

# ROTHFELDER STERN, L.L.C.

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June 28, 2011

**Via Overnight Delivery**

Catrice C. Williams, Secretary  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, Massachusetts 02118-6500

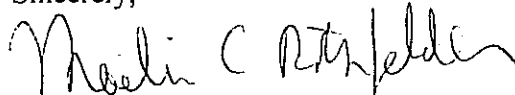
**Re: DTC Docket No. 11-1 - Application of YourTel America, Inc. for  
Designation as an Eligible Telecommunications Carrier on a Wireless  
Basis (Low Income Only) RESPONSES TO DISCOVERY (2<sup>nd</sup> Set)**

Dear Secretary Williams:

On behalf of YourTel America, Inc., enclosed please find Responses To Second Set Of Information Requests Of The Department Of Telecommunications And Cable To YourTel America, Inc.

We are providing an electronic copy of the filing to the Department at [dtc.efiling.state.ma.us](http://dtc.efiling.state.ma.us). We are also enclosing one additional copy of these materials. Please stamp and date this copy as "filed" and return it to us in the self-addressed stamped envelope, postage pre-paid provided herewith.

Sincerely,



Martin C. Rothfelder

Enclosures

cc: Service List (with enclosures)  
Matt Connolly (with enclosures)

Petition of YourTel America, Inc. for Designation as an Eligible Telecommunications Carrier  
DTC Docket 11-1 Service List

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Catrice C. Williams, Secretary  
Department of Telecommunications and Cable  
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WIRELESS BASIS (LOW INCOME ONLY) )

D.T.C. 2-1 Regarding the FCC's approval on February 18, 2011 of the Domestic Section 214 Application filed for the Transfer of Control of YourTel America, Inc.

- a. Are there any amendments to YourTel's Petition for ETC Designation as a result of that approval? If so, please submit an amended Petition and any supporting documentation.
- b. Describe with specificity Paul N. Hicks' post-transfer interest in YourTel.
- c. Describe with specificity Dale R. Schmick's post-transfer interest in YourTel.
- d. Confirm whether TerraCom and LifeTel are now affiliates of YourTel.

**Response:**

- a. No. There are no amendments necessary. The transaction approved by the FCC is a sale of stock to new shareholders.
- b. Mr. Hicks remains a shareholder of YourTel America.
- c. Mr. Schmick remains a shareholder of YourTel America.
- d. TerraCom is affiliated with YourTel in that it has common ownership. LifeTel is an affiliate of TerraCom.

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D.T.C. 2-2 Provide a complete and detailed list of all of YourTel's affiliates and provide all of the names under which each does business.

**Response:** YourTel America and TerraCom, Inc. have common ownership. Due to name conflicts in some proposed new markets, TerraCom has the following registered d/b/a's:

TerraCom Wireless in Texas  
Wisconsin TerraCom in Wisconsin  
Nebraska TerraCom, Inc. in Nebraska  
TerraCom Inc. of Oklahoma in Washington, D.C.  
New Hampshire Terracom in New Hampshire

YourTel has a registered d/b/a of YourTel Wireless and was formerly named The Pager Company d/b/a The Pager & Phone Company.

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D.T.C. 2-3 Provide a Certificate of Good Standing of recent date from the state in which YourTel is incorporated.

**Response:** Please see the Attachment to this response.

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D.T.C. 2-4 State whether YourTel 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.

**Response:** YourTel is not a publicly traded company.

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D.T.C. 2-5 Certify whether YourTel 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.

**Response:** To the best of our knowledge, YourTel has no outstanding liabilities.

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D.T.C. 2-6 Identify any and all ongoing litigation involving YourTel or any of its affiliates.

**Response:** To the best of our knowledge, there is no ongoing litigation.

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D.T.C. 2-7 Certify whether the FCC, any state commission, or government agency has, to date, rendered or entered a finding, conviction, or civil judgment against YourTel or any of its affiliates during the last three years. Provide a copy of any such finding, conviction, or civil judgment entered against YourTel or its affiliate.

**Response:** To the best of our knowledge there have been no such findings.

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D.T.C. 2-8 Identify and describe with specificity the media of general distribution that YourTel intends to use for advertising the services and charges supported by Federal universal service support mechanisms pursuant to 47 U.S.C. § 254(c).

**Response:** Our business model expects that YourTel 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. While a formal plan is still in development for Massachusetts, preliminary research indicates the following media outlets would be included in our plan.

Power 102.9 FM  
WRCA 1330 AM  
El Mundo Boston Newspaper  
Inquiring News  
WHDH TV  
WGGB TV

It is anticipated that YourTel's advertising efforts will be updated, renewed or modified on a quarterly basis based on evaluation of success.

Historically our outreach events have been with community assistance organizations like the Salvation Army. YourTel's business plan anticipates the same level of commitment to the wireless products we will offer in Massachusetts upon the approval of the requested eligible telecommunications carrier designation.

In its many years of experience YourTel has learned that there are many disparate groups who are not reached by the traditional wireline and wireless carriers. Many of these groups are missed by the mass market strategies of even recent national Lifeline wireless carriers like TracFone and Virgin. These groups are sometimes immigrant and may not speak English. Some of these groups simply do not have the transportation to reach stores like Wal-Mart and Target where other carriers distribute their Lifeline offerings. It is this unique understanding that sets YourTel apart and is also why we rarely enter a market with a complete marketing plan since the plan must be targeted and re-defined as we open our company owned and authorized retail locations and invest in our sales teams and other distribution. Each mode requires different marketing support plan and each disparate group will need outreach mediums targeted to them.

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D.T.C. 2-9 YourTel indicates that it will reach out to potential Lifeline customers through multiple means, including going door-to-door, neighborhood agents, and YourTel branded or authorized retail outlets. Petition at 4. Certify that regardless of outreach method, YourTel 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.

**Response:** YourTel is currently refining the best distribution model for Massachusetts. However, YourTel is aware that the overriding expectation is for accountability and it takes that responsibility very seriously. In YourTel's other markets, where we have used contractors, those parties must graduate from a YourTel hosted training class with full knowledge of the appropriate federal and state requirements. Regardless of the distribution method or the make-up of the mode of distribution ultimately employed in Massachusetts, YourTel's employees are the auditors of the process and certify and verify the eligibility of each of its Lifeline subscribers.

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D.T.C. 2-10 Pursuant to 47 C.F.R. § 54.202, certify whether YourTel will provide service on a timely basis and within a reasonable period of time as required by § 54.202(a)(1)(i)(A), (B).

- a. Describe with specificity what constitutes “a timely basis and within a reasonable time period of the customer’s request.”
- b. Does YourTel foresee instances where it would not be immediately ready to provide Lifeline or supported services to customers? Describe in detail. Explain how YourTel intends to address these situations.

**Response:** YourTel hereby certifies that it will provide service on a timely basis and within a reasonable period of time as required by 54.202(a)(1)(i)(A), (B).

- a. As YourTel will be able to provide wireless phone service as soon as the Lifeline applicant has successfully completed a certification form, service provided within 24 hours constitutes a timely basis. Should YourTel have to provide service under 54.202(a)(1)(I)(B), a reasonable time period constitutes 3-7 business days.
- b. No.

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D.T.C. 2-11 Pursuant to 47 C.F.R. § 54.202(a)(2), describe with specificity YourTel's ability to remain functional in emergency situations, including its contingency plans in the event of an emergency. Provide a detailed explanation of YourTel's role 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.

**Response:** In regards to the use of its own facilities, YourTel provides the necessary amount of battery power that will enable the start of a back-up generator to begin providing power. Should facilities be damaged or the network experience a sudden spike in traffic, the affected traffic will be routed to the unaffected portion of the underlying carrier's network.

In regards to the facilities of our underlying carriers, specifically the length of time a cell site can be expected to run exclusively on battery power, they are in compliance with CFR 47 Part 12 of Chapter 1 Section 12.2 (a) which requires a CMRS provider to provide eight hours of emergency power at locations outside central offices.

Regarding the resources of our underlying carriers, specifically service technicians, as all technicians are trained in emergency response repair, all of them are thus able to respond if the situation demanded it.

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D.T.C. 2-12 In its responses to D.T.C. 1-12 and D.T.C. 1-13, YourTel indicates that its agreements with its underlying carriers do not contain specific provisions regarding emergency situations, but that those agreements provide YourTel's subscribers with the same ability to remain functional in emergency situations as customers of the underlying carriers, specifically "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." D.T.C. 1-12. Provide specific supporting documentation.

**Response:** Our understanding of the design and operation of the wireless networks that our calls are carried on is that they do not discriminate against any traffic and they do not segregate our traffic and thus our traffic has the same treatment with regard to routing and transit as other traffic on those networks. This design is consistent with federal law as these networks are common carriers as that term is defined under federal law and federal law restricts them from proving unreasonable preferences or discrimination in carrying such traffic. 47 U.S.C. Section 202(a).

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D.T.C. 2-13 Pursuant to 47 C.F.R. § 54.202(a)(4), demonstrate that YourTel 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 YourTel seeks designation.

**Response:** In the FCC's March 17th, 2005 Report and Order (FCC 05-46, ¶ 34), the FCC concluded:

“We encourage state commissions to consider whether an ETC offers a local usage plan comparable to those offered by the incumbent in examining whether the ETC applicant provides adequate local usage to receive designation as an ETC.<sup>88</sup> In addition, although the Commission has not set a minimum local usage requirement, there is nothing in the Act, Commission's rules, or orders that would limit state commissions from prescribing some amount of local usage as a condition of ETC status.”

In order to make an analysis for Massachusetts, we have borrowed an analysis used by the Staff of the California Public Utility Commission as we find it to be a clear data-driven approach.

This standard establishes a baseline for which to compare wireless plans to those of wireline incumbents. As shown below, the plans offered by YourTel for its Massachusetts consumers is clearly comparable and in fact more economical than those of the incumbent LEC.

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Con't D.T.C. 2-13

	YourTel 250 <sup>1</sup>	VZ Wireline (minimum)
Average Normal Usage	769	769
Minutes included	250	n/a
Use in Excess of Plan Allowance	519	0
Cost per minute of Excess MOUs	0.05	0
Total Cost of Excess Minutes	\$ 25.95	\$ -
Lifeline Rate Cost	\$ -	\$ 28.99 <sup>2</sup>
Total Base Cost to Customer	\$ 25.95	\$ 28.99
Caller ID	included	included
Long Distance	included	included
Voicemail	included	included
Total Additional Costs	\$ -	\$ -
Total Cost to Lifeline Customer	\$ 25.95	\$ 28.99

<sup>1</sup> This analysis assumed the consumer purchased the most expensive option to achieve the needed 769 minutes  
<sup>2</sup> Includes \$5 online ordering discount and \$16 Lifeline discount

In contrast to the ILEC plans, YourTel customers can place calls statewide or even nationwide because YourTel does not constrict customers' use by imposing a local calling area requirement. As the above demonstrates, YourTel's plans are clearly comparable to those of the incumbents shown here.

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D.T.C. 2-14 Provide complete and detailed documentation of the certification and verification procedures YourTel intends to implement in Massachusetts.

**Response:** Please see the Policy and Lifeline Application Form attachments for this response.

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D.T.C. 2-15 In its Petition, YourTel states “it knows from experience that there are pockets of consumers who still do not have basic communications. It is YourTel’s mission to identify and reach out to these disparate groups, regardless of whether they live in a large city or a small town...” Petition at 8. Describe with specificity how YourTel will identify and reach out to these groups in Massachusetts.

**Response:** Prior to entering a market, YourTel performs an in-house market analysis based on demographic resources. Once specific areas have been tentatively identified, YourTel representatives visit those areas to confirm or revise our initial conclusions.

This market analysis also includes the identification of local and community points of contact. Once those have been identified, phone calls are made to discuss methods of outreach and to gain further insight into the composite of the neighborhood. Marketing materials may be sent to these contacts in order to help explain our goal.

In addition, as the market matures and we have local employees, they take on a significant role in helping us to understand the market and indentify additional groups of customers.

Our process and education in identifying these disparate groups is key to our long success and is often more art than science.

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D.T.C. 2-16 YourTel states that “it has a long history of investment in its facilities, as well as the neighborhoods it serves.” Petition at 3.

- a. Provide specific examples of such investments.
- b. Describe with specificity the investments YourTel intends to make in Massachusetts.

**Response:** With regard to our facilities investment, our 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. Four years ago we spent close to a million dollars in reconstructing a location for our regional headquarters in Oklahoma City.

In addition we will create jobs and invest in the market. 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.

We will need to educate ourselves on the best makeup of distribution as we do in every new state and these plans will likely change as we learn more about our Massachusetts customers. The current business plan indicates at least 1 YourTel branded retail location in Boston and possibly another in the Springfield area. In addition we expect 15-20 Authorized YourTel locations.

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D.T.C. 2-17 YourTel states that it “knows from its experience in underserved markets that there are significant areas within its proposed ETC service area in which its target market, low income subscribers, are underserved by wireless and wireline telephone facilities.” Petition at 7-8. Describe with specificity how this experience will be applied to YourTel’s proposed service area in Massachusetts.

**Response:** To build upon our response to 2-15, it is these very locations that our market analysis seeks to define, but that we cannot fully identify and approach until we have launched the market and begin to learn its dynamics. YourTel knows that these areas are largely ignored by incumbents or served with plans that are not designed for low income consumers by included service constrictions such as deposits and termination fees.

Again, this process is more art than science, which is best demonstrated by our 15 years of success.

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D.T.C. 2-18 Exhibit C to YourTel's Petition provides that if a replacement handset is needed, the customer may call YourTel's toll free help line.

- a. What are the hours of operation of this help line?
- b. Indicate the length of time between a customer requesting replacement of their handset, and receiving the handset.
- c. Confirm that the \$25 replacement fee (Response to D.T.C. 1-26) does not apply to handsets replaced within the first year under the warranty.
- d. Confirm that all replacement handsets are consistent with those described in Exhibit C to the Petition.

**Response:**

- a. The center is staffed from 9am to 10pm Monday to Friday and on Saturday from 10am to 4pm (times are all ET).
- b. A customer can get an immediate replacement for a handset upon visiting a YourTel location.
- c. This is correct. There is no fee if the handset is under warranty.
- d. Confirmed. The customer receives a replacement of equal or greater functionality.

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D.T.C. 2-19 Indicate whether text messaging or data services are currently considered supported services under 47 C.F.R. § 54.101, and describe the relevance of this to YourTel's Lifeline service packages.

**Response:** Text messaging is provided as part of the voice lifeline as described in the petition. Data is not.

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D.T.C. 2-20 Indicate whether YourTel will submit Massachusetts consumer disputes to the Department's Consumer Division.

**Response:** Disputes will be handled as addressed by the YourTel customer terms and conditions. They do not contemplate going to the department or to state regulatory commissions elsewhere. As a matter of law, state utility commissions have no jurisdiction over wireless rate matters, which many customer disputes involve. 47 U.S.C. § 332(c)(3)(A). The use of spectrum and certain other aspects of wireless carrier operation are also not subject to state utility commission jurisdiction. Thus, it is unclear that YourTel could even refer many such disputes to the Department.

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D.T.C. 2-21 Indicate the basis for YourTel's calculation of Tier 1 support in the amount of \$6.35 as stated in the response to D.T.C. 1-9, and provide any relevant authority.

**Response:** The amount of Tier 1 support is determined by 47 C.F.R. § 54.403(a)(1). According to the Verizon Tariff F.C.C. NO. 11, 23<sup>rd</sup> revised page 31-3, Section 31.4.3, the End User Common Line rate is \$6.35.

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D.T.C. 2-22 In its response to D.T.C. 1-11, YourTel states that: “[a]ll applicable taxes and fees are included in the top-up price.” However, the revised “YourTel Wireless Terms and Conditions of Service” (“Terms & Conditions”) provided as an attachment to YourTel’s response to D.T.C. 1-14 states that: “[s]ales taxes apply and are not included in the cost of the minute plan purchased.” Please clarify. Additionally, describe with specificity all taxes and fees applicable to Massachusetts customers and, for each, indicate whether it is included in the top-up price.

**Response:** Please see the attached revised terms and conditions (Attachment to Response 2-22) that correctly state the taxes and surcharges are included in the top-ups. Based on the information from our Tax Attorney, YourTel will remit as appropriate the following taxes on top-ups, which are included in the top-up price:

MA Sales Tax .0625  
Federal TRS (.00217)  
Federal USF (14.9%)

The Massachusetts 911 is assessed at a per voice line rate and thus is not included in the top-up price, however the per line charge will be paid by YourTel as applicable for its lifeline customers in Massachusetts.

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D.T.C. 2-23 YourTel indicates that it provides Additional Minutes Plans in the following increments: \$5, \$10, \$15, \$20, \$25, \$30, \$50, and \$60. Confirm whether each of these increments will be available to Massachusetts subscribers. Provide a separate break down of the included fees, taxes, or other charges, as well as the number of minutes for each increment.

**Response:** Each of the increments listed will be available to Massachusetts subscribers. The included fees are based from the response to 2-23.

	<b>Included fees, taxes or other charges</b>	<b>MOU</b>
\$5.00	\$1.07	60
\$10.00	\$2.14	200
\$15.00	\$3.21	300
\$20.00	\$4.27	400
\$25.00	\$5.34	500
\$30.00	\$6.41	600
\$50.00	\$10.68	1300
\$60.00	\$12.82	1700

Person Responsible for Answer: Dale Schmick

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) )

D.T.C. 2-24 In its response to D.T.C. 1-14(b), YourTel states that it has modified its Terms and Conditions to remove the “unilateral change” language. Moreover, in response to D.T.C. 1-24(b), YourTel states that it has modified its Terms and Conditions to remove the language stating that a tariff filing may “supersede any term related to the Lifeline Assistance Program.” Has YourTel made any additional revisions to its Terms and Conditions since its initial application? Describe with specificity.

**Response:** YourTel has modified this document since its initial application to remove all perception and remove any confusion to the customer that YourTel will be doing business under any other name than YourTel. For example, under the section entitled Annual Recertification, Verification of Termination of Lifeline Programs, YourTel changed this sentence

“YourTel Wireless (YourTel America, Inc.) reserves the right to determine...service.” to “YourTel reserves the right to determine...service.”

This change is reflected in the Terms and Conditions submitted with YourTel’s last set of responses.

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D.T.C. 2-25 For each of the wire centers listed in YourTel's response to D.T.C. 1-15, indicate which underlying carrier will provide coverage. Indicate all areas within Massachusetts, if any, where Lifeline subscribers will not have coverage, or will not have coverage without incurring roaming charges.

**Response:** Ashburnham - AT&T  
Ashby - AT&T  
Ashfield - AT&T  
Charlemont - AT&T  
Chilmark - AT&T  
Conway - AT&T  
Hubbardston - AT&T  
Monroe Bridge - see below  
North Brookfield - Verizon  
Petersham - AT&T  
Worthington - AT&T

Within YourTel's requested service area, the only area where customers would have no coverage would be the Monroe Bridge wire center and thus we will withdraw that from our application.

As YourTel commits to serving its customers in the same way it has done successfully for 15 years it will leverage its multiple underlying carriers to best serve its customers. This flexibility will allow us to provide home service in the rest of our requested service area without the need for roaming.

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D.T.C. 2-26 In its response to D.T.C. 1-16, YourTel indicates that the advertising samples previously provided in Exhibit D are outdated and that it “will design materials specific to Massachusetts as part of its new market launch process.” Please provide up-to-date advertising samples. To the extent that Massachusetts-specific advertising samples are not yet available, please describe with specificity how Massachusetts-specific advertising materials will differ from the provided samples.

**Response:** Please see the attachments to this response. Massachusetts-specific advertising material will include the state name and updated additional minute plans.

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D.T.C. 2-27 In its response to D.T.C. 1-17, YourTel indicates that the rate for roaming for non-Lifeline plans is \$.059 per minute. However, its revised Terms & Conditions indicate that roaming charges will be billed at \$.59 per minute. Please clarify.

**Response:** YourTel apologizes for this scrivener's error. The correct rate is \$.59 per minute.

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D.T.C. 2-28 In its responses to D.T.C. 1-17 and D.T.C. 1-18, YourTel states that rollover minutes are included under each of the 68, 125 and 250 MOU per month plans. YourTel's response to D.T.C. 1-20(d) states that "minutes are carried over from month to month and are available for a minimum of 60 days." The revised Terms & Conditions, however, state that under the 68 and 125 MOU plans, minutes roll over from month to month, and are available for a maximum of 60 days, but that for the 250 MOU plan, there are no rollover minutes. Please clarify and describe with specificity how rollover minutes are treated in each of YourTel's service packages.

**Response:** The Terms of Service are correct. YourTel lists each plan as follows with its associated rollover minutes.

68 MOU Per Month

Unused minutes will rollover from month to month and are available for a maximum of sixty (60) days.

125 MOU Per Month

Unused minutes will rollover from month to month and are available for a maximum of sixty (60) days.

250 MOU Per Month

There are no rollover minutes with this plan. Unused minutes will expire each month on the service expiration date.

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D.T.C. 2-29 YourTel indicates that Lifeline customers are blocked or “defaulted to not have access to roaming” but that if a customer requires roaming for coverage, Your Tel will move them to another underlying carrier. Responses to D.T.C. 1-18, 1-25. Please describe with specificity what this means, including the process involved from the customer’s perspective, and indicate the roaming rate, if any, applicable to such Lifeline customers.

**Response:** We will have coverage in the exchanges requested with one of our underlying carriers without roaming. Therefore, if a customer signs up for service and is on one carrier, but needs to be on another for coverage needs, we will swap our their phone and port their number to the carrier with the coverage that better suits their needs. From the customer’s perspective, this simply means that a customer can contact YourTel to swap their phone at no charge for one that can be used on the alternate carrier’s network and their phone number will not change.

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D.T.C. 2-30 Please confirm that YourTel subscribers may request a copy of their paper bill for no cost.

**Response:** YourTel subscribers may request a copy of their paper bill for no cost.

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D.T.C. 2-31 YourTel indicates that it charges subscribers \$50 for a printed copy of that subscriber's 60 day account history, noting that these histories are often "voluminous." Indicate with specificity the information included within these histories, as well as the average length.

**Response:** The account history includes customer name and address, contact information, plan type including any features, billing history, payment history, and call detail records including full detail of all voice, text and data activity. The average length runs 10-15 pages. This is available at no charge via the yourtelwireless.com website.

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D.T.C. 2-32 In its response to D.T.C. 1-20(a), YourTel states that “text messaging is available at the rate of .3 MOU per text message.” However, its responses to D.T.C. 1-17 and D.T.C. 1-18, as well as the revised Term & Conditions, indicate that the .3 MOU per text rate applies to the 68 MOU plan, and not the 125 and 250 MOU plans. Please clarify and describe with specificity the text messaging rate for each of YourTel’s service packages.

**Response:** YourTel lists each plan as follows with its associated text messaging rate.

68 MOU Per Month

Text messaging will be assessed at a rate of 0.3 minutes per text message for sending and 0.3 minutes per text message for receiving text messages.

125 MOU Per Month

Text messaging will be assessed at a rate of 1 minute per text message for sending and 1 minute per text message for receiving text messages.

250 MOU Per Month

Text messaging will be assessed at a rate of 1 minute per text message for sending and 1 minute per text message for receiving text messages.

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D.T.C. 2-33 In its response to D.T.C. 1-27, YourTel states that before a subscriber's account will be deactivated, the subscriber will be "notified of the pending discontinuance of service." Describe with specificity YourTel's notification procedures.

**Response:** In regards to the pending recertification of service in order to continue to subscribe to discounted Lifeline service, all customers receive a re-certification letter automatically from YourTel America 60 days in advance of the expiration of benefits along with the appropriate state Lifeline/Link Up form in the mail. If a customer no longer qualifies we will then offer them the same rate plan without the Lifeline subsidy. If they choose not to sign up for the non-Lifeline plan we will discontinue their service.

In regards to no usage in 90 days, at day 91 we will send the customer a text message stating that YourTel records indicate no usage in the last 90 days and encouraging the customer to reply back to the text or call a toll free number letting YourTel know if they would like to keep service. If they customer fails to respond in 30 days we will discontinue the service.

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D.T.C. 2-34 In its response to D.T.C. 1-27, YourTel indicates that it provides subscribers with a 30 day period in which to re-certify eligibility. Under 47 C.F.R. § 54.405(d), ETCs must provide subscribers with 60 days to demonstrate continued eligibility after a termination notice. Please explain how YourTel's deactivation procedures are consistent with this requirement.

**Response:** 47 C.F.R. § 54.405(d) addresses a period of time (60 days) required in regards to the situation when there is reason to believe that a customer no longer meets the Lifeline qualifying criteria as defined in 54.409.

The 30 day period is specific to the non-usage of Lifeline customers in order to ensure a YourTel is not collecting support for Lifeline service that is not being used. This is a company process adopted by YourTel in advance of any statute or directive to ensure the integrity of the Lifeline program.

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D.T.C. 2-35 Confirm whether the \$1.50 directory assistance fee applies to Lifeline customers and, if so, the number of minutes deducted for that fee.

**Response:** Yes, the \$1.50 directory assistance does apply to Lifeline customers. The number of minutes deducted is equal to the length of the directory assistance call **and the \$1.50 is deducted from the customer's available minutes.**

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D.T.C. 2-36 In its response to D.T.C. 1-26, Your Tel states that its customary activation fee is \$60. The revised Terms and Conditions, however, indicate that the activation fee may vary by state. What activation fee will YourTel charge customers in Massachusetts?

**Response:** \$60

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