

Company resells the wireless networks of Sprint and T-Mobile to provide voice, text and broadband service offerings to Lifeline-eligible subscribers on Tribal lands in Oklahoma. The Company's service area covers a substantial portion of Oklahoma, including but not limited to Oklahoma City and its surrounding suburbs.

4. Based on the Company's recent subscriber counts, Assist provides Lifeline service to nearly **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** subscribers in Oklahoma. Nearly all of those subscribers receive the Tribal Lifeline benefit of \$25.00 because they reside on Tribal lands.

5. Assist has invested in 17 storefront locations in Oklahoma to serve its Lifeline-eligible subscribers. Assist employs more than 30 employees in Oklahoma. Additionally, the Company contracts with independent contractors to conduct in-person enrollments throughout Assist's service area.

6. Assist currently offers several Lifeline plans in Oklahoma. Customers eligible to receive the Tribal Lifeline benefit based on their residence on Tribal lands can choose between a plan with unlimited voice calls and unlimited text messages for \$1.00 per month or a plan with unlimited voice calls, unlimited text messages and 200 mb of data for \$4.95 per month. The cost of these plans for customers not eligible to receive the Tribal Lifeline benefit is \$26.00 per month and \$30.95 per month, respectively. For non-Tribal Lifeline customers, Assist offers a plan with 250 voice calls and 250 text messages for free. Customers eligible for the Tribal Lifeline plans receive a free data capable smartphone while non-Tribal customers receive a talk and text phone that cannot support broadband functionality.

Assist Will Be Irreparably Harmed By the Use of the Oklahoma Historical Map

7. As a result of the Order, Assist will be irreparably harmed. Our Company estimates that a minimum of **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** customers will no longer be eligible to receive the Tribal Lifeline benefit because they reside in zip codes that are outside the boundaries of the FCC's redefinition of "former reservations in Oklahoma." Additionally, in the absence of guidance from the FCC regarding the exact boundaries of the map provided in the Order, the Company estimates that at least **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** subscribers may be impacted depending on how the boundaries of that map are ultimately defined. Assist predicts that it will therefore lose at least \$25 per month in revenue per customer for those customers no longer eligible for Tribal Lifeline Benefits as a result of the Order, with a *minimum* monthly revenue reduction of **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** predicted under the new rule.

8. The customers who would no longer be eligible as a result of redefinition of "former reservations in Oklahoma" will be moved to the reduced non-Tribal benefit (\$9.25) and will no longer receive the same service package at the same rate as they have received in the past. While Assist will provide notices to these customers, it is likely that they will hear about the change in their Lifeline benefits and plan from Assist for the first time, and will not attribute the loss of benefits to the FCC or anyone other than Assist.

9. The affected customers will be required to either substantially increase their monthly service payments (\$25 more) or substantially decrease the amount of monthly service they receive. Therefore, it is expected that when Assist notifies these customers of the decrease

in their benefits and corresponding reduction in services, it will cause many of them to leave Assist and look for another provider.

10. As a result, Assist expects that it will lose up to **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** that were enrolled in one of the Company's Tribal Lifeline plans completely. In addition to losing \$25 per month in revenue for each of these customers who no longer resides on tribal lands, Assist will also lose another \$9.25 in revenue per customer for the percentage of customers who leave Assist entirely.

11. The loss of customers will directly impact Assist's revenues and profits, and these losses will not be recoverable.

12. Of the more than 30 employees in Oklahoma, Assist estimates that it would have to let the majority of them go if the redefinition of "former reservations in Oklahoma" were to be implemented.

13. Of the 17 stores in Oklahoma, 5 are located in areas the Order excludes from eligibility for Tribal Lifeline Benefits. It is likely that Assist would be forced to close most if not all of its existing stores and abandon its plans to open new stores should the Order take effect.

14. Assist has spent years building goodwill in the Oklahoma marketplace and it has become the leading provider of Lifeline services in the state. Assist will suffer irreparable harm because it will lose a significant amount of goodwill from the customers who receive decreased benefits and those who leave Assist completely. With tens-of-thousands of customers likely to be impacted a loss of good will on this scale would be irreparable.

15. Once Assist notifies the impacted customers and changes their plans, Assist expects a high volume of customer inquiries and complaints related to the change. Most

customers are unaware of the Order. They will likely call an Assist call center or visit a store to complain about their service changes. They may publicly disparage Assist on social media and elsewhere. Because virtually all of Oklahoma has been considered Tribal lands, it will be very difficult to explain to customers why they are no longer eligible to receive the Tribal Lifeline benefit. It will be even more difficult to explain to customers in newly designated non-Tribal areas why s/he is no longer eligible while a neighbor or friend across town can still receive the same benefit. Assist's reputation and goodwill will suffer substantially and irreversibly.

16. Assist will also incur substantial call center costs due to the expected increase in calls relating to this change. Assist estimates that the Company will spend a significant amount of money in additional customer service call center costs in order to educate customers regarding the benefits changes associated with the new map. These changes are also likely to decrease customer satisfaction and harm Assist's relationships with new and potential customers.

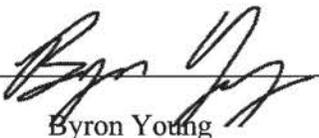
17. The Order will also negatively impact Assist because of the costs associated with implementing the new Tribal lands map. Assist will be required to implement a new process into its enrollments to identify customers residing within and outside of newly defined Tribal lands. Assist will incur training costs to implement the new process with employees and agents.

18. In response to a Notice of Inquiry from the Oklahoma Corporation Commission, Assist has set forth the difficulties entailed with transitioning its customers in the time remaining before the implementation of the Order. *See In Re Inquiry of the Oklahoma Corporation Commission to Identify and Resolve Issues Related to the Federal Communications Commission Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, as it Affects the Requirements Associated with the Provision of Lifeline Service in Oklahoma, Comments of Assist Wireless, LLC and Easy*

Telephone Services Company d/b/a Easy Wireless, Notice of Inquiry, Cause No. PUD 201500350, 5-7 (Oct. 12, 2015), attached hereto as Exhibit A.

19. Assist is waiting on the FCC to release a digital version of the new Tribal lands map which contains the official boundaries. Only then will it be able to develop an interactive mapping tool that will be used to identify subscribers that are currently in Tribal lands but will no longer be eligible for the Tribal Lifeline benefit. This process will involve a time-intensive and costly manual review. These costs, too, will not be recoverable.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States of America that the foregoing statements are true and correct.


Byron Young

October 16, 2015

REDACTED - FOR PUBLIC INSPECTION

EXHIBIT A

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

IN RE: INQUIRY OF THE OKLAHOMA)
CORPORATION COMMISSION TO)
IDENTIFY AND RESOLVE ISSUES RELATED)
TO THE FEDERAL COMMUNICATIONS)
COMMISSION SECOND FURTHER NOTICE)
OF PROPOSED RULEMAKING, ORDER ON)
RECONSIDERATION, SECOND REPORT)
AND ORDER, AND MEMORANDUM OPINION)
AND ORDER, AS IT AFFECTS THE)
REQUIREMENTS ASSOCIATED WITH THE)
PROVISION OF LIFELINE SERVICE IN)
OKLAHOMA)

CAUSE NO. PUD 201500350

FILED
OCT 12 2015

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

**COMMENTS OF ASSIST WIRELESS, LLC AND EASY
TELEPHONE SERVICES COMPANY D/B/A EASY WIRELESS**

COME NOW Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless (hereinafter collectively, "Wireless ETCs") and hereby submit their comments with regard to the Notice of Inquiry ("NOI") opened by the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("Commission") to identify and resolve issues affecting the offering of Lifeline Service in Oklahoma resulting from the June 2015 decision by the Federal Communications Commission ("FCC") to re-define Oklahoma Tribal lands by adopting a different Tribal lands map, namely the Oklahoma Historical Map.¹ Wireless ETCs are each providers of wireless telecommunications services to the public, including Lifeline services, and have each been designated by the Commission as wireless Eligible Telecommunications Carriers ("ETCs").

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization, et al.*, WC Docket 11-42, et al., *Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order*, FCC 15-71, Appendix E (rel. June 22, 2015) (Second FNPRM).

With regard to the issues identified by the PUD in the NOI, Wireless ETCs provide the following information and comments.

1. An Electronic Version of the New Map Is Essential for Implementation

Wireless ETCs and the PUD appear to be in agreement on the following: (1) a digital version of the adopted map (i.e., a .shp file that can developed into a mapping tool) is essential to implementing the map selected by the FCC to re-define Tribal lands; (2) the FCC must suspend and/or extend the 180-day transition period so that the stakeholders can work with vendors to incorporate a .shp file into a mapping tool, apply it to current subscribers and provide advance notice to affected consumers; (3) the 180-day transition period should be suspended and/or extended to allow for a Tribal consultation to be concluded; (4) partial implementation of the new map and its boundaries (i.e., for areas such as down-town Oklahoma City that are clearly outside the Tribal areas delineated by the new map) would be discriminatory and would create unnecessary consumer confusion and backlash that would be detrimental to all stakeholders and the Lifeline program itself.

Wireless ETCs understand that the FCC is working on a .shp file that represents an official interpretation of the boundaries depicted in the Oklahoma Historical Map (which are not clear on the map or the written description). Accordingly, it makes little sense to do anything other than wait for that guidance from the FCC. The FCC did not adopt the IRS map or any other alternative map. Although the Oklahoma Department of Transportation ("ODOT") map of Tribal Jurisdictions in Oklahoma appears to be the alternative that most closely matches the Oklahoma Historical Map, Wireless ETCs are opposed to using any map other than the one the FCC adopted to determine eligibility for

enhanced Lifeline benefits in Oklahoma. Should the Commission desire to proceed by utilizing another map, Wireless ETCs respectfully request that the Commission petition the FCC for permission prior to taking further action. Without FCC approval, Wireless ETCs would be exposed to an unfair risk of enforcement by the FCC and enhanced Lifeline eligible consumers in Oklahoma would be exposed to an unfair risk of having their benefits denied.

2. Reasonable Notice Should Be Provided to New and Existing Consumers

The current lack of clarity with respect to both the finality and the borders of the new map, makes plain that it is too early to start notifying existing (or new) customers. Providing notice before there is a clarity on these issues only would add to the current state of confusion. Wireless ETCs support providing affected consumers with advanced notice that is reasonable and submit that such reasonable notice should consist of two notices approximately 60 and 30 days in advance of the transition to a non-Tribal benefit (given the logistical challenges involved and the condensed transition period we are now facing, perfect implementation should be neither expected nor required). Assuming the February 9, 2016, transition date remains in place, ETCs would start notifying existing customers in December 2015, depending on how the ETC provides benefits – December 11, 2015 (if minutes are loaded on the customer's monthly anniversary) or January 1, 2016 (if minutes are loaded on the first of the month).

Wireless ETCs submit that ETCs should be permitted to provide the notice in a manner that is likely to be effective and without imposing unnecessary costs on ETCs. Wireless ETCs likely will use text messaging for these notices, as it is the most effective means of communicating with their subscribers. Wireless ETCs would oppose a

requirement to provide notice via U.S. Mail, as this delivery method is more expensive and less effective than text messaging.

For new subscribers enrolled within the 60-day notice period that reside in a location that is currently eligible for the enhanced Lifeline benefit but will no longer be eligible under the new map, ETCs would provide notice to these new subscribers at the point of enrollment and then again at 30 days, if applicable.

Wireless ETCs propose that such notices inform affected subscribers that as of February 9, 2016 they no longer will be eligible for the enhanced Lifeline benefit (up to \$25.00) and will be converted to the standard Lifeline benefit (\$9.25). Effective February 9, 2016, subscribers who are no longer eligible to receive the enhance Lifeline benefit will have several options, which are likely to include plans that provide the same level of service for an increased price (\$25 more) and plans that offer a reduced level of service at the same price-point (e.g., \$4.95, \$1, free). Additional plans may also be available. To the extent ETCs need to change their Lifeline service plans to facilitate the transition, including the addition of 250 minutes plus 250 text offerings for non-Tribal areas, the Commission already has rules and a process in place for ETCs to submit Lifeline plan changes to PUD for review and approval. Wireless ETCs submit that this process should remain the same.

3. Current Benefit Porting and De-Enrollment Processes Cannot and Should Not Be Adjusted for the Purpose of Implementing the New Map

The current benefit transfer process and de-enroll/re-enroll process cannot and should not be adjusted for this Oklahoma-specific transition. Benefit transfers are completed automatically through NLAD in cases where the subscriber is eligible to port. The NLAD's 60-day benefit port freeze is an effective control on waste, fraud and

abuse.² If a subscriber is not eligible for a benefit transfer, that subscriber can contact its current ETC to de-enroll. Once de-enrolled in the NLAD, the subscriber may re-enroll with the ETC of his or her choice. The current process permits consumers to de-enroll at any time, for any reason, and is sufficient to meet the needs of affected consumers.

4. Even the Most Ambitious Timeline for Implementing the New Map Indicates that the Transition Period Needs to Be Suspended or Extended

Wireless ETCs had previously advised the FCC that a *minimum* of 180 days would be necessary for ETCs and consumers to transition to a new definition of Tribal lands in Oklahoma.³ The transition was intended for ETCs and consumers – not the FCC. More than two months into the transition period, Wireless ETCs, Tribal Nations and the PUD still lack clarity and guidance with respect to the boundaries included in the Oklahoma Historical Map – and have no idea whether the adopted map will “stick” or whether it will be set aside as a result of the after-the-fact “consultation” the FCC has

² In the Second FNPRM proceeding, several Wireless ETCs proposed to extend the benefit port freeze from 60 days to 12 months. They noted that “[e]xtending the benefit port freeze will have a number of important benefits that satisfy core Commission and commenter objectives, including: (1) promoting even more innovative handset and service offerings; (2) reducing the perception of waste, fraud and abuse in the program; and (3) promoting comparability of service between Lifeline and non-Lifeline services.” See Reply Comments of Lifeline Joint Commenters on the Second Further Notice of Proposed Rulemaking to Modernize and Restructure the Lifeline Program, WC Docket No. 11-42 *et al.*, 22-24 (filed Sept. 30, 2015); see also Comments of Joint Commenters at 16-17 (filed Aug. 31, 2015).

³ See Second FNPRM n. 536, citing Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless Ex Parte letter arguing that *at a minimum* the Commission should consider adopting a 180-day transition period. See Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless Ex Parte, WC Docket Nos. 11-42, 03-109 and 09-197, 2 (June 11, 2015)(emphasis added).

attempted to conduct (to the disdain of Tribal Nations) or the appeal of the FCC's decision to the U.S. Court of Appeals for the District of Columbia Circuit.⁴

In the absence of rational relief being provided, Wireless ETCs respectfully submit that they are prepared to use good faith efforts to engage in rushed and extraordinary efforts to implement the new map. Even rushed efforts require a minimum of 4 months – and regulators should be prepared to accept, as is reasonable, implementation that may be far from perfect (the potential for mistakes will rise significantly, if this has to be done “fire-drill” style).

It is important for the Commission to understand the timing necessary for implementing the new map, under a “fire drill” scenario. Counting back from the February 9, 2016, transition deadline, the 4-month period would need to commence *today*. That means that unless the FCC makes its .shp digital rendering of the Oklahoma Historical Map publically available by *today*, the only possible remaining means of implementing the FCC's new definition of Tribal lands in Oklahoma involves denying consumers reasonable notice (as explained above, Wireless ETCs submit that this would involve notice roughly 60 and 30 days in advance). Wireless ETCs oppose denying their subscribers reasonable notice of the (still yet to be determined) impact of the FCC's decision.

The expected 4-month process is as follows:

October 12, 2015 – CGM needs to receive .shp file to begin development of mapping tool and process for ETCs to implement transition

⁴ See Petition for Review, *Assist Wireless, LLC, et al. v. FCC, et al.*, No. 15-1322 (D.C. Cir. Sept. 11, 2015).

November 11, 2015 – ETCs receive mapping tool from CGM and receive 30 day period to work with mapping tool to manually review subscriber addresses to identify subscribers affected by the FCC's redefinition of Tribal lands

December 11, 2015* – 60 day notice is provided to affected subscribers

January 10, 2016* – 30 day notice is provided to affected subscribers

February 9, 2016 – Affected subscribers are transitioned from Tribal benefit to standard benefit

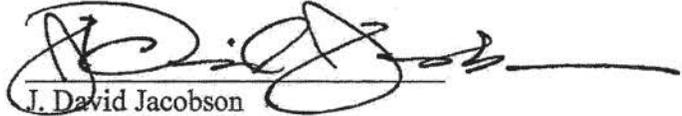
- *Dates and 60/30 day notice periods are approximate; dates of notice may vary slightly from provider to provider based on a number of operational and logistical factors.*

As noted above, the 4-month period begins when the FCC releases a .shp file or similar digital version of the Oklahoma Historical Map. Once the file is available, CGM will require 30 days to develop an interactive mapping tool, and test the tool's accuracy and workability. This process will require reviewing and identifying each Zip code in Oklahoma as 100 percent Tribal lands, 100 percent non-Tribal lands and partial Zip codes, in which a portion is Tribal lands and a portion is not. A further complicating factor for implementation is that many ETCs in Oklahoma, like Assist and Easy, already use mapping tools to identify addresses in that are within and outside of their authorized service areas. CGM will need to layer in the new Tribal and non-Tribal boundaries to work concurrently with the existing mapping tools so that ETCs can identify whether a subscriber is within that ETC's authorized service area; and whether the subscriber resides in an area that is designated Tribal lands. For each address located in a partial ZIP code, the address must be manually entered into the mapping tool and reviewed to determine if the address falls inside or outside the boundaries.

Once the mapping tool is developed and tested, the ETCs will need *at least* 30 days to work with the tool to identify subscribers affected by the redefinition of Tribal lands. This will require manual review of a substantial number of individual subscriber address locations. Once the affected subscribers have been identified, Wireless ETCs will then need to coordinate and implement reasonable notice.

The Wireless ETCs reserve the right to add to, delete, modify or supplement these comments as additional information is presented throughout this NOI.

Respectfully submitted,



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*Attorney for Assist Wireless, LLC and Easy
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CERTIFICATE OF MAILING

On this 12th day of October, 2015, a true and correct copy of the foregoing was mailed, e-mailed or hand-delivered to the following:

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J. David Jacobson

REDACTED - FOR PUBLIC INSPECTION

EXHIBIT 2

DECLARATION OF MICHAEL FINA

WC Docket Nos. 11-42, 09-197, 10-90, FCC 15-71 (FCC Rel. June 22, 2015) (the “Order”). Unless expressly stated, I have personal knowledge of the information set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts under oath.

2. As explained below, the Order poses an existential threat to True Wireless. If it goes into effect as planned on February 9, 2016, the portion of the Order challenged in this case will drastically limit the amount of funding available to True Wireless to offer services to low-income consumers under the FCC’s “Lifeline” program (a federal program that enables qualifying low-income Americans to have access to affordable communications services). Unless stayed pending judicial review of the Order, these severe funding cuts will likely put True Wireless out of business within [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL], as well as causing other severe harms that cannot be remediated if True Wireless ultimately prevails in this litigation. These harms include, for example, the immediate loss of nearly [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL] of True Wireless’s workforce in Oklahoma and the closure of at least [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL] stores in the State within weeks of the funding cuts taking effect.

A. True Wireless and the Lifeline Program

3. True Wireless is an Oklahoma limited liability company with its principal place of business in Oklahoma. True Wireless is an “Eligible Telecommunications Carrier,” whose business is to provide essential telecommunications services to low-income Americans under the FCC’s Lifeline universal service program, and is one of the Petitioners in this case challenging the FCC’s Order. True Wireless has participated in the Lifeline program since 2010, and has brought phone service to hundreds of thousands of low-income subscribers under the program. True Wireless has focused a large part of its business on serving residents of Tribal lands in Oklahoma (the state with the highest proportion of federally recognized Tribes in the country), including Tribal members and other communities historically underserved by telecommunications service providers.

4. The federal government created the Lifeline program in 1985 to provide a monthly discount on a telephone bill for low-income consumers—specifically, those at or below 135% of the Federal Poverty Guidelines (in most states) or those enrolled in a public assistance program such as Medicaid or the Supplemental Nutritional Assistance Program. *See* <https://www.fcc.gov/lifeline> (“Since 1985, the Lifeline program has provided a discount on phone service for qualifying low-income consumers to ensure that all Americans have the

opportunities and security that phone service brings, including being able to connect to jobs, family and emergency services.”).

5. In 2005, the federal government expanded the Lifeline program to support discounted wireless cell phone service, such as the service provided by True Wireless. As the FCC has long recognized, particularly for the elderly, poor, and disabled, access to phone service is a “lifeline” to the outside world.

B. The Need for Tribal Lifeline Benefits

6. Because Tribal communities traditionally have been particularly underserved by communications providers (the percentage of households without a home telephone or cell phone access remains much higher among Tribal communities than other groups), the Lifeline program has provided an additional benefit of \$25 per month for low-income residents of “Tribal lands” (the “Tribal Lifeline Benefit”).

7. In changing its rules to provide additional Lifeline support to Tribal lands in 2000, for example, the FCC explained that it sought to “promote telecommunications deployment and subscribership for the benefit of those living on federally-recognized American Indian and Alaska Native tribal lands, based on the fact that American Indian and Alaska Native communities, on average, have the lowest reported telephone subscribership levels in the country.” *Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45, Twelfth Report and

Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12213, ¶5 (2000) (“*2000 Tribal Order*”). As the FCC noted, “federal statistics reveal that tribal communities are among the poorest populations in the United States,” and “low incomes and impoverishment” are “the key reason for low subscribership levels on tribal lands.” *Id.* at 1225, ¶ 27 (footnote and citations omitted). Unfortunately, access to critical communications services among Tribal communities remains at low levels. *See* FCC Chairman Tom Wheeler Remarks to National Congress of American Indians, Washington DC, at 2-3 (Mar. 12, 2014), <https://transition.fcc.gov/files/documents/Chairman-NCAI-Speech-031114.pdf> (recognizing that bringing telephone service to Tribal lands remains a significant challenge).

8. As the FCC explained when it created the Tribal Lifeline Benefits at issue in this case, “[t]he significant degree to which subscribership levels fall below the national average among tribal communities underscores the need for immediate Commission intervention for the benefit of this population.” *2000 Tribal Order*, 15 FCC Rcd at 12226, ¶ 32.

9. In recognizing the urgent need for Tribal Lifeline Benefits, the FCC sought to not only “boost subscribership levels on tribal lands” by subsidizing the cost of service to those often impoverished communities, *see id.*, but also to incentivize carriers to provide service to those historically underserved

communities—particularly in rural and/or sparsely populated areas where providing service otherwise would not be profitable. Thus, the FCC explained in the *2000 Tribal Order*, “we . . . provide additional, targeted support under the Commission’s low-income programs to create financial incentives for eligible telecommunications carriers to serve, and deploy telecommunications facilities in, areas that previously may have been regarded as high risk and unprofitable.” *Id.* at 12213, ¶ 5. The FCC described this virtuous cycle as follows:

[I]ncreasing the total number of individuals, both Indian and non-Indian, who are connected to the network within a tribal community will result in greater incentives for eligible telecommunications carriers to serve in those areas. We anticipate that the availability of enhanced federal support for all low-income individuals living on tribal lands will maximize the number of subscribers in such a community who can afford service and, therefore, make it a more attractive community for carrier investment and deployment of telecommunications infrastructure. As the number of potential subscribers grows in tribal communities, carriers may achieve greater economies of scale and scope when deploying facilities and providing service within a particular community.

Id. at 12225, ¶ 30.

10. Pursuant to Commission rules, any Eligible Telecommunications Carrier (such as True Wireless) must certify that it will pass through the full Lifeline subsidy, including the additional Tribal Lifeline Benefit, to its customer before it receives that Federal support. *See* 47 C.F.R. § 54.503(a)(2). In other words, the entire benefit—which has remained frozen at \$25 per month since 2000, without any cost-of-living increase—goes to the low-income customer.

C. The Order's Curtailment of Tribal Lands in Oklahoma

11. Under the map currently used by the FCC, the industry, and the Oklahoma Corporation Commission, nearly all of Oklahoma is designated as "Tribal" land. That is not surprising, as the U.S. Department of the Interior's Bureau of Indian Affairs recently reported that Oklahoma has the highest population of Native Americans living in or near the areas of federally recognized Tribes. 2013 American Indian Population & Labor Force Report, U.S. Dep't of the Interior, Office of the Assistant Secretary – Indian Affairs (dated Jan. 16, 2014) at 10.

12. This current map designating Tribal lands in Oklahoma has been in broad use since the FCC first established the Tribal Lifeline Benefits program.

13. The Order moves the goal posts by introducing a new map that will drastically decrease the area designated as "Tribal" land in Oklahoma. As the FCC acknowledged in the Order challenged in this case, this regulatory change "will result in a reduction in the geographic scope of 'former reservations in Oklahoma'" in which Tribal Lifeline Benefits are currently available under the FCC's rules. Order, ¶ 264 (citation omitted). And the new rule instituting this change—which, unless stayed, will take effect on February 9, 2016—will dramatically cut the Tribal Lifeline Benefits available to True Wireless and its customers.

D. Irreparable Harm to True Wireless and Harm to the Public

1. True Wireless Will Be Forced to Cease Operations, Causing Many Low-Income Tribal Customers to Lose Critical Services.

14. If the provisions of the Order adopting and implementing the change in the map used to designate Tribal land in Oklahoma are not stayed, True Wireless will suffer irreparable harm to its business. Indeed, as described below, the company's very existence is in jeopardy.

15. Approximately fifty-seven percent (57%) of True Wireless' customers are in Oklahoma, *all* of whom are currently eligible for Tribal Lifeline Benefits. In fact, as described below, True Wireless relocated to Oklahoma for the specific reason of providing service to a substantial number of underserved Tribal communities who are eligible for these benefits.

16. If the Order goes into effect, at least **[START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL]** of True Wireless's customers who currently receive Tribal Lifeline Benefits would no longer be eligible for those additional benefits. That number represents approximately **35% of True Wireless's customers in Oklahoma**, and approximately 20% of True Wireless's total customer base. True Wireless will therefore lose at least \$25 per month per customer if those customers are no longer eligible for Tribal Lifeline Benefits under the FCC's new map.

17. We know that approximately two-thirds of these customers are in the Oklahoma City area, which will definitely be excluded from the Order's newly adopted map. *See* Order, ¶ 264 (noting the “[e]xclusion” of, among other areas, “the majority of the area within the Oklahoma City municipal boundaries”). However, the Commission has said that other areas will also be excluded—which would have an even broader impact. Making matters worse, as the Oklahoma Corporation Commission has pointed out, the exact boundaries of the newly adopted map are unclear, which poses significant implementation problems for carriers. Thus, while we generally know that certain areas such as the “Cherokee Outlet” will now be excluded under the new map, *see* Order, ¶ 264, the precise contours of the additional excluded areas (and whether particular addresses fall within them) are unclear.

18. Even under the best case scenario, in which True Wireless retains all of its current customers and *only* loses the \$25 per customer per month in Tribal Lifeline Benefit, losses will be at least [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL] per month. At that rate, True Wireless will be forced to cease operations and go out of business in approximately [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL].

19. Unless True Wireless itself subsidizes the funding shortfall (which runs counter to the FCC's goal of incentivizing ETCs to provide services in the