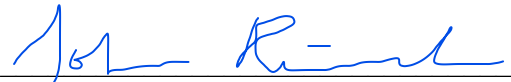
CONCLUSION

For the reasons set forth above, the Parties respectfully request that the Commission grant this motion to modify Order No. 15-300, Appendix A, paragraphs 12 and 40, Exhibit F, and add additional paragraphs 40.1 and 40.2, as set forth above.

Dated this 1st day of July 2022.

Respectfully submitted,

By:



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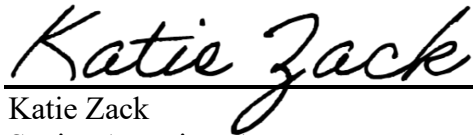
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Exhibit F Quarterly Report

	Month A	Month B	Month C
<u>Non-Usage</u>			
Total No. of Subscribers De-Enrolled			
Total No. of Subscribers that Demonstrated Usage During Grace Period			

<u>USAC Information</u>			
Total Number of Oregon Lifeline Subscribers Claimed for Reimbursement			
Total Amount Received			

<u>Phone or SIM Card</u>			
Total No. of Subscribers Reporting they did not receive free phone or SIM Card			
Total No. of Subscribers Reporting Issue with Phone or SIM Card			
Total No. of Replacement Phone or SIM Cards Sent			

<u>Usage Characteristics</u>			
Total No. of Active Subscribers			
Total No. of Subscribers that Depleted All Free Voice Minutes			
Total No. of Subscribers that Depleted All Free Data			
Average Amount of Free Voice Minutes Used by the Subscriber			
Average Amount of Free Data Used by the Subscriber			

	Month A	Month B	Month C
<u>Add-Ons (Voice)</u>			
Total No. of Subscribers That Purchased Additional Voice Minutes			
Average Amount of Voice Minutes Purchased by the Subscriber			
Maximum Amount of Voice Minutes Purchased by a Subscriber			
Minimum Amount of Voice Minutes Purchased by a Subscriber			

<u>Add-Ons (Data)</u>			
Total No. of Subscribers That Purchased Additional Data			
Average Amount of Data Purchased by the Subscriber			
Maximum Amount of Data Purchased by a Subscriber			
Minimum Amount of Data Purchased by a Subscriber			