



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 11-11

November 9, 2011

Petition of Global Connection Inc. of America d/b/a STAND UP WIRELESS for Designation as an Eligible Telecommunications Carrier

FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF TELECOMMUNICATIONS AND CABLE TO GLOBAL CONNECTION INC. OF AMERICA d/b/a STAND UP WIRELESS

Pursuant to 220 C.M.R. § 1.06(6)(c), the Department of Telecommunications and Cable ("Department") submits to Global Connection Inc. of America d/b/a STAND UP WIRELESS ("Stand Up Wireless") 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, the date of the response, and the name of the person responsible for the answer. Add page numbers to each response that is three or more pages.
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 Stand Up Wireless and/or its witness(es) 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 "affiliate" means 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, Stand Up Wireless.

5. The term “certify” means to provide a sworn certification by the appropriate corporate officer.
6. 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.
7. The term “ETC” means eligible telecommunications carrier.
8. The term “FCC” means Federal Communications Commission.
9. The term “Petition” means Stand Up Wireless’s Petition for Designation as an Eligible Telecommunications Carrier filed with the Department on September 13, 2011.
10. 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.
11. The term “USF” means Universal Service Fund.
12. If any of these requests is ambiguous, notify the Hearing Officer so that the request may be clarified prior to the preparation of a written response.
13. 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 **December 2, 2011**.

Requests:

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| D.T.C. 1-1 | Provide a complete and detailed list of each of Stand Up Wireless’s affiliates and provide the names under which each does business. |
| D.T.C. 1-2 | Identify all states where Stand Up Wireless 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 Stand Up Wireless or any of its affiliates. Provide complete and detailed documentation of any such designation, limitation(s), and/or requirement(s). |

- D.T.C. 1-3 Identify all states that have denied a petition for ETC designation from Stand Up Wireless or any of its affiliates. Provide complete and detailed documentation for each denial.
- D.T.C. 1-4 Identify all states that have rescinded, revoked, or otherwise terminated Stand Up Wireless's ETC designation or the ETC designation of any of its affiliates. Provide complete and detailed documentation for each such state.
- D.T.C. 1-5 Identify all states where Stand Up Wireless or any of its affiliates has withdrawn a petition for ETC designation. Provide complete and detailed documentation for each such withdrawal.
- D.T.C. 1-6 Identify all states where Stand Up Wireless or any of its affiliates has a petition currently pending for ETC designation, and describe the status of each such petition. Provide complete and detailed documentation.
- D.T.C. 1-7 Identify each state where Stand Up Wireless or any of its affiliates has a pending action against it by a commission or government agency. Provide complete and detailed documentation.
- D.T.C. 1-8 Identify any and all ongoing litigation involving Stand Up Wireless or any of its affiliates. If applicable, provide a copy of all judicial findings made in relation to such litigation.
- D.T.C. 1-9 Certify whether the FCC, any state commission, or any government agency has, to date, rendered or entered a finding, conviction (including plea agreements), or civil judgment against Stand Up Wireless, its executives or senior managers, or any of its affiliates during the last ten years. Provide a copy of any such finding, conviction, plea agreements, or civil judgment.
- D.T.C. 1-10 Indicate whether Stand Up Wireless 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. 1-11 Stand Up Wireless refers to an existing agreement with Sprint for use of Sprint's network infrastructure and wireless transmission facilities. Petition at 2. Stand Up Wireless also refers to "agreements" with Sprint. Petition at 19. Indicate how many agreements Stand Up Wireless has with Sprint and provide said agreement(s).
- D.T.C. 1-12 Stand Up Wireless states that it will not require customers to enter into long-term service contracts as a prerequisite to obtaining wireless service. Petition at 3.
- a. Will Stand Up Wireless require customers to enter into any service contract, regardless of length, as a prerequisite to obtaining wireless service?

b. Will Stand Up Wireless require customers to enter into any service contracts after obtaining wireless service?

c. Are customers free to switch service plans or cancel service at any time?

D.T.C. 1-13 Stand Up Wireless states that because its Lifeline Plan has separate pools for voice minutes and text messages, use of text messages does not deplete the pool of voice minutes available for use and vice versa. Petition at 4.

a. Does the configuration of this service plan result in Stand Up Wireless customers having fewer voice minutes than they would under similar Lifeline plans of competitors? Provide documentation. If so, explain how it is in the public interest to offer fewer minutes than competitors when some customers may prefer minutes to text messages, or, in some cases, not use text messaging at all.

b. Does Stand Up Wireless offer the option of increasing the amount of voice minutes available in exchange for text messages?

c. Indicate whether text messaging services is currently considered a supported service under 47 C.F.R. § 54.101. Provide complete and detailed documentation.

D.T.C. 1-14 Can subscribers purchase text messaging services if they purchase Stand Up Wireless's StandUp Unlimited plan? If so, explain in detail, including rates charged and/or minutes deducted.

D.T.C. 1-15 Stand Up Wireless states that "qualifying" subscribers may request a deferred payment schedule for the remaining installation charges after federal Link Up assistance of \$30.00, and further implies that under such schedule customers will not have to pay any up-front activation fee. Petition at 8.

a. Confirm or deny that "qualifying" as used here refers to a subscriber's eligibility for the Link Up program. If anything but a straight "confirm," provide an explanation.

b. Further explain the deferred payment schedule that may be afforded to customers. If such schedules vary depending on the customer, provide not less than three sample payment schedules that Stand Up Wireless has used before in other states and/or plans to use in Massachusetts.

c. Describe with specificity the costs associated with initial subscriber connection that Stand Up Wireless recoups with its activation fee.

- d. Is it true that some or all Stand Up Wireless customers will not have to pay any activation fee for obtaining Lifeline service? If true, explain how Stand Up Wireless's activation fee constitutes a "customary charge" if over half of the fee is effectively waived for Link Up customers.

D.T.C. 1-16 Will Stand Up Wireless provide non-Lifeline service in Massachusetts? If so:

- a. Provide a detailed description of the non-Lifeline service packages Stand Up Wireless offers or intends to offer, including pricing.
- b. Does Stand Up Wireless charge an activation fee to its non-Lifeline customers? If so, what is the amount of that activation fee?

D.T.C. 1-17 Stand Up Wireless states that it will use resold services as well as "Company-owned facilities" to provide service. Petition at 11. Be more specific, including but not limited to the following:

- a. Describe with specificity the physical location of the Stand Up Wireless-owned facilities to be used.
- b. Describe with specificity how those facilities will be used to provide one or more of the supported services set out in 47 C.F.R. § 54.101 to Lifeline customers in Massachusetts.
- c. Indicate whether Stand Up Wireless owns facilities or intends to own facilities within Massachusetts that it will use to provide service to Massachusetts customers.

D.T.C. 1-18 Stand Up Wireless states that it intends to meet the FCC's test that Stand Up Wireless asserts "requires an ETC to provide services, *at least in part*, through a 'combination of its own facilities and resale of another carrier's services.'" Petition at 11 (emphasis added). Fully explain what Stand Up Wireless means by the phrase "at least in part."

D.T.C. 1-19 Stand Up Wireless states that it has "arrangements" that will allow it to obtain services through CMRS providers. Petition at 11. Identify these providers and provide a copy of any such arrangements.

D.T.C. 1-20 Stand Up Wireless refers to outreach events and community and charitable involvement with respect to advertising the availability of Lifeline and Link Up. Petition at 16.

- a. Are there examples of such events and involvement in other states in which Stand Up Wireless is designated as an ETC?

- b. Is there anything specific planned in Massachusetts in the event that the Department grants Stand Up Wireless's Petition?

- D.T.C. 1-21 Stand Up Wireless states that because it seeks ETC designation "solely for purposes of reimbursement for provision of subsidized low income support services to eligible customers, submission of a Five-Year Network Improvement Plan is not required." Petition at 18. Provide support for this contention.
- D.T.C. 1-22 Stand Up Wireless states that it has the ability to remain functional in emergency situations through its "underlying carriers." Petition at 18. For each carrier from which Stand Up Wireless intends to obtain facilities, indicate whether any agreement between Stand Up Wireless and that carrier contains specific provisions related to functionality in emergency situations relevant to Massachusetts. If not, indicate how Stand Up Wireless ensures that the facilities of its underlying carriers have the ability to remain functional in emergency situations.
- D.T.C. 1-23 Provide complete and detailed documentation supporting Stand Up Wireless's claims regarding its local usage plan's comparability to the ILEC in the service areas in which Stand Up Wireless is seeking ETC designation. *See* Petition at 19-20.
- D.T.C. 1-24 Stand Up Wireless states that it will certify and verify consumer eligibility in accordance with the FCC's requirements and with applicable Department rules. Petition at 20-21. Provide complete and detailed documentation of the certification and verification procedures Stand Up Wireless intends to implement in Massachusetts, including describing with specificity the quality control mechanisms referenced in the above statement.
- D.T.C. 1-25 Stand Up Wireless provides a national coverage map indicating its covered service areas. Petition at Exhibit 5. Provide a detailed, Massachusetts-specific coverage map indicating Stand Up Wireless's covered service areas.
- D.T.C. 1-26 Describe with specificity all areas in Massachusetts, if any, where Stand Up Wireless will not provide service. Explain why Stand Up Wireless will not provide service in such areas.
- D.T.C. 1-27 Stand Up Wireless states that "Under an arrangement with Ready Mobile, who is an authorized reseller of Boomerang, Stand Up Wireless customers have access to service anywhere on the Nationwide Sprint Network, reaching more than 250 million people." Petition at Exhibit 5.
- a. Does this mean that Stand Up Wireless is a reseller of Ready Mobile who is a reseller of Boomerang who is a reseller of Sprint?
 - b. Are there any other resellers in this chain of sale?

- c. Further define Stand Up Wireless’s “arrangement” with Ready Mobile, including any relevant contracts.

- D.T.C. 1-28 Stand Up Wireless states that “Although Ready Mobile, as an authorized reseller of Boomerang, provides Stand Up Wireless subscribers access to the Nationwide Sprint Network and to its wireless services, Ready Mobile is responsible to the Stand Up Wireless subscribers for the service.” Petition at Exhibit 5.
 - a. Further explain this statement, specifically with respect to the last clause.
 - b. Is this an attempt by Stand Up Wireless to waive liability and/or responsibility in the provisioning of its services to customers? Explain fully.

- D.T.C. 1-29 The Department requires that ETCs operating in Massachusetts conduct an annual audit of a random and statistically valid sample of its customers to verify subscriber eligibility and submit a report of its results to the Department. *See TracFone Wireless, Inc., Annual Verification of SafeLink Wireless Lifeline Subscribers*, D.T.C. 09-9, Order at 16 (June 30, 2010); *See TracFone Wireless, Inc., Annual Verification of SafeLink Wireless Lifeline Subscribers*, D.T.C. 10-6, Order at 4 (Oct. 19, 2010). Certify that Stand Up Wireless will adhere to this audit and reporting requirement in Massachusetts.

- D.T.C. 1-30 Describe with specificity Stand Up Wireless’s policy with regard to disconnection in the event it is determined that a customer no longer meets the Lifeline eligibility requirements or if the account is inactive for a period of time. Such description should include but not be limited to whether there is a termination charge.

- D.T.C. 1-31 Describe with specificity whether Stand Up Wireless has any unique advantages, characteristics, or features to its proposed service offerings as compared to the service offerings of the incumbent local exchange carrier and other Massachusetts wireless ETCs (e.g., Virgin Mobile and TracFone) in the designated areas.

- D.T.C. 1-32 Stand Up Wireless refers to “underlying wireless providers” and “underlying wireless carriers” throughout its Petition. *See, e.g.*, Petition at 11, 18. Identify by name these providers and carriers.

- D.T.C. 1-33 Describe with specificity Stand Up Wireless’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)) pursuant to 47 C.F.R. § 54.202(a)(3). Provide copies of Stand Up Wireless’s employee training materials and company policies regarding handling customer complaints.

- D.T.C. 1-34 Identify the rates (or charges) for each service offered by Stand Up Wireless under 47 U.S.C. § 254(c) and identified in 47 C.F.R. § 54.101(a).
- D.T.C. 1-35 State whether Stand Up Wireless 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 Stand Up Wireless is not publicly traded, provide financial statements for the last three years.
- D.T.C. 1-36 Certify whether Stand Up Wireless 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. 1-37 For each of Stand Up Wireless's service packages:
- a. Are any data services included? If so, describe with specificity, including rates charged and/or minutes deducted. Indicate whether data services is currently considered a supported service under 47 C.F.R. § 54.101 and provide complete and detailed documentation of that response.
 - b. Will Lifeline customers incur roaming charges? Explain with specificity, including whether all of the handsets provided to Lifeline customers will notify them when they are about to incur roaming charges, how roaming charges will apply to Lifeline customers, and where, if at all, Lifeline customers could incur roaming charges within Massachusetts.
- D.T.C. 1-38 Provide a copy of Stand Up Wireless's terms and conditions.
- D.T.C. 1-39 Indicate whether Stand Up Wireless is willing to amend its terms and conditions, if necessary, to comply with Massachusetts-specific consumer protection, billing and termination, and Lifeline rules and procedures.
- D.T.C. 1-40 Is Stand Up Wireless aware that the Department has a pending investigation into the Lifeline and Link Up programs in Massachusetts in D.T.C. Docket 10-3, and that if Stand Up Wireless is designated as an ETC in Massachusetts, any procedures or requirements established in that proceeding would apply to Stand Up Wireless?
- D.T.C. 1-41 Is Stand Up Wireless familiar with, and prepared to comply with the Massachusetts State 911 Department's surcharge collection regulations pertaining to prepaid wireless providers? Describe with specificity Stand Up Wireless's understanding of how these regulations will apply to Stand Up Wireless in regards to its Massachusetts subscribers, both Lifeline and non-Lifeline, if applicable.

D.T.C. 1-42 Certify that all handsets provided to Stand Up Wireless's Lifeline customers upon activation of service are E-911 compliant, and that Stand Up Wireless will replace any non-compliant handsets with compliant handsets at no charge for existing customers who obtain Lifeline service.