



A KROGER CO.

January 27, 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: UM 1631 – 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.

Sincerely,

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

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1631**

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 the month of January 2021 only. 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 \$7.00, 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 OTAP rate of \$12.00 which was available to ETPs providing unlimited mobile data at no charge, which i-wireless agreed to do so long as the support amount was \$12.00.

On October 28, 2020, a Notice of Proposed Rulemaking was issued that sought to make the temporary rule amendments adopted on June 30, 2020 permanent.

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.

DISCUSSION AND WAIVER REQUEST

It is not financially feasible for i-wireless to offer Lifeline Oregon customers unlimited data for a state subsidy of \$7.00. By way of comparison, i-wireless offers the following plan options, under its Kroger Wireless prepaid brand: \$25.00 – Unlimited minutes and text, 2 GB; \$35.00 – Unlimited minutes and text, 5 GB; \$45.00 – Unlimited minutes and text, unlimited, 25 GB high speed. Further, according to the National Lifeline Association retail market study conducted between April 27, 2020 and May 4, 2020, there is a relatively broad range in pricing, but most carriers offer 1 GB for about \$10.¹

Oregon is the only state that requires wireless carriers to offer unlimited data. The Federal Communications Commission (“FCC”) minimum service standards is 4.5 GB mobile broadband to qualify for \$9.25 federal subsidy. The California Public Utilities Commission (“CPUC”) specific support amounts and minimum service standards requires California LifeLine Eligible Telecommunication Carrier’s (“ETCs”) to offer 4 gigabytes (“GB”) of data and

¹ Responses of the National Lifeline Association, Boomerang Wireless, LLC, Amerimex Communications Corp. DBA SafetyNet Wireless, American Broadband & Telecommunications, and Global Connection Inc. of America dba StandUp Wireless to Assigned Commissioner’s Scoping Memo and Ruling Questions in Attachment A, Rulemaking 20-02-008, May 4, 2020.

Unlimited Voice and Text for a state subsidy of \$12.85, and to receive a state subsidy of \$14.85 the California LifeLine ETC must offer 6 GB of data and Unlimited Voice and Text. The CPUC also provides California LifeLine providers a service connection fee of \$39.00. Additionally, in Kentucky the state support went from \$3.50 to \$8.00 for ETCs that provide unlimited voice-an increase of the federal minimum of 1,000 minutes but the data requirement remained at the federal standard of 4.5GB.

Due to the Company not being able to continue to offer unlimited data in Oregon for a state subsidy of only \$7.00, on December 17, 2020, i-wireless filed with the Commission the Company's proposed Lifeline 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.² The Company 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 month of January 2021 and provide only federal Lifeline benefits to its Oregon Lifeline customers. I-wireless only seeks a waiver for the month of January 2021 as it will resume providing unlimited data and voice effective February 2021 due to anticipated funding from the FCC's Emergency Broadband Benefit Program.

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 month of January 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 for the month of January 2021.

² The Company's filing also proposed an additional 250 voice minutes for \$3.50 in OTAP support, which is no longer available.

Respectfully submitted,

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

Sam Bailey
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