



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-4

May 8, 2013

Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program

HEARING OFFICER RULING ON PETITIONS FOR INTERVENTION, REQUESTS FOR LIMITED PARTICIPATION STATUS, AND MOTION FOR ADMISSION *PRO HAC VICE*

On April 1, 2013, the Department of Telecommunications and Cable ("Department") issued an Order Opening Investigation in this proceeding. In light of the Federal Communications Commission's ("FCC") *Lifeline Reform Order*¹ reforming the Lifeline program, the Department is investigating the implementation of the FCC's Lifeline reforms in Massachusetts and any Department requirements necessary to implement these reforms, advance universal service, and safeguard the federal universal service fund against waste, fraud, and abuse.

On April 29, 2013, the Department received the following filings in this proceeding:

- Budget PrePay, Inc., d/b/a Budget Mobile ("Budget PrePay"); T-Mobile USA, Inc., ("T-Mobile"); TracFone Wireless, Inc., ("TracFone"); Virgin Mobile USA, L.P., ("Virgin Mobile"); and YourTel America, Inc., ("YourTel") filed petitions to intervene.
- Granby Telephone, LLC, d/b/a OTT Communications ("OTT") filed a petition to intervene and a motion for admission of Trina Bragdon *Pro Hac Vice*.
- Verizon New England, Inc., d/b/a Verizon Massachusetts ("Verizon MA") filed a petition to intervene and an appearance of counsel for Alexander W. Moore.
- Nexus Communications, Inc., ("Nexus") and the National Consumer Law Center ("NCLC") filed petitions for limited participation status.

¹ *Lifeline & Link Up Reform & Modernization*, WC Docket No. 11-42, *Rep. & Order & Further Notice of Proposed Rulemaking*, FCC 12-11 (rel. Feb. 6, 2012).

A petition for leave to intervene must satisfy the substantive requirements of 220 C.M.R. § 1.03(1). Petitioners must establish that they are substantively and specifically affected by the proceeding. 220 C.M.R. § 1.03(1)(b). The Department finds that Budget Prepay, T-Mobile, TracFone, Virgin Mobile, OTT, and Verizon MA, as Eligible Telecommunications Carriers (“ETCs”) in Massachusetts under the Lifeline program, have each established that they are substantially and specifically affected by this proceeding and that their Petitions otherwise satisfy the requirements of 220 C.M.R. § 1.03(1). Furthermore, YourTel, which has filed an application for designation as an ETC in Massachusetts, has established that it is substantially and specifically affected by this proceeding and that its Petition otherwise satisfies the requirements of 220 C.M.R. § 1.03(1). Therefore, the Department grants Budget Prepay, T-Mobile, TracFone, Virgin Mobile, YourTel, OTT, and Verizon MA leave to intervene in this proceeding.

Under 220 C.M.R. § 1.03(1)(e), the Department may allow nonparties to make limited appearances by making oral or written statements of their positions on the issue, or by such other participation as it may determine. In its Motion of Nexus Communications, Inc., for Limited Participation Status (“Motion”), Nexus seeks the right “to argue orally at the close of a hearing and file an amicus brief.” Motion at 2. NCLC seeks status as a limited party “for purposes of being added to the service list for [this docket] and receiving copies of all pleadings and filings.” NCLC Letter Request at 1. The Department grants Nexus, which has filed an application for designation as an ETC in Massachusetts, limited participation status with the right to make an oral argument at a hearing and file an amicus brief in the this proceeding. The Department also grants NCLC, which conducts research and advocacy on issues of interest to low-income persons, limited participation status for the purpose of being added to the service list and receiving copies of filings and pleadings in this proceeding.

Finally, the Department grants the motion for admission of Trina Bragdon *Pro Hac Vice* in this proceeding.

/s/ Betsy S. Whittey
Betsy S. Whittey
Hearing Officer

/s/ Sean M. Carroll
Sean M. Carroll
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.