



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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Peter F. Kilmartin, Attorney General

November 4, 2011

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

**IN RE: Petition of True Wireless, LLC for Designation as an Eligible
Telecommunications Carrier in the State of Rhode Island on a Wireless
Basis (Low Income only)- Docket No. 4279**

Dear Ms. Massaro,

Enclosed for filing with the Commission are an original and nine (9) copies of the Division's Comments regarding the Petition of True Wireless, LLC 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 TRUE WIRELESS, LLC :
FOR DESIGNATION AS AN ELIGIBLE :
TELECOMMUNICATIONS CARRIER PURSUANT TO : **DOCKET NO. 4279**
47 U.S.C. § 214(e) IN RHODE ISLAND :

DIVISION OF PUBLIC UTILITIES AND CARRIERS
COMMENTS REGARDING THE PETITION OF
TRUE WIRELESS, LLC

The Division of Public Utilities and Carriers (“Division”) hereby submits the following comments related to True Wireless, LLC’s (“True Wireless”) Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) filed on August 31, 2011 with the Rhode Island Public Utilities Commission (the “Commission”). The Division’s comments are based upon a review of the docket filing and the Petition of True Wireless as well as other recent petitions for ETC designation.

True Wireless has filed the within petition seeking ETC status pursuant to Section 214(e) of the Communications Act of 1934, as amended (the “Act”),¹ Section 54.201 *et seq.* of the rules of the Federal Communications Commission (the “FCC”),² and the Commission’s ETC Rules. True Wireless seeks designation as an ETC for the purpose of receiving federal Low Income universal service support therefore participating in the Lifeline and Link Up programs.³

The petition of True Wireless appears to be similar to other recent filings for ETC designation whereby True Wireless claims it will supply the services supported by the Universal Service Fund through a combination of its own facilities and the resale of another carriers

¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. §§ 54.201 *et seq.*

³ True Wireless Petition at p. 1, ¶1.

services.⁴ True Wireless 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.

True Wireless represents it is a Texas limited liability company authorized to do business in Rhode Island and throughout the requested Designated Service Area. True Wireless currently provides wireless service, i.e. commercial mobile radio services (“CMRS”) as an ETC to qualifying low income consumers in Oklahoma and Texas.⁵ True Wireless has also been granted ETC designation in Maryland and plans to launch services soon in that state.⁶

True Wireless will provide three pricing plans for nationwide calling customers qualifying for Low Income status. The first includes 90 minutes of nationwide calling for \$13.35 per month (free to the customer after the Lifeline discount). The second includes 350 minutes of nationwide service for \$40 per month (\$26.65 per month to the customer after the Lifeline discount). The final plan includes 2500 minutes of nationwide calling for \$63.50 per month (\$50.15 per month to the customer after the Lifeline discount).⁷

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;

⁴ True Wireless Petition at p. 6, ¶1.

⁵ True Wireless Petition at pgs. 1 to 2, ¶2 to 1.

⁶ True Wireless Petition at p. 2, ¶1.

⁷ True Wireless Petition at p. 4, ¶1.

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

True Wireless asserts in its petition 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.⁸

The Division observes that True Wireless’s potential entry into the market appears to mark a swiftly developing and competitive market that is beneficial to ratepayers.⁹ 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”¹⁰ thereby benefiting ratepayers. True Wireless appears to do wireless business in at least two states, with plans to expand in a third. The Division also notes that True Wireless has registered with the Commission to do business.¹¹ Based upon the Division’s review of the instant Petition and accompanying attachments, the Division believes True Wireless 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 True Wireless ETC status conditioned upon the representations in its Petition.

⁸ See, True Wireless Petition pgs. 3 to 5.

⁹ See, Division Comments Tracfone ETC Petition at p.8.

¹⁰ Id.

¹¹ See, Docket 4278, Application for authority to transact as Class VI Telecommunications Provider.

Respectfully submitted,

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

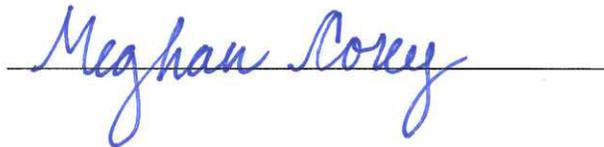
By his attorney,



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CERTIFICATION OF SERVICE

I hereby certify that on the 4th day of November, 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.



**Docket No. 4279 – True Wireless LLC - ETC Designation Petition
Service List as of 9/13/11**

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