

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

In the Matter of

American Broadband and
Telecommunications Company

Application for Designation as an Eligible
Telecommunications Carrier.

Docket No. 12-0680.

AMENDED PETITION OF

AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY

FOR LIMITED DESIGNATION AS A WIRELESS
ELIGIBLE TELECOMMUNICATIONS CARRIER

October 21, 2013

OFFICIAL FILE

I.C.C. DOCKET NO. 14-0432

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Witness J. Anstee

Date 9/24/14 Reporter _____

Staff Cross-
Examination Ex. 5

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American Broadband and Telecommunications Company ("Petitioner", "Company" or "American Broadband"), by its undersigned counsel and pursuant to section 214(e)(2) of the Communications Act of 1934, as amended (the "Act") and Section 54.201 of the Rules of the Federal Communications Commission ("FCC"), 47 C.F.R. § 54.201, hereby submits this Amended Petition for Limited Designation as a Wireless Eligible Telecommunications Carrier ("ETC"). American Broadband requests that the Illinois Commerce Commission ("Commission") designate the Company as a prepaid wireless ETC provider in Illinois for the sole purpose of receiving federal universal service Lifeline support¹ in the geographic area specified in this Petition. American Broadband does not seek ETC status for the purpose of receiving support from any other federal or state universal service funds, nor does it seek to offer services in high-cost or rural areas.

¹ See 47 C.F.R. § 54.400, *et seq.*

As discussed in greater detail below, American Broadband meets the federal and state statutory and regulatory requirements for ETC designation. The Company is ready and able to provide the services supported by the Lifeline program throughout its designated service area in Illinois. Granting ETC status to the Company will benefit the public interest and further the goals of the Lifeline program by enabling American Broadband to provide affordable and quality telecommunications services to a broad range of low income consumers in Illinois. Moreover, low income consumers in Illinois will benefit from the increased choice of service providers and service options resulting from grant of American Broadband's ETC designation request. Accordingly, the Company requests the Commission grant this Petition expeditiously. In support of this Petition, American Broadband respectfully states as follows:

I. BACKGROUND

A. Company Overview

American Broadband provides prepaid wireless services on a common carrier basis. The Company is a Delaware corporation and is registered with the Illinois Secretary of State to operate as a foreign carrier in Illinois.² By Commission Order, dated July 11, 2012, the Commission authorized American Broadband to provide competitive wireline and wireless telecommunications services in Illinois.³ The Company's primary offices are located at 1 Seagate, Suite 600, Toledo, Ohio, 43699.

American Broadband is currently authorized to provide competitive telecommunications services to consumers in the States of Illinois, Indiana, Michigan and Ohio, West Virginia and Wisconsin on a resale and facilities-basis. American Broadband first began

² A copy of American Broadband's Secretary of State Registration is attached hereto as Exhibit A.

³ See *American Broadband and Telecommunications Company; Application for a certificate of local, interexchange, and wireless authority to operate as a reseller and facilities based carrier of telecommunications services throughout the State of Illinois*, Final Order, Docket No. 12-0335 (July 11, 2012).

providing telecommunications service in 2004, and provides data, local and long distance wireline services to over 35,000 residential and small business customers in the Company's service territories. The Company provides local exchange, exchange access, and broadband services using its own switching and DSL2+ network facilities, and a combination of unbundled network elements ("UNEs") provided by Frontier North, Inc. and AT&T Illinois ("non-rural ILECs") which allows end-to-end delivery of calls. American Broadband provides wireless telecommunications services in the states of Illinois, Indiana, Michigan, Ohio, West Virginia and Wisconsin. The Company provides wireless services, including voice and data, to its small business customers by reselling the wireless services of SprintCom, WirelessCo., L.P. and Nextel West Corp. (collectively "Sprint PCS"). The Company provides wireless service to over 10,000 subscribers throughout its nationwide service territory.

American Broadband is designated as a wireline ETC in the states of Michigan and Ohio. The Company is designated as a wireless ETC in Indiana, Michigan, Ohio, West Virginia and Wisconsin. In addition to seeking wireless ETC status in Illinois, the Company currently has pending applications or plans to file applications for certification and wireless ETC status in California, Florida, Kentucky, Maryland, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Texas and West Virginia, among others.

B. Contact Information

The American Broadband contact for all correspondence relating to this application is:

Jeffrey Ansted, President
American Broadband and Telecommunications Company
1 Seagate, Suite 600
Toledo, OH 43699

Copies of all correspondence relating to this application should be sent to the following:

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MDover@kelleydrye.com

C. American Broadband's Lifeline Offerings

American Broadband, through its resale arrangements with Sprint PCS, will offer all of the services supported by the Lifeline program to eligible consumers throughout the Company's designated service area in Illinois. Once designated as an ETC, the Company will offer Lifeline-eligible consumers the same wireless service features and functionalities that the Company offers to its non-Lifeline customers.

American Broadband's primary objective is to provide wireless telecommunications services to underserved areas and low income consumers in all of its service areas. To this end, the Company's business plan is tailored to address the needs of underserved consumers that cannot afford traditional telephone service as well as businesses that promote economic growth. The Company typically actively invests financially in the areas it serves, including funding new local business plans and ventures, and anticipates making similar investments in Illinois, and affirms that support received from the universal service fund will be used strictly in accordance with the FCC's universal service rules.

American Broadband offers its wireless subscribers attractive and affordable packages of telephone service with other value-added features. The services are offered on a prepaid basis so subscribers are not burdened by lengthy contracts. The Company does not

conduct credit checks. Current pricing for American Broadband's prepaid Lifeline wireless service offerings can be found at the Company's website at its American Assistance link:

<http://www.americanassistance.com/program/>.

American Assistance is the Company's Lifeline Assistance program supported by the Federal Universal Service Fund. If granted ETC designation status in Illinois, American Broadband commits to offering the identical packages that it offers to its Illinois non-Lifeline customers throughout its proposed service area that it offers to its Illinois Lifeline customers throughout its proposed service area in Illinois. In each case, the Lifeline package will be priced at least \$9.25 less than the comparable non-Lifeline package. American Broadband's Lifeline service plans and its Illinois tariffed rates will also be capped at the levels set forth in its approved tariff for one year. In addition, the Company agrees that all rates (non-recurring and recurring) will be identical for subsidized and non-subsidized customers (before application of the subsidy) and will be specifically set forth in the tariff. Each subsidy also will be specifically set forth in the tariff.

American Broadband will offer three different Lifeline service packages: (1) 325 voice minutes per month at no charge to Lifeline-eligible consumers (or the 250 alternative, *see infra*); (2) 500 minutes per month for voice calls at a low monthly rate; and (3) a package with unlimited minutes of voice telephone and text messages at a low monthly rate. A full description of all current plans offered by American Broadband can be located at <http://www.ambt.net/home-solutions/telephone.aspx>.

In the first plan, qualified applicants in Illinois will be eligible to receive the following free service: the qualified applicant will receive a free cell phone, 325 monthly talk minutes of voice at no charge, and text messages charged at 30 seconds of a voice talk minute.

Alternatively, a qualified applicant in Illinois will be eligible to receive the following free service: the qualified applicant will receive a free cell phone, 250 monthly talk minutes of voice at no charge, and 250 text messages per month at no charge. In the second plan, qualified applicants in Illinois will be eligible to receive a free cell phone, 500 monthly talk minutes of voice and 500 text messages for \$10.70 (which applies the \$9.25 Lifeline credit to the non-Lifeline rate of \$19.95). In addition, if granted ETC designation status in Illinois, American Broadband will offer the identical packages that it offers to its Illinois non-Lifeline customers throughout its proposed service area that it offers to its Illinois Lifeline customers throughout its proposed service area in Illinois, and will apply the Lifeline discount to all plans, including the following non-Lifeline rate plans:

<u>Plan - Prepaid</u>	<u>Price Per Month</u>
Unlimited Voice/Text and 1 GB Data -	\$49.95
1500 Minute Talk/1500 Text -	\$29.95
1000 Texts and 250 Talk Minutes	\$19.95

Regardless of the plan that a qualified applicant chooses, American Assistance allows customers to add minutes and texts to their plan as needed, including the following:

100 Talk	100 Talk Minutes	\$6.99
250 Talk and Text	250 Talk Minutes + 250 Text Messages	\$9.99
500 Talk and Text	500 Talk Minutes + 500 Text Messages	\$19.99
1,000 Talk and Text	1,000 Talk Minutes + 1,000 Text Messages	\$29.99
100 Text	100 Text Messages	\$2.99
300 Text	300 Text Messages	\$4.99
500 Text	500 Text Messages	\$7.99

1,000 Text	1,000 Text Messages	\$12.99
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The monthly allocation of messages does not include international texts, picture messaging and voicemail messages. In addition to the service package minutes described above, the Company's Lifeline service packages all include free, E911-capable wireless handsets and the value-added features of Voicemail, Caller-ID and Call Waiting. Subscribers are not required to pay any initial connection fees and all of its wireless minutes are "any distance" calling plans, meaning that customers are not charged toll or long distance charges for calls placed in the United States.

In addition, American Broadband commits to reporting, in this docket, any changes to the rates for its Lifeline offerings in Illinois. This report of a Lifeline rate change in Illinois will include a description of the rate change.

II. AMERICAN BROADBAND'S REQUEST FOR LIMITED ETC DESIGNATION

Petitioner seeks ETC designation in Illinois solely for the purpose of receiving federal universal service Lifeline support. The Company does not seek certification for high cost support nor does it seek to participate in any Illinois universal service programs or serve rural areas. A grant of American Broadband's request for limited ETC designation is in the public interest as it will advance the FCC's goals of ensuring that low-income consumers have access to quality telecommunications services at affordable rates. Lifeline subscribers in Illinois will have access to American Broadband's generous packages of service minutes and features. By designating the Company as an ETC, Illinois consumers also will benefit from the increased availability and variety of Lifeline service offerings.

A. The Commission Has Authority to Designate American Broadband as an ETC Provider

Section 214(e)(2) of the Act authorizes state public utility commissions to designate entities as ETCs upon request.⁴ Pursuant to section 214(e)(2), upon request and consistent with the public interest, convenience and necessity, state commissions may, in the case of areas served by rural ILECs and shall in all other areas, designate an entity as an ETC for a service area designated by the Commission.⁵ Specifically, Section 214(e)(2) of the Act provides that the Commission shall, except in an area served by a rural telephone company, designate more than one common carrier as an ETC, provided the requesting carrier satisfies the requirements of Section 214(e)(1), consistent with the public interest, convenience, and necessity. FCC and Commission rules, such as at 83 Ill. Adm. Code § 757, impose additional requirements for carriers requesting designation an ETC providers. As discussed in greater detail below, American Broadband satisfies all ETC designation requirements.

B. American Broadband's Proposed Service Area

The Company seeks ETC designation in the geographic areas (i) in AT&T Illinois and Frontier North, Inc. non-rural wire center exchanges, but only (ii) where Sprint PCS provides wireless coverage in Illinois.⁶ A proposed list of exchanges and service coverage is attached to this Petition as Exhibit B. American Broadband does not request ETC designation in any areas served by rural ILECs, and its proposed service area only includes non-rural wire centers.

⁴ 47 U.S.C. § 214(e)(1).

⁵ 47 U.S.C. § 214(e)(2); *see also* 47 C.F.R. §54.201(d).

⁶ American Broadband will be providing its wireless services by reselling the services of Sprint PCS so the Company's service areas will necessarily be limited to the areas served by that carriers. The proposed service area will be the overlap of the non-rural service areas of AT&T Illinois and Frontier North, Inc. with the service area of Sprint PCS, in Illinois.

Sections 214(e)(2) and 214(e)(5) of the Act permit state commissions to designate the service area to be served by an ETC.⁷ In addition, 47 C.F.R. § 54.207(a) defines “service area” as a “geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms.” The applicable FCC rules do not impose any restrictions on how a state commission defines an ETC’s service areas in areas served by non-rural carriers. Accordingly, the Commission has authority to define American Broadband’s ETC service areas as proposed by the Company as described above. American Broadband requests the Commission designate the Company as a prepaid wireless ETC provider in the non-rural wire centers identified above so that it can provide low-cost support to consumers throughout its service area in Illinois.

III. AMERICAN BROADBAND SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC IN ILLINOIS

American Broadband satisfies the requirements of Section 214(e)(2) by fulfilling all of the requirements of Section 214(e)(1), and satisfies the requirement of Section 757.425 of the Commission’s Rules, 83 Ill. Admin. 425 by meeting the FCC’s eligibility criteria adopted in the FCC in 47 C.F.R. § 54. American Broadband requests ETC designation as a prepaid wireless provider in Illinois.

Section 214(e)(1) requires an entity seeking ETC designation to: (i) be a common carrier; (ii) provide services supported by the USF using its own facilities or a combination of its own facilities and the resale of another carrier’s facilities; and (iii) to advertise the availability of the services using media of general distribution.⁸ The FCC also has identified additional ETC

⁷ 47 U.S.C. §§ 214(e)(2), (e)(5).

⁸ 47 U.S.C. § 214(e)(1).

requirements, such as relating to subscriber eligibility and verification procedures,⁹ consumer protection and service quality standards,¹⁰ financial and technical capabilities¹¹ and the ability to remain functional in emergency situations.¹² Further, as set forth in 47 C.F.R. § 54.101, to be eligible to receive federal universal service support, an ETC provider must provide voice grade access to the public switched network or its functional equivalent, provide minutes of use for local service provided at no additional charge to end users, provide access to emergency services provided by local government or other public safety organizations, and provide toll limitation services to qualifying low-income consumers.

As discussed in further detail below, American Broadband meets statutory and regulatory qualifications to be designated as an ETC provider.

A. **American Broadband is a common carrier**

Petitioner provides resold wireless telecommunications services. The FCC has ruled that providers of wireless services are appropriately treated as common carriers for regulatory purposes. Section 332(c)(1)(A) of the Act also states that commercial mobile radio service (“CMRS”) providers are to be treated as common carriers.¹³ The Company provides CMRS services and, accordingly, is a common carrier.

B. **The FCC Granted Blanket Forbearance from the Section 214(e)(1) “Own Facilities” Requirements**

American Broadband is aware that Section 214(e)(1)(A) of the Act requires ETCs to provide Lifeline services “using its own facilities or a combination of its own facilities or a

⁹ 47 C.F.R. § 54.410.

¹⁰ 47 U.S.C. § 54.202(a)(3).

¹¹ 47 C.F.R. § 54.202(a)(4).

¹² 47 C.F.R. § 54.202(a)(2).

¹³ 47 U.S.C. § 332(c)(1)(A).

combination of its own facilities and and resale of another carrier's services."¹⁴ The Company provides its wireline services using a combination of its own facilities and the resale of other carrier services, but provides its wireless services by reselling the services of Sprint PCS. In its *Lifeline Reform Order*, the FCC granted blanket forbearance from the "own facilities" requirement, subject to certain compliance obligations, for ETC applicants seeking limited ETC designation to participate in the Lifeline program.¹⁵ The *Lifeline Reform Order* requires ETC applicants to provide 911 and E911 service regardless of service activation status or number of prepaid minutes remaining, and provide E911-compliant handsets and replace noncompliant handsets at no charge to customers.¹⁶ In addition, applicants must file and have approved by the FCC, a compliance plan detailing the applicant's service offering and identifying measures the applicant will take to implement the requirements of the *Lifeline Reform Order*.¹⁷

American Broadband is committed to complying with these forbearance conditions. American Broadband will provide access to 911 or E911 services to all of its Lifeline customers regardless of regardless of service activation status or number of prepaid minutes remaining, and will provide E911-compliant handsets and replace noncompliant handsets at no charge to all of its Lifeline customers. And, in May 2012, the Company's Compliance Plan was approved by the FCC.¹⁸ A copy of the Compliance Plan and FCC approval is attached hereto as

¹⁴ 47 U.S.C. § 214(e)(1)(A).

¹⁵ 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*, FCC 12-11, ¶ 368 (Feb. 6, 2012) ("*Lifeline Reform Order*").

¹⁶ *Lifeline Reform Order*, ¶ 373.

¹⁷ *Lifeline Reform Order*, ¶ 368.

¹⁸ *Wireline Competition Bureau Approves the Compliance Plans of American Broadband & Telecommunications, Budget Prepay, Consumer Cellular, Global Connection, Terracom and Total Call*, Public Notice, DA 12-828 (May 25, 2012).

Exhibit C. Accordingly, Petitioner's provision of wireless service by reselling the services of Sprint PCS is in accordance with the FCC's ETC requirements.

C. American Broadband Will Advertise the Availability of Its Lifeline Services

Section 214(e)(1)(B) of the Act requires ETCs to advertise the availability of their Lifeline service offerings and the charges for those services.¹⁹ The FCC's revised rule 54.405(b) requires ETCs to publicize the availability of their service in a means reasonably designed to reach those who likely qualify for Lifeline services.²⁰

American Broadband is committed to ensuring low income consumers in its proposed service area are aware of the benefits of the Lifeline program and the Company's Lifeline service offerings, and that the Company's advertisement of the Lifeline program complies with federal and state requirements. The Company will comply with all of the FCC's and Commission's rules regarding the advertising of these services.

American Broadband will advertise its Lifeline service offerings in media of general distribution, which may include radio, newspapers and the Internet, in order to reach those low-income consumers that may qualify for the program. The Company also may utilize additional means to directly target low income consumers. These supplemental advertising methods include distributing the Company's brochures at state and local social service agencies and events, such as outreach events at government-subsidized housing communities, and partnering with nonprofit assistance organizations, such as Habitat for Humanity, to ensure low-income consumers are aware of the Company's Lifeline service offerings.

The Company's Lifeline service advertisements will comply with the FCC's rules regarding the information to be included in such advertisements. American Broadband's

¹⁹ 47 U.S.C. § 214(e)(1)(B); *see also* 47 C.F.R. § 54.201(d)(2).

²⁰ 47 C.F.R. § 54.405(b).

advertisements will comply with the FCC rule section 54.405(c) notice requirements.²¹ Specifically, the Company's advertisements will, in easily understood language, inform consumers that: (i) the Company's services are Lifeline services; (ii) Lifeline is a government assistance program; (iii) the Company's Lifeline service may not be transferred to other individuals; (iv) consumers must meet certain eligibility requirements to enroll in the Lifeline program; (v) the Lifeline program is limited to one discount per household; (vi) documentation is required to qualify consumers for the program; and (vii) American Broadband provides the service. The Company's application form will state that consumers that willfully make false statements on their Lifeline service applications in order to obtain Lifeline benefits can be punished by a fine or imprisonment or can be barred from the program.²² American Broadband's Compliance Plan contains an example of the type of advertising materials the Company intends to use in Illinois.

D. American Broadband Satisfies The Federal Eligibility Requirements Of 47 C.F.R. § 54.

Pursuant to the Commission's Rules, an entity must meet the Lifeline program eligibility criteria adopted by the FCC in 47 CFR 54 to receive Lifeline program benefits.²³ American Broad satisfies all of the federal eligibility requirements of 47 C.F.R. § 54.

1. American Broadband Satisfies The Requirements In 47 C.F.R. § 54.101

In 47 C.F.R. § 54.101, the FCC has identified the following services that are supported by the federal USF program and which must be offered by an ETC:

- Voice grade access to the public switched network or its functional equivalent;

²¹ 47 C.F.R. § 54.405(c).

²² 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, 03-109, 12-23, CC Docket No. 96-45, Erratum, ¶ 63 (rel. May 16, 2012).

²³ 83 Ill. Admin. Code § 757.425.

- Minutes of use for local service provided at no additional charge to end users;
- Access to emergency services; and
- Toll limitation for qualifying low-income consumers.

In accordance with section 54.202(a)(1)(i) of the FCC's rules, 47 U.S.C. § 54.202(a)(1)(i), American Broadband certifies that it will provide the required services, as described in detail below, throughout its designated service areas, upon receiving ETC designation. The Company will provide the following supported services:

Voice Grade Access

The FCC has described voice grade access as the ability to initiate and receive voice calls within specified frequencies and bandwidths.²⁴ "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. Voice grade access should be, at a minimum, 300 to 3,000 Hertz.

American Broadband will be providing voice grade access service by reselling the wireless services of Sprint PCS to low-income consumers in the Company's designated service area, satisfying the voice grade access requirement of 47 C.F.R. § 54.101. American Broadband will be able to make and receive calls on the public switched telephone network with a bandwidth of, at a minimum, 300 to 3,000 Hertz.

In addition, American Broadband commits to providing service throughout its proposed designated service area to all customers making a reasonable request for service. American Broadband certifies that it will provide service on a timely basis to requesting customers within its designated ETC service area and, if the potential customer is within the

²⁴ See, e.g., *In re: Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8810-11 (1997).

Company's designated service area but outside its existing network coverage, American Broadband is committed to working with its wholesale provider to provide services, within a reasonable time and at a reasonable cost, to accommodate any potential customer's request for Lifeline service in the proposed service area where signal strength is weak or absent. American Broadband further commits to reporting, in this docket, all denials of Lifeline service requests in the Illinois service area, within thirty (30) days of such denial of service and such report shall include the date of the denial of Lifeline service request and the reason for the denial.

In addition, American Broadband acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area and, in such case, is willing to provide such access.

Local Usage

The FCC's rules require ETCs to show that their proposed local usage plans provide minutes of use for local service provided at no additional charge to end users.²⁵

As described in Section I.C., *supra*, American Broadband offers three different Lifeline service packages: (1) 325 voice minutes per month at no charge to Lifeline-eligible consumers (or the 250 minute plan, *see supra*); (2) 500 minutes per month for voice calls at a low monthly rate; and (3) a package with unlimited minutes of voice telephone and text messages at a low monthly rate. The minutes in each of the service offerings can be used for domestic long distance service at no additional per minute charge, and customers can purchase bundles of additional minutes of use at affordable rates. American Broadband's included minutes of use and standard additional service features provide minutes of use for local usage with no

²⁵ 47 C.F.R. § 54.101.

addition charges, and provide comparable functionality to those provided by ILECs such as AT&T Illinois Bell, Frontier North, Inc. in American Broadband's requested designated service area. Finally, American Broadband will not collect service deposits for its plans and will not charge a number-portability fee, including for Lifeline accounts.²⁶ The Company will timely pay all applicable federal, state, and local regulatory fees, including universal service and E911 fees. American Broadband's proposed Lifeline service offerings satisfy 47 C.F.R. § 54.101.

The FCC has not adopted minimum local usage requirements. If designated as an ETC, American Broadband will comply with any applicable minimum usage requirements adopted by the Commission or FCC in the future.²⁷

Access to emergency services

American Broadband recognizes the importance of ensuring consumers have access to emergency services and will provide its subscribers with access to 911 and E911. "Access to emergency services" includes access to services such as 911 and enhanced 911, to the extent provided by local governments or other public safety organizations. Section 20.18(m) of the FCC's rules provide that wireless resellers are required to provide E911 service only to the extent that the underlying facilities-based carrier has deployed the facilities necessary to deliver E911 information to the public safety answering point ("PSAP").²⁸

Petitioner commits to paying all applicable E-911 fees in a timely manner, and will work with local PSAPs within its ETC service area to make 911 and E-911 service available to its customers. American Broadband will use the SprintPCS network, which is capable of delivering automatic numbering information ("ANI") and automatic location information

²⁶ 47 C.F.R. § 54.401(c), (e).

²⁷ See, e.g., *Lifeline Reform Order*, ¶ 50.

²⁸ 47 C.F.R. § 20.18(m).

("ALI") to customers and is contractually obligated to provide these services to American Broadband, and the breadth of Sprint's 911 implementation is well-known.²⁹ Therefore, Petitioner will provide access to emergency service in accordance with the FCC's rules. Further, the Company has determined that all county or municipal jurisdictions in its proposed service area have 911 and E911 functionality. The Company's subscribers will be able to call emergency services free of charge and will always have access to emergency services regardless of the service activation status or the number of remaining minutes of service in accordance with 83 Ill. Adm. Code 725 and the Emergency Telephone System Act, 50 ILCS 750/0.01, *et seq.* American Broadband satisfies all applicable state and federal E-911 requirements and will provide its Lifeline subscribers with access to 911 and E911 services.

Toll limitation services for qualifying low-income consumers

47 C.F.R. § 54.101 requires toll limitation or toll blocking for qualifying low-income consumers as a means of limiting or blocking out-going toll calls ("TLS"). However, an ETC is not required to provide toll control or toll blocking if it is incapable of providing such service.

American Broadband treats the minutes included in its Lifeline plans as "any distance" minutes, and does not assess separate charges for toll services. The prepaid nature of the Company's service prevents consumers from using service in excess of their prepaid amounts. In addition, pursuant to the *Lifeline Reform Order*, subscribers to such all-distance services are not considered to have voluntarily elected to receive TLS.³⁰ Consequently, Petitioner's Lifeline subscribers are not subject to termination of services due to unpaid charges

²⁹ See, e.g., *Sprint Nextel Corporation Verified Filing in Compliance with 47 C.F.R. § 54.209*, CC Docket No. 96-45, at 6 (filed Sept. 30, 2011).

³⁰ See *Lifeline Reform Order*, ¶ 230.

for toll services. Further, consistent with the *Lifeline Reform Order*, American Broadband's service will, as prepaid customers, will provide a mechanism to manage monthly expenditure for its customers. Should American Broadband begin offering Lifeline services that distinguish between local and toll usage, the Company will offer TLS to its subscribers in accordance with section 214(e)(1)(B) of the Act, and state and FCC's requirements.

2. **American Broadband Also Satisfies The Other Requirements Of 47 C.F.R. § 54.**

In addition to the ETC requirements described above, the FCC adopted additional requirements in 47 C.F.R. § 54 for ETC providers. As discussed below, American Broadband satisfies and will comply with these requirements.

Compliance with Service Requirements Applicable to the Support Applicant Receives

American Broadband certifies that it will comply with the service requirements applicable to the support that it receives.³¹ As demonstrated above, American Broadband offers each of the services supported by the Federal USF mechanism as set forth in 47 C.F.R. § 54.101, and will offer these services throughout the service area in which it is designated as an ETC provider.

American Broadband is able to remain functional in emergency situations.

As discussed in section III.B above, American Broadband will provide its wireless services by reselling the services of Sprint PCS. Consequently, the Company has access to the significant and well-established network and facilities of Sprint PCS. Sprint PCS is contractually obligated to provide these services to American Broadband, and the breadth of

³¹ 47 C.F.R. § 202(a)(1)(i).

Sprint's 911 implementation is well-known.³² Based on this, Petitioner believes the Sprint PCS is capable of managing the increased traffic that may occur during emergency situations and rerouting traffic to avoid damaged facilities. Further, based on this documentation, it is the Company's understanding that Sprint PCS has access to sufficient back-up power to ensure continued functionality in the event of a power outage, satisfying the requirements of 47 C.F.R. § 54.202(a)(2).

The Company will satisfy applicable consumer protection and service quality standards.

American Broadband is committed to providing its Lifeline subscribers with quality services and complying with applicable consumer protection requirements. Section 54.202(a)(3) of the FCC's rules provides that a wireless ETC applicant's agreement to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy the FCC's consumer protection and service quality requirements.³³ American Broadband voluntarily agrees to comply with the CTIA Consumer Code.

The Company also commits to complying, to the extent they are applicable, with Illinois' consumer protection and service quality requirements set forth in section 736, "Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers", of the Commission's rules.³⁴

³² See, e.g., *Sprint Nextel Corporation Verified Filing in Compliance with 47 C.F.R. § 54.209*, CC Docket No. 96-45, at 6 (filed Sept. 30, 2011).

³³ 47 C.F.R. § 54.202(a)(3).

³⁴ 83 Ill. Admin. Code § 736.

American Broadband has the financial and technical capability to provide Lifeline services in compliance with the FCC's rules.

FCC rule 54.202(a)(4) requires ETC applicants to demonstrate they have the technical and financial capability to provide ETC services in compliance with the FCC's rules.³⁵ When determining if an ETC petitioner possesses these qualifications, the FCC considers factors including (i) the carrier's prior offering of telecommunications service to non-Lifeline subscribers; (ii) whether the carrier relies exclusively on Lifeline service revenues; (iii) the length of time the petitioner has been in business; (iv) whether the carrier has outside revenues; and (v) whether the applicant has been the subject of any FCC enforcement action or ETC revocation proceeding.

As discussed in section I.A., American Broadband is an experienced and financially secure telecommunications carrier and will be able to provide its Lifeline services in accordance with the FCC's rules. Petitioner has operated as a telecommunications carrier since 2004 and serves more than 35,000 subscribers, including 10,000 wireless subscribers. The Company has been operating as a certificated telecommunications carrier for several years in Indiana, Michigan and Ohio, and more recently in Illinois and Kentucky. In each of those states, the Company was able to demonstrate it possessed the qualifications necessary to obtain a certificate to provide telecommunications services. In addition to being a certificated service provider, Petitioner also has met the standards necessary to receive authorization as a wireline ETC in the states of Michigan and Ohio, and wireless ETC in Michigan and Wisconsin. Moreover, the Company's managers have in excess of 50 years of experience in the telecommunications industry. Consequently, the Company has the technical capability necessary to qualify for ETC designation.

³⁵ 47 C.F.R. § 54.202(a)(4).

American Broadband also is financially capable of providing the required Lifeline services. The Company has operated profitably as a telecommunications carrier for several years and has never had to file for bankruptcy protection. Moreover, Petitioner's Lifeline service business represents only a small percentage of the company's overall revenues so the Company is not dependent on the revenues from the Lifeline services. American Broadband makes sure to expand its business in a measured manner to prevent overextension of the Company's financial or technical capabilities. Consequently, American Broadband is financially secure and has the financial resources necessary to provide its Lifeline services in accordance with the FCC's requirements. As previously noted, the Company has received wireline ETC designation in Michigan and Ohio and wireless ETC designation in Michigan and Wisconsin, and those ETC designations have not been subject to any revocation actions. The Company has not been the subject of any FCC enforcement actions. Further, American Broadband commits that it will make a meaningful offering of non-Lifeline wireless services in Illinois as a demonstration of its continuing financial capability and as a demonstration that American Broadband will not rely disproportionately on its Lifeline receipts in Illinois.

American Broadband's Terms and Conditions for its Lifeline Service Plans Are Publicly Available.

FCC rule 54.202(a)(5) requires entities seeking ETC designation to "submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any for toll calls, and rates for each such plan. To the extent the eligible telecommunications carriers offers plans to Lifeline subscribers that are generally available to the

public, it may provide summary information regarding such plans, such as a link to a public Web site outlining the terms and conditions of such plans.”³⁶

As described in Section I.C., American Broadband offers several service plans to customers, including Lifeline subscribers, with unlimited “any distance” calling plans. In addition to the summary provided above, current pricing for American Broadband’s prepaid Lifeline wireless service offerings can be found at the Company’s website at its American Assistance link: <http://www.americanassistance.com/program/> and for nonLifeline and Lifeline plans can be found at the Company’s website at: <http://www.ambt.net/home-solutions/telephone.aspx> Qualified applicants in Illinois will be eligible to receive the following free service under the Lifeline program: the qualified applicant will receive a free cell phone, 325 monthly talk minutes of voice at no charge, and text messages charged at 30 seconds of a voice talk minute. Further, if granted ETC designation status in Illinois, American Broadband commits to offering the identical packages that it offers to its Illinois non-Lifeline customers throughout its proposed service area to its Illinois Lifeline customers throughout its proposed service area. In each case, the Lifeline package will be priced at least \$9.25 less than the comparable non-Lifeline package.

Reporting Requirements.

In addition to the reporting requirements described above and throughout this Petition, American Broadband commits to complying with all federal and state reporting requirements, and will provide the Commission with all required reporting.

FCC rule 54.422(a) provides that ETC providers must annually report:

³⁶ 47 C.F.R. § 54.202(a)(5).

- The company name, names of the company's holding company, operating companies and affiliates, and any branding and relevant universal service identifies for each such entity by Study Area Code; and
- Information describing the terms of the conditions for any voice plans offered to Lifeline subscribers.

American Broadband will comply with these reporting requirements.

FCC rule 54.422(b), 47 C.F.R. § 54.422(b) further provides that ETC providers not subject to State commission jurisdiction must annually report certain outage and general quality of service information. American Broadband commits to filing, in this docket, the annual reporting requirements of 47 C.F.R. § 54.422(b).

In addition, American Broadband is aware of the new ETC provider audit occurring within the carrier's first twelve months of seeking federal low-income Universal Service Fund support, and commits to filing, in this docket, a copy of the audit report produced as a result of 47 C.F.R. § 54.420(b). Further, American Broadband is aware of the quarterly reporting requirements pursuant to Section 757.400(d) and commits to complying with these requirements.³⁷

In addition, the Company commits to filing, in this docket, the reports listed below:

The Company will, on a quarterly basis and within 30 days after the end of each calendar quarter, submit a Wireless Customer Report providing by month:

- a. the number of Illinois wireless customers;
- b. the number of Illinois wireless non-Lifeline customers;
- c. the number of Illinois wireless Lifeline customers; and
- d. the Illinois wireless non-Lifeline fraction.

³⁷ 83 Ill. Admin. Code § 757.400(d).

The Company will, on a quarterly basis and within 30 days after the end of each calendar quarter, submit the following information:

a. With respect to any wireless E911 surcharge remitted pursuant to the Wireless Emergency Telephone Safety Act (WETSA), AB will submit a Wireless E911 Surcharge Report providing by month:

- i. the wireless E911 surcharges remitted;
- ii. the number of wireless customers;
- iii. the number of wireless non-Lifeline customers; and
- iv. the number of wireless Lifeline customers.

b. With respect to any E911 surcharge remitted pursuant to the Prepaid Wireless 9-1-1 Surcharge Act (PW9SA), AB will submit a Wireless E911 Surcharge Report providing by month:

- i. copies of any ST-1 (Sales and Use Tax and E911 Surcharge Return) filed with the Department of Revenue;
- ii. the wireless E911 surcharges remitted;
- iii. the list of wireless plans offered (including rates of the plans);
- iv. the number of wireless customers by wireless plan;
- v. the number of wireless non-Lifeline customers by wireless plan;
- vi. the number of wireless Lifeline customers by wireless plan.

***Compliance with Service Requirements Applicable to the Support Applicant
Receives***

Petitioner is aware that the FCC has adopted requirements regarding the certification and verification of a customer's qualifications for participation in the Lifeline program. As described in greater detail in the Company's Compliance Plan, attached hereto as Exhibit C, the Company has implemented specific procedures to comply with the customer certification and verification requirements as well as the requirements addressing de-enrollment

and duplication of service. These procedures comply with the FCC's revised verification and certification rules and satisfy the Illinois Lifeline Eligibility Certification and Verification requirements.³⁸ American Broadband commits to filing, in this docket, annual reports showing the number of subscribers den-enrolled for non-usage, consistent with the reports contemplated by 47 C.F.R. § 54.405(e)(3). The Company also will comply with the FCC's annual certification and reporting requirements and the FCC's measures to address fraud, waste and abuse in the Lifeline program.³⁹

Five-Year Network Improvement Plan

Under FCC regulations as amended by the Lifeline Reform Order, a carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC. 47 C.F.R. § 54.202(a)(1)(ii). American Broadband seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline services to eligible customers and therefore is not required to submit a five-year network improvement plan as part of its application for designation as an ETC.

E. American Broadband Commits To Complying To Additional Commission Requirements.

Pursuant to the Commission's Rules, an entity must meet the Lifeline program eligibility criteria adopted by the FCC in 47 CFR 54 to receive Lifeline program benefits.⁴⁰ As demonstrated above, American Broad satisfies all of the federal eligibility requirements of 47 C.F.R. § 54. In addition, American Broadband commits to the meeting the additional Lifeline

³⁸ See 47 C.F.R. § 54.410.

³⁹ 47 C.F.R. §§ 54.416, 54.422. See also *In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et. al.*, 25 FCC Rcd 17797, ¶ 24 (2010) ("2010 Virgin Mobile ETC Order").

⁴⁰ 83 Ill. Admin. Code § 757.425.

service requirements of Section 757.400(c) and Section 757.425(b) established by the Commission.⁴¹

F. Request For Waivers

In accordance with the Commission's rules set forth in Illinois Administrative Code Part 757, Subpart C, the Company acknowledges that it will not seek Illinois UTSAP supplemental connection fee assistance.⁴² In addition, the Company seeks waiver of parts 736.610, 736.620, 736.630, 736.640, 736.650, 736.685 and 736.690.

IV. DESIGNATION OF AMERICAN BROADBAND IS IN THE PUBLIC INTEREST

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.⁴³ 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.⁴⁴ 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."⁴⁵ As explained in greater detail below, designation of American Broadband as a wireless ETC will increase the number of Lifeline service providers in Illinois 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

⁴¹ 83 Ill. Admin. Code §§ 757.400(c), 757.425(b).

⁴² See 83 Ill. Admin. Code 757.200.

⁴³ 47 U.S.C. § 254(b)(1),(3).

⁴⁴ 47 C.F.R. § 54.202(b).

⁴⁵ See e.g., *In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, 25 FCC Rcd 17797, ¶ 6 ("2010 Virgin Mobile ETC Order").

Company's designated service areas in Illinois. To this end, the Company has developed a number of attractive service offerings and uses 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. Petitioner 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 generous numbers of minutes of use and service features, all offered at affordable rates. The generous number of included service minutes enables 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 would 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 Illinois with another alternative for obtaining quality telecommunications service. The Company's presence

in the telecommunications market likely will prompt other carriers to increase and improve their Lifeline service offerings, thereby benefiting consumers in Illinois.

V. ANTI-DRUG ABUSE CERTIFICATION

In accordance with section 5301 of the Anti-Drug Abuse Act of 1988, American Broadband certifies that no party to the Petition is subject to denial of federal benefits, including FCC benefits.

VI. CONCLUSION

For the forgoing reasons, American Broadband satisfies the requirements for designation as a wireless ETC. Petitioner respectfully requests the Commission expeditiously grant limited ETC status to the Company for the purpose of receiving federal support and reimbursement for the Company's provision of prepaid wireless telecommunications services to qualified low income consumers.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Henry Kelly", is written over a solid horizontal line.

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DECLARATION

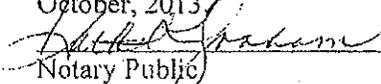
STATE OF OH §
COUNTY OF LUCAS §

I, Jeffrey S. Ansted, do hereby affirm under penalty of perjury that I am President of American Broadband and Telecommunications Company ("American Broadband"), the petitioner in the foregoing document; that I am authorized to issue this Declaration on behalf of American Broadband; that I have read the foregoing document; and that the statements in the foregoing document with respect to American Broadband are true and correct to the best of my knowledge, information and belief.



Jeffrey Ansted
President

Subscribed and sworn to before me this 16th day of
October, 2013.



Notary Public



KATHLEEN K. YOAKAM
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 05-07-2018

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

In the Matter of

American Broadband and
Telecommunications Company

Application for Designation as an Eligible
Telecommunications Carrier.

Docket No. 12-0680

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of the foregoing Amended
Petition Of American Broadband And Telecommunications Company For Limited
Designation As A Wireless Eligible Telecommunications Carrier, to be served on October 22,
2013, by e-mail upon the counsel of record listed below:

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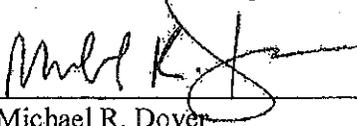
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