

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

**IN RE:** )  
**APPLICATION OF YOURTEL AMERICA, INC.** )  
**FOR DESIGNATION AS AN ELIGIBLE** )  
**TELECOMMUNICATIONS CARRIER ON A** ) **DTC Case No. 11-1**  
**WIRELESS BASIS (LOW INCOME ONLY)** )

**RESPONSES TO FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT  
OF TELECOMMUNICATIONS AND CABLE TO YOURTEL AMERICA, INC.**

**PUBLIC VERSION**  
**CONFIDENTIAL INFORMATION REDACTED AS NOTED**  
**from responses 1-12 and 1-22**

**June 4, 2011**

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Docket No. 11-1

D.T.C. 1-1

Person Responsible for Answer: Dale R. Schmick

Identify all states where YourTel 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 YourTel or any affiliate. Provide complete and detailed documentation describing any such limitations or requirements.

**Response:**

YourTel is designated as an ETC in the following states:

- Missouri (wireline, wireless)
- Kansas (wireline, wireless)
- Illinois (wireline, wireless)
- Oklahoma (wireline)

TerraCom, Inc. is an affiliate of YourTel in that it has common ownership. TerraCom, Inc. is an ETC in the following states:

- Oklahoma (wireline)
- Texas (wireline)
- Maryland (wireless)
- West Virginia (wireless)
- Arkansas (wireless)
- Nevada (wireless)

No limitations or special requirements have been imposed on YourTel or TerraCom.

Docket No. 11-1

D.T.C. 1-2

Person Responsible for Answer: Dale R. Schmick

Identify all states that have denied a petition for ETC designation from YourTel or any of its affiliates.  
Provide complete and detailed documentation.

**Response:**

Neither YourTel nor any affiliates have been denied an ETC petition from any state.

Docket No. 11-1

D.T.C. 1-3

Person Responsible for Answer: Dale R. Schmick

Identify all states that have rescinded, revoked, or otherwise terminated YourTel's ETC designation or the ETC designation of any of YourTel's affiliates. Provide complete and detailed documentation.

**Response:**

No state has rescinded, revoked nor otherwise terminated neither YourTel's ETC designation nor the ETC designation of any affiliate.

Docket No. 11-1

D.T.C. 1-4

Person Responsible for Answer: Dale R. Schmick

Identify all states where YourTel or any of its affiliates has a petition currently pending for ETC designation, and describe the status of each such petition.

**Response:**

YourTel has applications pending as follows:

Georgia	Filed, pending Staff review
Michigan	Filed, responding to Staff data requests
Washington	Filed, responding to Staff data requests
New Jersey	Filed, responding to Staff data requests
California	Recently filed
Pennsylvania	Filed, pending Staff review
Oklahoma (wireless ETC)	Filed, pending hearing on June 9th
Maine	Filed, pending Staff review
Rhode Island	Filed, Scheduling Hearing May 19th

TerraCom has applications pending as follows:

Wisconsin	Filed, pending Staff review
Mississippi	Filed, responding to Staff data requests
Nevada	Approved, Order signed
Minnesota	Filed, responding to Staff data requests
Iowa	Filed, pending Staff review
Indiana	Filed, pending Staff testimony
Oklahoma (wireless ETC)	Filed, pending Hearing on June 16th
Louisiana	Filed, pending Staff review
New Mexico	Filed, Scheduling Hearing May 19th
Arizona	Filed, pending Staff review

Docket No. 11-1

D.T.C. 1-5

Person Responsible for Answer: Dale R Schmick

Indicate whether YourTel 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.

**Response:** Neither YourTel nor any affiliate has offered or is offering service in Massachusetts.

Docket No. 11-1

D.T.C. 1-6

Person Responsible for Answer: Dale R. Schmick

Describe with specificity whether YourTel 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, and TracFone) in the designated area.

**Response:**

1. **Experience.** We have been in business for 15 years and we have always actively sought consumers in underserved and unserved markets. We first became an ETC in 2003. Experience has taught us that there are significant areas in every state where low income subscribers are often unaware that basic telephone service is available and affordable. It is YourTel's mission to identify and reach out to these disparate groups in Massachusetts as it has done in Kansas, Missouri, and Illinois, and Oklahoma.
2. **Facilities Investment.** We have a long history of investment. This investment has been and will continue to be in facilities to serve our customers with new, innovative and flexible products and service offerings. We were one of the first competitive ETCs to purchase a Class 4/Class 5 switch over 5 years ago.
3. **Market Investment/ Job Creation.** We have invested over 6.4 million dollars in advertising the availability services to low-income consumers over the last 7 years. We are committed to continue this investment, both in the markets we currently serve, and in Massachusetts. We are also committed to providing a variety of distribution channels including face-to-face contact with consumers, the use of neighborhood agents, and YourTel branded or authorized retail outlets. YourTel will invest in Massachusetts and create jobs with these investments, because we want a *long-term* relationship with our Massachusetts customers and will invest in the infrastructure necessary to properly serve them.
4. **Better Product and Service Offerings.** We are always unique. We focus on the customers and will have customer oriented and affordable service, offering more than just a free handset with 68 minutes. In keeping with YourTel's long history we will continue to adjust our offering to benefit consumers by presenting new and unique plans as we expand and invest. Our customers want what everyone else wants, but only when they can afford it so we will also offer them plans with more minutes and features. As an example, YourTel will be filing an amendment to its application that includes additional plans with additional free minutes available to Lifeline customers.
5. **Not Just lifeline.** YourTel America will not just serve low-income consumers eligible for Lifeline. Some of our customers choose not to take advantage of Lifeline or may be no longer eligible. We seek to serve all of these customers and will work hard to make them aware of the program so they may use it when they qualify.

Docket No. 11-1

D.T.C. 1-7

Person Responsible for Answer: Dale R. Schmick

Pursuant to 47 C.F.R. § 54.202(a)(3), describe YourTel'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 YourTel's employee training materials and company policies regarding handling customer complaints.

**Response:** Our research indicates that the rules in Rules and Practices Relating to Telephone Service to Residential Customers (D.P.U. 18448 (1977)) do not apply to wireless carriers. In 2006, the Department of Telecommunications and Energy (DTE) (the DTC's predecessor for telecom regulation in MA) issued an order on April 7, 2006 in Docket No. 06-8 expressly noting that the rules did not apply to wireless, and took comments on the potential to expansion of the rules to address wireless and VOIP. Research indicates that neither the DTE nor the DTC have changed the Docket 18448 rules referenced in this question and for that reason, they do not apply to a wireless carrier like YourTel.

However, as included in its application, YourTel stands by its commitment to satisfying all the applicable consumer protection and service quality standards listed in the Cellular Telecommunications and Internet Association (CTIA) Consumer Code. Furthermore, YourTel is willing to comply with any rules the Department of Telecommunications and Energy have imposed on similarly situated ETCs

Attached to this response is YourTel's employee training guide section that addresses the handling of customer complaints.



Docket No. 11-1

D.T.C. 1-8

Person Responsible for Answer: Dale R. Schmick

Identify the rates (or charges) for each service offered by YourTel under 47 U.S.C. § 254(c) and identified in 47 C.F.R. § 54.101(a).

**Response:** YourTel's service includes all nine supported services and as such the rate contained in our response to 1-9 includes all nine services.

Docket No. 11-1

D.T.C. 1-9

Person Responsible for Answer: Dale R. Schmick

YourTel states that “the consumer receives 100% of all universal service support funding for which the Company will seek reimbursement from the Universal Service Fund necessary to provide the free minutes of airtime above.” Petition at 13. For each Lifeline service package that YourTel proposes to offer in Massachusetts, provide detailed calculations showing how carrier support and each Tier of USF support directly supports the minutes provided.

**Response:**

For each of the three plans YourTel will offer, whether it be the free 68, 125 or 250 MOU per month, the total support is as follows:

Tier 1 = \$6.35

Tier 2 = \$1.75

Tier 3 (Company) = \$3.75

Tier 3 = \$1.75

Total support is \$13.60.

Docket No. 11-1

D.T.C. 1-10

Person Responsible for Answer: Dale R. Schmick

YourTel indicates that it “has a long history of challenging the marketplace” and that by entering certain markets it caused competitors to lower their rates to match those of YourTel. Petition at 9.

- a. In relation to the above statement, describe with specificity how YourTel’s Lifeline service packages and rates compare to those of ETCs currently providing Lifeline in Massachusetts, as well as those offered by other carriers presently seeking ETC designation in Massachusetts.

- b. Describe the competitive impact YourTel anticipates its service offerings having on the offerings of these competitors.

YourTel has not done an analysis of service packages currently available in MA, but generally has been a market leader in providing free packages under Lifeline. YourTel believes strongly that “Free” plans are only the beginning on this growing opportunity for our low-income consumers to finally feel the benefits of competition. They desire more robust plans, but only when they can afford them. Our long history speaks to our creative and entrepreneurial nature – we were (arguably) the first competitive ETC in the nation and one of the earliest wireless ETCs.

For our consumers, distribution is as important as product, as we need to locate our customers and reach out to them. Unlike many wireless ETCs, YourTel uses a variety of distribution models and we employ those distribution models that are carefully matched to each particular market. This flexibility is key to our strategy of reaching out to the many disparate and diverse groups that need the services this program offers.

Based on our 16 years of experience, we will use multiple modes of distribution such as local outreach events, direct sales, neighborhood agents, and YourTel branded or authorized retail outlets. Unlike others in the market, YourTel uses a variety of distribution models, which vary based on the market, demographics and needs of that market. Each is unique, and these different types of distribution methods are best supported by a variety of advertising mediums. This model is best typically served by TV, Radio and print.

We expect as we have seen before that all competitors will challenge the others since robust competition is overdue for low income consumers.

Docket No. 11-1

D.T.C. 1-11

Person Responsible for Answer: Dale R. Schmick

YourTel indicates that if a Lifeline customer has used all of his or her airtime, additional minutes may be purchased via credit or debit card, or at any YourTel authorized agent location.

a. For each purchase method, describe with specificity any additional charges, fees, or taxes that may apply.

b. For each purchase method, describe whether and how YourTel will collect and remit the 911 surcharge for additional minutes purchased.

**Response:** All applicable taxes and fees are included in the top-up price. It is important to note that we have been a CLEC for 13 years and an ETC for 8 years. Because we are an ETC becoming a wireless ETC, as opposed to a prepaid wireless company becoming an ETC, we have fully functioning billing system in place to manage the remittance of these fees. Our billing system is integrated with BillSoft, which determines the correct taxing jurisdiction and rates. Our billing system then generates the appropriate data for tax accountants to remit to the proper jurisdiction.

**PUBLIC VERSION**  
**CONFIDENTIAL INFORMATION REDACTED AS NOTED**

D.T.C. 1-12

Person Responsible for Answer: Dale R. Schmick

In discussing its ability to remain functional in emergency situations, YourTel states that “[f]acilities owned by YourTel are collocated in a Tier 1 carrier’s switching center, which is capable of remaining fully functional with both generator and battery back-up.” Petition at 15. Describe with specificity what YourTel-owned facilities are referenced here, where they are located, and how they relate to remaining functional in Massachusetts during an emergency.

**Response:[BEGIN CONFIDENTIAL] \*\*(REDACTED)\*\*[END CONFIDENTIAL]**

As stated, YourTel provides service to its customers through a combination of facilities obtained from other carriers as well as its own. This permits YourTel to provide customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations. Therefore, in order to continue to provide service to our future customers in Massachusetts, we have invested in these necessary protections described in order for those facilities to remain functional in an emergency.

**PUBLIC VERSION**  
**CONFIDENTIAL INFORMATION REDACTED AS NOTED**

Docket No. 11-1

D.T.C. 1-13

Person Responsible for Answer: Dale R. Schmick

YourTel states that since it “is providing service to its customers through the use of facilities obtained from other carriers, this arrangement allows YourTel to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers.” Petition at 15.

a. Identify each carrier from which YourTel intends to obtain facilities in providing service to its Massachusetts customers.

b. For each such carrier, indicate whether any agreement between YourTel and that carrier contains specific provisions related to functionality in emergency situations relevant to Massachusetts.

**Response:** YourTel’s primary underlying carrier is Sprint and we will use Verizon and AT&T as secondary carriers. None of the agreements contain any specific provisions related to emergency situations.

Docket No. 11-1

D.T.C. 1-14

Person Responsible for Answer: Dale R. Schmick

YourTel states that “it will continue to adjust its offering to benefit Massachusetts consumers by presenting new and unique plans as YourTel expands and invests in Massachusetts” (Petition at 15) and that it “reserves the right to change, or modify the actual amount of airtime minutes and [sic] eligible subscribers will receive on a monthly basis without notice” (Exhibit F at 7).

a. Does YourTel intend to notify the Department/receive Department approval before modifying its Massachusetts Lifeline service offerings? Explain.

b. Describe how it is in the public interest for YourTel to be able to unilaterally change the minutes available to Lifeline customers on a monthly basis without notice, as described in Exhibit F?

**Response:**

- a. YourTel does not plan to notify the DTC at every change, based on our research as discussed in DTC 1-7, but again reiterates its willingness to comply with any rules imposed on similarly situated ETCs.
- b. Like many aspects of the unregulated wireless telecom business, YourTel is subject market behavior. YourTel was a leader in providing free service and the market in significant part followed it. Customers do not have a contract or other commitment so they have the ability to change carriers quickly. The market, the power of consumer choice and YourTel’s overall plan to have customers long term all provide incentive to treat customers well.

The public interest has been and will continue to be well served by not regulating rates of wireless service. YourTel suggests that to regulate changes in it’s (and other carriers’) rate plans would result in carrier actions that are slower and less responsive to the demands and expectation of the market. Many of the successes of the wireless industry - - moving in a decade from rates of over \$1.00/minute to consistent prices at or less than \$0.10/minute, rollover minutes, and numerous other initiatives came about quickly in the wireless industry due to the use of market rather than regulation. This use of the marketplace, rather than regulation, is in large part, required by federal law. Thus, in the competitive wireless marketplace, competition has served the public interest and will do so in this instance; i.e. relying on competition, rather than regulation to regulate YourTel’s rate plans, is in the public interest.<sup>1</sup>

Regarding the “unilateral change”, this language is out of date. Since its initial application, YourTel has modified its Terms and Conditions to remove this language and hereby submits a revised Terms and Conditions as Attachment to Response 14 (attached).

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<sup>1</sup>YourTel reserves the right to challenge regulation of its rate plans as unlawful.

Docket No. 11-1

D.T.C. 1-15

Person Responsible for Answer: Dale R. Schmick

YourTel indicates that it will provide Lifeline service throughout the service territory of Verizon New England, Inc., in the wire centers listed in Exhibit A. At page 5 of Exhibit F, YourTel states that it “provides YourTel Wireless mobile telecommunications services using the geographic areas covered by the Nationwide Sprint Network footprint.”

a. Indicate whether the Nationwide Sprint Network provides coverage across all of the wire centers listed in Exhibit A.

b. Provide a coverage area map of each network that YourTel will use to provide service in Massachusetts.

**Response:**

a. The Nationwide Sprint Network provides coverage across all of the wire centers listed in Exhibit A with the exception of the following:

Ashburnham  
Ashby  
Ashfield  
Charlemont  
Chilmark  
Conway  
Hubbardston  
Monroe Bridge  
North Brookfield  
Petersham  
Worthington

For these wire centers YourTel will be using the coverage provided by either Verizon or AT&T.

b. Please see the included attachments to this reponse.



Docket No. 11-1

D.T.C. 1-16

Person Responsible for Answer: Dale R. Schmick

Indicate whether YourTel will use Massachusetts specific advertising, or if the advertising samples provided in Exhibit D accurately reflect the advertisements YourTel will use in Massachusetts.

**Response:** Since its initial application, YourTel's advertising has progressed and Exhibit D is outdated. YourTel will design materials specific to Massachusetts as part of its new market launch process.

Docket No. 11-1

D.T.C. 1-17

Person Responsible for Answer: Dale R. Schmick

Will YourTel provide non-Lifeline service in Massachusetts? If so, provide a detailed description of the non-Lifeline service packages YourTel intends to offer, including pricing.

**Response:** YourTel does and will offer Non-Lifeline plans. We serve low-income consumers including those who do not avail themselves of government assistance and those who may no longer be eligible. All of our basic plans will retail at \$13.60 per month. The Lifeline rates for all plans will be the non-Lifeline retail rate less the applicable discounts.

The detailed description is as follows:

68 MOU per Month

Rollover minutes

Local calling

Domestic Long Distance

Texting at the rate of .3 MOU per text

Free 911

Free Voicemail

Free Caller ID, Call Waiting, Caller ID, Call Forwarding and 3-Way Calling

Roaming is \$.059 per minute

125 MOU per Month

Rollover minutes

Local calling

Domestic Long Distance

Texting at the rate of 1 MOU per text

Free 911

Free Voicemail

Free Caller ID, Call Waiting, Caller ID, Call Forwarding and 3-Way Calling

Roaming is \$.059 per minute

250 MOU per Month

Rollover minutes

Local calling

Domestic Long Distance

Texting at the rate of 1 MOU per text

Free 911

Free Voicemail

Free Caller ID, Call Waiting, Caller ID, Call Forwarding and 3-Way Calling

Roaming is \$.059 per minute

Docket No. 11-1

D.T.C. 1-18

Person Responsible for Answer: Dale R. Schmick

Provide a detailed description of each Lifeline service package YourTel intends to offer, including pricing.

**Response:**

YourTel will offer plans that offer free 68, 125 or 250 minutes of use per month along with a free handset. In addition, these plans will include as follows:

68 MOU per Month

Rollover minutes

Local calling

Domestic Long Distance

Texting at the rate of .3 MOU per text

Free 911

Free Voicemail

Free Caller ID, Call Waiting, Caller ID, Call Forwarding and 3-Way Calling

Roaming is blocked

125 MOU per Month

Rollover minutes

Local calling

Domestic Long Distance

Texting at the rate of 1 MOU per text

Free 911

Free Voicemail

Free Caller ID, Call Waiting, Caller ID, Call Forwarding and 3-Way Calling

Roaming is blocked

250 MOU per Month

Rollover minutes

Local calling

Domestic Long Distance

Texting at the rate of 1 MOU per text

Free 911

Free Voicemail

Free Caller ID, Call Waiting, Caller ID, Call Forwarding and 3-Way Calling

Roaming is blocked

Docket No. 11-1

D.T.C. 1-19

Person Responsible for Answer: Dale R. Schmick

For all Lifeline and non-Lifeline services that YourTel intends to offer in Massachusetts, describe the prepaid and postpaid options available to consumers.

**Response:** There are no postpaid options at this time. The prepaid plans are described in the response to D.T.C. 1-17. The rate plans includes all options listed in the response to D.T.C. 1-17 and 1-18.

Docket No. 11-1

D.T.C. 1-20

Person Responsible for Answer: Dale R. Schmick

For each of YourTel's service packages:

a. Is a text messaging option included? If so, describe with specificity, and indicate the source of support for this service.

b. Are any data services included? If so, describe with specificity, and indicate the source of support for this service.

c. Do Lifeline customer communications with YourTel 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?

d. Are minutes carried over from month-to-month? Please describe.

**Response:**

a. Yes, text messaging is available at the rate of .3 MOU per text message. If a consumer chooses to use some of their supported allotment for text messaging it would be supported by the Universal Service Fund. If the consumer chose to use part of their purchased "top-up" minutes for text messaging the support would be paid by the consumer.

b. Additional data plans are available for purchase at the rate of \$10/100MB, \$20/200MB or \$30/400MB. These are purchased by the consumer and do not receive funding from the Low Income program.

c. No, customer communications with YourTel do not count against a Lifeline customer's minutes or text messages.

d. Yes, minutes are carried over from month to month and are available for a minimum of 60 days.

Docket No. 11-1

D.T.C. 1-21

Person Responsible for Answer: Dale R. Schmick

YourTel seeks ETC designation for Link Up as well as Lifeline support.

a. In any other state where YourTel 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.

b. Describe with specificity why granting YourTel ETC designation for Link Up support is in the public interest.

**Response:** Yes, in all of the states in which YourTel has been designated as an ETC for wireless services, that designation has included eligibility for Link Up support. .

It is a fact in our segment of the industry that we cannot expect to implement long term agreements nor early termination fees. Both represent a burden to our customers and are prohibitive to them obtaining affordable telecommunications service. In designing the low-income program the FCC was obviously aware of this reality and thus defers part of activation fees for the consumer. It is important to recognize that the intention of the program is to make obtaining telephone service affordable so as to achieve near 100% penetration. As a carrier that focuses on low-income (both Lifeline and non-Lifeline) we have never had contracts or early termination fees and because of this reality, charge an activation fee.

Moreover, given that YourTel's entry into the low income service market will provide new types of offerings to underserved, low-income consumers, YourTel meets, or exceeds, the public interest benefits to low-income consumers on which the FCC has relied in granting other recent ETC petitions by prepaid wireless providers, including increased consumer choice, high quality service offerings, and mobile access to emergency services on wireless devices. In order for YourTel to continue to pass these options on to our customers, as we have done in other states, Link Up support is an important factor.

Therefore, it is clearly in the public interest to expect a company that is focusing on the needs of the underserved to be designated as eligible for Link Up support.

**PUBLIC VERSION**  
**CONFIDENTIAL INFORMATION REDACTED AS NOTED**

D.T.C. 1-22

Person Responsible for Answer: Dale R. Schmick

YourTel indicates that it will provide Lifeline services at least in part over its own facilities and states: “YourTel owns and operates a Class 4/5 switch and proprietary call management intelligence located in Kansas City, Missouri, as well as numerous interconnections for both wireline and wireless services.” Petition at 4.

- a. Identify and describe with specificity each relevant YourTel-owned facility.
- b. For each such facility, describe with specificity how that facility will be used to provide to Massachusetts Lifeline customers one or more of the supported services as set out in 47 C.F.R. § 54.101.

**Response:[BEGIN CONFIDENTIAL] \*\*(REDACTED)\*\*(attachment also redacted)[END CONFIDENTIAL]**

YourTel has invested in and owns facilities fully capable of providing the nine supported services. YourTel will route the traffic in the most efficient manner.

1. It is known that the following are most efficiently provided by our facilities:

- (f) access to operator services
- (g) access to interexchange service.
- (h) access to directory assistance.
- (i) toll limitation.

With respect to each of these services, YourTel’s facilities will also be involved in providing (d) single-party service or its functional equivalent, since each of these services will be routed through YourTel’s switch.

2. (e) access to emergency services (i.e., 9-1-1 or E9-1-1): Access to 9-1-1 or E9-1-1 is provided, but the underlying 911 traffic is always routed by the underlying wireless carrier.
3. (c) dual tone multi-frequency signaling (“DTMF”) or its functional equivalent: The handsets provided free of charge to YourTel’s Lifeline customers are DTMF capable.
4. The following services can be routed by our facilities but routing of each call will be dependent on the most efficient way to route that particular call:
  - (a) voice-grade access to the public switched telecommunications network.

(b) local usage.

In addition, all calls to customer service for service inquiries, trouble reports, recertification inquiries, and purchasing of additional minutes for international will be routed by our facilities to our Oklahoma Call centers.

**PUBLIC VERSION**  
**CONFIDENTIAL INFORMATION REDACTED AS NOTED**



Docket No. 11-1

D.T.C. 1-23

Person Responsible for Answer: Dale R. Schmick

Indicate whether YourTel is willing to amend the “YourTel Wireless Terms and Conditions of Service” provided as Exhibit F to comply with Massachusetts specific consumer protection, billing and termination, and Lifeline rules and procedures.

**Response:**

YourTel believes its terms and conditions do comply with Massachusetts specific consumer protection, billing and termination and lifeline rules and procedures as applicable. However, YourTel is happy to review any rules that have been determined to be appropriate for any similarly situated carriers and determine its ability to comply with those rules.

While there is relatively little state regulation of wireless services (see e.g. response to 1-7), YourTel seeks to comply with all applicable state Lifeline requirements.

Docket No. 11-1

D.T.C. 1-24

Person Responsible for Answer: Dale R. Schmick

Terms and Conditions of Service, submitted as Exhibit F, states on page 6 that “Where applicable, YourTel Wireless Lifeline programs are provided to you by YourTel America, Inc., and are governed by tariffs. Tariffs are on file with the appropriate public utility commissions in each state and supersede any term related to the Lifeline Assistance program.”

a. Indicate whether YourTel will file a tariff with the Department.

b. Explain what YourTel means in stating that a tariff filing may “supersede any term related to the Lifeline Assistance program.”

**Response:** YourTel has been advised that there are no tariffing requirements for wireless carriers in Massachusetts and thus does not plan to file a tariff. However, YourTel is accustomed to states whereby both tariffs and informational filings are required for similarly situated carriers and is willing to comply with any similar rules the Department has imposed on similarly situated carriers.

In response to b., regarding the tariff language, YourTel has modified its Terms and Conditions to remove this language and has included it in the attachment to response for 1-7.

Docket No. 11-1

D.T.C. 1-25

Person Responsible for Answer: Dale R. Schmick

Referring to page 6 of Exhibit F:

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.

**Response:** Lifeline customers are defaulted to not have access to roaming. If this is required for a customer for coverage, YourTel will move the consumer to another underlying carrier.

Docket No. 11-1

D.T.C. 1-26

Person Responsible for Answer: Dale R. Schmick

D.T.C. 1-26 Provide a detailed description of all fees applicable to Lifeline and non-Lifeline Massachusetts consumers, including but not limited to those mentioned on page 11 of Exhibit F (standard reactivation fee; fee to obtain account history after deactivating account or changing number; fee for copy of a paper bill). Additionally, for each, describe how the fee will apply to each of the proposed Lifeline service offerings.

**Response:** Our customary activation fee is \$60. Customers who are eligible for Link Up will receive a \$30 reduction in this fee.

A printed copy of previous 60 day account history is \$50(as these tend to be voluminous).

A wireless number change is \$15.00.

A re-activation fee is \$60.

A phone replacement fee is \$25.

A returned check incurs a fee of \$25.

Each fee will apply to the proposed Lifeline service offerings in normal pre-paid fashion. As the service is requested or incurred, the customer will pay for the service and the request will then be completed.

Docket No. 11-1

D.T.C. 1-27

Person Responsible for Answer: Dale R. Schmick

On page 11 of Exhibit F, YourTel states that: "If a subscriber's account is deactivated for any reason, YourTel Wireless will assess subscribers a standard reactivation fee which is not refundable."

a. Provide a detailed description of the reasons for which a subscriber's account may be deactivated.

b. Describe with specificity YourTel's deactivation procedures.

**Response:** A customer may be de-activated upon request, , for failure to re-certify and if there is no usage in 90 days.

Deactivation in all circumstances involves the deactivation of the customer's active phone number and service with the underlying carrier along with placing the billing account in an inactive status. This is only done after the customer has been notified of the pending discontinuance of service and a 30 day period for the customer to either re-certify or use the service depending on the reason as stated above.