

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

December 9, 2024

IN RE:

APPLICATION OF TAG MOBILITY, LLC D/B/A
TAG MOBILE FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN THE STATE OF
TENNESSEE

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DOCKET NO.
24-00068

ORDER DESIGNATING TAG MOBILITY, LLC D/B/A TAG MOBILE
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

This matter came before Vice Chairman John Hie, Commissioner Herbert H. Hilliard, Commissioner Clay R. Good, Commissioner Kenneth C. Hill and Commissioner David Crowell of the Tennessee Public Utility Commission (the “Commission” or “TPUC”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on November 18, 2024, for consideration of the *Application of Tag Mobility, LLC d/b/a TAG Mobile, LLC for Designation as an Eligible Telecommunications Carrier in Tennessee* (“*Application*”) filed by Tag Mobility, LLC d/b/a TAG Mobile, LLC (“TAG Mobile” or “Company”) on September 20, 2024.

BACKGROUND AND PETITION

In accordance with Tennessee law, the Commission annually certifies wireline companies as Eligible Telecommunications Carriers (“ETC”) upon verifying compliance with federal standards.¹ Orders designating wireline companies as ETCs are submitted to the Federal Communications Commission (“FCC”) to allow designated Tennessee companies to receive

¹ 47 C.F.R. § 54.314 (2023). *See also* Tenn. Code Ann. § 65-4-104(c) (2023).

federal funding for certain services, including Lifeline service. Prior to Tennessee legislative changes in 2022, the Commission lacked authority to designate non-wireline companies, e.g., wireless or cellular providers, as ETCs. Tennessee Public Acts Chapter 789 enacted on March 4, 2022, and signed into law on April 8, 2022, provides the Commission authority to designate cellular providers as ETCs. The newly enacted language stipulates:

Notwithstanding § 65-4-101(6)(A)(vi), the Commission may upon petition designate 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.²

On September 20, 2024, TAG Mobile filed its *Application* for the purpose of providing Lifeline service to qualifying Tennessee consumers. In its *Application*, TAG Mobile states that it meets all the statutory and regulatory requirements for designation as an ETC, including Tennessee Code Annotated Section 65-4-104, as recently amended. Further, TAG Mobile states it has been designated a Lifeline only wireless ETC in nineteen (19) other states and is also authorized by the FCC and Uniformed Service Administrative Company (“USAC”) to participate in the Affordable Connectivity Program (“ACP”) throughout the United States, including Tennessee.³ As support, the Company filed an Amended Compliance Plan and a Revised Amended Compliance Plan, which were approved by the FCC on September 21, 2022.⁴

Finally, TAG Mobile states that it seeks ETC designation solely to provide Lifeline service to qualifying Tennessee consumers and it “does not seek designation as an ETC to receive any form of rural, insular, and high-cost area support.”⁵ The Company also filed a signed affidavit by

² Tenn. Code Ann. § 65-4-104(c) (2023). *See also* 2022 Tenn. Pub. Acts Ch. 789.

³ *Application*, pp. 2-6 (September 20, 2024).

⁴ *Id.* at 4 and Exh. D.

⁵ *Id.* at 1.

Henry Hung Do, Chief Executive Officer, TAG Mobility, d/b/a TAG Mobile affirming that the matters, facts and statements set forth in the Application are true to the best of his knowledge.⁶

STANDARD FOR COMMISSION APPROVAL

Commission approval is required for designation as an ETC pursuant to the Telecommunications Act of 1996, 47 U.S.C.A § 214(e), which provides, in relevant part:

(E) PROVISION OF UNIVERSAL SERVICE

(1) ELIGIBLE TELECOMMUNICATIONS CARRIERS. A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

(2) DESIGNATION OF ELIGIBLE TELECOMMUNICATIONS CARRIERS

A State Commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.⁷

FINDINGS AND CONCLUSIONS

State Commissions have been designated to certify ETCs that meet the requisite federal criteria, so that such designated companies may in turn receive federal support for providing certain services. In this case, TAG Mobile is seeking federal low-cost funds to provide Lifeline

⁶ *Id.* at 14.

⁷ 47 U.S.C.A. § 214(e)(1)-(2).

service to qualified Tennessee consumers.

According to information provided by the Company, TAG Mobile has been offering the requisite services (Lifeline) as defined in Section 254(c) of the Federal Telecommunications Act in other states. Moreover, the Company advertises the availability of the requisite services and otherwise meets the eligibility criteria for designation as an ETC. Further, its request to become certified as an ETC meets the public interest as approval of this application will allow TAG Mobile access to federal funds to greatly assist in the provisioning of wireless voice service as well as broadband service in areas that otherwise might not receive such essential service.

Upon consideration of the *Application* and the entire record in this docket, the voting panel found that TAG Mobile meets the qualifications necessary to be designated an ETC and that ETC designation is in the public interest. Therefore, the voting panel unanimously approved the *Application*.

IT IS THEREFORE ORDERED THAT:

1. The *Application of Tag Mobility, LLC d/b/a TAG Mobile, LLC* is approved, designating Application of Tag Mobility, LLC d/b/a TAG Mobile, LLC, as an Eligible Telecommunications Carrier in the State of Tennessee.
2. Any person(s) aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.
3. Any person(s) aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.

(SIGNATURE PAGE BELOW)

TENNESSEE PUBLIC UTILITY COMMISSION:

**Vice Chairman John Hie,
Commissioner Herbert H. Hilliard,
Commissioner Clay R. Good,
Commissioner Kenneth C. Hill, and
Commissioner David Crowell concurring.**

None dissenting.

ATTEST:

A handwritten signature in dark ink, appearing to read "Earl Taylor" with a stylized flourish or initials "abh" at the end.

Earl R. Taylor, Executive Director