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January 15, 2016

By ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Ex Parte in *In re Lifeline and Link Up Reform and Modernization*,
WC Docket Nos. 11-42, 03-109 and 09-197**

Dear Ms. Dortch:

Assist Wireless, LLC (Assist) and Easy Telephone Services Company dba Easy Wireless (Easy, together the Companies), by and through undersigned counsel, submit this letter to express support for the Oklahoma Corporation Commission's (OCC's) request for an extension of the February 9, 2016, deadline for implementation of the Oklahoma Historical Map. While the OCC requested a 90-day extension, the Companies respectfully submit that the Commission should extend the February 9 deadline to 180 days, or a bare minimum of 120 days, from the date the digital mapping information (i.e., a .shp file that could be developed into a mapping tool) is made available to ETCs and consumers. An extension of time of more than 90 days is essential for a timely and orderly transition of Oklahoma Lifeline consumers to the new Tribal map.

For good reason, the Commission previously granted a 180-day transition period for the new map.¹ Unfortunately, the initial 180-day transition period granted by the

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 ¶ 265; fn. 536 (rel. June 22, 2015) (*citing* Letter from John Heitmann, Counsel to Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42, *et al.* (filed June 11, 2015) (asserting that at a minimum, the Commission should adopt a 180-day transition period to provide for a timely and orderly transition and noting that more time

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Commission has not been a transition period at all for ETCs and their Tribal Lifeline subscribers. The new map contains poorly-defined borders that have made it impossible to implement. The Commission's post-hoc consultation with Tribal Nations also has made it futile to even attempt to transition to the new map because the Commission has yet to announce publicly whether that consultation will result in modifications to the boundaries (poorly) depicted in the new map. Now, more than 150 days into the transition period, uncertainty remains due to a lack of guidance from the Commission on each of these sources of uncertainty. Due to this remaining uncertainty, ETCs, the OCC and Oklahoma Lifeline subscribers have been unable to begin any transition.

Notwithstanding this uncertain state of affairs, Assist and Easy continue to work closely with the OCC regarding how best to implement the Commission's new Oklahoma Tribal lands definition. On September 24, 2015, the OCC's Public Utility Division (PUD) issued a Notice of Inquiry (NOI) seeking industry comment on the Tribal map transition. In response to the NOI, and with little more than 120 days remaining in the transition period, the Companies reported that even the most ambitious timeline would require an extension of the February 9 deadline.² Even under a "fire drill" scenario, the Companies explained that it would take no less than 120 days to successfully implement the new map. The 120-day process would include 60 days for ETCs and their vendors to integrate the digital file into a mapping tool necessary to manually review thousands of subscriber addresses and to prepare notices for affected subscribers, and then 60-day and 30-day notices to affected subscribers. Critically, this time also is needed to allow ETCs to incorporate the new mapping tool into the subscriber enrollment platforms and real-time review processes for new subscribers.

As a result of the NOI and the consensus from industry that the new Tribal map is not actionable, the OCC submitted a letter to the Commission reporting that it had unanimously voted for the "reasonable extension of the current effective date of February 9, 2016, for implementation of the Oklahoma Historical Map for purposes of distinguishing between Tribal and non-Tribal lands in Oklahoma."³ Without electronic mapping information from the Commission, the state regulator determined that "there will be no way to identify the impacted

may be required after considering the potential impact of any changes on consumers and concerns raised by Tribal representatives and other factors)).

² Cox Communications, Inc. similarly reported that more time was necessary, as evidenced by the company's December 21, 2015 *ex parte* urging the FCC to "expeditiously grant" the OCC's extension request. See Letter from Jenny Prime, Director, Regulatory Affairs, Cox Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42 *et al.*, at 1 (filed December 21, 2015).

³ Letter from Oklahoma Corporation Commission to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42 *et al.*, at 1 (filed November 18, 2015).

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customers” and “no ability to provide advance notice of the change.”⁴ The OCC reported it is “*deeply concerned*” about the impact on consumers.⁵

The OCC’s 90-day extension request effectively shortens the time for ETCs to integrate and operationalize the digital map files, perform thousands of manual address checks, and issue thousands of notices to affected subscribers from 60 to 30 days, but still incorporates 60-day and 30-day advance notices to affected subscribers. Assist and Easy agree with the OCC that advance notice to impacted consumers is a critical aspect of the transition process and that notice at about day 60 and day 30 is appropriate given the significant impact of the proposed changes regarding Tribal lands in Oklahoma.⁶ However, the Companies have no comfort that they can accomplish within 30 days all that would need to be done once the digital file is made available by the Commission. It is eminently reasonable for the Commission to avoid this scenario and to avoid creating a “fire drill” scenario for ETCs and their subscribers. Accordingly, the Commission should provide ETCs with more than 30 days to accomplish these tasks prior to the 60 and 30 day notices to consumers. Doing so will ease the burdens on ETCs and will minimize the risk that a rushed implementation gets botched with adverse consequences for consumers (and ETCs).

With less than 30 days remaining until the impending February 9 effective date of the new map and a digital file still “forthcoming”, an extension is essential to provide ETCs with sufficient time to effectuate an orderly transition and to provide adequate prior notice to consumers. The 90-day extension contemplated by the OCC, while still beneficial for ETCs and consumers, is almost certainly insufficient to avoid an imperfect implementation of the new map that would create unnecessary consumer confusion and backlash that would be detrimental to the consumers, the state regulator, ETCs and the Lifeline program itself. In light of the potential adverse consequences of a rushed implementation, the Commission should adopt a 180-day extension – or a minimum of a 120-day extension – to provide for a timely, orderly and accurate transition.

⁴ *Id.*

⁵ *Id.* at 2.

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This *ex parte* notification is being filed electronically pursuant to section 1.1206 of the Commission's rules. Please do not hesitate to contact me, if I can provide additional information useful to the Commission in its consideration of these important matters.

Respectfully submitted,



John J. Heitmann
*Counsel to Assist Wireless, LLC and
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Wireless*

cc: Ryan Palmer
Garnet Hanley
Trent Harkrader
Jay Schwarz