



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 11-5

March 1, 2012

Petition of Aegis Telecom, Inc. d/b/a Off the Hook Telecom for Limited Designation as an Eligible Telecommunications Carrier

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### ORDER OF DISMISSAL WITHOUT PREJUDICE

The Massachusetts Department of Telecommunications and Cable (“Department”), for the reasons discussed below, hereby dismisses, without prejudice, the petition of Aegis Telecom, Inc. d/b/a Off the Hook Telecom (“Aegis”) for designation as an Eligible Telecommunications Carrier (“ETC”) in Massachusetts for the limited purpose of offering wireless Lifeline and Link-Up service to qualified households. Aegis is permitted to re-file its petition for designation as an ETC with the Department to account for recent changes adopted by the Federal Communications Commission (“FCC”) in the Lifeline and Link-Up programs in *In re Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 (Feb. 6, 2012) (“Reform Order”). To the extent that Aegis intends to submit a Compliance Plan with the FCC in accordance with the blanket forbearance provisions of the Reform Order, Aegis may only re-file its petition upon the FCC’s approval of Aegis’s Compliance Plan. Should Aegis decide to re-file its petition, the Department will not require an additional filing fee.

Aegis filed its application for designation as an ETC for the limited purpose of providing Lifeline and Link-Up services to qualified Massachusetts households on April 28, 2011. *See*

*Petition of Aegis Telecom, Inc. d/b/a Off the Hook Telecom for Limited Designation as an Eligible Telecommunications Carrier*, D.T.C. 11-5 at 1 (“Petition”). On December 5, 2011, the Department suspended the procedural schedule pending the issuance of the Reform Order in the interest of regulatory efficiency. *See Hearing Officer Order Suspending Procedural Schedule*, D.T.C. 11-5 at 1 (Dec. 5, 2011).

The FCC issued the Reform Order on February 6, 2012. As a result of changes to the Lifeline and Link-Up programs contained in the Reform Order, Aegis will need to file an updated petition. Specifically, in its Reform Order, the FCC eliminated Link-Up support for ETC’s on non-tribal lands. Reform Order at ¶ 245. Moreover, the FCC granted a blanket forbearance from the “own-facilities” requirement of 47 U.S.C. 214(e)(1)(A), provided carriers meet certain conditions. Reform Order at ¶ 373. Among those conditions, carriers seeking to take advantage of forbearance must submit a Compliance Plan to the FCC detailing how the carrier will provide service and safeguard against fraud and abuse. *Id.* at ¶ 379. Further, the FCC ordered that “[n]o designations shall be granted for any pending or new Lifeline-only ETC applications filed with the states or the Commission after December 29, 2011, and carriers shall not receive reimbursement from the program, until the [Wireline Competition] Bureau approves their compliance plans.” *Id.* at ¶ 380.

Due to the elimination of Link-Up support and the changes to the “own-facilities” requirement, Aegis will need to amend its Petition, in part, so as to seek only Lifeline support and to account for changes to the “own-facilities” requirement. As a result, the Department dismisses Aegis’s Petition without prejudice. To the extent that Aegis intends to file a Compliance Plan with the FCC, Aegis may only re-file its petition with the Department once

Aegis has met the pre-conditions laid out in the Reform Order and received the FCC's approval of its Compliance Plan. Accordingly, it is:

**ORDERED**: That the Petition of Aegis Telecom, Inc. d/b/a Off the Hook Telecom for Limited Designation as an Eligible Telecommunications Carrier; and it is

**FURTHER ORDERED**: That Aegis Telecom, Inc. d/b/a Off the Hook Telecom may re-file its petition for designation as an ETC without the required filing fee and according to the conditions set forth herein.

By Order of the Department,

*/s/ Geoffrey G. Why* \_\_\_\_\_  
Geoffrey G. Why  
Commissioner

#### **RIGHT OF APPEAL**

Appeals of any final decision, order, or ruling of the Department of Telecommunications and Cable may be brought pursuant to applicable state and federal laws.