

July 27, 2021

VIA ELECTRONIC FILING

Ms. Shonda Green, Department Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118

Re: TruConnect Communications, Inc.
D.T.C. 20-2

Dear Secretary Green,

On behalf of TruConnect Communications, Inc. ("TruConnect"), attached for filing in the above captioned docket are TruConnect's Second Supplemental Responses to the Department of Telecommunications and Cable First Set of Information Requests.

If you have any questions or if I may provide you with additional information regarding this filing, please do not hesitate to contact me. Thank you.

Respectfully submitted,

s/ Marisa Desautel

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Enclosures

D.T.C. 20-2 Service List

**SECOND SUPPLEMENTAL RESPONSE TO FIRST SET OF
INFORMATION REQUESTS BY THE
DEPARTMENT OF TELECOMMUNICATIONS AND
CABLE TO TRUCONNECT COMMUNICATIONS, INC.
D.T.C. 20-2 Dated February 4, 2021**

D.T.C. 1-7 Identify all ongoing litigation and any litigation within the past ten years involving TruConnect or any of its affiliates. If applicable, provide a copy of all judicial findings made in relation to such litigation.

Supplemental Response:

As disclosed in the Responses to First Set of Information Requests, dated March 1, 2021, TruConnect Communications, Inc. (“TruConnect” or “Company”) was approved by the Vermont Public Utility Commission (“VT PUC”) as an eligible telecommunications carrier (“ETC”) on October 14, 2020. In that Order, the VT PUC conditioned its designation of TruConnect as an ETC on the requirement that TruConnect provide all of its Vermont Lifeline customers with an E-911 compliant handset at no charge. TruConnect has appealed the Order, with the sole issue on appeal being whether the VT PUC can condition its designation of TruConnect as an ETC on the requirement that TruConnect provide all of its Vermont Lifeline customers with an E-911 compliant handset at no charge. TruConnect’s appeal remains pending with the Vermont Supreme Court, as an agency appeal within that Court’s original jurisdiction, as Case No. 20-1327-PET. TruConnect has determined that it cannot economically offer Lifeline in Vermont if required to provide a free handset for the \$9.25 in reimbursement (per customer per month) that is available. TruConnect is therefore not now offering services under its certification in Vermont pending the disposition of the appeal. TruConnect expects that if VT PUC’s condition of a free handset

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is upheld on appeal, TruConnect will need to relinquish future Lifeline services in Vermont unless an additional funding source can be identified.

In addition, as disclosed in the Company's Responses to First Set of Information Requests, Exhibit 2, dated March 1, 2021, TruConnect is the plaintiff in the civil complaint *TruConnect Communications, Inc. v. Maximus, Inc., et al.* San Francisco Superior Court – Case No. CGC-21-589607. This lawsuit is the product of the Public Utilities Commission of the State of California ("CA PUC") *Resolution T-17707: Denying TruConnect's LifeLine Reimbursement Claims for Customers Who Did Not Receive LifeLine Service*, dated September 10, 2020 ("T-17707"). T-17707 sought to clarify General Order 153 regarding the rules for recoverable California Lifeline costs and lost revenues. TruConnect has disputed the findings of T-17707 for reasons stated in the lawsuit namely challenging T-17707's clawback of the CPUC's prior reimbursement for LifeLine-related costs and lost revenues caused by the negligent roll-out of the CA PUC's Third-Party Administrator ("TPA") platform. In fact, the Commission's Communications Division approved TruConnect's claims and actually reimbursed TruConnect \$9,063,022.66 for costs and lost revenues associated with enormous technological deficiencies in the TPA platform with full knowledge of the basis of TruConnect's request. Then six months later, the CA PUC, reversed that approval and demanded repayment of the \$9,063,022.66 in Resolution T-17707.

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TruConnect having exhausted its administrative remedies before the CA PUC, has entered into a payment plan to reimburse the CA PUC for the claimed overpayments and will continue to make payments until the full amount is reimbursed unless a court intervenes. Pursuant to discussions and recommendations from the CA PUC, TruConnect has subsequently sought to recover its damages from Maximus, Inc. and Solix, Inc., the vendors contracted to launch the TPA platform.

The result of Resolution T-17707 is not indicative of a flaw in the Company's performance or ability to provide Lifeline services. The matter in California is very specific to the facts of that state's roll-out of a new TPA platform, and facts of the processes and policies for CA PUC Staff to review and approve reimbursements. The underlying issue of a flawed TPA roll-out is not, to TruConnect's knowledge, capable of repetition in Massachusetts, nor is there any mechanism in Massachusetts under which TruConnect would seek reimbursement from the MA DTC. TruConnect has been offering telecommunications service since 1998 and began providing non-Lifeline wireless service in 2012 and Lifeline supported wireless service in 2013. TruConnect, in combination with its affiliate Sage Telecom Communications, Inc., successfully provides wireless services nationwide, including Lifeline services. Furthermore, the senior management of TruConnect has extensive depth in the telecommunications industry and

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**offers extensive telecommunications business technical and managerial
expertise to the Company.**

**Response prepared by: Nathan Johnson Co-CEO, TruConnect
Communications, Inc.**