

TENNESSEE PUBLIC UTILITY COMMISSION

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July 31, 2024

Mark Schirmer, General Counsel
Go MD USA LLC
3385 Airways Blvd., Ste. 201
Memphis, TN 38116

Electronically Filed In TPUC Docket
Room on July 31, 2024 at 12:35 p.m.

VIA EMAIL to markschirmer@gomdusa.net and markschirmer1@gmail.com

Re: *Petition of Go MD USA LLC for Designation as an Eligible Telecommunications Carrier in the State of Tennessee for the Limited Purpose of Providing Lifeline Service to Qualifying Customers*, TPUC Docket No. 24-00046

Dear Mr. Schirmer:

Commission Staff has conducted a preliminary review of the Petition in the above referenced docket and determined that additional items are needed in order to have a complete record for submission to the Commission for consideration. I have listed below some of the items that are needed from the legal perspective. TPUC's Utilities Division may have additional requests concerning specific information needed for consideration of the Petition.

The following items require additional information:

1. The Commission requires sworn testimony to accompany the Petition concerning the Company's qualifications to be designated as an eligible telecommunications carrier. While the Verification page signed by Mr. Arcallana may be sufficient in some jurisdictions, the Tennessee Public Utility Commission has indicated that an Affidavit or Pre-Filed Testimony is required. I can provide a copy of Pre-Filed Testimony and/of Affidavit that the Commission has considered in successful Petitions.
2. The Petition indicates that the Q1 2024 financial statement will be filed confidentially along with the Petition. The Commission did receive confidential filings in this docket. However, the confidential filing included only copies of certain agreements and a copy of a similar Petition for the Georgia Public Service Commission. Please submit the Q1 2024 financial statement indicated.
3. The Petition states, "...there is no need for GO MD USA to obtain and approved FCC Compliance Plan in accordance with the *2012 Lifeline Reform Order*." In support of

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this statement, Paragraph 368 of the *2012 Lifeline Reform Order* is cited. However, this paragraph states:

[T]he Commission will forbear 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: (1) the carrier must comply with certain 911 requirements, as explained below; and (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*** [emphasis added].¹

The Order asserts that review and approval of the Compliance Plans is a “crucial element” of the FCC’s action because it will give the states the ability to fully evaluate the Lifeline provider’s offerings and adherence to program rules before any Lifeline funds are received.² As a result, in order to consider Go MD USA’s Petition, the Commission will require an approved FCC Compliance Plan as required by the Federal Communications Commission.

Thank you in advance for your assistance in addressing these issues so that the docket can go forward. As previously stated, the Utilities Division may have additional questions concerning the Petition, but it is important that these legal issues be addressed before that Division can complete its review.

Please provide the information requested on or before August 31, 2024. If this information is not provided by this date, this docket may be subject to dismissal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Conklin', is written over a horizontal line.

Aaron J. Conklin
Senior Counsel

¹ 27 FCC Rcd. 6656, 6813 (2012).

² *Id.*