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April 19, 2024

24-00025

**Via Email and FedEx**

Tory Lawless  
Docket Manager  
Tennessee Public Utility Commission  
502 Deaderick St, 4th Floor  
Nashville, Tennessee 37243

Electronically Filed in TPUC Docket  
Room on April 19, 2024 at 2:48 p.m.

RE: Petition of American Broadband and Telecommunications Company LLC for  
Designation as an Eligible Telecommunications Carrier in the State of Tennessee

Dear Ms. Lawless:

Attached please find for filing American Broadband and Telecommunications Company LLC's Petition for Designation as an Eligible Telecommunications Carrier in Tennessee. Additionally, an original and two (2) copies are being sent via FedEx to the Docket Room along with a check in the amount of \$25.00 payable to the "Tennessee Public Utility Commission."

If you have any questions, please contact the undersigned. Thank you.

Respectfully submitted,

Debra McGuire Mercer

**BEFORE THE  
TENNESSEE PUBLIC UTILITY COMMISSION**

American Broadband and	)	
Telecommunications Company LLC	)	
Petition for Designation as an Eligible	)	Docket No. <u><b>24-00025</b></u>
Telecommunications Carrier in the State	)	
of Tennessee	)	
<hr/>		

**PETITION OF AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY LLC  
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER  
IN THE STATE OF TENNESSEE**

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April 19, 2024

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**BEFORE THE  
TENNESSEE PUBLIC UTILITY COMMISSION**

American Broadband and	)	
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Petition for Designation as an Eligible	)	Docket No. <b>24-00025</b>
Telecommunications Carrier in the State	)	
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**PETITION OF AMERICAN BROADBAND AND TELECOMMUNICATIONS LLC  
COMPANY FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER IN THE STATE OF TENNESSEE**

American Broadband and Telecommunications Company LLC (American Broadband or the Company), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the Act),<sup>1</sup> Sections 54.101 through 54.207 of the rules of the Federal Communications Commission (FCC),<sup>2</sup> and the rules and regulations of the Tennessee Public Utility Commission (Commission), including Tennessee Code Annotated (TCA), Section 65-4-104 as amended, hereby requests designation as an eligible telecommunications carrier (ETC) in the State of Tennessee for the limited purpose of receiving federal universal service support to provide wireless services to low-income Tennessee households as part of the Lifeline program. American Broadband does not request ETC designation for the purpose of receiving support from any other Universal Service Fund (USF) programs. As demonstrated by the facts stated herein, and as verified in **Exhibit A**, American Broadband meets all the statutory and regulatory requirements for designation as an ETC in the

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207

State of Tennessee, including the requirements for ETCs participating in the Lifeline program as outlined in the various FCC Lifeline Orders.<sup>3</sup>

Granting ETC status to American Broadband will benefit the public interest by making the Company's affordable and reliable telecommunications services available to a broad range of low-income consumers. American Broadband's prepaid wireless services combined with a free smartphone provide a reasonable alternative to traditional post-paid services for households eligible for Lifeline service. American Broadband's products and plans are specially geared toward serving lower income communities, and its service model reflects this mission. The Company does not require service contracts from its customers and ensures competitively low pricing for its services and products. By providing affordable and dependable voice and data services, American Broadband can reach out to those who are often ignored by traditional carriers.

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<sup>3</sup> See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42 and 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (2012 Lifeline Reform Order); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, and 10-90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015); *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. April 27, 2016); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Order on Reconsideration, Memorandum Opinion and Order, FCC 17-155 (rel. Dec. 1, 2017); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fifth Report and Order and Memorandum Opinion and Order and Order on Reconsideration, FCC 19-111 (rel. Nov. 14, 2019).

Additionally, American Broadband is an established provider of telecommunications services. It has demonstrated, since it began providing wireless Lifeline service in 2012, its ability to successfully provide high-quality Lifeline services to low-income consumers in its existing ETC-designated service areas in other jurisdictions. Accordingly, the Company respectfully requests that the Commission expeditiously grant this Petition.

All correspondence, communications, pleadings, notices, orders, and decisions relating to this Petition should be addressed to:

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## **I. COMPANY OVERVIEW**

American Broadband is a Delaware single member limited liability company with its principal place of business at 1480 Ford Street, Maumee, Ohio 43537. American Broadband is authorized to transact business in Tennessee as a foreign corporation. American Broadband is a privately held company owned by the holding company, American Broadband and Telecommunications Holdings Inc.

American Broadband is an established provider of telecommunications services. The Company has been successfully providing telecommunications services since 2004 and Lifeline-supported wireless telecommunications services since 2012. American Broadband operates as a reseller and uses the network of its underlying service provider, T-Mobile, to provide service to its subscribers. T-Mobile's wireless network platform provides robust wireless service coverage across its entire footprint. American Broadband's management has extensive experience in the

telecommunications industry encompassing the provision of voice and data services to consumer and business subscribers.

American Broadband currently operates as a common carrier, providing wireless mobile telecommunications services to consumers in 28 states.<sup>4</sup> American Broadband is designated as an ETC provider in the following states: Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Nevada, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, West Virginia, and Wisconsin. None of American Broadband's petitions for ETC designation have been denied. The Company has an established customer base and serves Lifeline customers across the 21 states where it has been designated as an ETC.

As described herein, American Broadband meets the requirements for ETC designation. Additionally, designation of American Broadband as an ETC in Tennessee serves the public interest. American Broadband therefore requests that the Commission designate the Company as an ETC throughout its proposed service area for the purposes of providing Lifeline service.

## **II. THE COMMISSION HAS THE AUTHORITY TO DESIGNATE WIRELESS ETCS FOR THE LIFELINE PROGRAM**

On April 8, 2022, the Tennessee governor signed Senate Bill 2443 into law, which became effective upon enactment. The law amends TCA § 65-4-104 to give the Commission specific authority to grant ETC designation to mobile wireless carriers like American Broadband. In accordance with Section 65-4-104, as amended, "the commission may upon petition designate

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<sup>4</sup> American Broadband offers wireless telecommunications services in the following states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

a provider or reseller of domestic public cellular radio telephone service as an eligible telecommunications carrier pursuant to 47 C.F.R. § 54.201 for purposes of providing Lifeline service.”<sup>5</sup>

According to the Universal Service Administrative Company (USAC), the estimated 2023 Lifeline participation rate in Tennessee is only 18 percent.<sup>6</sup> American Broadband requests that the Commission utilize its statutory authority to designate American Broadband as an ETC to further the public interest by enabling more Lifeline service options for eligible low-income Tennessee households.

Section 214(e)(2) of the Act provides state public utility commissions with the “primary responsibility” for the designation of ETCs.<sup>7</sup> Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). Section 214(e)(1)(A) of the Act provides that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”<sup>8</sup> However, pursuant to the FCC’s 2012 Lifeline Reform Order,<sup>9</sup> resellers have been granted blanket forbearance from this facilities requirement in connection with limited ETC designation to participate in the Lifeline program, subject to conditions.

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<sup>5</sup> Senate Bill No. 2443, Section 1.

<sup>6</sup> See *Program Data*, USAC, <https://www.usac.org/lifeline/resources/program-data/#Participation> (last visited April 19, 2024).

<sup>7</sup> 47 U.S.C. § 214(e)(2).

<sup>8</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>9</sup> 2012 Lifeline Reform Order, ¶ 368



The FCC conditioned blanket forbearance on the reseller's compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and minutes available, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer.<sup>10</sup> In addition, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the measures that the reseller will take to implement the obligations established in the 2012 Lifeline Reform Order.<sup>11</sup>

American Broadband operates as reseller and commits to compliance with all of conditions for ETC designation and forbearance from the facilities requirement. Therefore, the Commission's ETC designation authority as outlined in the statute along with the FCC's requirements provide a suitable framework that the Commission can use to consider and grant ETC designation to American Broadband to provide service in Tennessee under the federal Lifeline program and any similar state program, to extent one exists or is established at a future time.

### **III. AMERICAN BROADBAND SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC UNDER 47 C.F.R. § 54.201**

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest, convenience, and necessity, the Commission may designate more than one common carrier as an ETC in areas served by a rural telephone company and shall do so with respect to all other areas, provided that the requesting carrier (i) offers services that are supported by Federal

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<sup>10</sup> *Id.* ¶ 373.

<sup>11</sup> *Id.* ¶ 368.

universal service support mechanisms and (ii) advertises the availability of such services.<sup>12</sup>

Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules state that applicants for ETC designation must be common carriers that offer all of the services throughout the designated service area supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, except where the FCC has forbore from the "own facilities" requirement. American Broadband satisfies all such requirements for ETC designation.

**A. American Broadband Will Provide Service via Resale Consistent with the FCC's Forbearance of the Facilities Requirement**

Section 214(e)(2) of the Act requires that an ETC must provide services "using its own facilities or a combination of its own facilities and resale of another carrier's services."<sup>13</sup> As discussed above in Section II, although Section 214 requires ETCs to provide services using their own facilities, at least in part, the FCC has granted forbearance from enforcement of the facilities requirement to carriers seeking Lifeline-only ETC designation. In the 2012 Lifeline Reform Order, the FCC granted forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:<sup>14</sup>

- 1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and

<sup>12</sup> 47 U.S.C. §214(e)(2); *see also* 47 C.F.R. § 54.201(d)(2).

<sup>13</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>14</sup> *See* 2012 Lifeline Reform Order, ¶¶ 368, 373, and 379.

2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.

The Company intends to provide service in Tennessee via resale of its underlying service provider, T-Mobile. In accordance with the forbearance requirements, American Broadband submitted a Compliance Plan and the FCC approved it on May 25, 2012.<sup>15</sup> A copy of the FCC Public Notice approving the Compliance Plan and a copy of the FCC-Approved Compliance Plan are attached hereto as **Exhibit B**. On August 16, 2023, American Broadband filed a letter to notify the FCC that it had changed its practices and procedures to reflect current Lifeline rules. See **Exhibit C**. American Broadband seeks limited ETC designation to permit it to participate in the Lifeline program.

#### **B. American Broadband Is a Common Carrier**

American Broadband will operate as a common carrier as defined in 47 C.F.R. § 153(11). The FCC consistently has held that providers of wireless services are to be treated as common carriers for regulatory purposes. In addition, Section 332(c)(1)(A) of the Act states that commercial mobile radio service providers will be regulated as common carriers.<sup>16</sup> American Broadband provides mobile telecommunications services and, accordingly, is a common carrier.

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<sup>15</sup> See *Wireline Competition Bureau Approves the Compliance Plans of American Broadband & Telecommunications, Budget Prepay, Consumer Cellular, Global Connection, Terracom and Total Call*, Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-828 (2012).

<sup>16</sup> 47 U.S.C. § 332(c)(1)(A).

**C. American Broadband Will Provide All Supported Services by Reselling the Services of Its Underlying Provider**

Through its underlying provider, American Broadband is able to provide all of the supported services required by Section 54.101(a) of the FCC's rules.<sup>17</sup>

**1. Voice Telephony Service**

As set forth in Section 54.101(a)(1) of the FCC's rules, eligible voice telephony services must provide the following:

Voice Grade Access to the Public Switched Telephone Network. The FCC describes "voice grade access" as the ability for a user to make and receive telephone calls within a specified bandwidth.<sup>18</sup> American Broadband provides voice grade access via resale of its facilities-based underlying network operator, T-Mobile.

Local Usage at No Additional Charge. The FCC's rules require a petitioner for ETC designation to demonstrate that it will provide minutes of use for local service to end users at no additional charge. When the FCC adopted this local usage requirement, it was concerned about "a potential that the consumer would have to pay additional per-minute fees and would not receive the benefits universal service is designed to promote."<sup>19</sup> The FCC also has "noted that many providers do not distinguish between local and long distance usage, and [has] concluded that carriers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes."<sup>20</sup> The FCC further determined in the 2012 Lifeline Reform

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<sup>17</sup> 47 C.F.R. § 54.101(a).

<sup>18</sup> See *Federal-State Joint Board on Universal Service*, First Report and Order, CC Docket No. 96-45, FCC 97-157, ¶ 63 (rel. May 8, 1997).

<sup>19</sup> See *id.* ¶ 67.

<sup>20</sup> See 2012 Lifeline Reform Order, ¶ 49.

Order that Lifeline service offerings can meet the local usage requirement in the same manner.<sup>21</sup> American Broadband provides customers with the ability to send and receive local calls wherever it provides service and does not distinguish between local and long distance calling, thereby providing a nationwide calling area. If granted ETC designation, American Broadband will provide Lifeline service packages in Tennessee as outlined in this Petition. As described below, American Broadband's bundled voice and data services that will be offered to eligible households include unlimited voice minutes each month that can be used for local service and will allow customers to use their airtime minutes to send and receive local calls at no additional charge, as required by 47 C.F.R. §§ 54.101(a)(1).

Access to Emergency Services. American Broadband provides 911 and E911 access for all of its customers to the extent that the local government and public safety officials in its service area have implemented 911 or E911 systems. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. American Broadband also complies with the FCC's regulations governing the deployment and availability of E911 compatible handsets.

Toll Limitation. In its 2012 Lifeline Reform Order, the FCC provided that toll limitation would no longer be deemed a supported service.<sup>22</sup> "ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls."<sup>23</sup> Nonetheless, American Broadband's offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is

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<sup>21</sup> See *id.*

<sup>22</sup> See *id.* ¶ 234.

<sup>23</sup> See *id.* ¶ 49.

offered to users for free until they reach their monthly allowance at which point subscribers can choose to purchase additional service at a low cost. American Broadband's service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same.

## **2. Broadband Internet Access Services**

Broadband Internet access service (BIAS) is a supported service as of December 2, 2016. The FCC has stated that BIAS consists of the ability for a user to receive "the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service."<sup>24</sup> American Broadband provides BIAS to low-income consumers via resale of its underlying provider's mobile broadband network.

### **D. American Broadband Will Advertise the Availability of Its Service and Charges in a Manner Reasonably Designed to Reach Lifeline-Eligible Consumers<sup>25</sup>**

American Broadband will advertise both the availability and pricing of its USF-qualifying offerings broadly in a manner reasonably designed to reach those who qualify for the service.<sup>26</sup> In addition, American Broadband may advertise the availability and prices of its services through a variety of mediums, including online advertising, direct marketing campaigns, and event-based distribution,. American Broadband's event marketing and distribution platform may use demographic information to identify locations of households that are eligible to receive Lifeline support. American Broadband also may organize local events and online outreach to

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<sup>24</sup> See 47 C.F.R. § 8.1(b).

<sup>25</sup> 47 C.F.R. § 54.405(b).

<sup>26</sup> See *id.*

market its Lifeline service. American Broadband will expand its advertising efforts as necessary to ensure that Lifeline-eligible households are aware of the Company's offerings.

American Broadband will ensure that all of its Lifeline advertising materials comply with Section 54.405(c) of the FCC's rules. Specifically, American Broadband's advertising materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) that documentation is necessary for enrollment; and (vii) American Broadband is the provider of the services. American Broadband's advertising materials will be further updated, as necessary, in the event any of the aforementioned requirements change. In addition, American Broadband's application form, which is an adaptation of the required FCC form, will state that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

#### **E. American Broadband's Requested Service Area`**

Sections 214(e)(2) and 214(e)(5) of the Act provide that ETC designations shall be made for a "service area," defined as a geographic area established by the Commission. The Company seeks designation to operate as an ETC throughout the State of Tennessee, wherever its underlying facilities-based carrier provides coverage.<sup>27</sup> A list of the current ZIP codes associated with this coverage area is appended as **Exhibit D**. American Broadband's proposed service area

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<sup>27</sup> Consistent with FCC holdings, there is no need for a "creamskimming" analysis in connection with American Broadband's Petition because the Company is seeking ETC designation only for purposes of receiving Lifeline support. *See, e.g., Virgin Mobile USA, L.P.*, Order, FCC 09-18, ¶ 39, n.101 (rel. Mar. 5, 2009).

overlaps with rural carriers in Tennessee, but the Company maintains that the public interest factors described below justify its designation in these carriers' service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers.

While federal requirements specify that an ETC's service area conform to the service area of any rural telephone company serving the same area,<sup>28</sup> the FCC has authorized forbearance from the service area conformance requirements with respect to carriers seeking to provide Lifeline-only service.<sup>29</sup> In light of this forbearance, the Commission has the authority to designate ETCs such as American Broadband in rural areas without concern for the service area conformance requirement.

#### **IV. AMERICAN BROADBAND SATISFIES THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION UNDER 47 CFR § 54.202(A)**

The FCC imposes additional requirements on a carrier requesting ETC designation in Section 54.202 of its rules. As demonstrated below, American Broadband satisfies these additional obligations.

##### **A. Service Commitment throughout the Proposed Designated Service Area**

American Broadband will provide service in Tennessee by reselling service that it obtains from its underlying carrier. This provider has an extensive network that is functional and ready to support service immediately. Thus, American Broadband will be able to commence offering its Lifeline service to all locations served by its underlying carrier very soon after receiving approval from the Commission.

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<sup>28</sup> See 47 U.S.C. §§ 160, 214(e)(5); 47 C.F.R. § 54.207(b).

<sup>29</sup> See *Telecommunications Carriers Eligible for Support*, WC Docket Nos. 09-197 and 11-42, Memorandum Opinion and Order, FCC 13-44 (rel. Apr. 15, 2013).



**B. American Broadband Has the Ability to Remain Functional in Emergency Situations**

American Broadband's Lifeline services will remain functional in emergency situations.<sup>30</sup>

As noted above, American Broadband will utilize the extensive and well-established T-Mobile network and facilities to provide American Broadband's mobile services. The Company understands that the T-Mobile network is capable of managing traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. American Broadband also understands that T-Mobile has sufficient back-up power to ensure functionality if its external power supply is unavailable. T-Mobile will provide the same functionality to American Broadband and American Broadband's customers as it provides to itself and its own customers.

**C. American Broadband Will Satisfy Applicable Consumer Protection and Service Quality Standards**

Section 54.202(a)(3) of the FCC's rules states that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (CTIA Consumer Code) will satisfy this consumer protection and service quality requirement. American Broadband commits to comply with applicable consumer protection requirements and the CTIA Consumer Code to ensure that the Company offers its subscribers the highest level of protection and quality of service. American Broadband's pledge to provide quality service and comply with the CTIA Consumer Code evidences its commitment to satisfy all of the consumer protection and service quality standards applicable to Lifeline services. The Company will make every effort to expeditiously resolve complaints received by the Commission.

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<sup>30</sup> See 47 C.F.R. § 54.202(a)(2).

**D. American Broadband Is Financially and Technically Capable**

As part of the 2012 Lifeline Reform Order, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.<sup>31</sup> American Broadband fully satisfies these criteria.

American Broadband is financially stable and fully capable of honoring its service obligations to customers, as well as meeting its federal and state regulatory obligations. The Company does not rely exclusively on revenues from its provision of Lifeline services for its operating revenues. American Broadband receives revenue from a number of sources which are completely independent from the revenue it will receive in the form of Lifeline reimbursements for service provided to low-income Tennessee households. American Broadband's revenue stream includes income from the sale of non-Lifeline telecommunications services to customers in the 28 states where it offers services. The Company's financial resources position the Company to expand its operations to serve currently unserved and underserved eligible low-income Tennessee consumers and increase competition.

American Broadband is technically capable of providing Lifeline service. The Company's management team has substantial experience in the telecommunications industry. The management team has delivered phone and other communications services to residential and business clients in 28 states. American Broadband is dedicated to providing customers with the most comprehensive suite of options, including voice service, high-speed Internet access service and related information and communications technology services.

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<sup>31</sup> See 2012 Lifeline Reform Order, ¶ 387; *see also* 47 C.F.R. § 202(a)(4).

The Company has provided Lifeline-supported services successfully for more than a decade. In that time, American Broadband has gained extensive expertise regarding the requirements of the federal Lifeline program and marketing to the low-income consumer sector. By reselling the service of T-Mobile, American Broadband's wireless network platform provides robust wireless service coverage across its entire service area. The Company has direct, in-depth experience providing voice and data products to subscribers and successfully working with its underlying carrier.

#### **E. American Broadband's Proposed Lifeline Offering**

American Broadband has the ability to provide all services supported by the universal service program throughout the State of Tennessee. Under its ETC designation, American Broadband will meet or exceed the FCC's minimum service standards, as currently established, as well as any future updates. To maximize consumer choice and value, American Broadband will offer a free Lifeline plan and top up options that subscribers can purchase at the Company's retail locations and on its website to customize and supplement their basic plan, including airtime "top-up" minutes and data. American Broadband initially proposes to offer the following Lifeline offerings in Tennessee, each of which include Caller ID, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail. Furthermore, each of the following plans meets the FCC's mobile voice minimum service standard (MSS) of 1,000 minutes<sup>32</sup> and the mobile broadband MSS of 4.5 GB of data.<sup>33</sup>

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<sup>32</sup> See 47 C.F.R. § 54.408(b)(3).

<sup>33</sup> See 47 C.F.R. § 54.408(b)(2); *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, WC Docket No. 11-42, Public Notice, DA 23-621 (rel. July 21, 2023) (extending 4.5 GB as MSS for mobile broadband through December 1, 2024).

**Free Lifeline Plan:** Unlimited voice minutes, unlimited texts and 4.5 GB of data per month at no cost to the subscriber.

**Talk and Text Top Ups**

- 1) For \$0.99, the customer receives 100 texts per month.
- 2) For \$3.49, the customer receives 100 voice minutes per month.
- 3) For \$4.49, the customer receives 100 texts and 100 voice minutes per month.
- 4) For \$5.99, the customer receives 200 voice minutes per month.
- 5) For \$6.99, the customer receives 250 texts and voice minutes per month.
- 6) For \$6.99, the customer receives 500 voice minutes per month.
- 7) For \$10.49, the customer receives 500 texts and voice minutes per month.
- 8) For \$17.49, the customer receives 1000 texts and voice minutes per month.

**Talk and Text Top Ups**

- 1) For \$4.49, the customer receives 100 MB of data per month.
- 2) For \$5.49, the customer receives 250 MB of data per month.
- 3) For \$8.99, the customer receives 500 MB of data per month.
- 4) For \$15.99, the customer receives 1 GB of data per month.
- 5) For \$24.99, the customer receives 2 GB of data per month.
- 6) For \$24.99, the customer receives 2 GB of data per month.
- 7) For \$44.99, the customer receives 5 GB of data per month.

**F. American Broadband's Processes Comply with Lifeline Verification and Enrollment Processes, and the Company Is Committed to Preventing Waste, Fraud, and Abuse of the Lifeline Program**

Section 54.410 of the FCC's rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. American Broadband has processes in place to

facilitate compliance with federal customer enrollment requirements. Specifically, the Company relies on the National Verifier and the National Lifeline Accountability Database (NLAD), each of which is administered by USAC, to determine an applicant's eligibility for Lifeline service (except in California, where the Company follows specific state requirements). Every applicant will be required to complete the standardized Lifeline application in the National Verifier environment, which covers the necessary information collection, disclosures, and certifications required by Section 54.410(d) of the Lifeline rules.<sup>34</sup> For applicants verified as being eligible by USAC's National Verifier and NLAD, American Broadband completes enrollment by transmitting the required information into NLAD as required by Section 54.404(b)(6) of the FCC's rules. American Broadband also: (1) informs the customer of his or her need to use the service at least once every thirty (30) days as required by Section 54.407(c)(2); (2) provides notice to subscribers on thirty (30) days of non-usage that they must use the service within fifteen (15) days or their service will be terminated as required by Section 54.405(e)(3); and (3) requires the customers to activate their Lifeline service as required by Section 54.407(c)(1). American Broadband will not provide a customer with a handset (if the customer qualifies for a free handset) or otherwise activate Lifeline service until the applicant completes the application in the National Verifier and receives eligibility approval.<sup>35</sup>

American Broadband has additional processes in place to guard against waste, fraud and abuse, and to ensure compliance with FCC rules designed to achieve that objective, including customer usage, cure period, and de-enrollment requirements set forth in Sections 54.407(c)(2) and 54.405(e)(3), general notice and de-enrollment requirements set forth in Section

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<sup>34</sup> 47 C.F.R. § 54.410(d).

<sup>35</sup> 47 C.F.R. § 54.410(a).

54.405(e)(1), transmission of information to NLAD and recordkeeping requirements set forth in Sections 54.404(b)(6) and 54.417, annual certification and reporting requirements set forth in Sections 54.416 and 54.420, and reimbursement claims processes established by USAC consistent with Sections 54.403 and 54.407(a). American Broadband also complies with Sections 54.410(f) of the FCC's rules governing annual subscriber re-certification of eligibility and coordinates with USAC's National Verifier and NLAD systems to manage additional de-enrollments related to USAC-administered benefit transfers and failure to re-certify.<sup>36</sup> If American Broadband receives a request for de-enrollment from a subscriber, it will process the request within two (2) business days in accordance with Section 54.405(e)(5).

American Broadband will have direct contact with all applicants for American Broadband's Lifeline service, either in person through its employees or representatives, or via the telephone, mail, or online. American Broadband will not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. In addition, in accordance with Section 54.406 of the FCC's rules, American Broadband enrollment representatives are required to register in USAC's Representative Accountability Database (RAD), and American Broadband does not offer or provide enrollment representatives or their direct supervisors any commission compensation based on the number of consumers who apply for or are enrolled in the Lifeline program with the Company.<sup>37</sup> Finally, American Broadband provides or requires Lifeline-specific training for all personnel, whether employees, direct contractors, or representatives, who interact with new or prospective customers regarding the FCC's Lifeline eligibility and certification rules and the Company's practices and policies

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<sup>36</sup> 47 C.F.R. §§ 54.405(e), 54.410(f).

<sup>37</sup> 47 C.F.R. § 54.406(b).

designed to implement those rules. American Broadband has a zero tolerance policy for waste, fraud, and abuse, and personnel are instructed to notify the Company's compliance team if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit.

**V. AMERICAN BROADBAND WILL COMPLY WITH ALL REGULATIONS ADOPTED BY THE COMMISSION**

American Broadband also hereby asserts its willingness and ability to comply with all rules and regulations that the Commission chooses to impose lawfully upon the Company's provision of service contemplated by this Petition. American Broadband certifies that all federal funding received will be used for Lifeline support and will be used for the direct benefit of eligible low-income consumers. American Broadband is in good standing with the Commission and is in full compliance with all applicable Commission orders, rules, and regulations.

**VI. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING ETC STATUS TO AMERICAN BROADBAND**

By designating American Broadband as a wireless ETC, the Commission will be advancing the Act's goal of ensuring universal access to quality telecommunications services at affordable rates.<sup>38</sup> The FCC's rules require that a request for ETC designation may be granted only upon a finding that grant of the designation will be in the public interest."<sup>39</sup> When evaluating if an ETC designation would be in the public interest, the FCC considers the "benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering."<sup>40</sup> As explained in greater detail below, designation of American Broadband as

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<sup>38</sup> 47 U.S.C. 5 254(b)(1), (3).

<sup>39</sup> 47 C.F.R. § 54.202(b).

<sup>40</sup> *See, e.g., 2010 Virgin Mobile ETC Order*, 25 FCC Rcd 17797, ¶ 6.

a wireless ETC will increase the number of Lifeline service providers in Tennessee and provide low-income consumers with access to the Company's attractive and affordable service offerings.

One of American Broadband's primary objectives is to provide quality wireless telecommunications services to low-income and underserved consumers throughout the Company's designated service areas in Tennessee. To this end, the Company has developed an attractive service offering and policies that increase access by low-income consumers to quality services. The Company recognizes that low-income consumers often lack access to the credit required to secure traditional post-paid telephone service. The Company alleviates this barrier by permitting consumers to obtain service without conducting a credit check or requiring long term contract commitments. The prepaid nature of the Company's service enables consumers to control their communications costs and avoids unexpected charges resulting from unplanned usage.

As with any consumer, low-income consumers need reliable and affordable means of staying in contact - whether with family, friends, employers or others. Once designated as an ETC, Petitioner will be able to address these low-income consumers' needs with its wireless Lifeline service offerings that include unlimited voice minutes and texts and 4.5 GB of data, all offered for no charge to eligible Tennessee households. Unlimited voice and text allotments together with a robust data allotment enable low-income consumers to stay in contact with employers without sacrificing the ability to remain in contact with friends and family members. Low-income consumers also will have access to 911 and E911 services, regardless of the number of minutes the customer has remaining, and thus can reach emergency services when needed. The mobile nature of American Broadband's service is especially helpful to those low-income consumers that may frequently change residences or work in migratory jobs. The Company's



wireless services provide low-income consumers with a stable number at which they can be contacted regardless of where they are located at the time. American Broadband's Lifeline service offerings will provide low-income consumers in Tennessee with another alternative for obtaining quality telecommunications service. The Company's presence in the telecommunications market may also prompt other carriers to increase and improve their Lifeline service offerings, thereby benefiting consumers in Tennessee.

## **VII. CONCLUSION**

For the foregoing reasons, American Broadband satisfies the requirements for designation as an ETC in the State of Tennessee. American Broadband respectfully requests that the Commission promptly designate American Broadband as an ETC in the State of Tennessee, throughout the requested service area, solely for purposes of participating in the Lifeline program to receive federal support and reimbursement for the provision of communications services on a wireless basis to qualified low-income Tennessee consumers.

Respectfully submitted,



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*Attorneys for American Broadband and  
Telecommunications Company LLC*

April 19, 2024

## **Exhibit A**

## DECLARATION OF JEFFREY ANSTED

I, Jeffrey Ansted, state as follows:

1. I am President of American Broadband and Telecommunications Company LLC (American Broadband). My business address is 1480 Ford Street, Maumee, OH 43537.
2. In my capacity as President of American Broadband, I am an authorized officer of American Broadband. I am providing this Declaration in support of the foregoing document in which American Broadband requests designation as an Eligible Telecommunications Carrier.
3. I have reviewed the foregoing document. On behalf of American Broadband, I verify that the information contained in the foregoing document is true and accurate to the best of my personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18, 2024

A handwritten signature in black ink that reads "Jeff Ansted". The signature is written in a cursive, slightly stylized font. Below the signature is a solid black horizontal line.

Jeffrey Ansted

## **Exhibit B**



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
**TTY: 1-888-835-5322**

**DA 12-828**

**Release Date: May 25, 2012**

## **WIRELINE COMPETITION BUREAU APPROVES THE COMPLIANCE PLANS OF AMERICAN BROADBAND & TELECOMMUNICATIONS, BUDGET PREPAY, CONSUMER CELLULAR, GLOBAL CONNECTION, TERRACOM AND TOTAL CALL**

**WC Docket Nos. 09-197 and 11-42**

The Wireline Competition Bureau (Bureau) approves compliance plans of six telecommunications carriers: American Broadband & Telecommunications; Budget Prepay, Inc.; Consumer Cellular, Inc.; Global Connection, Inc. of America; TerraCom, Inc.; and Total Call Mobile, Inc. filed pursuant to the *Lifeline Reform Order* as a condition of obtaining forbearance from the facilities requirement of the Communications Act of 1934, as amended (the Act), for the provision of Lifeline service.<sup>1</sup>

The Act provides that in order to be designated as an eligible telecommunications carrier for the purpose of universal service support, a carrier must “offer the services that are supported by Federal universal service support mechanisms . . . either using its own facilities or a combination of its own facilities and resale of another carrier’s services . . . .”<sup>2</sup> The Commission recently amended its rules to define voice telephony as the supported service and removed directory assistance and operator services, among other things, from the list of supported services.<sup>3</sup> As a result of these amendments, many Lifeline-only ETCs that previously met the facilities requirement by relying on operator services, directory assistance or other previously supported services no longer meet the facilities requirement of the Act.<sup>4</sup> In the *Lifeline Reform Order*, the Commission found that a grant of blanket forbearance of the facilities

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<sup>1</sup> See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, at paras. 379-380 (rel. Feb. 6, 2012) (*Lifeline Reform Order*). A list of the compliance plans approved through this Public Notice can be found in the Appendix to this Public Notice.

<sup>2</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>3</sup> See *Connect America Fund*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17692-93, paras. 77-78, 80 (2011) (*USF/ICC Transformation Order*); *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011); *Connect America Fund*, WC Docket No. 10-90 *et al.*, Order on Reconsideration, 26 FCC Rcd 17633, 17634-35, para. 4 (2011) (*USF/ICC Transformation Order on Reconsideration*).

<sup>4</sup> See *Lifeline Reform Order*, FCC 12-11, at para. 366, App. A; *USF/ICC Transformation Order on Reconsideration* at para. 4. Some ETCs have included language in their compliance plans indicating that they have facilities or plan to acquire facilities in the future. See, e.g., Budget PrePay, Inc. Petition for Designation as an Eligible Telecommunications Carrier, WC Docket Nos. 09-197 and 11-42, Compliance Plan of Budget PrePay, Inc. at 3 n. 6 (filed May 1, 2012). To the extent ETCs seek to avail themselves of the conditional forbearance relief established in the *Lifeline Reform Order*, we presume they lack facilities to provide the supported service under section 54.101 and 54.401 of the Commission’s rules. See 47 C.F.R. §§ 54.101 and 54.401. Such ETCs must comply with the compliance plan approved herein in each state or territory where they are designated as an ETC, regardless of their claim of facilities for other purposes, such as eligibility for state universal service funding.

requirement, subject to certain public safety and compliance obligations, is appropriate for carriers seeking to provide Lifeline-only service.<sup>5</sup> Therefore, in the *Lifeline Reform Order*, the Commission conditionally granted forbearance from the Act's facilities requirement to all telecommunications carriers seeking Lifeline-only ETC designation, subject to the following conditions: (1) compliance with certain 911 and enhanced 911 (E911) public safety requirements; and (2) Bureau approval of a compliance plan providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will take to implement the obligations contained in the *Order*.<sup>6</sup>

The Bureau has reviewed the compliance plans listed in the Appendix for conformance with the *Lifeline Reform Order*, and now approves those six compliance plans.<sup>7</sup>

Filings, including the Compliance Plans identified in the Appendix, and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 448-5563, or via email [www.bcpweb.com](http://www.bcpweb.com).

**People with Disabilities:** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-7400 or TTY (202) 418-0484.

For further information, please contact Divya Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

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<sup>5</sup> See *Lifeline Reform Order*, FCC 12-11 at paras. 368-381.

<sup>6</sup> See *id.* at paras. 373 and 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans pursuant to the *Lifeline Reform Order*. *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197 and 11-42, Public Notice, 27 FCC Rcd 2186 (Wireline Comp. Bur. 2012).

<sup>7</sup> The Commission has not acted on any pending ETC petitions filed by these carriers, and this Public Notice only approves the compliance plans of the carriers listed above. While these compliance plans contain information on each carrier's Lifeline offering, we leave it to the designating authority to determine whether or not the carrier's Lifeline offerings are sufficient to serve consumers. See *Lifeline Reform Order*, FCC 12-11 at paras. 50 and 387.

### Appendix

<b>Petitioner</b>	<b>Compliance Plans As Captioned by Petitioner</b>	<b>Date of Filing</b>	<b>Docket Numbers</b>
American Broadband & Telecommunications	American Broadband & Telecommunications Revised Compliance Plan	April 27, 2012	09-197; 11-42
Budget PrePay, Inc.	Compliance Plan of Budget PrePay, Inc.	May 1, 2012	09-197; 11-42
Consumer Cellular, Inc.	Consumer Cellular Amended Revised Compliance Plan	April 18, 2012	09-197; 11-42
Global Connection, Inc. of America	Global Connection Inc. of America Compliance Plan	April 30, 2012	09-197; 11-42
TerraCom, Inc.	TerraCom, Inc. Second Revised Blanket Forbearance Compliance Plan	May 1, 2012	09-197; 11-42
Total Call Mobile, Inc.	Total Call, Inc. Revised Compliance Plan	May 17, 2012	09-197; 11-42

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Federal-State Joint Board on	)	WC Docket No. 09-197
Universal Service	)	
	)	
Lifeline and Link Up Reform Modernization)	)	WC Docket No. 11-42
	)	
Petition for Forbearance	)	
	)	

**AMERICAN BROADBAND & TELECOMMUNICATIONS  
REVISED COMPLIANCE PLAN**

**Background**

On February 25, 2011, American Broadband & Telecommunications (“American Broadband” or “Company”) filed a Petition for Forbearance (“Petition”) requesting that the Federal Communications Commission (“FCC” or “Commission”) forbear from enforcement of section 214(e)(1)(A) of the Act, which requires eligible telecommunications carriers (“ETC”) to use their own facilities to provide services supported by the Universal Service Fund (“USF”). The Commission issued a Public Notice seeking comment on American Broadband & Telecommunications’ Petition and no comments opposing the Petition were filed.<sup>1</sup> On June 30, 2011, the Company filed its initial draft Compliance Plan outlining its proposed compliance with the usual Commission conditions for ETCs. The Commission sought comment on the Plan and the Company subsequently filed an updated draft Plan on December 2, 2011.

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<sup>1</sup> *Wireline Competition Bureau Seeks Comments on American Broadband & Telecommunications Petition for Forbearance from Eligible Telecommunications Carrier Facilities Requirement*, Public Notice, DA 11-641 (rel April 7, 2011).



On January 31, 2012, the Commission approved several modifications to its Lifeline rules and provided blanket forbearance for non-facilities-based carriers wishing to provide Lifeline only services. In the *Lifeline Reform Order*,<sup>2</sup> the Commission noted that a carrier must comply with 911 requirements (which American Broadband already does) and file a Compliance Plan that provides specific information on the low income offerings of the carrier as well as outlining the steps the carrier will take to comply with the order, specifically with regards to the prevention of waste, fraud and abuse.<sup>3</sup> On March 13, 2012, American Broadband filed a revised compliance plan pursuant to the *Lifeline Reform Order*. With this filing, American Broadband makes several minor revisions to the March 13 filing. Through this revision, American Broadband demonstrates its current compliance with the *Lifeline Reform Order*, and willingness to comply with forthcoming procedures outlined in the order (such as use of the National Lifeline database), when such procedures become effective.

The *Lifeline Reform Order* also states that carriers like American Broadband who have pending Compliance Plans at the Commission should revise them to comply with the *Lifeline Reform Order*.<sup>4</sup> As such, American Broadband files this revised Compliance Plan, which complies with the requirements of the *Lifeline Reform Order*. American Broadband respectfully requests expeditious approval of its proposed Compliance Plan.

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<sup>2</sup> *Lifeline and Link Up Reform and Modernization, et al*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket 11-42, *et al*, FCC 12-11, (rel. February 6, 2012) (“*Lifeline Reform Order*”).

<sup>3</sup> *Lifeline Reform Order*, ¶ 368.

<sup>4</sup> *Id.*, at n. 983.

## **COMPLIANCE PLAN**

American Broadband commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. American Broadband will comply with all conditions set forth in any Commission order, the provisions of this Compliance Plan, and all laws and regulations governing its provision of Lifeline-supported wireless service (both non-facilities-based and facilities-based) to customers throughout our service territories and in addition take the steps set forth herein.

### **I. Access to 911 and E911 Services**

American Broadband will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission removed the requirement to obtain PSAP certifications from Low Income only ETCs in the *Lifeline Reform Order*, but reaffirmed the obligation to provide consumer access to 911 and E911 regardless of activation status and to provide E911-compliant handsets.<sup>5</sup> American Broadband can comply with both requirements immediately.

The Commission and consumers are hereby assured that all American Broadband customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access will be available from American Broadband handsets, even if the account associated with the handset has no minutes remaining. All Lifeline customers will have meaningful access to emergency calling services at the time the

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<sup>5</sup> *Lifeline Reform Order*, ¶¶ 373-75.

customer activates Lifeline service, and that such access will continue regardless of the customer's account status or the availability of prepaid minutes.

The Company's existing practices currently provide access to 911 and E911 services to the extent that these services have been deployed by its underlying carriers, such as Sprint and Verizon. American Broadband also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active, suspended or terminated. Finally, the Company transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

## **II. E911-Compliant Handsets**

American Broadband & Telecommunications will ensure that all handsets used in connection with the Lifeline service offering will be E911-compliant. In fact, American Broadband's phones have always been and will continue to be 911 and E911-compliant. American Broadband uses phones from Sprint and Verizon that have been through a stringent certification process in either Sprint's or Verizon's handset certification lab, which ensures that the handset models used meet all 911 and E911 requirements. As a result, any customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. In the event that an existing customer does not have an E911-compliant handset, American Broadband will replace it with a new 911/E911-compliant handset at no charge to the customer. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

### **III. Certification of Lifeline Customers' Eligibility**

To safeguard against misuse of the Lifeline service plan, American Broadband will deal directly with the customer and collect initial and annual certifications required by the *Lifeline Reform Order*. As required by the Order, American Broadband will establish safeguards to prohibit more than one supported service for each household. American Broadband proposes the following plan to implement these certification and verification conditions and will modify the plan to conform to any new rules and orders, once issued and effective:

#### **A. Policy**

American Broadband will comply with the minimum federal certification and verification requirements for Lifeline eligibility and any additional requirements established by the states where it is designated as an ETC.

In addition to any state-imposed requirements, American Broadband will certify at the outset and will verify annually consumers' Lifeline eligibility in accordance with the Commission's requirements. American Broadband will enact the same stringent requirements of annual re-certification that it currently uses with its wireline Lifeline service offering. This process requires a customer signed, annual certification form to be entered into our systems prior to any benefits being extended for the next year.

#### **B. Certification Procedures**

American Broadband will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting American Broadband via telephone, facsimile, or the Internet. At the point of sale, consumers will be provided with printed information describing American Broadband's Lifeline program, including eligibility requirements, and instructions for enrolling. Materials from USAC, that will be developed

pursuant to the *Lifeline Reform Order*, may also be provided at the point of sale. Specific information will be provided to educate consumers about the one per household rules. Consumers will be signed up in person or directed via Company literature or advertising to a toll-free telephone number and to American Broadband's website, which will contain a link to information regarding the Company's Lifeline service plan, including a detailed description of the program and state-specific eligibility criteria. American Broadband's application form for its wireless service will identify that it is a "Lifeline" application. A sample application form is attached hereto as Exhibit A. In addition to this document, applicants will be required to complete USAC's application form that will be developed pursuant to the *Lifeline Reform Order*, when that form is available.<sup>6</sup>

American Broadband understands and accepts the Commission's requirement that the Company have direct contact with all customers applying for participation in the Lifeline program. American Broadband enrolls individuals through two methods: person-to-person sign-up at areas set up at state government agencies or by application submitted by the individual. First, American Broadband has an employee or agent located in state government offices where members of the public come to meet with their case workers and sign up for various state programs. The agent will explain the eligibility requirements for the program, including participation in a qualifying program or earning income below 135% of the Federal Poverty Guidelines and will verify the individual's eligibility based on a meeting with the person's case worker and verifying documentation obtained from the case workers. The agent will also explain the program limitation of only one Lifeline service per household. Before the service is

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<sup>6</sup> *Lifeline Reform Order*, ¶ 78.

authorized, the individuals eligibility is also verified through the relevant databases as described in further detail below.

Alternatively, individuals may obtain a copy of the application at these state government offices, fill out the necessary information, sign the form and fax them to American Broadband for processing. These applications are also verified through the state case workers and review of the necessary documentation from the case worker. If an individual contacts American Broadband for service via phone, they are instructed to visit an agent (located in governments offices) to receive an application, complete it and fax it to the company. American Broadband does not undertake any outbound telemarketing nor do they accept applications online or over the phone. American Broadband will provide Lifeline-specific training to all personnel, whether employees or agents, that interact with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services.

Consumers who do not complete the application process in person must return the signed application and support documentation to the Company, normally by fax. In the future, should the Company use an electronic application process, consistent with Commission regulations, the Company will develop a system to accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC § 7001-7006, and any applicable state laws. Processing of consumers' applications, including review of all application forms and relevant documentation will be performed under American Broadband's supervision by managers experienced in the administration of the Lifeline program. American Broadband will ensure that all required documentation is taken care of properly by using state-specific compliance checklists.

In addition to the Commission's requirements, in states with program-based eligibility criteria, the form will list each of the qualifying programs, and the applicant will be required to identify the program(s) in which they participate, and to furnish proof that they currently participate in such program(s). For states with income-based eligibility criteria, the applicant will be required to certify under penalty of perjury that their household income does not exceed the relevant threshold (*e.g.*, 135% of the Federal Poverty Guidelines for federal default states) and will be required to provide proof of income-based eligibility. American Broadband will not retain copies of this information, but rather will maintain a database that records what information was provided.<sup>7</sup> Notwithstanding the foregoing with respect to program or income eligibility, for states that require American Broadband to enroll subscribers identified by the state or as eligible in a state database, American Broadband may continue to rely on the state identification or database. In addition, the Lifeline application form will include a certification section where the applicant must attest and sign under penalty of perjury that the applicant's representations are true and correct. Applicants will also be required to certify under penalty of perjury that they are head of their household and receive Lifeline-supported service only from American Broadband. Penalties for perjury will be clearly stated on the certification form. American Broadband will use substantially the following form of its certification both in the initial application and annually:

By signing below, I certify under penalty of perjury – (additionally, please initial each of the 11 statements below)

1. The information contained within this application is true and correct. I acknowledge that providing false or fraudulent documentation in order to receive assistance is punishable by fines, imprisonment, de-enrollment or being barred from the program

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<sup>7</sup> *Lifeline Reform Order*, ¶ 101.

2. I understand that Lifeline is a federal benefit and is only available for one phone line per household, whether landline or wireless. For purposes of the Lifeline program, a household is any individual or group of individuals who live together at the same address and share income and expenses. Violation of the one-per-household requirement is a violation of FCC rules, will result in de-enrollment from the Lifeline program and potentially prosecution by the federal government. \_\_\_\_\_

3. I understand that households are not permitted to receive Lifeline benefits from multiple providers. (Some Lifeline services are not marketed under a "Lifeline" name; these include Lifeline services sold under the names AT&T Lifeline, Assurance Wireless, and Safelink.) I certify that to the best of my knowledge, I, and any members of my household, will only receive Lifeline from American Broadband & Telecommunications (AB&T). \_\_\_\_\_

4. I understand that I must notify AB&T within 30 days if I cease to participate in a qualifying federal program or my annual household income exceed this threshold. \_\_\_\_\_

5. I understand that I must cancel any Lifeline service or port my number to AB&T prior to establishing my service with AB&T. \_\_\_\_\_

6. I understand that Lifeline is a non-transferrable benefit and certify that I will only use this phone for my household's own use and will not resell or transfer it. \_\_\_\_\_

7. I will notify AB&T within 30 days if I, or any member of my household, no longer qualify for Lifeline, I or any members of my household move, or if I, or any member of my household, are receiving more than one Lifeline-supported service. \_\_\_\_\_

8. I understand that I may be required to re-certify my continued eligibility at any time, and at least annually, and failure to so will result in the termination of my Lifeline benefits \_\_\_\_\_

9. I certify that I meet the income-based or program-based eligibility criteria for receiving Lifeline service as described by FCC rules \_\_\_\_\_

10. I understand that my name, telephone number, and address will be divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of verifying that I, or my household, do not receive more than one Lifeline benefit. I consent to inclusion of this information in the support database. \_\_\_\_\_

11. I understand that if I have listed a temporary residential address, I will be required to verify my temporary residential address every 90 days. \_\_\_\_\_

Perjury and false statements are punishable by fines and/or imprisonment.



Signature (required)\_\_\_\_\_ Date\_\_\_\_\_

To the extent that USAC's disclosure and application form that is to be developed pursuant to the *Lifeline Reform Order* duplicates these disclosures, this form may be modified to eliminate duplication or eliminated outright if fully covered by the USAC certification form. In such event, American Broadband will use the USAC-developed certification form. Customers will also be provided a verification form consistent with parameters described in the annual Verification section described below. The application forms will require each applicant to provide their name and permanent residential address, and a billing address if different. American Broadband will incorporate this information into its customer information database. These forms will also collect a customer's date of birth and last four digits of the customer's Social Security Number as required by the *Lifeline Reform Order*.<sup>8</sup> Prior to initiating service for a customer, the Company will check the name and address of each Lifeline applicant (and the personal information required for verification) against its database to determine whether or not it is associated with a customer that already receives Lifeline-supported service, and will then review the application to ascertain whether the applicant is attempting to receive Lifeline-supported service for more than one handset or wireline phone associated with the address. American Broadband will also check the name and address against the national Lifeline database prior to initiating service, once such database is operational. If the Lifeline applicant or address is listed as a duplicate, the applicant will be required to complete the certification developed by USAC, that they live at a multiple household address. American Broadband will also verify a customer's eligibility using the database by collecting the customer's data of birth and last four digits of the customer's social security number and using this information to complete the

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<sup>8</sup> *Lifeline Reform Order*, ¶ 184.

verification process established by the *Lifeline Reform Order*. In addition, prior to requesting a subsidy, American Broadband will process and validate American Broadband's subsidy data, consistent with the standard procedures to be established by USAC and the forthcoming Lifeline database to automatically prevent any household that is already receiving a Lifeline subsidy for services provided by American Broadband from receiving a second Lifeline subsidy in that same month. Further, any prepaid customers who do not use the service in the first instance or who have not used the service within the past 60 days will not be considered active customers for the purposes of requesting subsidies.<sup>9</sup> For customers who are de-activated for non-usage, American Broadband will update USAC's Lifeline database (when it becomes operational) within one business day of the de-enrollment of the customer from the Lifeline service. American Broadband will provide Lifeline-specific training to all personnel, whether employees or agents, that interact with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services.

American Broadband shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that the procedures it will implement will prevent American Broadband customers from engaging in such abuse of the program. American Broadband will make full use of the national Lifeline database when it is operational. In the interim, because of American Broadband's relationship with multiple government agencies throughout our service territory, we are also able to certify eligibility directly with the state agency that provides benefits which qualify customers for Lifeline eligibility.

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<sup>9</sup> See Usage Policy, below.

### **C. Verification Procedures**

American Broadband will require every consumer enrolled in the Lifeline program to verify on an annual basis that they are the head of their household and only receive Lifeline service from one ETC.<sup>10</sup> American Broadband will notify each participating Lifeline consumer prior to their service anniversary date that they must confirm their continued eligibility in accordance with the applicable requirements. This notification will be mailed via the U.S. Postal Service to the address the subscriber has on record with American Broadband. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact American Broadband. Customers will have 60 days to complete the form, certify under penalty of perjury that they are the head of household and receive Lifeline service only from American Broadband, and return the form to American Broadband by mail or other means that may be developed in the future. The form will remind customers that Lifeline is a federal benefit, that it is only available for one line per household, that “household” in the context of the certification means any individual or group thereof who live together at the same address and share income and expenses, and that a household may not have service from multiple providers. The form will include a statement that violation of these rules constitutes a violation of the program’s rules that will result in immediate de-enrollment from the program and could be the basis for federal criminal prosecution.<sup>11</sup> Anyone who does not respond to the mailing and certify their continued eligibility will be de-enrolled from the Lifeline program.

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<sup>10</sup> *Lifeline Reform Order*, ¶ 92. Note that in the future, American Broadband may elect to have USAC administer the self-certification process on its behalf, to the extent that option is available in a given state.

<sup>11</sup> *Lifeline Reform Order*, ¶ 121.

Currently, customers will be required to complete the verification process by mail; however, American Broadband will offer additional options, such as web-based methods, in the future. Such verification will be required in order for the consumer to continue to receive free Lifeline service or to purchase prepaid airtime from American Broadband at the discounted rate only available to those customers who are enrolled in its Lifeline program. American Broadband will report annually on its verification and re-verification procedures as required by the recently amended section 54.416 of the Commission's Rules.<sup>12</sup>

American Broadband submits that its Compliance Plan fully satisfies the conditions of the *Lifeline Reform Order*. Implementation of the procedures, outlined in this plan, will promote public safety and ensure that Lifeline customers have access to 911 and E911 services while safeguarding against misuse of the company's Lifeline service benefits.

#### **IV. Additional Measures to Prevent Waste, Fraud, and Abuse**

##### **A. Non-usage Policy**

American Broadband will implement a non-usage policy whereby we will identify pre-paid Lifeline customers that have not used the Company's Lifeline service for 60 days. Specifically, if no usage appears on an activated American Broadband pre-paid Lifeline customer's account during any continuous 60-day period, American Broadband will promptly notify the customer that the customer is no longer eligible for American Broadband Lifeline service subject to a 30-day grace period. During the 30-day grace period, American Broadband will engage in outreach efforts to determine whether the customer desires to remain on the Company's Lifeline service. If the customer's account does not show any customer-specific activity during the 30-day grace period (such as making or receiving a voice call to/from anyone

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<sup>12</sup> *Lifeline Reform Order*, ¶ 120.

other than American Broadband or its agent, sending a text message, downloading data or adding money to the account), American Broadband will deactivate Lifeline services for that customer unless the customer affirmatively responds confirming that the customer wants to continue receiving Lifeline. In addition, American Broadband will not seek to recover a federal Universal Service Fund subsidy for the minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497 unless the customer reinitiates service. Customers will be informed at the time service is initiated of the deactivation and de-enrollment process that will occur as a result of non-usage.<sup>13</sup>

Customers that receive phones via mail rather than in person must activate their service before they can place calls. American Broadband ensures that phones shipped to customers are only capable of calling 911 and the Company's interactive voice response ("IVR") system. A customer must call the IVR in order to complete the activation process. The Company does not submit a customer who received a shipped phone for Lifeline reimbursement until the customer completes this IVR activation process. American Broadband will apply this activation policy for shipped wireless handsets.

American Broadband will consult with the state commissions (PUCs) in the states where it provides Lifeline services regarding implementation of the policy described above. American Broadband expects that certain state PUCs or similar agencies may seek to incorporate state-specific variations to the policy. Consequently, American Broadband may modify the parameters of the inactivity policy described herein after consultation with the respective state PUCs.

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<sup>13</sup> *Lifeline Reform Order*, ¶ 257.

## **B. Customer Education with Respect to Duplicates**

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, American Broadband will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. Customers shall also be informed that the service is non-transferable. These measures entail additional emphasis in written disclosures as well as live due diligence.

- a) Call Center and Sales Script – American Broadband will emphasize the “one Lifeline phone per household” restriction through its interaction with the potential customer at the call center. American Broadband will also emphasize the “one Lifeline phone per household” restriction through its direct sales contact with the potential customer. The sales training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. Attached as Exhibit B is a sample of training material that is used to educate sales personnel of the FCC’s regulations regarding the definition of household and the prohibition on multiple lines.
- b) Marketing, Advertising and Website Content – American Broadband, in its marketing materials, will reinforce the limitation of one Lifeline phone per household. Attached as Exhibit C is a copy, to scale, of a two by three foot advertisement display, and description of wireless offerings.
- c) In addition to reminding consumers of the one-per-household rule, American Broadband will comply with the other marketing requirements in the *Lifeline Reform Order* and will explain in all marketing materials that the service offering is a Lifeline-supported service, only eligible consumers may enroll, what documentation is necessary for enrollment, Lifeline is a government benefit program, and consumers who willfully make false statements to obtain Lifeline can be punished by fine or imprisonment or barred from the program.

These statements will also appear on the company’s website ([www.ambt.net](http://www.ambt.net)) during the customer information/education cycle. At the point on its website when a customer inputs his/her zip code to verify that American Broadband offers service in their area, American Broadband will display the required marketing language in the section where the website explains the service and rate plan options. The message would flash to draw attention to it. In addition, American Broadband will include in its printed materials and website substantially the following statement “Not all Lifeline supported programs are identified as ‘Lifeline’ and may be marketed under other brand names.”

### **C. Cooperation with state and federal regulators**

American Broadband has and will continue to cooperate with federal and state regulators to prevent waste, fraud and abuse, including:

- Sharing with state commissions (PUC), the FCC or USAC data that will enable that state, the FCC or USAC to determine whether some consumers are enrolled in more than one Lifeline program. Specifically, American Broadband agrees to make available state-specific customer data, including name and address, to each state PUC where it operates, the FCC or USAC for the purpose of permitting the PUC, FCC or USAC to determine whether an existing Lifeline customer receives Lifeline service from another carrier, and will participate in such a duplicate resolution process, provided that costs for participation are reasonable or defrayed through the universal service contribution mechanisms;
- Promptly investigate any notification that it receives from a state PUC, the FCC or USAC that one of its customers already receives Lifeline service from another carrier;
- Immediately deactivate a customer's Lifeline service and no longer report that customer on USAC Form 497 if American Broadband's investigation, a state, the FCC or USAC concludes that the customer receives Lifeline services from another carrier in violation of the Commission's regulations and that American Broadband's Lifeline service should be discontinued such as a de-enrollment notification pursuant to the FCC's June 17, 2011 Report and Order (Section III, B.).

### **V. Included Usage**

American Broadband will offer at least one Lifeline plan that provides consumers with at least 250 included minutes-of-use per month at the lowest end user rate permitted under FCC rules. This provision will expire 36 months from the date of approval of this Compliance Plan.

### **VI. Service Areas**

American Broadband operates as a wireline and wireless carrier in the states of Michigan, Ohio and Indiana. In Michigan, American Broadband is an ETC serving wireline Lifeline customers and has an application pending to provide Lifeline-only wireless services. American Broadband's service territory in Michigan includes the non-rural wire centers and study areas of AT&T Michigan, Frontier North, Inc., Frontier Midstates, Inc., CenturyTel Midwest - Michigan,

Inc., CenturyTel of Michigan, Inc., CenturyTel of Northern Michigan, Inc., CenturyTel of Upper Michigan, Inc., Frontier Communications of Michigan, Inc., Deerfield Farmer's Telephone Company, Ogden Telephone Company, and Sand Creek Telephone Company. In Ohio, the Company is designated as an ETC for wireline services and has an application pending to provide Lifeline-only wireless services in certain exchanges of Verizon North Inc. and AT&T Ohio. In Indiana, the company is licensed as a CLEC in the territories of Frontier and AT&T (fka Indiana Bell). The company serves approximately 1,000 customers in Indiana. The company currently has an application to become a ETC in Indiana pending before the Indiana Utility Regulatory Commission.

Note that American Broadband does not provide service to any Tribal areas, nor do its current business plans anticipate serving Tribal areas in the future. If and when American Broadband plans to expand its service to Tribal areas, American Broadband will amend its application and certification forms to reflect requirements specific to the service of Tribal areas.

## **VII. Statements required under Section 54.2002 of the Commission's Rules**

### ***A. Compliance with Service Requirements***

American Broadband certifies that it does now, and will in the future comply with all applicable state and federal requirements applicable to the receipt of Lifeline support.

### ***B. Emergency Functionality***

American Broadband is technically qualified to remain functional during emergency situations. In particular, American Broadband's critical infrastructure, its Class 5 switch, is located in a facility that provides redundant and battery back-up power to minimize the risk of service outages during emergency situations. In addition, as a reseller of wireline and wireless



services, American Broadband relies on the network redundancy and disaster preparedness of its network suppliers.

**C. *Consumer Protection***

American Broadband is committed to provide service consistent with appropriate standards for customer protection as established by the FCC and the applicable state Commissions (Ohio, Michigan and Indiana). For the Company's wireless services, American Broadband is committed to providing service in accordance with CTIA's Consumer Code for Wireless Service.

**D. *Technical and Financial Qualifications***

In accordance with the *Lifeline Reform Order*,<sup>14</sup> American Broadband submits that it is technically and financially qualified to operate as a Lifeline-only ETC. As noted above, American Broadband already operates as a wireline Lifeline ETC in the states of Michigan and Ohio, and is licensed as a telecommunications carrier in Ohio, Michigan and Indiana. American Broadband serves more than 30,000 customers in these three states, including more than 10,000 Lifeline-qualified wireline customers in Ohio and Michigan.

The Company's management has more than 50 years experience in the telecommunications industry. The Company owns and operates a partially facilities-based network, including a class 5 switch located in Toledo, Ohio. The Company's financial qualifications are well established, after having been deemed financially qualified to be both a licensed telecommunications carrier and an ETC by two state commissions. Lifeline customers are a relatively small part of the Company's overall revenue, and the Company is not dependent upon Lifeline support revenue as its primary source of income. The Company operates

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<sup>14</sup> *Lifeline Reform Order*, at ¶ 387.

profitably and has never filed for bankruptcy protection and plans measured expansion into neighboring states as business conditions allow.

American Broadband is a privately-held company and has no parent company and no affiliated companies. American Broadband has never been the subject of a state enforcement action or ETC revocation proceedings in any state.

***E. Lifeline Service Offerings***

The required information regarding the Company's Lifeline offerings is included in section V., above, as well as Exhibit C to this filing.

**Conclusion**

American Broadband respectfully requests that the Commission expeditiously approve its Compliance Plan so that the company may begin providing the benefits of Lifeline service to qualified low-income customers as soon as possible.

Respectfully submitted,

*/s/ electronically signed*

Tamar E. Finn  
Douglas D. Orvis II  
Kimberly A. Lacey  
Bingham McCutchen LLP  
2020 K Street, N.W.  
Washington, DC 20006

Dated: April 27, 2012

**Exhibit A**

Sample Application Form

## Wireless Lifeline Assistance Application

PLEASE MAIL OR FAX SIGNED APPLICATION TO:

ABT Wireless Lifeline— PO Box 577 Toledo, OH 43697

Toll free: 877-777-7922

Fax: 877-211-3705



### PLEASE READ, INITIAL AFTER EACH STATEMENT AND SIGN THE FOLLOWING STATEMENT

*By signing below, I certify under penalty of perjury – (additionally, please initial each of the 11 statements below)*

1. The information contained within this application is true and correct. I acknowledge that providing false or fraudulent documentation in order to receive assistance is punishable by fines, imprisonment, de-enrollment or being barred from the program \_\_\_\_
2. I understand that Lifeline is a federal benefit and is only available for one phone line per household, whether landline or wireless. For purposes of the Lifeline program, a household is any individual or group of individuals who live together at the same address and share income and expenses. Violation of the one-per-household requirement is a violation of FCC rules, will result in de-enrollment from the Lifeline program and potentially prosecution by the federal government. \_\_\_\_
3. I understand that households are not permitted to receive Lifeline benefits from multiple providers. (Some Lifeline services are not marketed under a "Lifeline" name; these include Lifeline services sold under the names AT&T Lifeline, Assurance Wireless, and Safelink.) I certify that to the best of my knowledge, I, and any members of my household, will only receive Lifeline from American Broadband & Telecommunications (AB&T). \_\_\_\_
4. I understand that I must notify AB&T within 30 days if I cease to participate in a qualifying federal program or my annual household income exceed this threshold. \_\_\_\_
5. I understand that I must cancel any Lifeline service or port my number to AB&T prior to establishing my service with AB&T. \_\_\_\_
6. I understand that Lifeline is a non-transferrable benefit and certify that I will only use this phone for my household's own use and will not resell or transfer it. \_\_\_\_
7. I will notify AB&T within 30 days if I, or any member of my household, no longer qualify for Lifeline, I or any members of my household move, or if I, or any member of my household, are receiving more than one Lifeline-supported service. \_\_\_\_
8. I understand that I may be required to re-certify my continued eligibility at any time, and at least annually, and failure to so will result in the termination of my Lifeline benefits \_\_\_\_
9. I certify that I meet the income-based or program-based eligibility criteria for receiving Lifeline service as described by FCC rules \_\_\_\_
10. I understand that my name, telephone number, and address will be divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of verifying that I, or my household, do not receive more than one Lifeline benefit. I consent to inclusion of this information in the support database. \_\_\_\_
11. I understand that if I have listed a temporary residential address, I will be required to verify my temporary residential address every 90 days. \_\_\_\_

**Perjury and false statements are punishable by fines and/or imprisonment.**

Signature\_\_\_\_\_

Date\_\_\_\_\_

## Wireless Lifeline Assistance Application

PLEASE MAIL OR FAX SIGNED APPLICATION TO:

ABT Wireless Lifeline- PO Box 577 Toledo, OH 43697

Toll free: 877-777-7922

Fax: 877-211-3705



**PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION**

Your Name: \_\_\_\_\_  
(Last) (First) (Middle Initial)

Current Home Telephone Number: \_\_\_\_\_ Best Contact or Cell Number: \_\_\_\_\_

Residential Address: \_\_\_\_\_  
(Number) (Street) (Apartment, Floor)

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Is this a Permanent Address? ☐ YES ☐ NO Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Last 4 Digits of Your Social Security Number \_\_\_\_\_

Is this a multiple household address? ☐ YES ☐ NO Billing Address (if different from Residential address)

(Number) (Street) (Apartment, Floor) City/Town State Zip Code

### Please Select Your Wireless Plan

☐ Lifeline Wireless Essentials 250 ☐ Lifeline Wireless Essentials 500 ☐ Lifeline Wireless Unlimited

### Program Eligibility

I receive Assistance from one of the following programs (Check all that apply) (NOTE: Social Security and Medicare Alone **DO NOT** qualify for Lifeline):

☐ Food Stamps ☐ Federal Public Housing and/or Section 8 ☐ Disability Assistance  
☐ Medicaid (Not Medicare) ☐ Ohio or Michigan Works First /TANF ☐ National School Lunch Program  
☐ Supplemental Security Income (SSI) ☐ Low Income Home Energy Assistance (LIHEAP) ☐ Temporary Assistance for Needy Families (TANF)  
☐ Federal Public Housing Assistance (Section 8)

### AMBT USE ONLY – Please identify which Program Documents from the Box above you used for proof of Program Eligibility

☐ Proof of Food Stamp Participation ☐ Federal Public Housing and/or Section 8 ☐ Disability Assistance Participation Certification  
☐ Medicaid (Not Medicare)- Program Documentation ☐ Ohio or Michigan Works First /TANF documentation ☐ National School Lunch Program Eligibility  
☐ Supplemental Security Income (SSI) Participation ☐ Low Income Home Energy Assistance-Documents ☐ Temporary Assistance for Needy –TANF Cert  
☐ Federal Public Housing Assistance (Section 8)

### Income Based Eligibility – DO NOT COMPLETE THIS SECTION IF YOU COMPLETED THE PROGRAM ELIGIBILITY SECTION ABOVE

Calculate **TOTAL** household income by reporting the income of all adult persons residing in your home in the appropriate category:

<u>Household Size</u>	<u>Maximum Yearly Income</u>
1	\$16,335
2	\$22,065
3	\$27,795
_____	\$ _____

If you have more than 3 people in your household, write the number and add \$5,730 for each additional person on top of the \$27,795

#### **Proof of Income Documentation Examples Include:**

☐ Prior year's State or Federal income tax return **OR**  
☐ Most recent type of current statement from the income source(s) noted below:  
☐ **Three consecutive months'** worth of your most current pay stubs  
☐ Social Security benefits statement  
☐ Veterans Administration benefits statement  
☐ Retirement/Pension benefits statement  
☐ Divorce decree or child support document  
☐ Unemployment/Workers Compensation benefits statement

I authorize AB&T to Contact my Case Worker to Verify Eligibility:

Name of Case Worker: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Eligibility verified by (initial all that apply) (1) Reviewing Customer Documentation \_\_\_\_\_; (2) Contacting Caseworker \_\_\_\_\_; (3) Eligibility Database Verification \_\_\_\_\_

**NOTE: YOU MUST COMPLETE BOTH SIDES OF THIS FORM BEFORE WE CAN PROCESS YOUR APPLICATION**

**FAX SIGNED APPLICATION TO 877-211-3705**

v.ASSISTWRLSv.022712

**Exhibit B**

Training Materials

American Broadband & Telecommunications Call Center/Sales Training

**The following information may be used by sales and calling center staff to respond to inquiries about Lifeline supported services.**

(1) Confirm the individual is the head of household and they are not currently receiving a Lifeline subsidized service through the following questions:

- “Do you currently have wireless or home phone service?”
- **If no:** skip remaining questions and complete application process.
- **If yes:** “Is the [wireless or home phone] service a subsidized service or do you pay full price?”
- **If subsidized:** “By law, the Lifeline program is only available for one phone per household. Do you know if your current phone is subsidized under the Lifeline program?”
- **If individual is not sure:** “Who is your provider for that service? What is the name of the service?” (Note that Assurance Wireless and SafeLink are Lifeline services.)
- **If it is a Lifeline service:** “We cannot provide you with a second Lifeline phone. If there is a problem with your current service, and you would like to switch to our service, you must authorize ABT to port your telephone number to our service.”

(2) If it appears that the individual does not currently have Lifeline service, proceed with the following steps:

- Using ABT’s database, verify the individual (name, date of birth, last four digits of social security number) is not currently in the ABT system as a registered recipient of Lifeline services. Repeat with state/USAC database if and when available.
  - If there is an active Lifeline account for that individual, explain that “by law, the Lifeline program is only available for one phone per household.” For example, if the customer is in ABT’s database, inform the customer that they must choose ABT wireline Lifeline OR wireless Lifeline service.
  - If there is no active account for that individual, proceed with the application process.
- Using ABT’s database, verify the individual’s address is not currently in the ABT system as a registered recipient of Lifeline services. Repeat with state/USAC database if and when available.

- If there is an active Lifeline account for that address, explain that “by law, the Lifeline program is only available for one phone per household.”
- Explain that, for purposes of the Lifeline program, a household is any individual or group of individuals who live together at the same address and share income and expenses.
- If customer states address is multifamily or group housing, use USAC form (when developed) to determine if customer qualifies for Lifeline as multiple household.
- If there is no active account for the applicant’s address or household, proceed with the application process.

(3) If check of database(s) verifies individual is not current Lifeline recipient, assist customer in completing application.

- Customer must complete both sides of form.
- Confirm residential address is billing address. If not, collect billing address IN ADDITION TO residential address.
- If address is not permanent, explain that American Broadband must verify address every 90 days. If customer does not respond, Lifeline service will be deactivated.
- Explain service plan options (refer to service description sheet). For customers that elect pre-paid Lifeline Wireless Essentials 250, explain non-usage policy.
  - If no usage appears on an activated American Broadband pre-paid Lifeline customer’s account during any continuous 60-day period, American Broadband will promptly notify the customer that the customer is no longer eligible for American Broadband Lifeline service subject to a 30-day grace period.
  - During the 30-day grace period, American Broadband will attempt to reach customer to determine whether the customer desires to remain on the Company’s Lifeline service.
  - If the customer’s account does not show any customer-specific activity during the 30-day grace period (such as making or receiving a voice call to/from anyone other than American Broadband or its agent, sending a text message, downloading data or adding money to the account), American Broadband will deactivate Lifeline services for that customer unless the customer affirmatively responds confirming that the customer wants to continue receiving Lifeline.
- With the exception of program eligibility/income eligibility, all sections must be completed.



- Customer should complete EITHER program eligibility OR income eligibility section.
  - Review customer documentation supporting eligibility carefully, note which documents reviewed in ABT database.
- Ensure customer reads and initials statements 1-8 on certification section.

## **Exhibit C**

### Sample Advertisement and Description of Wireless Offerings

# GET CONNECTED... STAY CONNECTED.

## GET WIRELESS LIFELINE.



**Wireless Lifeline** is a government assisted program that provides qualified low-income consumers with:

- Free cellular phone, provided by American Broadband\*
- Includes 250 minutes free monthly airtime, local or long distance
- Free 911 access
- No credit check

Service provided by American Broadband and Telecommunications, a local wireless provider of Lifeline-supported services.

**SIGN UP TODAY.**

Call **1 (877) 777-7922**  
Fax your application to **1 (877) 211-3705**  
Visit **[www.ambt.net](http://www.ambt.net)**

You may only have one Lifeline-supported line, either wireless or wireline, per household. Only eligible customers may enroll in the Lifeline program. Proof of eligibility, such as documentation of receipt of benefits (such as Medicaid, TANF or SSI) or proof of income (such as tax returns or pay stubs), is required to enroll. Lifeline is a federal benefit program; persons making false statements in order to obtain Lifeline service can be subject to fines, imprisonment or barred from the Lifeline program.

\* Free phone is not supplied or subsidized by any government program.

## Stay Connected Wirelessly with:

- Potential or current employers
- Children who are at home while their parents have to go to work
- Healthcare specialists
- Vital emergency responders
- Relatives during a personal emergency

## **ALL American Broadband & Telecommunications Wireless Lifeline plans come with:**

- Superior areas of coverage throughout the entire United States
- Access to 411 with no airtime charges
- Unlimited 911 access
- Call waiting
- Call ID
- Voicemail

## 3 Great Plans to Choose From!

### **Lifeline Wireless Essentials 250**

**Plan Price: Free\***

- 250 FREE Voice Minutes added every month, automatically, you do nothing.
- Includes Free Cell Phone\*
- Access to 911
- Free Voicemail, Caller ID and Call Waiting
- Access to Operator Service and Directory Listing. OSDA service includes information and connection to publicly listed, domestic, landline telephone numbers and Addresses.
- No annual contract, no monthly Bills

*\*Assumes initial and continued program eligibility requirements are met - Non-usage for 60 days will result in a notice that service will be deactivated in 30 days; if customer actively uses service during the 30-day grace period, service will remain active.*

### **Lifeline Wireless Essentials 500**

**Plan Price: \$9.95 per month**

- 500 Voice Minutes added every month, automatically, you only pay \$9.95.
- Includes Free Cell Phone\*
- Access to 911
- Free Voicemail, Caller ID and Call Waiting
- Access to Operator Service and Directory Listing. OSDA service includes information and connection to publicly listed, domestic, landline telephone numbers and Addresses.
- No annual contract

*\*Assumes initial and continued program eligibility requirements are met*

### **Lifeline Wireless Unlimited**

**Plan Price: \$39.95 per month**

- Unlimited Voice Minutes and Unlimited Texting, you only pay \$39.95.
- Includes Free Cell Phone\*
- Access to 911
- Free Voicemail, Caller ID and Call Waiting
- Access to Operator Service and Directory Listing. OSDA service includes information and connection to publicly listed, domestic, landline telephone numbers and Addresses.
- No annual contract

*\*Assumes initial and continued program eligibility requirements are met*

## **Need More Minutes? We have 6 Easy Top Up Plans. You can Add Minutes 24 hours per Day, 7 Days Per Week.**

### **Options\***

100 Talk or Text Minutes  
180 Talk or Text Minutes  
200 Talk or Text Minutes

### **Price**

\$3.99  
\$5.99  
\$6.99

### **Options\***

240 Talk or Text Minutes  
360 Talk or Text Minutes  
500 Talk or Text Minutes

### **Price**

\$ 9.99  
\$12.99  
\$19.99

*\* 1 Text is the equivalent of 1 minute of talk time*

## **Exhibit C**

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August 16, 2023

**Via ECFS**

Jodie Griffin, Division Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

RE: American Broadband & Telecommunications Lifeline Compliance Plan;  
Federal-State Joint Board on Universal Service, *et al.*, WC Docket Nos.  
09-197, 11-42

Dear Ms. Griffin:

On May 25, 2012, American Broadband & Telecommunications (American Broadband or Company) received approval from the Wireline Competition Bureau (Bureau) of its Compliance Plan for its wireless Lifeline services.<sup>1</sup> As a courtesy and to ensure that its Compliance Plan commitments align with current regulatory requirements and practices, American Broadband hereby notifies the Bureau that it is changing its practice of reviewing Lifeline applicants' documentation proving eligibility to participate in the Lifeline program and maintaining a database that records the documentation reviewed. American Broadband also advises the Bureau that it also has changed additional practices and procedures so that it does not needlessly duplicate tasks now handled by the National Verifier, National Lifeline Accountability Database (NLAD) or state administrators, and to reflect current Lifeline rules. American Broadband's changes to its Lifeline practices and procedures are consistent with the Federal Communications Commission's (Commission) rules governing the Lifeline program. Because performing a practice that is duplicative of functions now performed by Universal

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<sup>1</sup> See generally *Wireline Competition Bureau Approves the Compliance Plans of American Broadband & Telecommunications, Budget Prepay, Consumer Cellular, Global Connection, TerraCom and Total Call*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-828 (rel. May 25, 2012).

Service Administrative Company (USAC) and its National Verifier and NLAD database, or state administrators or that is not required by the Commission's rules, is not necessary to achieve compliance, the Company does not view any of these changes as being "material" changes warranting filing and approval of a revised compliance plan.<sup>2</sup> Processes must evolve to keep pace with changing rules and, when appropriate, to remove unnecessary burdens from service providers and Lifeline applicants and subscribers.

Specifically, the following process changes have been or will be made to ensure the Company's continued compliance with the Commission's Lifeline rules:

- (a) The Company<sup>3</sup> no longer undertakes functions that are performed or are rendered unnecessary by the National Verifier, NLAD or state administrators. Those functions include dipping of state databases and collection and review of proof of eligibility for purposes of (1) determining whether an applicant is currently receiving Lifeline benefits from another Lifeline service provider; (2) initially certifying Lifeline applicants' eligibility; or (3) annually recertifying Lifeline subscribers' continued eligibility. American Broadband, consistent with the Commission's rules, relies on the National Verifier, NLAD and state administrators to initially certify Lifeline applicants' eligibility. Therefore, American Broadband's practice of reviewing proof of eligibility and maintaining a database that records the documentation reviewed is not required or necessary.
- (b) The Company does not make any determinations regarding whether an applicant meets income-based or program-based eligibility criteria, nor does it make any determinations regarding whether a Lifeline subscriber has completed the annual re-certification of eligibility.
- (c) To the extent that the Company offers a Lifeline service that does not require it to assess and collect a monthly fee from its subscribers, the Company will not seek Lifeline support for a subscriber until the subscriber activates the service by a means specified by the Company.<sup>4</sup>

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<sup>2</sup> See *Wireline Competition Bureau Reminds Carriers of Eligible Telecommunications Carrier Designation and Compliance Plan Approval Requirements for Receipt of Federal Lifeline Universal Service Support*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 14-1052 (rel. July 24, 2014).

<sup>3</sup> Reference to the Company encompasses employees, customer service representatives, and agents.

<sup>4</sup> See 47 CFR § 54.407(c)(1).

- (d) The Company conducts the enrollment and de-enrollment process consistent with the requirements of NLAD.<sup>5</sup> To the extent that the Company provides Lifeline service in California, an NLAD opt-out state, it conducts the enrollment and de-enrollment process consistent with the requirements of the California Third Party Administrator's requirements.
- (e) The Company provides de-enrollment notices to subscribers after 30 days of non-usage indicating that failure to use the service within the 15-day notice period will result in service termination for non-usage.<sup>6</sup>
- (f) The Company has updated its Lifeline service offerings and marketing materials to reflect current minimum service standards and market realities.<sup>7</sup>
- (g) The Company has replaced its application and certification form and its income eligibility worksheet with the universal forms as required by the Commission.<sup>8</sup>
- (h) The Company uses the Lifeline Claims System in the NLAD for reimbursement.<sup>9</sup>

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically. Please feel free to contact me if you have any questions.

Respectfully submitted,



John J. Heitmann  
Debra McGuire Mercer

*Counsel to American Broadband &  
Telecommunications*

cc: Nicholas Page

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<sup>5</sup> See 47 CFR § 54.404.

<sup>6</sup> See 47 CFR § 54.405(e)(3).

<sup>7</sup> See 47 CFR § 54.408. The Company's current Lifeline service offerings are available at <https://www.americanassistance.com/about-us/>.

<sup>8</sup> 47 CFR § 54.410(d); *Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, DA 18-161 (rel. Feb. 20, 2018).

<sup>9</sup> See USAC, *Lifeline Claims System (LCS)*, <https://www.usac.org/lifeline/lifeline-claims-system-lcs/>.



## **Exhibit D**

**AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY****TENNESSEE****SERVICE AREA ZIP CODES**

37010	37073	37167	37303	37359	37604	37724	37825
37012	37074	37171	37305	37360	37614	37725	37826
37013	37075	37172	37306	37361	37615	37726	37828
37014	37076	37174	37307	37362	37616	37727	37829
37015	37078	37175	37308	37363	37617	37729	37830
37016	37079	37178	37309	37365	37618	37731	37840
37018	37080	37179	37310	37366	37620	37733	37841
37019	37082	37180	37311	37367	37640	37737	37843
37020	37083	37181	37312	37369	37641	37738	37846
37022	37085	37183	37313	37370	37642	37742	37847
37023	37086	37184	37315	37373	37643	37743	37848
37025	37087	37185	37317	37374	37645	37745	37849
37026	37090	37186	37318	37375	37650	37748	37852
37027	37091	37187	37321	37376	37656	37752	37853
37028	37095	37188	37322	37377	37657	37753	37854
37029	37096	37189	37323	37379	37658	37754	37857
37030	37097	37190	37324	37380	37659	37755	37860
37031	37098	37191	37325	37381	37660	37756	37861
37032	37101	37201	37327	37383	37663	37757	37862
37033	37110	37202	37328	37385	37664	37760	37863
37034	37115	37203	37329	37387	37665	37762	37865
37035	37118	37204	37330	37388	37680	37763	37866
37036	37122	37205	37331	37389	37681	37764	37869
37037	37127	37206	37332	37391	37682	37765	37870
37040	37128	37207	37333	37394	37683	37766	37871
37042	37129	37208	37334	37396	37684	37769	37872
37043	37130	37209	37335	37397	37686	37770	37873
37046	37132	37210	37336	37398	37687	37771	37874
37047	37134	37211	37337	37402	37688	37772	37876
37048	37135	37212	37338	37403	37690	37774	37877
37049	37137	37213	37339	37404	37691	37777	37878
37050	37138	37214	37340	37405	37692	37779	37879
37051	37140	37215	37341	37406	37694	37801	37880
37052	37141	37216	37342	37407	37701	37803	37881
37055	37142	37217	37343	37408	37705	37804	37882
37057	37143	37218	37345	37409	37708	37806	37885
37058	37144	37219	37347	37410	37709	37807	37886
37059	37145	37220	37348	37411	37710	37809	37887
37060	37146	37221	37350	37412	37711	37810	37888
37061	37148	37228	37351	37415	37713	37811	37890
37062	37149	37232	37352	37416	37714	37813	37891
37064	37150	37238	37353	37419	37715	37814	37892
37066	37151	37243	37354	37421	37716	37818	37902
37067	37153	37246	37355	37450	37721	37819	37909
37069	37160	37301	37356	37501	37722	37820	37912
37072	37166	37302	37357	37601	37723	37821	37914

**AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY****TENNESSEE****SERVICE AREA ZIP CODES**

37915	38057	38152	38330	38425	38552
37916	38058	38157	38332	38449	38553
37917	38059	38161	38333	38450	38554
37918	38060	38201	38334	38451	38555
37919	38061	38220	38337	38452	38556
37920	38063	38221	38338	38453	38558
37921	38066	38222	38339	38454	38559
37922	38067	38224	38340	38455	38560
37923	38068	38225	38341	38456	38562
37924	38069	38226	38342	38457	38563
37929	38075	38229	38343	38459	38564
37931	38076	38230	38344	38460	38565
37932	38079	38231	38345	38461	38567
37934	38080	38232	38347	38462	38568
37938	38103	38233	38348	38463	38569
37996	38104	38236	38351	38464	38570
37998	38105	38237	38352	38468	38571
38001	38106	38238	38355	38469	38572
38002	38107	38240	38356	38471	38573
38004	38108	38241	38357	38472	38574
38006	38109	38242	38358	38473	38575
38008	38111	38251	38359	38474	38577
38011	38112	38253	38361	38475	38578
38012	38113	38255	38362	38476	38579
38015	38114	38256	38363	38477	38580
38016	38115	38257	38365	38478	38581
38017	38116	38258	38366	38481	38582
38018	38117	38259	38367	38482	38583
38019	38118	38260	38368	38483	38585
38023	38119	38261	38369	38485	38587
38024	38120	38271	38370	38486	38588
38028	38122	38301	38371	38487	38589
38030	38125	38305	38372	38488	
38034	38126	38310	38374	38501	
38037	38127	38311	38375	38504	
38039	38128	38313	38376	38505	
38040	38130	38315	38379	38506	
38041	38131	38316	38380	38541	
38042	38132	38317	38381	38542	
38044	38133	38318	38382	38543	
38046	38134	38320	38387	38544	
38047	38135	38321	38388	38545	
38049	38136	38326	38390	38547	
38052	38138	38327	38391	38548	
38053	38139	38328	38392	38549	
38055	38141	38329	38401	38551	