



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 11-8

October 19, 2011

Application of TAG Mobile, LLC for Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of offering Wireless Lifeline and Link-Up Service to Qualified Households

FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF TELECOMMUNICATIONS AND CABLE TO TAG MOBILE, LLC

Pursuant to 220 C.M.R. § 1.06(6)(c), the Department of Telecommunications and Cable (“Department”) submits to TAG Mobile, LLC (“TAG Mobile”) the following information requests:

Instructions

1. Each request should be answered in writing on a separate page with a recitation of the request, a reference to the request number, the docket number of the case, and the name of the person responsible for the answer.
2. This request should be treated as a rolling information request. Do not wait for all answers to be completed before supplying answers. Provide each answer to the Department as soon as it is available.
3. These requests shall be deemed continuing so as to require further supplemental responses if TAG Mobile or its witness receives or generates additional information within the scope of these requests between the time of the original response and the close of the record in this proceeding.
4. The term “provide complete and detailed documentation” means: Provide all data, assumptions, and calculations relied upon. Provide the source of and basis for all data and assumptions employed. Include all studies, reports, and planning documents from

which data, estimates, or assumptions were drawn and support for how the data or assumptions were used in developing the projections or estimates. Provide and explain all supporting workpapers.

5. The term “document” is used in its broadest sense and includes, without limitation, writings, drawings, graphs, charts, photographs, phono-records, microfilm, microfiche, computer printouts, correspondence, press releases, handwritten and/or typed notes, records, reports, bills, checks, articles from journals and/or other sources, e-mails, SMS text messages, blog postings, RSS feeds, web pages, social media postings such as Facebook and Twitter, and/or other data compilations from which information can be obtained and all copies of such documents that bear notations or other markings that differentiate such copies from the original.
6. The term “certify” means to provide a sworn certification by the appropriate corporate officer.
7. The term “affiliate” is any individual, partnership, association, joint stock company, trust, corporation, or other entity who (or that), directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, TAG Mobile, LLC.
8. The term “Petition” refers to TAG Mobile’s application for ETC designation.
9. If any one of these requests is ambiguous, notify the Department so that the request may be clarified prior to the preparation of a written response.
10. File an original and three copies of the responses with Catrice C. Williams, Secretary of the Department not later than the close of business on **November 9, 2011**.

Requests:

- D.T.C. 1-1 Identify by name and title, each executive officer and senior manager of TAG Mobile.
- D.T.C. 1-2 Describe with specificity TAG Mobile’s affiliation with dPi Teleconnect, LLC, including, but not limited to, whether TAG Mobile shares board members, fiduciaries, executive officers, or senior management with dPi Teleconnect, LLC.
- D.T.C. 1-3 Provide a complete and detailed description of the corporate ownership structure of TAG Mobile. Also:
- a. Identify other telecommunications businesses that TAG Mobile’s owners have interests in whether an ETC, CLEC, ILEC, wireless provider, or cable provider.

b. Additionally, provide a complete and detailed list of all of TAG Mobile's affiliates and provide all of the names under which each does business.

- D.T.C. 1-4 Identify all states where TAG Mobile or any of its affiliates has been designated as an ETC. For each, indicate whether that designation is limited, and if so how, including any specific requirements imposed on or volunteered by TAG Mobile or any affiliate. Provide complete and detailed documentation describing any such limitations or requirements.
- D.T.C. 1-5 Identify all states that have denied a petition for ETC designation from TAG Mobile or any of its affiliates. Provide complete and detailed documentation for each denial.
- D.T.C. 1-6 Identify all states that have rescinded, revoked, or otherwise terminated TAG Mobile's ETC designation or the ETC designation of any of TAG Mobile's affiliates. Provide complete and detailed documentation for each state.
- D.T.C. 1-7 Identify all states where TAG Mobile or any of its affiliates has a petition currently pending for ETC designation, and describe the status of each such petition.
- D.T.C. 1-8 Indicate whether TAG Mobile or any of its affiliates is presently offering, or has previously offered service in Massachusetts. If so, describe the scope of such business, including geographic areas of operation, services offered, and total Massachusetts customers.
- D.T.C. 1-9 Provide a Certificate of Good Standing of recent date from the state in which TAG Mobile is incorporated.
- D.T.C. 1-10 State whether TAG Mobile is a publicly traded company. If so, provide copies via CD or Internet link of all 10-Ks and 10-Qs (with any amendments) filed with the U.S. Securities and Exchange Commission during the last three years. If TAG Mobile is not publicly traded, provide financial statements for the last three years.
- D.T.C. 1-11 Certify whether TAG Mobile or any affiliate has any outstanding tax liabilities or other late payments or liabilities due and owing to the Commonwealth of Massachusetts or any government and/or quasi-public entities in any other jurisdictions. If so, provide complete and detailed documentation identifying the amounts owed and explaining the reasons for such arrears.
- D.T.C. 1-12 Identify any and all ongoing litigation involving TAG Mobile or any of its affiliates in any jurisdiction. Provide a docket number and summary of the litigation for each matter identified.
- D.T.C. 1-13 Certify whether the FCC, any state utilities commission, or government agency has, to date, rendered or entered a finding, criminal conviction (including plea

agreements), or civil judgment against TAG Mobile, its executives or senior managers, or any of its affiliates during the last ten years. Provide a copy of any such finding, conviction, plea agreement, or civil judgment entered against TAG Mobile, its executives or senior managers, or its affiliates.

- D.T.C. 1-14 Provide a detailed description of each Lifeline service package TAG Mobile intends to offer in Massachusetts, including pricing.
- D.T.C. 1-15 Identify the rates (or charges) for each service offered by TAG Mobile under 47 U.S.C. § 254(c) and identified in 47 C.F.R. § 54.101(a).
- D.T.C. 1-16 Will TAG Mobile provide non-Lifeline service in Massachusetts? If so, provide a detailed description of the non-Lifeline service packages TAG Mobile intends to offer, including pricing.
- D.T.C. 1-17 For all Lifeline and non-Lifeline services that TAG Mobile intends to offer in Massachusetts, describe the prepaid and postpaid options available to consumers.
- D.T.C. 1-18 For each of TAG Mobile’s Lifeline service packages:
- a. Is a text messaging option included? If so, describe with specificity, and indicate the source of support for this service.
 - a. Are any data services included? If so, describe with specificity, and indicate the source of support for this service.
 - b. Do Lifeline customer communications with TAG Mobile via either phone call or text message count against the Lifeline customer’s minutes or, if applicable, allotted text messages? If so, at what rates?
 - c. Are minutes (including free minutes) carried over from month-to-month? Please describe.
- D.T.C. 1-19 Confirm that TAG Mobile seeks ETC designation for Link-Up as well as Lifeline support. Additionally, please respond to the following:
- a. In any other state where TAG Mobile or any of its affiliates has been designated as an ETC to receive support for wireless services, indicate whether that designation includes Link-Up support or whether Link-Up support was denied.
 - b. Describe with specificity why granting TAG Mobile ETC designation for Link-Up support is in the public interest and provide further legal support for TAG Mobile’s claim that “a combination carrier like TAG Mobile, is required to provide Lifeline and Link-Up.” Petition at 18.

- c. Describe with specificity the costs incurred by TAG Mobile to activate a Lifeline customer.
 - d. Confirm that TAG Mobile will waive the activation charge to Lifeline customers. See Petition at 28. Identify the activation charge imposed on non-Lifeline customers by TAG Mobile.
- D.T.C. 1-20 Identify and describe with specificity the media of general distribution that TAG Mobile intends to use for advertising the services and charges supported by Federal universal service support mechanisms pursuant to 47 U.S.C. § 254(c).
- D.T.C. 1-21 TAG Mobile states that it advertises its services through “its extensive retail distribution network which includes CVS, Walgreens, and Dollar General stores...” Petition at 19.
- a. Confirm that regardless of the method used to market to eligible customers, TAG Mobile will certify and verify the eligibility of each of its Lifeline subscribers via direct contact with those customers, and not through a retail outlet or third party.
 - b. Describe outreach or marketing programs designed for Massachusetts.
- D.T.C. 1-22 On page 8 of the Petition, TAG Mobile states it will “respond to all reasonable requests for service” by providing service to a customer who has an address in the designated Service Area. (See also Petition at 20.) TAG Mobile must provide service on a timely basis and within a reasonable period of time as required by 47 C.F.R. § 54.202(a)(1)(i)(A), (B).
- a. Based on TAG Mobile’s experience in other jurisdictions, describe the length of time it will take TAG Mobile to satisfy the requirements of 47 C.F.R. § 54.202(a)(1)(i)(A), (B) to provide service to eligible customers.
 - b. Does TAG Mobile foresee instances where it would not be immediately ready to provide Lifeline or supported services to customers? Describe in detail. Explain how TAG Mobile intends to address these situations.
- D.T.C. 1-23 Pursuant to 47 C.F.R. § 54.202(a)(2), describe with specificity TAG Mobile’s ability to remain functional in emergency situations, including any contingency plans in the event of an emergency. Provide a detailed explanation of TAG Mobile’s role, if any, in providing access to a reasonable amount of back-up power, including the length of time a cell site can be expected to run exclusively on battery power; rerouting of traffic around damaged facilities; the number of service technicians available to respond to emergency situations; and the capability of managing traffic spikes resulting from emergency situations.

- D.T.C. 1-24 TAG Mobile asserts that through its “own facilities and its underlying 911 carrier’s network, TAG Mobile is able to provide its customers with access to emergency services...” Petition at 11.
- a. Identify each carrier from which TAG Mobile intends to obtain facilities in providing service to its Massachusetts customers.
 - b. For each such carrier, indicate whether any agreement between TAG Mobile and that carrier contains specific provisions related to functionality in emergency situations relevant to Massachusetts. Describe any such provisions and provide copies of all such agreements.
- D.T.C. 1-25 Pursuant to 47 C.F.R. § 54.202(a)(3), describe TAG Mobile’s ability to satisfy applicable consumer protection and service quality standards set forth in the Department’s *Rules and Practices Relating to Telephone Service to Residential Customers* (D.P.U. 18448 (1977)). Provide copies of TAG Mobile’s employee training materials and company policies regarding handling customer complaints.
- D.T.C.1-26 Pursuant to 47 C.F.R. § 54.202(a)(4), demonstrate that TAG Mobile offers a local usage plan comparable to the one offered by the incumbent local exchange carrier (i.e., Verizon) in the service area for which TAG Mobile seeks designation.
- D.T.C. 1-27 Describe with specificity whether TAG Mobile has any unique advantages, characteristics, or features to its proposed service offerings as compared to the service offerings of the incumbent local exchange carrier (i.e., Verizon) and other Massachusetts ETCs (e.g., RCN of Massachusetts, Taconic Telephone Corporation, Virgin Mobile, and TracFone) in the designated area.
- D.T.C. 1-28 Provide complete and detailed documentation of the certification and verification procedures TAG Mobile intends to implement in Massachusetts, including sample certification and verification forms. Verify that TAG Mobile is willing to comply with the annual audit and reporting requirements outlined in *TracFone Wireless, Inc., Annual Verification of SafeLink Wireless Lifeline Subscribers*, D.T.C. 09-9, Order at 16 (June 30, 2010); and *TracFone Wireless, Inc., Annual Verification of SafeLink Wireless Lifeline Subscribers*, D.T.C. 10-6, Order at 4 (Oct. 19, 2010).
- D.T.C. 1-29 For each Lifeline service package that TAG Mobile proposes to offer in Massachusetts, provide detailed calculations showing how carrier support and each Tier of USF support directly supports the minutes provided.
- D.T.C. 1-30 TAG Mobile states that it “operates as a facilities-based Mobile Virtual Network Operator (“MVNO”), with a variety of facilities owned by TAG Mobile and/or co-owned with wireline affiliate, dPi Teleconnect, LLC.” Petition at 13. TAG Mobile states these facilities are located in California, Texas, and Florida. *Id.*

- a. Describe with specificity the services to be provided by each of these facilities [as set forth in 47 C.F.R. § 54.101] and the charges and fees associated with each service to be imposed on Lifeline customers in Massachusetts.
- b. Define the term “Mobile Virtual Network Operator.” Clarify whether the FCC has designated TAG Mobile a MVNO.
- c. Describe with specificity TAG Mobile’s co-ownership arrangement with dPi Teleconnect, LLC with respect to the facilities identified. Describe with specificity TAG Mobile’s responsibility to maintain or manage these co-owned facilities.
- d. Describe with specificity any infrastructure owned or co-owned by TAG Mobile in Massachusetts, including cell towers, transport facilities, loops, tandem switches, end offices, local switches, and spectrum. Identify the location of any such facilities in Massachusetts.
- e. Describe with specificity any infrastructure owned or co-owned by TAG Mobile in other states (including cell towers, transport facilities, loops, tandem switches, end offices, local switches, and spectrum) that will be used to provide Lifeline and Link-Up services to Massachusetts residents not identified in the Petition. Identify the location of any such facilities.

D.T.C. 1-31 On page 11 of the Petition, TAG Mobile states it will provide Lifeline customers with 911 or E911 access in the event their plan minutes are exhausted/expired or their handset is inactive. Explain whether any fee will be imposed for the service.

D.T.C. 1-32 TAG Mobile asserts it “satisfies applicable state and federal E911 requirements.” Petition at 11. Describe TAG Mobile’s understanding of its 911/E911 obligations in Massachusetts.

D.T.C. 1-33 Explain TAG Mobile’s deactivation and non-usage policies. Additionally:

- a. Provide a detailed description of the reasons for which a Lifeline subscriber’s account may be deactivated.
- b. If a Lifeline subscriber does not use the service for a notable period of time (e.g., 60 days), explain whether TAG Mobile collects USF support during the period it attempts to confirm continued usage and eligibility.

D.T.C. 1-34 TAG Mobile claims it is not required to submit a five-year plan describing proposed improvements to its network pursuant to 47 C.F.R. § 54.202(a)(1)(ii) because it is not seeking high cost support. Petition at 29. Provide legal support for this claim.

- D.T.C. 1-35 TAG Mobile states it “will not offer its ETC service in areas that the Department has not yet opened to local competition.” Petition at 20, n.51. Explain this statement.
- D.T.C. 1-36 Regarding the prepaid wireless Lifeline plan and plans to purchase additional airtime described on pages 26 and 27 of the Petition:
- a. Describe with specificity any additional charges, fees, or taxes that may apply for each plan listed. For each, describe how the fee will apply to the proposed Lifeline service offerings. Describe how these charges and fees differ from TAG Mobile’s non-Lifeline service offerings.
 - b. For each plan listed, describe whether and how TAG Mobile will collect and remit the 911 surcharge for additional minutes purchased.
 - c. Explain whether TAG Mobile intends to notify the Department and receive Department approval before modifying its Massachusetts Lifeline service offerings.
 - d. Explain whether TAG Mobile intends to provide advance notice to Lifeline subscribers of changes in terms and conditions of service. See Exhibit D to the Petition, General Terms and Conditions of Service at 8. If so, explain whether subscribers will be afforded the opportunity to cancel service without penalty.
 - e. Clarify whether the Customer Terms and Conditions presented in Exhibit D will be used by TAG Mobile in Massachusetts. If not, provide a copy of the Customer Terms and Conditions (i.e., service agreement, terms of service, general terms and conditions of service, etc.) to be used in Massachusetts.
- D.T.C. 1-37 Regarding Exhibit E (“Sample Advertising”) to the Petition, explain whether this advertisement will be used in Massachusetts. Provide samples of advertising that will be used in Massachusetts. Also:
- a. Explain why the offer of free phone and free minutes every 30 days is limited to one year.
 - b. According to Exhibit E, additional minutes may be purchased, but will expire if not used within the designated time period. Explain why TAG Mobile believes it is in the public interest to offer to Lifeline customers packages with minutes that do not carry over.
- D.T.C. 1-38 TAG Mobile states that it “employs both Verizon and Sprint carrier networks to ensure ubiquitous coverage.” Petition at 14. Regarding Exhibit A (“Map and Wire Centers”) to the Petition:

- a. Clarify the meaning of “Network 1” and “Network 2” on the coverage map provided. Clarify whether TAG Mobile is seeking to provide Lifeline and Link-Up service throughout the areas covered by Networks 1 and 2 in the map provided.
- b. Indicate whether the Sprint Nextel network and/or Verizon Wireless network provides coverage across all of the towns listed in Exhibit A. Clarify whether TAG Mobile considers all of the towns listed in Exhibit A to be non-rural areas and explain why.
- c. Provide the corresponding wire center information for the CLLI codes listed in Exhibit A.
- d. Identify the date the coverage map was generated. Provide the most recent coverage area map available for each network that TAG Mobile will use to provide service in Massachusetts.

D.T.C. 1-39 Regarding the free handsets described on page 27 and Exhibit B (“Information Regarding Handsets”) to the Petition:

- a. Indicate whether all of the handsets provided to Lifeline customers will notify them if they are about to incur roaming charges.
- b. Describe how roaming charges will apply to Lifeline customers.
- c. Indicate where, if at all, Lifeline customers could incur roaming charges within Massachusetts.
- d. Indicate whether additional charges will be incurred for 911 calls made while roaming.
- e. Describe whether TAG Mobile requires Lifeline customers to affirmatively request the availability of roaming service before roaming charges will be imposed. If not, describe whether a customer can request that roaming calls be deactivated.

D.T.C. 1-40 Explain whether TAG Mobile is willing to abide by the following conditions agreed to by Virgin Mobile in *In the Matter of the Application of Virgin Mobile USA, L.P.’s Petition for Limited Designation as an Eligible Telecommunications Carrier*, D.T.C. 10-11, Order Approving Petition (Sept. 9, 2011). If not, explain with specificity why not.

- a. Provide quarterly reporting to the Department of customer accounts terminated for inactivity.

- b. Provide reporting of consumer complaints to the Department regarding its Lifeline service and agree to participate in dispute resolution by the Department's Consumer Division.
- c. Provide reporting to the Department of USF support received for Massachusetts consumers.
- d. File with the Department, within 60 days of the approval of its Petition, its terms and conditions of service, applicable to qualifying Lifeline service customers. Agree to an ongoing obligation to notify the Department of any future changes to its rates, terms, or conditions.
- e. Include the Department's contact information for consumer complaints in its marketing materials for its Lifeline service.
- f. Provide Public Safety Answering Points (PSAP) self-certification to the Department.
- g. Require all customers to contact TAG Mobile directly to self-certify, under penalty of perjury, that they qualify for Lifeline service and that the customer's household is not already receiving Lifeline service.
- h. Implement a 60-day inactive account (non-use) policy whereby if a customer account is inactive for 60 days, TAG Mobile will suspend the collection of the USF support for the account during the pendency of a subsequent 30 day grace period during which Tag Mobile will attempt to re-engage the customer. In the event TAG Mobile cannot re-engage the customer, TAG Mobile will discontinue the customer's service so that it does not receive USF support for the grace-period.