

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

IN THE MATTER OF	)	
	)	
LIFELINE AND LINKUP REFORM AND MODERNIZATION	)	WC DOCKET NO. 11-42
	)	
FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE	)	CC DOCKET NO. 96-45
	)	
LIFELINE AND LINK UP	)	WC DOCKET NO. 03-109

REPLY COMMENTS OF YOURTEL AMERICA, INC.

**Introduction**

YourTel America, Inc. (“YourTel” or “Company”), respectfully submits these Reply Comments in follow-up to various initial comments submitted in response to the March 4<sup>th</sup>, 2011 FCC’s Notice of Proposed Rulemaking seeking comment on the Joint Board’s Lifeline and Link Up reform recommendations, proposals to reform and modernize the aforementioned programs, proposals to streamline and approve program administration and best position these programs to meet low-income consumer Broadband needs.<sup>1</sup>

**REPLY COMMENTS**

**Consumer Outreach and Marketing**

The Public Service Commission of the State of Missouri recommends the guideline of

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<sup>1</sup> See *Notice of Proposed Rulemaking*, WC Docket No. 11-42, CC Docket Mo. 96-45, WC Docket No. 03-109, FCC 11-32 (rel. Mar. 4.2011).

“Any Lifeline-related advertising by an ETC must clearly identify the name of the company.”<sup>2</sup> YourTel strongly supports this guideline. YourTel has always clearly identified its company name on all advertising since it believes Lifeline customers have a right to know the actual company from whom they are receiving service.

The Missouri Public Service Commission also suggests some guidelines on what it classifies as intentionally misleading. YourTel is in favor of the prohibition of any overtly deceptive marketing practices concerning Lifeline but cautions the Commission that although some advertising is “cheesy”, most consumers will see right through it, and as such, rules should be reasonable as YourTel has pointed out previously.

### **Customer Usage of Lifeline-Supported Service**

Most, if not all, commenters agree with a rule that would require elimination of support for Lifeline customers who fail to use the service for a 60 or 90 day period of time. YourTel again agrees with this, but cautions against adopting an overly broad interpretation of when this is necessary. YourTel emphasizes in the interests of clarity that the usage issue at hand is in regards to wireless service (or any service) that is provided as free service. YourTel points out that once the offering involves billing there is no need to add the administrative burden of managing usage or risk confusing the consumer. YourTel also takes this opportunity to reiterate its support that any period adopted must include ample time to reach the consumer and verify usage via an alert that can take the form of a text or other reasonable means of confirmation that does not unduly place a burden on the customer.

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<sup>2</sup> WC Docket No. 11-42, CC Docket Mo. 96-45, WC Docket No. 03-109, *Comments of the Public Service Commission of the State of Missouri*, April 21, 2011, pg. 19.

## **Reforms to Eliminate Waste, Fraud and Abuse**

The United States Telecom Association, in its discussion about the concern regarding Lifeline duplication, proposes “...the Commission should not grant any more prepaid wireless providers’ requests for forbearance from the facilities requirement of the Act.” and “...the Commission and states should defer any decisions on requests for Lifeline-only designation.”<sup>3</sup> YourTel takes strong objection to this short-sighted bunker mentality. This proposal comes as no surprise from an organization representing the monopolist collective which has delivered a pathetic 33% utilization of the program by largely ignoring the very people the Lifeline and Link Up programs were created to help. Attempting to halt ongoing efforts to provide overdue basic communications services to low-income communities smacks of anti-competitive behavior. YourTel reminds the FCC that the growing pains of a market segment do not justify reactionary suggestions or repositioning by those perpetually afraid of competition.

## **Duplicate Claims**

The New York Public Service Commission supports the FCC idea of “... the carrier that has provided continuous Lifeline service to the customer for the longest period of time would continue to receive Lifeline support; and support to the other carrier would be discontinued.” as a correct way to solve duplicate support claims.<sup>4</sup> As it did in its initial comments in this proceeding, YourTel finds this proposal to be the worst of all alternative and counter to consumer choice – a very American value. It is difficult to believe that any public service organization, federal or state, would choose to completely discount the factor of customer choice

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<sup>3</sup> WC Docket No. 11-42, CC Docket Mo. 96-45, WC Docket No. 03-109, *Comments of the United States Telecom Association*, April 21, 2011, page 11.

<sup>4</sup> WC Docket No. 11-42, CC Docket Mo. 96-45, WC Docket No. 03-109, *Initial Comments of The New York Public Service Commission*, April 22, 2011, pages 7-8.

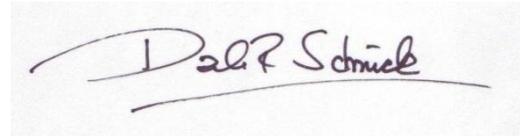
yet classify this as the “least disruptive to the customer”. Would the Commission regulate LNP in the same manner? After fourteen years the Lifeline and Link Up programs are finally growing and eligible consumers are benefitting from competition – an opportunity they have been afforded far too infrequently. It would be wrong to take away this choice due to the poor processes that have in large part caused the duplication concern. YourTel was one of the first to voice concern over duplication and we are happy many in the industry and in government have been calling for change. YourTel agrees and now is the time to push for that change rapidly, but to not lose low income consumer’s right to choose in the process. Choice for these consumers is long overdue and if we yank it away the legitimacy and usefulness of the program will suffer in the minds of every low-income consumer.

## **CONCLUSION**

In closing, YourTel would like to focus on reminding the Commission that in constructing the equation of ETCs, Fund Administration and Consumer Benefit that will result in a Lifeline and Link Up program that will more effectively continue to serve as the core driver to provide basic and enhanced communications services to the growing number of consumers who can’t otherwise afford it, and whatever practice, process or procedure is implemented, the impact to the consumer must be measured and considered. Any growth in subscribership should not automatically be regarded as indicative of waste, fraud or abuse but considered as a long sought after success. Therefore, the Commission should not effect any new rules that do not consider the customer’s perception to, and role in, these programs and thus recreate another era of Lifeline stagnation.

YourTel America thanks the Commission and Joint Board for this opportunity to share its thoughts in this important proceeding.

Respectfully submitted,

A handwritten signature in dark ink that reads "Dale Schmick". The signature is written in a cursive style with a horizontal line underneath the name.

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