



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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*Peter F. Kilmartin, Attorney General*

June 30, 2011

Luly Massaro, Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Blvd.  
Warwick, RI 02888

**IN RE: Petition of YourTel America, Inc., for Designation as an Eligible  
Telecommunications Carrier in the State of Rhode Island on a Wireless  
Basis (Low Income only)- Docket No. 4239**

Dear Ms. Massaro,

Enclosed for filing with the Commission are an original and nine (9) copies of the  
Division's Comments to YourTel America Inc.'s Petition requesting ETC status in the  
above matter.

Thank you for your attention to this matter.

Very truly yours,

Jon G. Hagopian  
Special Assistant Attorney General

cc: Service List (e-mail only)

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

**IN RE: PETITION OF YOURTEL AMERICA, INC. :**  
**FOR DESIGNATION AS AN ELIGIBLE :**  
**TELECOMMUNICATIONS CARRIER IN THE STATE :** **DOCKET NO. 4239**  
**OF RHODE ISLAND ON A WIRELESS BASIS (LOW :**  
**INCOME ONLY) :**

**DIVISION OF PUBLIC UTILITIES AND CARRIERS**  
**COMMENTS REGARDING THE PETITION OF**  
**YOURTEL AMERICA, INC. TELECOMMUNICATIONS**

The Division of Public Utilities and Carriers (“Division”) hereby submits the following comments related to YourTel America, Inc.’s (“YourTel”) Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) filed on April 20, 2011 with the Rhode Island Public Utilities Commission (the “Commission”). The Division’s comments are based upon a review of the docket filing including data responses and the Petition of YourTel as well as other recent petitions for ETC designation.

YourTel has filed the within petition seeking ETC status pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),<sup>1</sup> Section 54.201 *et seq.* of the rules of the Federal Communications Commission (the “FCC”),<sup>2</sup> and the Commission’s ETC Rules. YourTel seeks designation as an ETC solely for the purpose of participating in the Lifeline and Link Up programs and it will not seek funds from the Universal Service Fund for provision of service to high-cost areas.<sup>3</sup>

The petition of YourTel appears to be similar to other recent filings for ETC designation whereby YourTel claims it will supply the services supported by the Universal Service Fund

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<sup>1</sup> 47 U.S.C. § 214(e) (6).

<sup>2</sup> 47 C.F.R. §§ 54.201 *et seq.*

<sup>3</sup> YourTel Petition at p. 3, ¶6.

through a combination of its own facilities and the resale of another carriers services.<sup>4</sup> YourTel asserts that through arrangements it has with other wireless companies, it has the capability to offer all services and functionalities supported by the universal service program as set-forth in 47 C.F.R. § 54.101(a) of the Federal Communications Commission (“FCC”) Rules and Commission ETC Rule § III.

YourTel represents it is a Missouri corporation formed in 1995 currently providing wireless service, i.e. commercial mobile radio services (“CMRS”), to subscribers in three states and with ETC applications pending in at least seven other states throughout the United States.<sup>5</sup> YourTel filed an application for a certificate of authority to transact business in the State of Rhode Island with the Secretary of State in April of 2011. It has been an ETC since 2003.<sup>6</sup>

YourTel will offer its Lifeline service customers a free handset.<sup>7</sup> YourTel intends to provide qualified Lifeline customers a 68 minute free anytime local and domestic long distance calling plan each month with the ability to purchase additional minutes prepaid through authorized retailers.<sup>8</sup> Qualified customers will be charged a \$60.00 dollar activation fee, \$30.00 dollars of which will be subsidized through disbursements from USAC. YourTel represents it will provide for a “deferred” repayment of balance of the activation charge for twelve months at no interest.<sup>9</sup> The wireless plan offered here will feature the following:

- (1) Caller ID;
- (2) Call Waiting;
- (3) Call Forwarding;
- (4) 3- Way Calling; and
- (5) Voicemail.<sup>10</sup>

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<sup>4</sup> YourTel Petition at p. 3, ¶7.

<sup>5</sup> YourTel Petition at p. 3, ¶8.

<sup>6</sup> YourTel Petition at p. 3, ¶8.

<sup>7</sup> YourTel Petition at p. 4, ¶8.

<sup>8</sup> YourTel Petition at p.13.

<sup>9</sup> YourTel Petition at pp.14-15.

<sup>10</sup> YourTel Petition at p.13.

In addition, YourTel will provide access to the 911 system even after calling minutes are completely consumed.<sup>11</sup>

In order to be granted ETC status in the State of Rhode Island an entity seeking such is required to demonstrate certain elements to the satisfaction of the Commission as provided for in Section III of the Commission's ETC Rules as follows:

- a. That the company is an authorized telecommunications carrier under the laws of the State of Rhode Island;
- b. That the company provides all federally-required and state-required services throughout its service area, and so advertises them in media of general circulation;
- c. That the company offers Lifeline and Linkup services that fully comply with the Federal and State requirements.
- d. That, if the company cannot provide certain required services (notably E911 and toll limitation), it has adopted a plan to provide them by a date certain. This plan will be reviewed as part of the review of the petition, and must be acceptable to this Commission.

Similarly Section IIA of the Commission's ETC Rules provides that to be eligible for designation as an ETC, the common carrier must offer the following:

1. Single-party service
2. Voice grade access to the public switched network
3. Dual-Tone Multi-Frequency Signaling or its functional equivalent
4. Access to emergency services (e.g., 911 and E911)
5. Access to operator services

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<sup>11</sup> See, YourTel Petition Exhibit H.

6. Access to interexchange service
7. Access to directory assistance
8. Toll limitation for qualifying low-income consumers
9. Lifeline and Linkup service

YourTel asserts in its petition and further explained in attached exhibits thereto that it will provide the requisite nine service functions in compliance with 47 C.F.R. § 54.101(a) of the Federal Communications Commission (“FCC”) Rules and Commission ETC Rules §§ IIA and III.<sup>12</sup>

The Division observes that YourTel’s potential entry into the market appears to mark a swiftly developing and competitive market that is beneficial to ratepayers.<sup>13</sup> The Division has opined through its prior ETC comments to the Commission that a competitive market will drive “better service quality, pricing and other attributes of head to head competition”<sup>14</sup> thereby benefiting ratepayers. YourTel appears to do wireless business in at least three states. The Division also notes that YourTel has registered with the Commission to do business. Based upon the Division’s review of the instant Petition and accompanying attachments, the Division believes YourTel has otherwise satisfied its burden of compliance with FCC Rules and the Commission’s ETC Rules. For the foregoing reasons the Division has no objection to the Commission granting YourTel ETC status conditioned upon the representations in its Petition.

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<sup>12</sup> See YourTel Petition p. 19, ¶14; see also, YourTel Petition Exhibit H.

<sup>13</sup> See Division Comments Tracfone ETC Petition at p.8.

<sup>14</sup> Id.

Respectfully submitted,

Thomas Ahern, Administrator  
State of Rhode Island  
Division of Public Utilities and  
Carriers

By his attorney,



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**CERTIFICATION OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of June, 2011 that I transmitted an electronic copy of the within Comments to the attached service list and to Luly Massaro, Commission Clerk via electronic mail and regular mail.

