

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

_____)	
In the Matter of)	
Telecommunications Carriers Eligible for)	
Universal Service Support)	WC Docket No. 09-197
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
Consumer Cellular Petition for Forbearance)	
_____)	

COMPLIANCE PLAN

I. INTRODUCTION

Consumer Cellular, Inc. (“Consumer Cellular” or “CCI”), by its undersigned counsel, hereby submits this plan to comply with the ancillary conditions imposed by the Federal Communications Commission (“FCC” or the “Commission”) in its recent order granting Consumer Cellular’s Petition for Forbearance from the requirements of Section 214(e)(1)(A) of the Communications Act of 1934, as amended (the “Act”), and the Commission’s associated rules.¹ As explained below, Consumer Cellular will fully comply with the conditions imposed in the *Order* to ensure that the Commission’s concerns regarding consumer safety and the fiscal integrity of the Universal Service Fund (“the Fund”) are completely satisfied. Accordingly, it is Consumer Cellular’s sincere desire that the Commission act expeditiously to approve its

¹ See *Telecommunications Carriers Eligible for Universal Service Support; Federal State Joint Board on Universal Service, Petitions for Forbearance of Head Start, Consumer Cellular, Midwestern Telecommunications, and Line Up, LLC*, Order, FCC 10-134, (rel. July 30, 2010) (“*Order*”).

Compliance Plan, so that lower income consumers can further enjoy the benefits of competition that the Commission has made possible through its more inclusive policies regarding Lifeline participation by mobile virtual network operators (“MVNOs”).²

II. CONDITIONS ADDRESSED BY THE *ORDER* AND THIS COMPLIANCE PLAN

In both Consumer Cellular’s Petition for Forbearance and the Commission’s *Order* granting its Petition (as well as similar petitions of three other carriers), the Commission relies on Consumer Cellular’s willingness to comply with any conditions placed on similarly situated carriers receiving the same forbearance requested by Consumer Cellular.³ The conditions imposed by the Commission in the case of its three prior grants of forbearance from the “own facilities” requirement of Section 214(e)(1)(A), and its associated rules⁴, could all be classified as either designed to promote and ensure the “safety of life and property”⁵ or to protect the financial integrity of the Fund against “waste, fraud, and abuse.”⁶

Specifically, the Commission has imposed eight conditions designed to address its general concerns that the *Order* promotes the public safety and helps ensure the Commission’s ability to protect the integrity of the Fund. Simply stated, all wireless resellers that thus far have been granted forbearance from the Act in order to be designated an “eligible telecommunications carrier” for purposes of participation in the Fund’s Lifeline program have been required to:

² See, e.g., *Order* at ¶ 19, n.44 (describing the increase in value offered by Virgin Mobile to Lifeline-eligible customers in only one year since being granted forbearance and ETC designation).

³ See *Order*, generally, and at ¶5, n.18 (regarding Consumer Cellular’s specific commitment to abide by the *TracFone* and *Virgin Mobile* conditions) (*internal citations omitted*).

⁴ 47 U.S.C. § 214(e)(1)(A), and 47 C.F.R. §§ 54.201(d)(1) and 54.201(i).

⁵ *Order* at ¶12 (*internal citations omitted*).

⁶ *Id.*, ¶¶ 16-17.

- 1) Provide its Lifeline customers with 911 and enhanced 911 (E911) access regardless of activation status and availability of minutes;
- 2) Provide its Lifeline customers with E911-compliant handsets and replace, at no additional charge to the customer, noncompliant handsets of existing customers who obtain Lifeline-supported service;
- 3) Comply with conditions (1) and (2) as of the date it provides Lifeline service;
- 4) Obtain a certification from each public-safety answering point (PSAP) where the carrier provides Lifeline service confirming that the carrier provides its customers with 911 and E911 access or self-certify that it does so if certain conditions are met;
- 5) Require each customer to self-certify at time of service activation and annually thereafter that he or she is the head of household and receives Lifeline-supported service only from that carrier;
- 6) Establish safeguards to prevent its customers from receiving multiple Lifeline subsidies from that carrier at the same address;
- 7) Deal directly with the customer to certify and verify the customer's Lifeline eligibility; and
- 8) Submit to the Wireline Competition Bureau a compliance plan outlining the measures the carrier will take to implement these conditions.⁷

III. IMPLEMENTING PROCEDURES: THE PUBLIC SAFETY CONDITIONS

A. Access to 911 and E911 Services

As the Commission has instructed, Consumer Cellular will ensure that all Lifeline customers, on the date it launches its Lifeline service, have access to 911 and E911 service

⁷ *Order*, ¶4, n.11. See also, *Id.* at ¶¶ 11, 13, and 16.

regardless of activation status and availability of minutes.⁸ At present, Consumer Cellular allows all subscribers to call 911/E911 services at no charge and, going forward, this policy will apply equally to all Lifeline customers. Moreover, this requirement—that customers always have access to the technologically-mandated emergency access on all active mobile phones—is a current obligation the Commission imposes on all wireless providers for their customers.⁹

B. E911 Compliant Handsets

The Commission is requiring Consumer Cellular to provide all new Lifeline customers with E911-compliant handsets and to replace, at no cost to the customer, any non E911-compliant handsets used by existing customers who enroll in the Lifeline program. As with 911/E911 access, Consumer Cellular will satisfy this requirement on the date it launches Lifeline service.

As a postpaid carrier with a direct and ongoing relationship with its customers, Consumer Cellular maintains a comprehensive subscriber database. Information stored in the database includes the type of handset each subscriber is using. Hence, when an existing customer qualifies and signs up for Consumer Cellular Lifeline service, the carrier will know whether the customer's current handset is E911 compliant. If it is not, the customer will have the option of replacing it with an E911 compliant handset that will be provided at no cost, or selecting from an assortment of E911 compliant handsets that can be purchased at the same price Consumer Cellular charges its non-Lifeline customers. Customers who are new to Consumer Cellular and are signing up for Lifeline service will have the same options at the time they enroll.

⁸ *Order*, ¶11.

⁹ See, generally, 47 C.F.R. § 20.18.

C. PSAP Certification

The final public safety-related condition imposed by the Commission requires Consumer Cellular to obtain a certification from each PSAP where it seeks to provide Lifeline service, confirming that the carrier provides its customers with 911 and E911 access or self-certifying that it does so if certain conditions are met. The Commission explains in detail the conditions that must be met before Consumer Cellular can self-certify that it provides 911 and E911 access in specific PSAPs:

- 1) CCI must request certification from the PSAP and notify the PSAP that CCI may self-certify compliance if the PSAP has neither provided certification nor made an affirmative finding that the carrier does not provide its customers with access to 911/E911 service within the PSAP's service area within 90 days of the request;
- 2) Before self-certifying the carrier must obtain from its underlying carrier in that area certification that the underlying carrier (AT&T) routes emergency calls from the carrier's customers to the PSAP in the same manner that it routes emergency calls from its own customers;
- 3) Consumer Cellular must provide the PSAP with a copy of the relevant self-certification at the time it is effective;
- 4) If a PSAP finds that CCI does not provide its customers with 911/E911 access after the carrier has self-certified that it does, the carrier must notify the FCC of this finding upon receiving notice and must explain how it plans to meet the PSAP's concerns and provide Lifeline customers with appropriate 911/E911 access.¹⁰

¹⁰ *Order*, ¶13.

Consumer Cellular will meet these conditions as required by the *Order* by first mailing the letter attached as Exhibit A to all PSAPs in the service areas for which CCI seeks ETC designation (either from the Commission or from the relevant state). Included with the certification request will be a convenient certification letter, along with a postage-paid envelope. If Consumer Cellular does not receive a response, or an inquiry, from the PSAP within the requisite time period, it will follow the self-certification procedures described above.

IV. IMPLEMENTING PROCEDURES: PRUDENT FUND ADMINISTRATION

Under the conditions established in the *Order*, Consumer Cellular must require each Lifeline customer to “self-certify at time of service activation and annually thereafter that he or she is the head of household and receives Lifeline-supported service only from that carrier.”¹¹ In addition, Consumer Cellular has an obligation to deal directly with the customer “to certify and verify the customer’s Lifeline eligibility.”¹² Consumer Cellular will satisfy these conditions as follows.

A. Lifeline Application Process

Information about Consumer Cellular Lifeline service, including customer eligibility requirements and the enrollment process, will be carried on the CCI website and in select advertising. Customers will be advised they may use one of two methods to complete and submit their Lifeline application:

1. Enrollment Online

Customers opting for this enrollment method will be directed to the Lifeline “home page” on the Consumer Cellular website. Among other information, the Lifeline home page will show

¹¹ *Id.*, ¶16, subsection (5).

¹² *Id.*, subsection (7).

the states in which Consumer Cellular currently offers Lifeline service, links to the eligibility criteria for each of these states, and instructions for accessing the electronic Lifeline application form. The form will require customers to fill in all information necessary for Consumer Cellular to determine Lifeline eligibility. This includes name, address, social security number and the criteria, such as participation in certain income-based government assistance programs and/or household income at or below 135 percent of the federal poverty guidelines, that would qualify them for Lifeline service in their home state. It also will ask customers to certify they are the head of a household and will be receiving Lifeline service only from Consumer Cellular.

In addition, the application form will ask existing customers to supply their unique user identification and password which they use to access their CCI account. Among other actions, this allows them to check their airtime availability. Similarly, all new Consumer Cellular customers who receive Lifeline service will be assigned a unique user identification and password.¹³

At the start of the application process, customers will be advised that all information provided herein must be true or risk penalty for perjury. Such penalties will be prominently displayed for applicants to see. Upon customer completion, the application will require customers to electronically sign the document and, in so doing, attest to the veracity of the

¹³ This feature—which assigns a unique electronic identification to each customer—not only allows the customer to check their transactions, and the status of their account, with Consumer Cellular, but is also an important feature of CCI’s practice and belief in maintaining a direct relationship with its customers by allowing Consumer Cellular to identify (uniquely) each of its customers. While Consumer Cellular believes this is just a safe, fair, and convenient way for its customers to electronically communicate with the company, it is important to note that 1) a unique customer identification/access code, and 2) the ability of the customer to transparently view their on-line transactions, are the hallmarks of the federal Electronic Signatures Act—establishing the legal validity of an electronic signature for Internet transactions. See, *e.g.*, 15 U.S.C. § 7001, *et seq.*

information which they are providing. At that point, the entire completed application will be shown for customers to examine. When the customer is satisfied the application is in order, he or she can electronically transmit it to Consumer Cellular.

Upon receipt of the application, Consumer Cellular's automated system will determine the customer's eligibility for Lifeline service. For existing customers, the system will compare the name, address and social security number on the Lifeline application with the information on file to see if it matches. For new customers, the system will "ping" the applicant's address against the U.S. Postal Service (USPS) database to ensure it is legitimate. This action also will determine whether the address is for a multiple-dwelling unit such as an apartment building. If this turns out to be the case, yet the applicant did not supply an apartment number, the application will be "bounced back" to the applicant with a request for an apartment number and notice that the application cannot be processed without this information.

Once the electronic application has been completed, the automated system will scan the applicant's sworn eligibility qualifications to determine whether they meet the requirements for the person's home state. The entire approval process will take just a few seconds, at which time the program will post a message on the screen indicating whether the applicant qualifies for Lifeline service.

If the applicant has been approved, the message will explain the procedures for activating Lifeline service, including the selection of a handset and Lifeline rate plan. In the event the automated system determines that an existing customer is using a non-compliant E911 handset, the message also will tell the customer they must replace their current phone with one that is E911 compliant. Once the activation process is complete, a message will be returned telling the

new Lifeline enrollee they can expect to receive their new handset (if one is being sent) and “starter kit” material within 5 – 7 business days.

Throughout the application process, a toll-free number will appear on the screen which individuals may call if they have any questions regarding the process or getting started with Consumer Cellular Lifeline service. Applicants who are denied Lifeline service will receive a message telling them the reason the application was denied (for example, a duplicate address). They will be asked to call the toll-free number to discuss the results with a Consumer Cellular customer service agent. In the event the application contained information that was erroneous or incomplete, the agent will fill in the correct data and resubmit it.

2. Telephone Enrollment

Individuals who wish to submit their Lifeline application by telephone will be given a dedicated toll-free number to call. When individuals dial this number they first will be connected to an automated response system which will prompt them to answer a few threshold questions designed to assess potential eligibility for Lifeline service. For example, the system might ask for the person’s zip code to find out the state in which the person resides and, consequently, whether Consumer Cellular Lifeline service is available. If the person lives in a state in which the service is available, the system may ask whether the person participates in a government assistance program that helps determine Lifeline eligibility for that state.

When the applicant’s answers to these basic questions do not rule out eligibility for Lifeline service, the person will be connected to a live Consumer Cellular customer service agent who will complete the application process. At that point, the process will be virtually identical to the online application process except that the agent will be completing and submitting the electronic application on behalf of the person applying for Lifeline service. Once the application

has been completed, the agent will review the information with the applicant to ensure it has been transcribed correctly. The agent will then explain to the applicant that all information must be true or risk penalty of perjury. The penalties will be explained as well. The applicant will then be asked to verbally certify that all information is true. The verbal certification will be recorded and saved for future reference.

The application will then be processed. If it is approved, the agent will take the new Lifeline customer through the brief activation procedures, including handset and rate plan selection. When these are completed, the customer will be told to expect to receive the new handset (if one is being sent) and starter kit within 5 – 7 business days. Conversely, if the application is denied, the agent will explain why and verify the accuracy of the relevant information. If the information turns out to be incorrect or incomplete, the agent will correct the error and resubmit the application.

B. Certification of Lifeline Customers' Continuing Eligibility

At least 30 days prior to a customer's service anniversary date, Consumer Cellular will send a text message and e-mail (if the e-mail address is on file) notifying the customer that they must attest to their continued Lifeline eligibility by confirming, under penalty of perjury, that the customer still meets the applicable low-income requirements, is still the head of household, and is not receiving Lifeline subsidies from any other carrier. The customer can complete and submit the annual certification on the carrier's website or via a toll-free telephone number that will connect them to the carrier's automated certification system. Customers who fail to verify their ongoing eligibility for Lifeline service within 30 days of receipt of their final verification notice will be notified (1) that their Lifeline service is about to be terminated and (2) they have the option to transfer their account to one of Consumer Cellular's non-Lifeline rate plans, provided

they pass the carrier’s standard credit approval process. This will give the customer the opportunity to keep his or her telephone number and not experience service disruption.

Furthermore, the name, address, phone number and social security number of all Lifeline customers as well as the method by which each customer qualified for Lifeline service, both initially and, if applicable, on subsequent anniversary dates (*e.g.*, identity of government assistance program and/or required household income limit) will be contained in a secure database. This will enable Consumer Cellular, as required, to “monitor compliance of their customers’ self-certifications by retaining those self-certifications and providing them, as well as documentation of how [Consumer Cellular] obtained the certification, to the Commission on request.”¹⁴

* * *

As required by the *Order*, Consumer Cellular has submitted a Compliance Plan that effectively outlines the measures it will take to address each and every concern identified by the Commission in its recent conditional grant of forbearance from Section 214(e)(1)(A) of the Act, and the Commission’s rules implementing that statutory provision. Accordingly, the public interest is best served by the Commission’s expeditious approval of this Compliance Plan and the concurrent grant of Consumer Cellular’s pending Petition requesting the FCC grant Consumer Cellular with limited ETC designation to participate in the Lifeline program in the states of Connecticut, New York, North Carolina, Tennessee, and the Commonwealth of Virginia. For these reasons, Consumer Cellular respectfully requests that the FCC approve this Compliance

¹⁴ *Order*, ¶17.

Plan, and designate it as an ETC in those jurisdictions where Consumer Cellular has pending ETC Applications.

Respectfully submitted,

CONSUMER CELLULAR, INC.



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Its Attorney

August 27, 2010

EXHIBIT A

PSAP CERTIFICATION REQUEST



September __, 2010

Public Safety Point Answering Coordinator
[ADDRESS]

Re: Request for PSAP Certification for Lifeline Participation

Dear PSAP Coordinator:

This is to inform you that the Federal Communications Commission (“FCC”) has designated Consumer Cellular, Inc. (“Consumer Cellular”) www.consumercellular.com as an Eligible Telecommunications Carrier (“ETC”) for the purpose of offering reduced-cost service to low income consumers in [your State] under the federal Lifeline program. (See attached Order [not released yet])

The federal Lifeline program ensures that low income customers have access to quality telephone service at a reasonable, affordable rate. Low income customers that qualify for participation in the Lifeline program are able to receive telephone service at monthly discounts of \$10 or more per month. Unfortunately, only about one-third of households eligible for Lifeline assistance actually subscribe to the program. Even more disturbing, though, is that the demographic most likely to be poor in America is the very group that is least able to reverse their situation—America’s senior citizens.

Consumer Cellular is honored to have been approved by the FCC to provide service to low income customers of your state. Consumer Cellular offers high quality mobile wireless service using the AT&T network, at fair and reasonable prices, characterized by superlative customer service. Consumer Cellular has consistently been recognized as a fair, high-quality, wireless service provider. Indeed, Consumer Cellular holds the distinction of being the exclusive affinity partner for AARP, www.aarp.org, the preeminent membership association representing the interests of Americans over age 55.

As a condition to approving Consumer Cellular’s request to provide Lifeline service to low income customers in your state, the FCC required, among other things, that Consumer Cellular: 1) offer 911 and E911 access to its customers immediately upon activation of service; and 2) provide its new Lifeline customers with E911-compliant handsets and to replace at no charge non-compliant handsets of its existing customers who subscribe to Lifeline service. The FCC further required that Consumer Cellular seek certification from each Public Safety Answering Point (“PSAP”) in whose service area Consumer Cellular intends to offer Lifeline service confirming that Consumer Cellular provides its customers with 911 and E911 access. Consumer

Cellular is seeking this certification from your PSAP based on the information provided in this letter and any additional information you may request.

Consumer Cellular provides wireless services using the AT&T network. AT&T provides the nationwide wireless network for all of Consumer Cellular's service, including all network and transmission facilities. AT&T routes all 911 and E911 calls originated by Consumer Cellular customers to the applicable PSAP in the same manner as it routes its own retail customers' emergency calls.

AT&T has deployed 911 and E911 services to all of the FCC's specifications in your state. Thus, Consumer Cellular's Lifeline customers will enjoy this same access to 911 and E911 service immediately upon activation of their service.

For your convenience, enclosed is a certification form for your review and signature as PSAP Coordinator. Please return the signed certification form in the self-addressed stamped envelope. As required by the FCC, Consumer Cellular will keep the certification on file in the event the FCC seeks to review this documentation. **If, within 90 days of receipt of this letter, you do not provide the certification or make an affirmative determination that Consumer Cellular does not provide 911 and E911 service in your area, Consumer Cellular is permitted by the FCC to self-certify compliance with the requirements for 911 and E911 access for this PSAP.** (See FCC Order 10-134 at paragraph 13.)

If you have any other questions, after reviewing this information, or even wish to request a test handset, please send your questions to Lifelinecompliance@consumercellular.com. Please be sure to identify yourself and provide a name and contact number. We will expeditiously answer your questions and inform the FCC of your concerns and how we were able to resolve these concerns. Moreover, Consumer Cellular will not begin to offer service in your jurisdiction until we have satisfied all reasonable concerns.

Thank you in advance for your cooperation in allowing Consumer Cellular to offer Lifeline service to low income customers in your PSAP jurisdiction.

Sincerely,

Consumer Cellular, Inc.



**Consumer Cellular Lifeline Program
PSAP Certification Form**

State of _____

PSAP Name: _____

PSAP Coordinator Name: _____

Business Address: _____

PSAP Jurisdiction Description: _____

In my capacity as the Coordinator for the Public Safety Answering Point (“PSAP”) described above, I am responsible for the implementation of 911 and Enhanced 911 (“E911”) service in accordance with the rules and regulations of the Federal Communications Commission (“FCC”).

I have been informed by Consumer Cellular, Inc. (“Consumer Cellular”) that, by Order dated _____, the FCC has designated Consumer Cellular as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (47 U.S.C. § 214(e)(6), for the limited purpose of providing Lifeline service in [this State], as well as other states. I have further been informed that the FCC’s designation of Consumer Cellular as an ETC is subject to certain conditions, including a condition that Consumer Cellular obtain a certification from each PSAP were it will offer Lifeline service that Consumer Cellular Lifeline customers will have 911 and E911 access immediately upon activation of service.

In its request for certification by this PSAP, Consumer Cellular has explained that its wireless service will operate on the AT&T wireless network. Consumer Cellular has explained that its customers’ emergency calls will be routed to PSAPs in the same manner that AT&T carries the calls of its own retail customers. Furthermore, Consumer Cellular has notified this PSAP that its Lifeline handsets will comply with the FCC Order requiring that its handsets will be capable of

accessing 911 and E911 services, regardless of the customer's activation status or available airtime.

Upon information and belief, in my capacity as PSAP Coordinator, I hereby certify that Consumer Cellular has provided sufficient evidence that it is complying with the FCC requirement that it provide customers with access to basic and E911 service immediately upon activation of Lifeline service.

Dated: _____

Signature of PSAP Coordinator