

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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Investigation by the Department on its Own	)	
Motion in to the Implementation in Massachusetts of	)	D.T.C. 13-4
the Federal Communications Commission's Order	)	
Reforming the Lifeline Program	)	

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**COMMENTS OF T-MOBILE NORTHEAST LLC**

**I. INTRODUCTION**

T-Mobile Northeast LLC, a wholly-owned subsidiary of T-Mobile USA, Inc., (“T-Mobile” or the “Company”) respectfully files these Comments with the Department of Telecommunications and Cable (“DTC” or “Department”) in response to the Department’s Notice of Proposed Requirements and Further Request for Comment (“Notice”) and its Appendix - Proposed Requirements for Comment (“Proposed Requirements”) issued on August 21, 2013 in the above-captioned docket. As further set forth below, T-Mobile commends the Department’s continued efforts in this docket and submits the following Comments regarding the Proposed Requirements.

**II. COMMENTS**

T-Mobile applauds the Department's thoughtful and thorough analysis of stakeholder comments filed in this docket to date and is pleased that the Department’s Proposed Requirements reflect an understanding of Eligible Communications Carriers' ("ETC") obligation under the *Lifeline Reform Order*<sup>1</sup> while striving to meet the Department’s mandate to “preserve and advance universal service” in Massachusetts. 47 U.S.C § 254(f). T-Mobile commends the

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<sup>1</sup> See *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012 (“*Lifeline Reform Order*”).

Department's acknowledgement of the burden imposed on ETCs by state-specific reporting that is duplicative and/or inconsistent with the *Lifeline Reform Order*. T-Mobile supports the Notice's proposals to streamline or eliminate many such requirements.<sup>2</sup> T-Mobile believes that the Department's efforts to rely, when practicable, on the robust annual reporting requirements of the *Lifeline Reform Order* will continue to encourage a wide-variety of competitive ETC offerings in Massachusetts while allowing the Department to effectively administer and promote Lifeline services in Massachusetts.

T-Mobile further commends the Department for refraining from expanding the Massachusetts Lifeline eligibility requirements, at this time, due to the ongoing nature of the national efforts regarding Lifeline eligibility.<sup>3</sup> As explained in its Initial Comments, T-Mobile does not oppose inclusion of additional eligibility programs or changes to income-based thresholds in Massachusetts, but believes that as those changes impact other aspects of the Lifeline administration, such as marketing materials, it is in the best interest of the all stakeholders to engage in a cooperate process towards national uniform eligibility standards.<sup>4</sup> T-Mobile believes that the Department's decision to await the development and implementation of the National Lifeline Accountability Database and other federal measures to reduce waste, fraud and abuse will ultimately benefit Lifeline subscribers, carriers, the Department and the Universal Service Fund by providing consistent and transparent administration of the Lifeline program.

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<sup>2</sup> Requiring only ETCs that do not assess or collect a monthly fee to report de-enrollment for non-usage (*Notice* at 3); streamlining or eliminating state-specific reporting that is either unduly burdensome and/or where the federal annual reporting is sufficient (*Notice* at 4, 6, 14-19); requiring only non-facilities-based providers to submit PSAP annual certifications (*Notice* at 13-14); requiring only newly-designated ETC's to submit a copy of Lifeline application within 60 days of designation (*Notice* at 20); refraining from implementing several proposed state-specific requirements regarding outreach, consumer safeguards and service quality in favor of continued monitoring and commenting regarding customer protection issues (*Notice* at 22-27).

<sup>3</sup> *Notice* at 21.

<sup>4</sup> Initial Comments of T-Mobile Northeast, Inc., D.T.C. 13-4, dated April 29, 2013 ("*T-Mobile Initial Comments*") at 13-15.

A. Notification of Material Change(s) to Rates or Terms and Conditions

As T-Mobile acknowledged in its Initial Comments, T-Mobile's is currently obligated to notify the Department of any changes to its rates, terms or conditions 30 days prior to implementation.<sup>5</sup> T-Mobile believes this obligation is both difficult to meet from a practical prospective and will ultimately result in competitive harm.<sup>6</sup> To the extent that the Proposed Requirement that ETCs notify the Department of changes in material rates, terms or conditions at least five days before implementation minimizes the operational burden and risk of competitive harm, T-Mobile supports the Proposed Requirement.<sup>7</sup> However, T-Mobile continues to believe that the competitive environment of the low-income telecommunications services prevents any significant risk of carriers implementing changes that may harm consumers. Therefore, T-Mobile maintains that notification to the Department of any material changes within 30 days of implementation should be sufficient to allow the Department to conduct outreach and respond to inquiries from consumers about ETC's Lifeline offerings.

B. Annual March 1 Reporting Requirements

T-Mobile supports the Department's proposal to streamline its proposed reporting requirements by accepting a copy of ETCs' annual certification FCC Form 555 with the Universal Service Administrative Company ("USAC) pursuant to 47 C.F.R. § 54.416.<sup>8</sup> T-Mobile suggests that as the ETC's are currently obligated to share this information with the applicable state commissions, the Department consider a broad rule that requires ETC's to file a

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<sup>5</sup> See *T-Mobile Northeast LLC Petition for Limited Designation as an Eligible Telecommunications Carriers for Purposes of Low Income Support Only*, D.T.C.12-4, Order Approving Petition (Aug. 30, 2012) ("*T-Mobile Order*") at 20.

<sup>6</sup> *T-Mobile Initial Comments* at 8-9.

<sup>7</sup> *Notice* at 9.

<sup>8</sup> *Notice* at 3-4, 17; *Proposed Requirements* at Appendix A.2.(a) and (b).

copy of FCC Form 555 or its equivalent with the Department by March 1 of each year in lieu of individual rules that essentially require the same report.<sup>9</sup>

C. Annual Recertification Submission

T-Mobile appreciates the Department's interest in reviewing ETCs' proposed recertification notices and processes in advance of implementation.<sup>10</sup> However, T-Mobile believes that an annual submission on March 1 is not practicable as the timetable for the recertification process may differ year-to-year. T-Mobile suggests that if the Department would like to review the ETCs' proposed recertification process in Massachusetts for compliance with applicable rules, the Department require 60 days' notice of implementation along with a sample notice and/or cover letter; and that no additional approvals be required by the Department unless changes to an ETC's process occurs or other changes are mandated by the FCC.

D. Inclusion of the Department's Consumer Complaint Information on the ETC's Website and in Its Lifeline Terms and Conditions

In compliance with the *T-Mobile Order*, T-Mobile currently includes information about the Department's consumer complaint process in its Lifeline marketing materials as well as on its online Lifeline enrollment website.<sup>11</sup> Nonetheless, for sake of consistency and uniformity, T-Mobile believes that the Department should not require ETCs to include Lifeline information on their website unless/until the FCC requires the same.<sup>12</sup>

E. Annual October 15 Reporting Requirements

The Department proposes requiring that by October 15 of each year: (1) each ETC submit to the Department information required by 47 C.F.R. § 54.422(a)(1) and 47 C.F.R. §

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<sup>9</sup> T-Mobile notes that the FCC recently issued proposed changes to the FCC Form 555 and is currently seeking comment on those and other potential changes. *Wireline Competition Bureau Seeks Comments on Proposed Changes to the Lifeline FCC Form 555 and Accompanying Instructions*, DA 13-1865, Docket 11-42 (Sept. 6, 2013).

<sup>10</sup> Notice at 27.

<sup>11</sup> *T-Mobile Order* at 20; *T-Mobile Initial Comments* at 10-11.

<sup>12</sup> To date, 47 C.F.R § 54.405(c) regarding website marketing has not yet been approved by the Office of Management and Budget ("OMB").

54.422(a)(2) as part of FCC Form 481 or its equivalent,<sup>13</sup> and (2) each wireless ETC submit to the Department the information specified in 47 C.F.R. § 54.422(b) as part of FCC Form 481 or its equivalent.<sup>14</sup> As previously stated, T-Mobile does not object to filing the requested information as current federal rules require carriers to provide such information to applicable state commission.<sup>15</sup> However, T-Mobile believes that setting the due date at October 15<sup>th</sup> may not be the most appropriate date. T-Mobile understands that the federal reports required by 47 C.F.R. § 54.422 are due on October 15, 2013, and will presumably be due on July 1, 2014. Based on the Departments' current proposed rule, in 2013, carriers would be required to file such information on the same date they file it with the FCC and USAC, but in 2014, carriers would have more than three months after filing such information with the FCC and USAC to file it with the Department. To avoid this inconsistency and potential future inconsistencies created by the FCC's potential adjustments to the filing deadlines, T-Mobile proposes that the Department simply require ETC's to file the FCC Form 481 with the Department within 30 days of the federal filing deadline.

### III. CONCLUSION

T-Mobile commends the Department and its Staff for all of its efforts in this docket and for the Department's acknowledgement and understanding of the impact of the *Lifeline Reform Order* on the various Lifeline programs in Massachusetts. T-Mobile believes that the Proposed Requirements are a significant step towards implementing streamlined state-specific Lifeline regulations that are consistent with the *Lifeline Reform Order*. T-Mobile appreciates the opportunity to participate in this process and looks forward to continuing to work with the

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<sup>13</sup> Notice at 18-19; Proposed Requirements at Appendix A.3.

<sup>14</sup> Notice at 18-19; Proposed Requirements at Appendix A.6.

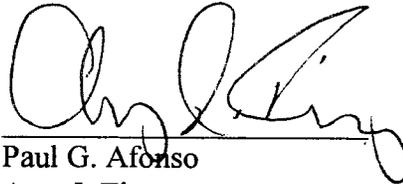
<sup>15</sup> T-Mobile Initial Comments at 12-13.

Department and other stakeholders to deliver an efficient and competitive Lifeline marketplace throughout Massachusetts.

Respectfully submitted,

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Dated: September 18, 2013