



A KROGER CO.

May 5, 2021

***VIA ELECTRONIC FILING***  
***PUC.FilingCenter@state.or.us***

Public Utility Commission of Oregon  
201 High Street SE, Suite 100  
Salem, OR 97301-3398

Attn: Filing Center

Re: AR 635 – Petition for Waiver of OAR 860-033-0010(2)

i-wireless, LLC d/b/a Access Wireless submits for filing its petition for a waiver in the above referenced docket.

If you have any questions regarding this filing, please feel free to contact me at (859) 813-9603 or [sam.bailey@iwirelesshome.com](mailto:sam.bailey@iwirelesshome.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Bailey', written over a horizontal line.

Sam Bailey  
Director of Compliance  
i-wireless, LLC d/b/a Access Wireless  
One Levee Way, Ste. 3116  
Newport, KY 41071

Service List for AR 635

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
AR 635**

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In the Matter of i-wireless, LLC's Petition for Waiver of OAR 860-033-0010(2)	) ) ) )	PETITION FOR A WAIVER OF OREGON ADMINISTRATIVE RULE 860-033-0010(2)
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Pursuant to Oregon Administrative Rule (“OAR”) 860-033-0001(2), i-wireless, LLC (“i-wireless” or the “Company”) respectfully asks the Public Utility Commission of Oregon (“Commission”) for a waiver of the first sentence in OAR 860-033-0010(2) for May 2021 and June 2021. Specifically, the Company hereby requests that the Commission waive the requirement in OAR 860-033-0010(2) which states an Eligible Telecommunications Provider (“ETP”) is required to offer the Oregon Telephone Assistance Program (“OTAP”) discount, currently \$12.00, to all eligible low-income customers.

**BACKGROUND**

i-wireless was designated by the Commission as an ETP on September 29, 2015 in Docket No. UM 1509, based upon a stipulation approving that i-wireless would offer enhanced benefits each month (i.e., an extra 250 minutes) in exchange for the \$3.50 in OTAP support.

On June 30, 2020, the Commission adopted several temporary rule amendments for OTAP in response to the 2019 Senate Bill 69 and an Oregon Joint Emergency Board allotment of \$3.5 million to aid individuals in response to the coronavirus pandemic. This resulted in a temporary increase of OTAP support from \$3.50 to \$12.00.

On December 29, 2020 OAR 860-033-0035 was amended to modify the OTAP discount from a temporary rate of \$12.00 to \$7.00 for low-income customers paying a monthly rate.

Further, OAR 860-033-0035 was amended to state that for customers receiving OTAP supported service at no charge, an ETP must provide unlimited voice minutes for basic service and unlimited data for any broadband internet access service to low-income customers in order to be eligible for the monthly support amount of \$7.00 from the State of Oregon. In response to the decrease in OTAP support (from \$12.00 to \$7.00) and given the requirement that carriers provide unlimited data; i-wireless requested a waiver for the month of January 2021 stating that is not financially feasible to offer unlimited data for a state subsidy of \$7.00.

On January 27, 2021, the Commission adopted temporary rule amendments effective February 1, 2021 through June 30, 2021 that increased the level of OTAP support from \$7.00 to \$12.00 on a temporary basis.

#### **DISCUSSION AND WAIVER REQUEST**

On February 25, 2021, the Federal Communications Commission (“FCC”) adopted an order establishing the Emergency Broadband Benefit Program (“EBB Program”) to support broadband services and devices to help low-income households stay connected during the COVID-19 pandemic. The EBB Program allows participating providers to make available to eligible households a monthly discount up to \$50.00 per month off the standard rate for an Internet service offering. I-wireless has elected to participate in the EBB Program and as a result seeks a waiver of the first sentence in OAR 860-033-0010(2) so that it may opt out of the OTAP subsidy for the months of May 2021 and June 2021.

For those customers that are only enrolled in Lifeline the i-wireless service offering of 1,000 voice minutes and 4.5 gigabytes (“GB”) of data at no monthly net cost to Oregon Lifeline customers after application of \$9.25 in federal Lifeline support will be effective as of May 1,

2021. For those i-wireless customers that elect to participate in the EBB Program the i-wireless EBB service offering will apply.

### CONCLUSION

Based on the foregoing, i-wireless respectfully requests that the Commission issue an order approving the Company's request for waiver of OAR 860-033-0010(2) for the months of May 2021 and June 2021 and permit i-wireless to offer a Lifeline service offering reflecting only the federal Lifeline subsidy, which currently equates to 1,000 minutes and 4.5 GB of data.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sam Bailey", written over a horizontal line.

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May 5, 2021

## CERTIFICATE OF SERVICE

I, Sam Bailey, certify that I served a true and correct copy of i-wireless, LLC d/b/a Access Wireless' Petition for Waiver of OAR 860-033-0010(2) on the parties listed below via electronic mail and/or or overnight delivery in compliance with OAR 860-001-0180.

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Dated: May 5, 2021



Sam Bailey  
Compliance Director  
i-wireless, LLC