

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, )  
to conform Lifeline/Link-Up programs to )  
new federal requirements adopted in ) Case No. U-14535  
47 CFR 54.410 and 54.417. )  
\_\_\_\_\_ )

In the matter, on the Commission's own motion, )  
to implement the Federal Communications )  
Commission Order 11-161 with regard to eligible ) Case No. U-16959  
telecommunications carriers for universal service )  
fund support. )  
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In the matter, on the Commission's own motion, )  
to receive eligible telecommunications )  
carrier filings for 2013. ) Case No. U-17182  
\_\_\_\_\_ )

At the December 20, 2012 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. John D. Quackenbush, Chairman  
Hon. Orjiakor N. Isiogu, Commissioner  
Hon. Greg R. White, Commissioner

**ORDER**

On October 27, 2011, the Federal Communications Commission (FCC) issued an order  
reforming the eligible telecommunications carrier (ETC) designation and certification processes at

both the state and federal levels (USF/ICC Order).<sup>1</sup> Pursuant to that order, the FCC amended certain rules regarding obtaining and maintaining ETC status. *See*, 47 CFR, Part 54. In light of these changes, on January 26, 2012, the Commission issued an order in Case No. U-16959 inviting interested parties to comment on six questions related to the new processes. The Commission received comments from Telecommunications Association of Michigan (TAM), YourTel America, Inc., (YourTel), Frontier North Inc., Frontier Midstates Inc., Frontier Communications of Michigan, Frontier Communications of America, and Frontier Online and Long Distance Company (collectively, Frontier), Nexus Communications, Inc., (Nexus), and AT&T Michigan and New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (collectively, AT&T). The comments were as follows:

**Question 1:** 47 CFR 54.202 (a)(1)(i) states that a common carrier must “Certify that it will comply with the service requirements applicable to the support that it receives.” How should this provision be implemented? What should be required in the carrier’s certification?

**Responses to Question 1:** TAM states that certification should require a sworn, notarized signature by an authorized representative of the applicant company, attesting that it will comply with the service requirements applicable to the federal support it receives.

Frontier recommends that the Commission expand or replace the docket in Case No. U-14535 (opened on June 7, 2005, to address the annual certification of ETCs for the use of Lifeline and Link-Up funds) to establish a revised process for securing ETC officer certification of compliance with requirements applicable to the support received, and modify the certification document for

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<sup>1</sup>In the Matter of Connect America Fund (WC Docket No. 10-90), A National Broadband Plan for Our Future (GN Docket No. 09-51), Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07-135), High-Cost Universal Service Support (WC Docket No. 05-337), Developing an Unified Intercarrier Compensation Regime (CC Docket No. 01-92), Federal-State Joint Board on Universal Service (CC Docket No. 96-45), Lifeline and Link-Up (WC Docket No. 03-109), Universal Service Reform – Mobility Fund (WT Docket No. 10-208), Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 11-161 (*rel’d* November 18, 2011) (USF/ICC Order).

ETCs to include all funds received under the universal service fund (USF) program, including funds for high cost and Connect America Fund (CAF) I and II. In addition, Frontier suggests that the annual ETC certification provided in Case No. U-16252 should include this certification letter and the other documentation outlined and required by the FCC in FCC Order 11-161.

AT&T believes that a simple certification by the ETC applicant that it will comply is all that is warranted. AT&T notes that the service requirements will vary by funding type (e.g., CAF or Mobility Fund) and phase (e.g., Mobility Fund Phase I or Mobility Fund Phase II), and argues that requiring anything more than a simple certification could result in a Mobility Fund Phase I ETC, for example, having to file an amendment to its ETC designation, or an entirely new ETC application, if it decides to seek CAF Phase II support, since the Mobility Fund Phase I and the CAF Phase II service obligations are different.

**Question 2:** 47 CFR 54.313 mandates an annual reporting requirement to high-cost support recipients. This report must be filed with the FCC as well as the state commissions as stated in Paragraph 581 of FCC Order 11-161:

All ETCs that receive high-cost support will file the information required by new section 54.313 with the Commission, USAC, and the relevant state commission, relevant authority in a U.S. Territory, or Tribal government, as appropriate. Section 54.313 reports will be due annually by April 1, beginning on April 1, 2012. We will also require that an officer of the company certify to the accuracy of the information provided and make the certifications required by new section 54.313, with all certifications subject to the penalties for false statements imposed under 18 U.S.C. § 1001 [footnotes omitted].

How should this requirement be implemented? Where and how should these reports be filed with the Commission?

**Responses to Question 2:** TAM states that for the 2012 filings there is nothing in 47 CFR 54.313 which requires a change in the way in which these annual filings have been previously made with state commissions, and the new required information is not due until April 1, 2013 at the earliest. TAM notes that the FCC delegated to the Wireline Competition Bureau and the Wireless Service Bureau the authority to determine the form in which recipients of support must report the annual information, and there is no indication as to when the Bureaus will develop a

specific form or format. TAM recommends that the information be submitted in the same format and level of detail as in 2011. Also, the Commission should continue to allow companies to file confidential submissions (or partial submissions) of their annual filings.

Frontier states that the information and certification required should be filed in the correct 2012 docket opened by the Commission, and that, since the required information and certification must be filed with both the FCC and the Commission, the information filed with the Commission should be inclusive of only information filed with the FCC, with no additional state requirements.

AT&T also argues that Michigan reporting requirements should match the FCC requirements. AT&T recommends that the Commission implement the ETC annual reporting requirements of 47 CFR 54.313 in Michigan by eliminating any duplicative or inconsistent state reporting requirements and accepting the FCC-required annual report as the only report that must be filed in Michigan, as this rule establishes a uniform, national framework for information that ETCs must report to their respective states. Since the purpose of ETC reporting to the states is to provide the states with the factual basis for making the section 254(e) certification to the FCC, the only information the Commission needs is the information required by Rule 54.313, according to AT&T.

AT&T notes that, pursuant to the Commission's order in Case No. U-14530, however, ETCs are still obligated to submit a separate, Michigan-specific report to the Commission in addition to the report required by 47 CFR 54.313, and this order dates from April of 2006 – well before the FCC instituted a uniform, national framework for ETC reporting in December of 2011. AT&T contends that the report was adopted by the Commission in order to make sure that state ETC requirements were strictly aligned with federal ETC requirements. In particular, AT&T argues, in the October 18, 2005 order in Case No. U-14530, the Commission adopted the then-new FCC

requirements for approving ETCs. The Commission stated that it was continuing its practice of applying the same requirements as the FCC, and therefore rejected requests to add new and different requirements. AT&T notes that, six months later, the Commission adopted an order requiring ETCs to annually report to the Commission the same information required to be reported to the FCC, to designate new ETCs. AT&T contends that the Commission's annual ETC reporting requirements were intended from the beginning to align with FCC requirements. To that end, AT&T recommends that the Commission re-examine its April 13, 2006 order in Case No. U-14530 to specifically allow high cost ETCs to meet all state annual reporting requirements by submission of the 47 CFR 54.313 report filed with the FCC, and nothing more.

AT&T further argues that changes in Michigan reporting should begin in 2013. AT&T notes that, in the USF Reporting Clarification Order released February 3, 2012, the FCC delayed the start date of the annual FCC reporting requirements by state designated high cost ETCs to April 1, 2013. The USF Reporting Clarification Order also indicated that ETCs that have been designated by a state commission should continue to comply with state requirements, if any, regarding service improvement plans. Thus, AT&T argues, for 2012, high cost recipient ETCs in Michigan should continue to comply with the reporting requirements contained in Case No. U-14530. However, for 2013, the Commission should not require any information in addition to that required by the FCC, and should revise the reporting requirements under Case No. U-14530 to comply with FCC reporting requirements. AT&T suggests that the Commission continue to use its existing process, that is, reports should be electronically filed, and any confidential portions of the report should be hand-delivered, filed under seal, and afforded the protections from disclosure available under section 210 of the MTA.

**Question 3:** 47 CFR 54.314 alters the annual ETC certification process with respect to the high cost support program. What changes, if any, should be made to the Commission's current process in order to comply with the new rules?

**Responses to Question 3:** TAM states that it has no reason to believe that the Commission has failed to rigorously examine the ETC annual report filings in prior years, and does not expect that the Commission will need to change its approach for review of the annual reports submitted in 2012.

Frontier maintains that the request from the Commission's Telecommunications Division for ETC information and certification should be provided annually on February 1 (rather than April 1), and all certifications and information for ETCs for all FCC programs, including Lifeline/Link-Up, high cost, and CAF, should be in a single annual filing to reduce administrative burdens for the Commission Staff (Staff) and the ETCs. Frontier suggests that any deficiencies in the annual filing should be identified to the ETC by the Staff by May 1 of each year. This will allow adequate time for review and approval or disapproval of the ETC applications by October 1.

AT&T states that for those ETCs that are not subject to the FCC's new ETC reporting rule, AT&T does not believe that the Commission needs to make any changes to its current process. For ETCs that will be subject to 47 CFR 54.313, AT&T suggests that the Commission eliminate the requirement in Case No. U-14530 that ETCs file reports on June 1 of each year. Instead, AT&T argues, the Commission should allow ETCs to file the reports they file with the FCC under that rule.

**Question 4:** 47 USC 214(e)(1)(A) requires that an ETC designate must "offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services . . . ." The FCC no longer requires providers to offer operator services or directory assistance as noted in footnote 114 of FCC Order 11-161, which states:

In particular, we find that changes in technology and the marketplace allow for elimination of the requirements to provide single-party service. In its comments, CWA stated that the Commission should continue to

require recipients of USF or CAF support to provide operator services and directory assistance to customers. See CWA Comments at 2. However, while we encourage carriers to continue to offer operator services and directory assistance, we do not mandate that ETCs provide operator services or directory assistance; we find the importance of these services to telecommunications consumers has declined with changes in the marketplace.

Under 47 USC 214(e)(1)(A) of the Telecommunications Act, it appears that the facilities based requirement is not met when a carrier offers solely operator services and/or directory assistance to customers. Thus, the carrier seeking an ETC designation under these circumstances would have to seek forbearance from the FCC in order to be designated as an ETC by the Commission. Please comment on this issue.

**Responses to Question 4:** YourTel America states that the FCC's forbearance of the 47 USC 214(e)(1)(A) "own facilities" requirement in the Lifeline Reform Order is a significant development. YourTel states that as a result of the Lifeline Reform Order, those carriers who request ETC designation, and who have received the FCC's approval of the required compliance plan, are not required to meet the "own facilities" language of 47 USC 214(e)(1)(A). Thus, for these applicants the Commission should require no further showing regarding facilities ownership.

Frontier agrees that carriers solely offering operator services and/or directory assistance to end users cannot be designated as an ETC for purposes of receiving high cost or Lifeline/Link-Up funds, and that a carrier seeking an ETC designation under these circumstances would have to seek forbearance from the FCC in order to be designated as an ETC by the Commission.

Nexus notes that in the Lifeline Reform Order the FCC granted blanket forbearance to Lifeline-only ETCs, subject to the conditions that the carrier must (1) comply with certain 911 requirements, and (2) secure an approved compliance plan from the FCC Wireline Competition Bureau. Nexus states that the FCC took this action in order to avoid service disruption to the millions of low-income subscribers served by Lifeline-only ETCs. Under these circumstances, Nexus believes it would be reasonable for the Commission to require ETCs in Michigan relying on forbearance to provide the Commission with evidence that they have submitted a compliance plan

to the FCC Wireline Competition Bureau by July 1, 2012, and evidence of approval of a compliance plan when received from the FCC.

AT&T agrees with the Commission and argues that the FCC confirmed that the facilities based requirement is not met under certain circumstances in its USF/ICC Reconsideration Order.

**Question 5:** Regarding prepaid wireless carriers seeking ETC designation, does FCC Order 11-161 create other implications for Commission review of applications seeking to provide service to Lifeline/Link-Up-eligible customers? Should the Commission, in the public interest, set a minimum service level (the number of free minutes and text messages or a combination thereof) that prepaid wireless carriers must offer to Lifeline/Link-Up-eligible customers in order to receive ETC designation? If so, what is the appropriate level? Should the Commission require any other service features in the public interest of all prepaid wireless Lifeline/Link-Up ETC designates?

**Responses to Question 5:** YourTel argues that the Commission should not set a minimum number of free minutes or text messages or require any other specific service features. YourTel maintains that its position is supported by the Lifeline Reform Order, which states: “To the extent possible, service standards should be determined by the communications marketplace.... While we do not adopt minimum service requirements for any ETCs offering Lifeline service, we expect all ETCs to continue to offer low-income subscribers innovative and sufficient service plans.” YourTel argues that the Commission should likewise allow minimum service standards to be determined by the communications marketplace. YourTel points out that Virgin Mobile USA, Nexus, and TracFone Wireless are currently pre-paid wireless carriers to whom the Commission has granted ETC status. Thus, YourTel argues, Michigan already has a competitive environment among pre-paid wireless ETCs, and the Commission need not adopt any specific minimum service requirements for ETCs offering Lifeline service.

Frontier argues that the Commission should not require, alter, or modify any minimum service levels, service features, or quality standards of any carrier’s service offered to eligible Lifeline/Link-Up customers meeting the FCC standards.



Nexus also believes that the Commission should refrain from establishing minimum service levels that wireless carriers must offer Lifeline customers in order to receive ETC designation. Nexus argues that low-income consumers in Michigan are better served by a fully competitive market for wireless Lifeline services, with carriers competing on the basis of value and quality of service. Nexus maintains that minimum service levels run the risk of rewarding less efficient competitors, to the ultimate detriment of Michigan consumers, and, because wireless service is a rapidly evolving technology, any minimum service level established by the Commission could become obsolete. Nexus notes that in the Lifeline Reform Order the FCC expressly declined to establish a minimum number of free minutes for Lifeline service. Nexus is aware of no state commission that has elected to establish a minimum service level. Instead of adopting a rigid set of minimum service levels, Nexus recommends that the Commission require wireless ETCs to abide by CTIA – The Wireless Association’s consumer code, which sets forth a series of principles, disclosures, and practices designed to help consumers make informed choices when selecting their wireless service. Finally, Nexus contends that the Commission has the ability to address any problems associated with truly inadequate service or unfair business practices on a general basis through its review of informational tariffs filed by wireless ETCs, and on a case-by-case basis through the complaint process. For all of these reasons, Nexus argues, it is neither necessary nor advisable for the Commission to establish minimum service levels.

AT&T also opposes the creation of minimum service levels that prepaid wireless carriers must offer to Lifeline/Link-Up-eligible customers in order to receive an ETC designation in Michigan. Like all wireless carriers in the competitive marketplace, AT&T argues, prepaid wireless carriers should have the flexibility to offer products and services that consumers tell them they need and want. AT&T notes that the USF/ICC Order prescribes no minimum number of local access

minutes, nor does the Lifeline Reform Order. Given the FCC's reluctance to establish minimum service levels for prepaid wireless carriers, AT&T recommends that the Commission avoid establishing such requirements.

**Question 6:** Comment on any other relevant issue with respect to ETC designation arising out of FCC Order 11-161.

**Responses to Question 6:** TAM notes that there will be a significant burden on ETCs to comply with all of the new FCC requirements, and most TAM members are small companies with limited financial and human resources and regulatory expertise. TAM recommends that if the Commission believes that an ETC's annual filing is incomplete or unclear in any manner which may result in the risk of non-certification, the Staff should contact the ETC and request additional information or clarification.

Frontier recommends that the Commission support the FCC in the new requirements outlined in Docket 12-11 which limit the reporting requirements for ETCs seeking certification only for the purposes of reimbursements for Lifeline/Link-Up.

AT&T argues that, if the Commission is considering any specific changes in the Michigan ETC procedures, then there should be advance notice and an opportunity to comment on those proposals. AT&T urges the Commission to initiate a separate proceeding to eliminate, for certain ETCs as discussed above, any reporting obligations under Case No. U-14530 that differ from the annual reporting obligations established by the FCC in 47 CFR 54.313.<sup>2</sup>

### Discussion

Since the release of the USF/ICC Order (and the Commission's January 26 order), the FCC has issued various additional orders clarifying the USF reform process, some of which have

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<sup>2</sup>The docket in Case No. U-14530 was closed on April 24, 2007.

answered some of the questions identified by the Commission. In particular, the FCC has issued Orders on Reconsideration on December 23, 2011, April 24, 2012, May 14, 2012, and July 18, 2012, an order addressing ICC transition on June 5, 2012, a Second Report and Order on June 27, 2012, and an order clarifying CAF I processes on July 15, 2012. In a parallel line, the FCC issued the Lifeline Reform Order on February 6, 2012.<sup>3</sup> The Commission issued an order instating these new federal Lifeline rules on April 17, 2012, in Case No. U-17019.

The Commission finds that the Lifeline Reform Order answers the question about the facilities based requirement. As stated in the Commission's recent ETC designation orders, the FCC made a determination to forbear from applying the "own facilities" requirement to Lifeline-only ETC applications that comply with the conditions set forth in the Lifeline Reform Order. Directory assistance and operator services, among other things, were removed from the list of supported services under voice telephony. As a result, many Lifeline-only ETC's did not meet the facilities based requirement. Thus, the FCC found that a blanket forbearance was necessary for carriers seeking to provide Lifeline-only service.

Additionally, in the Lifeline Reform Order, the FCC removed Link-Up (except for tribal lands) and declined to set minimum service requirements. The Staff has found that ETC applicants are receptive to informal suggestions regarding service issues and does not recommend a formal requirement. On that basis, the Commission, like the FCC, declines to adopt minimum service requirements at this time.

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<sup>3</sup>In the Matter of Lifeline and Link-Up Reform and Modernization (WC Docket No.11-42), Lifeline and Link-Up (WC Docket No. 03-109), Federal-State Joint Board on Universal Service (CC Docket No. 96-45), Advancing Broadband Availability through Digital Literacy Training (WC Docket No. 12-23), Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 12-11 (*rel'd* February 6, 2012) (Lifeline Reform Order).

The Commission finds that the certification process should be similar to the current certification process used in Case No. U-14535, but all annual filings should be made in a new docket opened specifically for all USF and CAF related filings. The Commission will open a docket for that purpose no later than January 30 of each year, where all filings pertaining to Lifeline/Link-Up, high cost, and CAF, as required by the FCC for that year, as well as filings pertaining to our annual state ETC recertification process, will be filed. Providers will thereby have only one docket in which to make all USF and CAF related filings for that year. This is consistent with the comments received in Case No. U-16959, and will promote administrative efficiency. If the filings with the FCC comply with this order, the USF/ICC Order, and the Lifeline Reform Order, and if the information contained therein is Michigan specific, the filings with the FCC will be acceptable for the ETC recertification process in Michigan. The Commission anticipates that, in most cases, the federal filings will suffice. All filings must be made in the specified docket no later than April 1 annually. The Staff will request additional information from the provider, if deemed necessary. Any request for additional information made by the Staff will be filed and served no later than June 1. Providers shall respond to the request for additional information within 15 days of receipt of the request. As a result of this new process, the Commission finds that the docket in Case No. U-14535 should be closed. The docket in Case No. U-17182 is opened for the purpose of receiving all such filings for 2013.

The ETC designation process for high cost and Lifeline service shall continue to be done in accordance with the USF/ICC Order and the Lifeline Reform Order, and filings shall include the items listed on Attachment A, which is provided as a guide for petitioners.

The ETC recertification process for high cost and Lifeline service shall also be done in accordance with the USF/ICC Order, the Lifeline Reform Order, and this order. Attachment B is a checklist that providers shall follow as a guide for this process.

THEREFORE, IT IS ORDERED that:

A. No later than January 30 of each year, the Commission shall open a docket for the purpose of receiving all eligible telecommunications carrier filings pertaining to Lifeline/Link-Up, high cost, and Connect America Fund I and II, as required by the Federal Communications Commission for that year, as well as filings pertaining to the Michigan recertification process. All filings must be made in the specified docket no later than April 1 annually. Any request for additional information made by the Commission Staff will be filed and served no later than June 1 annually. Providers shall respond to the request for additional information within 15 days of receipt of the request. Case No. U-17182 is opened for the purpose of receiving all such filings for 2013.

B. The docket in Case No. U-14535 is closed.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

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John D. Quackenbush, Chairman

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Orjiakor N. Isiogu, Commissioner

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Greg R. White, Commissioner

By its action of December 20, 2012.

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Mary Jo Kunkle, Executive Secretary

## **Initial ETC Applicant Checklist**

Michigan Public Service Commission

### **Both High Cost and Lifeline Recipients (54.202):**

- Certify that it will comply with the service requirements applicable to the support that it receives.
- Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.
- Demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement.
- A common carrier seeking designation as an ETC under section 214(e)(6) for any part of Tribal Lands shall provide a copy of its petition to the affected tribal government and tribal regulatory authority, as applicable, at the time it files its petition with the FCC.

### **High Cost Recipients Only (54.202):**

- Submit a five year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. Each applicant shall estimate the area and population that will be served as a result of the improvements.

### **Lifeline Recipients Only (54.202):**

- For common carriers seeking designation as an eligible telecommunications carrier for purposes of receiving support only under subpart E of this part, demonstrate that it is financially and technically capable of providing the Lifeline service in compliance with subpart E of this part.
- For common carriers seeking designation as an eligible telecommunications carrier for purposes of receiving support only under subpart E of this part, submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the ETC offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans.

## **ETC Annual Recertification Checklist**

Michigan Public Service Commission

### **High Cost and Lifeline Recipients (54.313 and 54.422):**

- Annually report the company name, names of the company's holding company, operating companies and affiliates, and any branding as well as relevant universal service identifiers for each such entity by Study Area Code.
- Provide detailed information on any outage in the prior calendar year of at least 30 minutes in duration for each service area the ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect:
  - At least 10 percent of the end users served in a designated service area; or
  - A 911 special facility
  - The report must include:
    - The date and time of onset outage
    - A brief description of the outage and its resolution
    - The particular services affected
    - The geographic areas affected by the outage
    - Steps taken to prevent a similar situation in the future
    - The number of customers affected
  - Provide the number of complaints per 1,000 connections in the prior calendar year
  - Certify compliance with applicable service quality standards and consumer protection rules
- Certify that the carrier is able to function in emergency situations and demonstrate that it has:
  - Reasonable amount of back-up power to ensure functionality without an external power source
  - The ability to reroute traffic around damaged facilities



- The capability of managing tariff spikes resulting from emergency situations

**High Cost Recipients Only:**

- A progress report on its five year service quality improvement plan pursuant to 54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year. The information shall be submitted at the wire center level or census block as appropriate (54.313).
- The number of requests for service from potential customers within the recipient's service areas that were unfulfilled during the prior calendar year. The carrier shall also detail how it attempted to provide service to those potential customers (54.313).
- The company's price offerings in a format as specified by the Wireline Competition Bureau (54.313).
- To the extent the recipient serves Tribal lands, documents or information demonstrating that the ETC had discussions with Tribal governments that, at a minimum, included (54.313):
  - A needs assessment and deployment planning with a focus on Tribal community anchor institutions
  - Feasibility and sustainability planning
  - Marketing services in a culturally sensitive manner
  - Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes
  - Compliance with Tribal business and licensing requirements
- Beginning April 1, 2013: A letter certifying that the pricing of the company's voice services is no more than two standard deviations above the applicable national average urban rate for voice service, as specified in the most recent public notice issued by the Wireline Competition Bureau and Wireless Telecommunications Bureau (54.313).
- Beginning April 1, 2013: The results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology and the information and data required by this paragraphs (a)(1) through (7) of this section separately broken out for both voice and broadband service (54.313).

**Lifeline Recipients Only:**

- Certify that the carrier has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services (54.416).
- Certify that the carrier is in compliance with all federal Lifeline certification procedures (54.416).
- Certify that the carrier has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement (54.416).
- Provide the results of their re-certification effort for subscribers residing in those states where the state designated the ETC, including Tribal lands (54.416).
- Obtain a certification from a reseller that it is complying with all Commission requirements governing the Lifeline and Tribal Link-Up Program (54.416).
- A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (54.422).
- Provide information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan (54.422).
- Provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans (54.422).