

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: PETITION OF TEMPO TELECOM, LLC :
FOR DESIGNATION AS AN ELIGIBLE : DOCKET NO. 4475
TELECOMMUNICATIONS CARRIER IN THE :
STATE OF RHODE ISLAND FOR THE :
PURPOSE OF OFFERING LIFELINE SERVICE :
TO QUALIFIED HOUSEHOLDS :

ORDER

WHEREAS, on January 14, 2014,¹ Tempo Telecom, LLC (Tempo or Company) filed with the Public Utilities Commission (PUC) an Application for Designation as an Eligible Telecommunications Carrier (ETC) throughout its service area in the State of Rhode Island pursuant to 47 U.S.C. § 214(e)² in order to provide discounted service to low income customers; and

WHEREAS, Tempo will not seek access to funds from the Federal Universal Service Fund for the purpose of providing service to high cost areas, as it seeks only Lifeline support and does not seek any high-cost support;

WHEREAS, under this pre-paid wireless telecommunications service, Tempo will resell the wireless services of Sprint, which provides wholesale capacity to many wireless resellers including other prepaid wireless providers that have received ETC designation³; and

WHEREAS, Tempo's designated Service Area in Rhode Island is Sprint's wireless coverage area or Sprint's licensed service area; and

¹ Tempo originally submitted its ETC petition on December 24, 2013, but did not have designated local counsel until January 14, 2014.

² 47 U.S.C. 214(e) imposed statutory responsibility upon the Commission to certify telecommunications service providers as "eligible" to receive funds from the Federal Universal Service Fund.

³ Tempo ETC Application at 4.

WHEREAS, Tempo will offer the two prepaid wireless plans with various mixes of voice messaging, text messaging, and web/internet usage as well as the ability to increase minutes for an additional fee⁴; and

WHEREAS, because this is a prepaid service, customers do not need protection from long-distance charges as with landline ETC service; and

WHEREAS, as part of its ETC Application, Tempo filed with the PUC the Federal Communication Commission's (FCC) approval of the Final Compliance Plan of Birch Communications, Inc., the prepaid wireless services of which were subsequently taken over by Now Communications, LLC and acknowledged by the FCC⁵; and

WHEREAS, Now Communications, LLC changed its name to Tempo Telecom, LLC, notified the FCC of this change, and filed and updated the appropriate documents which have been recognized by the FCC⁶; and

WHEREAS, in its ETC Application, Tempo informed the PUC that it has been allowed ETC status in Indiana, Kansas, Missouri, South Carolina, and Wisconsin and has petitions pending in other states⁷; and

WHEREAS, as part of its ETC Application, Tempo filed with the PUC a copy of its Rhode Island-specific Enrollment Form which includes the federal eligibility and state-specific eligibility requirements⁸; and

WHEREAS, on January 13, 2014, the Division of Public Utilities and Carriers (Division) filed a Memorandum with the PUC recommending approval of Tempo's ETC Application subject to PUC approval of Tempo's Class VI carrier application, on the

⁴ *Id.* at 15-16.

⁵ *Id.* at 2, Ex. 3.

⁶ *Id.* at 3.

⁷ *Id.* at 4.

⁸ *Id.*, Ex. 8.

basis that Tempo had adequately met all of the PUC's requirements in its Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund; and

WHEREAS, on February 6, 2014, the PUC issued a Notice to Solicit Comments on Tempo's ETC Application, with a February 18, 2014 deadline for filing comments; and

WHEREAS, Tempo's Class VI application was approved by the PUC on February 6, 2014; and

WHEREAS, the PUC is of the opinion that the Company's petition for ETC designation is proper, complies with the federal and state requirements, and is in the best interest of ratepayers.

ACCORDINGLY, it is hereby

(21418) ORDERED:

1. Tempo Telecom, LLC is hereby designated as an Eligible Telecommunications Carrier in the State of Rhode Island to provide prepaid wireless Lifeline services.
2. To the extent that 47 C.F.R. §54.401 requires any additional information to be filed with the FCC or Universal Service Administration Company, Tempo Telecom, LLC is hereby ordered to make such a filing.
3. Tempo Telecom, LLC shall comply with all reporting requirements set forth in the PUC's Rules and Regulations Governing the Certification and

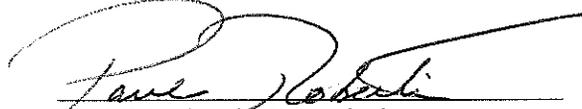
Verification Procedures for Telecommunications Carriers Eligible to Receive
Payments from the Federal Universal Service Fund.

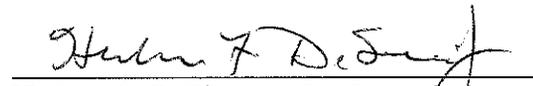
EFFECTIVE AT WARWICK, RHODE ISLAND ON FEBRUARY 27, 2014
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
APRIL 7, 2014.

PUBLIC UTILITIES COMMISSION




Margaret E. Curran, Chairperson


Paul J. Roberti, Commissioner


Herbert F. DeSimone, Jr., Commissioner

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws §39-5-1, any person aggrieved by a decision or order of the PUC may within seven (7) days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.