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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF GO MD USA LLC'S)
PETITION FOR DESIGNATION AS AN) **CASE NOS. GMD-T-23-01**
ELIGIBLE TELECOMMUNICATIONS)
CARRIER IN THE STATE OF IDAHO FOR)
THE LIMITED PURPOSE OF OFFERING) **COMMENTS OF THE**
LIFELINE SERVICE TO QUALIFYING) **COMMISSION STAFF**
CUSTOMERS)

)

COMMISSION STAFF (“STAFF”) OF the Idaho Public Utilities Commission, by and through its Attorney of record, Michael Duval, Deputy Attorney General, submits the following comments.

BACKGROUND

On March 22, 2023, GO MD USA LLC d/b/a GO MD USA (“Company”) petitioned the Idaho Public Utilities Commission (“Commission”) for designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Idaho. Supplemental materials related to the Petition were filed on April 24, 25, and July 27, 2023.

The Company requested limited ETC designation—solely to provide Lifeline service under the brand name “GO MD USA Mobile” to qualifying Idaho consumers. These qualifying

customers would include those on federally recognized Tribal lands, subject to the service areas served by the Company's underlying wireless carriers, AT&T and T-Mobile.

The Company asserted it meets all federal and state requirements for designation as an ETC and argues that designating the Company as an ETC is in the public interest.

STAFF ANALYSIS

Staff reviewed the Company's Application. Staff analyzed the Company's fulfillment of the Federal Telecommunications Act of 1996, the FCC's regulations, and Commission Order No. 29841. The specific state and federal requirements for ETC designation are discussed in more detail as follows:

Public Interest Considerations

Staff applied a two-prong test when analyzing whether a company's ETC Application is in the public interest. First, Staff determined whether the company contributes to Idaho funds. Second, Staff analyzed whether the company's Application raises "cream skimming" concerns.

In its Application, the Company confirmed that upon approval as an ETC in Idaho, it will participate in the appropriate Idaho programs, specifically the Idaho Telephone Service Assistance Program ("ITSAP") program. *See* Supplemental to Application. The Company requests ETC designation that is statewide in scope. *Id.* at 11. Therefore, no cream skimming analysis is required. Staff believes the Company satisfies the public interest considerations.

Tribal Notification

Pursuant to Commission Order No. 35126, an ETC applicant seeking ETC designation for any part of tribal lands shall provide a copy of its application to the affected tribal government or tribal regulatory authority, as applicable, at the time it files its application with the Commission. Evidence of such notification shall be provided to the Commission. The Company provided copies of the USPS-certified mail that it sent to the authorities of the tribal land. Staff believes these comply with Commission Order No. 35126.

Network Improvement Plan

The Commission requires a two-year network improvement and progress report from all ETCs receiving high-cost support. Order No. 29841 at 18. However, the Commission determined in Cricket Communications, Inc.’s ETC Application in Case No. CRI-T-11-01 that a two-year network improvement plan did not apply to Lifeline-only ETCs. Order No. 32501.

In its Universal Service Fund (“USF”) and Inter Carrier Compensation (“ICC”)¹ Transformation Order, the Federal Communications Commission (“FCC”) amended 47 C.F.R. § 54.202 to clarify that a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC. Lifeline-only ETCs do not receive high-cost funds to improve or extend networks, therefore the FCC “saw little purpose in requiring such plans as part of the ETC designation process.”² The Company’s Application seeks only low-income USF support as a Lifeline-only ETC. Thus, Staff agrees that a network improvement plan is not a requirement for the Company’s ETC Application.

Ability to Remain Functional in Emergencies

The Company states that it can remain functional in emergencies per Commission Order 29841 and FCC requirement 47 C.F.R, § 54.202(a)(2). *Id* at 13. The Company asserts that it operates in a cloud-native environment that is not encumbered by traditional technology and will be more flexible and resilient in the event of service outages. *Id*. Additionally, the Company asserts that it will rely on mobile virtual network operator partner networks that are designed to remain functional even without external power sources, are able to re-route traffic around damaged facilities, and can manage traffic spikes that may occur in emergency situations. *Id*. Staff agrees that the Company satisfies this requirement.

Other ETC Designation Requirements

¹ Inter-carrier compensation (ICC) is the system of regulated payments in which carriers compensate each other for the origination, transport, and termination of telecommunications traffic.

² See Lifeline and Link up Reform and Modernization et al, WC Dkt No. 11-41 et al. Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 at para 386.

Additional requirements for ETC designation are detailed in Appendix 1 of Order No. 29841 and are discussed in more detail below:

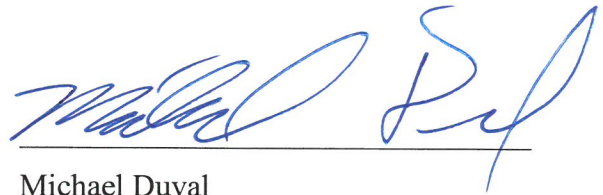
1. **Common Carrier Status.** The Company is a common carrier as defined in Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules *Id.* at 9;
2. **Provide Universal Services.** The Company will provide all required services and functionalities as outlined in Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)). *Id.* at 9;
3. **Advertising.** The Company will advertise the availability and rates for its services described in the Application through media of general distribution as required by 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2), *Id.* at 11;
4. **A Commitment to Consumer Protection and Service.** The Company commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards, including compliance with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service as required by 47 C.F.R. § 54.202(a)(3). *Id.* at 13; and
5. **Description of the Local Usage Plan.** The Company will offer a Lifeline service plan. *See* Exhibit 2. Furthermore, the Company will meet or exceed the minimum service standards outlined in 47 C.F.R. § 54.408, including as such standards are updated going forward. *Id.* at 14 - 15.

STAFF RECOMMENDATION

Based on its review of the Company's Application and the additional filings, Staff believes that the Company demonstrated its commitment to fulfilling the obligations of a Lifeline-only ETC in Idaho. The Company will provide all universal services supported by the federal USF throughout its service territory. It has addressed the public interest questions that accompany an ETC Application. The Company will provide multiple pricing plans, which will increase consumer choice for low-income telephone services in Idaho. Currently, the Commission has granted wireless ETCs access to participate in the State's Idaho Telephone Service Assistance Program (ITSAP) program, so Staff supports allowing the Company to participate in the ITSAP program. Staff believes Company's Application for designation as an

ETC is in the public interest and should be approved for the entire State of Idaho as the service area.

Respectfully submitted this 15th day of August 2023.



Michael Duval
Deputy Attorney General

Technical Staff: Johan Kalala-Kasanda

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 15TH DAY OF AUGUST 2023, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF TO GO MD USA, LLC**, IN CASE NO. GMD-T-23-01, BY EMAILING A COPY THEREOF, TO THE FOLLOWING:

APOLLO ARCALLANA MGR GO MD USA LLC 3385 AIRWAYS BLVD STE 201 MEMPHIS TN 38116 E-MAIL: lhpi@icloud.com	



SECRETARY