

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

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

**COMMENTS OF TELRITE CORPORATION DBA LIFE WIRELESS, TRUCONNECT  
COMMUNICATIONS INC., AND GLOBAL CONNECTION INC. OF AMERICA DBA  
STANDUP WIRELESS**

Telrite Corporation dba Life Wireless (Telrite), TruConnect Communications, Inc. (TruConnect), and Global Connection Inc. of America dba StandUp Wireless (Global Connection) (collectively Wireless ETCs), by and through the undersigned counsel, hereby submit these comments on the Department of Telecommunications and Cable's (Department's) Notice of Proposed Requirements and Further Request for Comment (Notice).<sup>1</sup> The Wireless ETCs are all eligible telecommunications carriers (ETCs) designated by the Department to provide Lifeline service to low-income households in Massachusetts. The Wireless ETCs also provide Lifeline services to subscribers in dozens of other states and Affordable Connectivity Program (ACP) service to low-income households nationwide. They have extensive experience

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<sup>1</sup> *Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program*, D.T.C. 13-4, Notice of Proposed Requirements and Further Request for Comment (Apr. 3, 2024) (Notice).

as Lifeline ETCs and ACP providers offering mobile wireless solutions to low-income subscribers.

***Question 2: For subscriber de-enrollment data, what categories of de-enrollment should the Department collect in Section (A)(3)(b)? Specifically, should the Department use the de-enrollment categories defined by the FCC in 47 C.F.R. § 54.405(e)?***

The Department seeks to collect data from ETCs annually regarding the number of Lifeline subscribers de-enrolled by month and asks about the categories of data that should be collected.<sup>2</sup> The Wireless ETCs have no objection to the Department using the categories of de-enrollment in Section 54.405(e) of the FCC's rules, but collection of this data is duplicative of federal efforts and unnecessary.

Many de-enrollments from Lifeline are processed by the Universal Service Administrative Company (USAC) without the ETCs' involvement. For example, USAC has taken over the annual recertification process from the ETCs and now USAC conducts recertification and then de-enrolls subscribers that fail to recertify from Lifeline in the National Lifeline Accountability Database (NLAD). Similarly, de-enrollment for duplicative support is driven and conducted by USAC. There is no need for the Department to monitor USAC's de-enrollment activities. Moreover, general de-enrollment based on a reasonable basis to believe the subscriber is no longer eligible and de-enrollment requested by a subscriber are both extremely rare. The vast majority of de-enrollments for wireless ETCs are for non-usage, but ETCs are required to annually submit FCC Form 555 to USAC with the results of the previous year's de-enrollments for recertification and non-usage.<sup>3</sup> The FCC and Department require that

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<sup>2</sup> See Notice, 4.

<sup>3</sup> See <https://www.usac.org/wp-content/uploads/lifeline/documents/forms/FCC-form-555-Instructions.pdf>.

ETCs file FCC Forms 555 with the Department annually. Therefore, the Department already receives this information and has no need to separately collect it.

***Question 3: To reduce the number of reports required by [the] Department, could the complaint data required by Section A(4) be moved up to Section A(3), in order to consolidate reporting into one March 1 deadline?***

Yes, the Department should consolidate the reporting, which would be more efficient and less burdensome to ETCs.

***Question 4: How should the Department define a complaint for purposes of Section A(4)(a)? Footnote 2 of the proposed requirements currently states, “For the purposes of these Requirements, “complaint” is defined as a correspondence or a communication received by the ETC from, or on behalf of, a person that inquires about, and/or expresses dissatisfaction with, the ETC.”***

The definition of “complaint” in Footnote 2 of the proposed requirements is far too broad and will result in excessive reporting of routine inquiries to the Department, which would result in the reporting losing its value. The proposed definition would include any situation where a customer “expresses dissatisfaction” with the ETC. That could arguably be every customer service call. Customers call customer service or submit customer service “complaints” to wireless carriers and ETCs on a routine basis. Sometimes they are “complaining” that they ran out of minutes or data, their charger stopped working and they need a new one or their Lifeline benefit was transferred to another provider when they don’t recall doing so. Wireless ETCs routinely address these “complaints” for consumers. The vast majority of these “complaints” are addressed quickly and to the customer’s satisfaction and do not rise to the level of something a customer would bring to a government authority.

The Wireless ETCs propose the following definition for a “complaint” that would need to be reported to the Department annually – “a grievance with the customer’s Lifeline provider that the customer submitted as a formal or informal complaint to a federal or Massachusetts government agency with jurisdiction over the Lifeline provider such as the FCC or the

Massachusetts Department of Telecommunications and Cable.” Using this definition, the Department will be made aware of complaints that are serious enough to rise to the level of submitting a grievance to a relevant governmental authority rather than everyday issues that are quickly addressed by the service providers.

***Question 5: What categories of complaint data should the Department collect under Section A(4)(a)?***

If the Department appropriately defines “complaint” as recommended by the Wireless ETCs in response to Question 4 above, there are likely to be relatively few complaints that need to be reported to the Department. Therefore, there is no need to categorize them.

***Question 6: Should the Department define specific time limits for ETCs to resolve subscriber disputes under Section B(1)(a)? If so, how many business days constitute a “reasonable time” to resolve such disputes?***

The Department should not define specific time limits for ETCs to resolve subscriber disputes under Section B(1)(a). Subscriber disputes under Section B(1)(a) already involve Department staff who can appropriately encourage Lifeline providers to respond in a reasonable time frame. There is no need for rigid and prescribed timelines for resolution because complaints are different and can take different amounts of time to resolve. Furthermore, delays in resolution are often the result of consumer delays. People get busy and some consumers may take more time than others to consider an offer of resolution. The service provider should not be punished for missing a strict resolution deadline due to consumer delay or other delays beyond the provider’s control.

***Question 7: How do Massachusetts ETCs currently deliver termination of service notices? For example, are such notices sent by mail or by text message? Please provide examples. See Section B(1)(b).***

The Wireless ETCs generally deliver termination notices by text message. Text message is generally the most efficient and successful means of communicating with wireless Lifeline

subscribers because they are less tied to a particular address, more transient and sometimes homeless.

***Question 8: Should the Department require ETCs to provide, in multiple languages, under Section B(1)(b), the Department's contact information and a notice regarding the Consumer Divisions' availability to handle Lifeline complaints?***

The Department's Lifeline requirements already require wireless ETCs to "include the Department's Consumer Division contact information on the ETC's website, Lifeline marketing materials (except for television and radio advertising), Lifeline applications, initial sales receipts for Lifeline service, and Lifeline terms and conditions."<sup>4</sup> Requiring the Department's Consumer Division contact information on ETCs' websites and in their Lifeline Terms and Conditions is sufficient notice to consumers. Requiring the contact information in marketing materials is problematic because many marketing materials are very small and cannot accommodate such information in a readable format. Additionally, most marketing is intended for use in multiple jurisdictions. Providing the contact information in multiple languages would be even more onerous and is unnecessary. The contact information is simple and self-explanatory. It does not need translation.

If the Department disagrees and believes that the contact information must be translated, it should be limited to the inclusion on the wireless ETC's website and in its Lifeline Terms and Conditions. Moreover, it should be limited to the languages that the wireless ETC uses for marketing its Lifeline services.

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<sup>4</sup> *Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program*, D.T.C. 13-4, Appendix – Massachusetts Lifeline Requirements, B(1)(b) (2014).

***Question 9: Do Massachusetts ETCs charge termination fees for early termination of Lifeline service?***

The Wireless ETCs provide prepaid services and do not charge termination fees for early termination of Lifeline service.

***Question 10: How should the Department define an “affiliate” for purposes of Section A(5)? Should the Department use the definition of “affiliate” as defined in 47 U.S.C. § 153(2).***

The definition of “affiliate” in 47 U.S.C. § 153(2) is the standard definition and is appropriate for this context. However, the requirements in Section A(5) are overbroad and unduly onerous. Requiring ETCs to report to the Department all civil and criminal court proceedings involving any executives or senior managers of the ETC or its affiliates is overbroad, onerous and unnecessary. This could include divorce proceedings for an ETC’s senior manager or a “slip-and-fall” lawsuit against an ETC’s “affiliate” that could be a gym or a coffee shop. That information is not relevant for the Department. If the Department believes them necessary, any reporting obligations for court proceedings should be limited to allegations of fraud, false claims or other claims that bear on the fitness of the ETC to provide Lifeline service and should be limited to affiliates that are in the telecommunications or broadband business.

## Conclusion

The Wireless ETCs appreciate the Department's consideration of these comments and respectfully request that the Department proceed with changes to its Lifeline requirements consistent with the foregoing.

Respectfully submitted,



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May 3, 2024