

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

In the Matter of)
)
State of the Lifeline Marketplace Report) WC Docket No. 20-437
)

ORDER

Adopted: December 23, 2020

Released: December 23, 2020

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. The Lifeline Program—one of four universal service programs aimed at fulfilling the Commission’s statutory mandate to ensure that all Americans have access to quality services at just, reasonable, and affordable rates—provides support for qualifying low-income consumers.¹ In the *2016 Lifeline Order*, the Commission amended its rules to “permit Lifeline providers to receive Lifeline support for standalone mobile or fixed broadband service offerings,”² “phase[d] in a requirement that to be eligible for Lifeline support, a voice service must include broadband service, thereby phasing-out support for voice service as a standalone option”³ and, for both fixed and mobile, adopted minimum service standards for Lifeline-supported services that were “forward-looking” and “updated on a regular basis,”⁴ and “direct[ed] the [Wireline Competition] Bureau, near the end of the transition, to review the Lifeline market and submit a report to the Commission recommending whether action should be taken to revise the [Commission’s] approach to supported services.”⁵ The Commission expected that “the full Commission will take appropriate action if necessary to make changes to the program within six months of receiving the report, for example adjusting support levels or minimum service standards, so that the Lifeline program continues to achieve its objectives.”⁶ The deadline for the Wireline Competition Bureau’s (Bureau) State of the Lifeline Marketplace Report is June 30, 2021.

2. Today, we direct a group of mobile service providers to respond to a questionnaire about customer usage and costs.⁷ The responses of this group, encompassing a significant portion of the Lifeline marketplace by subscribership, will aid the development of the State of the Lifeline Marketplace Report. We also expect this data to inform the policy choices before the Commission regarding the mobile broadband minimum service standards—standards established in 2016 and annually updated

¹ 47 U.S.C. § 254(b)(1); *Lifeline and Link Up Reform and Modernization et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (*2016 Lifeline Order*).

² *Id.* at 3979, para. 48.

³ *Id.*

⁴ *Id.* at 3988, para. 69.

⁵ *Id.* at 3979, para. 48.

⁶ *Id.*

⁷ These providers are: Deutsche Telekom AG, América Móvil, Quadrant Holdings Group LLC, TSC Acquisition Corporation, Telrite Corporation, Amerimex Communications Corporation, i-wireless, LLC, Global Connection Inc. of America., and Assist Wireless, LLC. Each provider should respond as a single entity, regardless of the number of separately incorporated operating companies or individual employees.

thereafter,⁸ but that various parties have petitioned the Commission to reconsider without thus far including the cost data necessary to show that changes to the minimum service standards are needed to maintain affordability in the Lifeline program.⁹

II. BACKGROUND

3. The *2016 Lifeline Order* made numerous changes to our Lifeline rules. Most pertinent here, it called for a shift of Lifeline service away from the voice market and toward the market for broadband “to ensure the Lifeline program continues to focus its funding on modern, future-facing services for which affordability is an issue.”¹⁰ With the goal of creating a gradual transition from a primarily voice-only Lifeline program to a Lifeline program embracing broadband services,¹¹ the Commission adopted minimum service standards for the Lifeline program to enable low-income consumers “to obtain the type of robust service which is essential to participate in today’s society.”¹² The Commission also established mechanisms for regularly updating those standards with the goal of ensuring that Lifeline service would “remain robust as technology improves through a predictable mechanism.”¹³ Specifically, the rules set forth the mobile broadband usage minimum service standard at 500 MB per month beginning on December 2, 2016, followed by an increase to 1 GB per month on December 1, 2017, and then to 2 GB per month on December 1, 2018.¹⁴ Thereafter, the mobile broadband usage minimum service standard would be set at an amount equal to 70% of the national average mobile data usage per household.¹⁵

4. At the same time, the Commission provided for a gradual decrease in the support amount for services meeting only the voice minimum service standards, with the support amount decreasing from \$9.25 to \$7.25 per month on December 1, 2019, from \$7.25 to \$5.25 per month on December 1, 2020, and from \$5.25 to \$0 on December 1, 2021 in most areas.¹⁶ The Commission recognized the “inherent uncertainty” in long-term predictions of the marketplace, however, and thus directed the Wireline Competition Bureau to review the Lifeline market and submit a State of the Lifeline Marketplace Report to the Commission in June 2021 recommending “whether the transition set out in [the 2016] Order should be completed or whether the Commission should act to continue delaying Lifeline’s transition to chiefly supporting broadband services,” particularly considering “the prevalence of subscriptions to various service offerings in the Lifeline program, the affordability of both voice and broadband services, the pace

⁸ See 47 CFR § 54.408(c). We establish this data collection Order due to ongoing concerns regarding the mobile broadband minimum service standards with respect to capacity. We note that the speed component of the mobile broadband minimum service standards is not subject to requests for modification and is therefore not the primary aim of this data collection.

⁹ See, e.g., Joint Lifeline ETC Petitioners’ Petition for Partial Reconsideration and Clarification, WC Docket No. 11-42 et al. (filed June 23, 2016) (Petitioners were the Lifeline Connects Coalition, along with Assist Wireless, Easy Wireless, Prepaid Wireless Group LLC, and TruConnect); Petition for Reconsideration of CTIA, WC Docket 11-42 (filed June 23, 2016); Petition for Reconsideration, TracFone Wireless, Inc., WC Docket 11-42 (filed June 23, 2016); Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket No. 11-42 et al. (filed June 27, 2019); National Lifeline Association Petition for Waiver of Lifeline Mobile Broadband Minimum Service standard and Voice Support Phase-Down, WC Docket No. 11-42 et. al. (filed Aug. 27, 2020).

¹⁰ *2016 Lifeline Order*, 31 FCC Rcd at 3979, para. 48.

¹¹ *Id.* at 3985-86, para. 62.

¹² *2016 Lifeline Order*, 31 FCC Rcd at 3988, para. 69.

¹³ *Id.* at paras. 69-70.

¹⁴ *Id.*; 47 CFR § 54.408(b)(2)(ii)(A)-(C).

¹⁵ *2016 Lifeline Order*, 31 FCC Rcd at 3995-96, para. 94.

¹⁶ *Id.* at 4003, para 117.

since adoption of [the 2016] Order at which voice and data usage has changed, and the associated net benefits of continuing to support voice service as a standalone option.”¹⁷

5. *State of the Lifeline Marketplace Report.* The *2016 Lifeline Order* directed the Bureau to review the Lifeline market and submit a report to the Commission on the state of the Lifeline marketplace by June 30, 2021 for the purpose of recommending to the Commission whether to complete the transition to chiefly supporting broadband services by continuing the scheduled phase-down in Lifeline support for voice service while increasing the mobile broadband usage minimum service standards.¹⁸ The *2016 Order* directed us to particularly consider, among other things, “the affordability of both voice and broadband services, the pace since adoption of this Order at which voice and data usage has changed, and the associated net benefits of continuing to support voice service as a standalone option.”¹⁹ The *2016 Order* noted that this review could result in the Commission amending its rules, including “adjusting support levels or minimum service standards so that the Lifeline program continues to achieve its objectives.”²⁰ As such, an understanding of Lifeline providers’ current wholesale costs for voice and mobile broadband data and subscriber usage of voice and mobile broadband data is paramount to providing the Commission an accurate picture of the status of the Lifeline program and recommending action, if necessary.

6. *Voice and Mobile Broadband Minimum Service Standard Updates.* Since the adoption of the *2016 Order*, the Commission has twice partially waived the implementation of the mobile broadband usage minimum service standard updating mechanism. In 2019, the Commission concluded that the updating formula established by the *2016 Order* would result in an “unexpectedly large increase” to the mobile broadband usage minimum service standard, and therefore partially waived that increase but allowed the standard to increase to 3 GB per month.²¹ Similarly, the Bureau partially granted a request to waive the 2020 update to the mobile broadband usage minimum service standard, and permitted the standard to increase to 4.5 GB per month.²² Both waivers were necessary to avoid increases in the standard that would have quadrupled or nearly quadrupled the then-current standard.

7. After the adoption of the *2016 Order* and as the mobile broadband usage minimum service standards have increased annually, various parties have petitioned the Commission to alter the formula used to update that standard or to eliminate increases altogether.²³ While those requests have consistently argued that the increased mobile broadband usage minimum service standard resulting from the existing rules will render Lifeline service unaffordable due to increases in providers’ costs, requesting parties have consistently failed to include any cost data that would support their claims. For example, in 2019, providers argued that an increase in the usage allowance from 2 GB per month to 3 GB per month was “too costly to provide to consumers in states where substantial additional subsidies cannot be combined with the standard Lifeline subsidy of \$9.25 per month without raising prices and forcing a co-

¹⁷ *Id.* at 3987, para. 66.

¹⁸ *2016 Lifeline Order*, 31 FCC Rcd at 3987, para. 66.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Lifeline and Link Up Reform and Modernization et. al.*, Order, 34 FCC Rcd 11020, para. 2 (2019) (*2019 Waiver Order*).

²² See *Lifeline and Link Up Reform and Modernization et. al.*, Order, WC Docket No. 11-42, et. al., DA 20-1358, at para. 2 (Nov. 16, 2020) (*2020 Waiver Order*).

²³ See *supra* n.4; see also *In re National Lifeline Association and Assist Wireless, LLC*, Petition for Writ of Mandamus, Case No. 20-1460 (D.C. Cir. Nov. 19, 2020) (seeking writ of mandamus compelling the FCC to grant or deny the petitions for reconsideration of the *2016 Order*).

pay in these states.”²⁴ In partially granting a waiver of the 2019 increase of the mobile broadband usage minimum service standard, the Commission noted that “the record contain[ed] no clear evidence on the extent of additional costs, which makes it difficult to precisely quantify the likely effect of an increase in the minimum usage allowance.”²⁵ The Commission found retail price data, sometimes advanced by requesting parties to justify their arguments, was an inadequate substitute for true cost data. In fact, the Commission pointed out that retail price data provided by the requesting parties, if accurate, indicated that free-to-the-end-user offerings of wireless resellers would already require a co-pay, even when the standard was set at 2 GB per month, but that no requesting party reported employing a co-pay requirement.²⁶

8. In 2020, providers again petitioned the Commission for a waiver of the mobile broadband usage minimum service standard increase but failed to produce cost data to show that an increase in the standard would result in unaffordable Lifeline services. Due to providers’ failure to provide cost data, we declined to fill the gap and instead continued the moderate stair-step approach consistent with the Commission’s precedent.²⁷

9. *2017 Notice of Proposed Rulemaking.* In 2017, the Commission sought comment on whether “Lifeline resellers passed through all Lifeline funding to their underlying carriers to ensure federal funding is appropriately spent on the required ‘facilities and services’ rather than non-eligible expenses like free phones and equipment.”²⁸ Such overhead cost data will assist in the Commission’s directive to assess the Lifeline marketplace by providing insight on other expenses incurred tangentially to providing voice and mobile broadband, which is necessary to provide a complete picture of the impact of the Lifeline minimum service standards and support amounts on the affordability of Lifeline services and how best to allocate support between voice and mobile broadband services.

10. The *2017 Notice of Proposed Rulemaking* sought comment on “how the Commission could leverage the Lifeline program to encourage broadband deployment in areas that have found themselves on the wrong side of the digital divide.”²⁹ Specifically, the Commission sought comment on incentives for deployment of high-speed broadband services in different geographical areas—such as rural areas and rural areas on Tribal lands—where low-income consumers “may have difficulty obtaining affordable, quality broadband service because service providers have less incentive to incur the costs to deploy advanced facilities or to provide a wide range of services at competitive prices in these areas.”³⁰

11. Finally, the *2017 Notice of Proposed Rulemaking* noted that “even without Lifeline support for voice-only service, the monthly cost of such service in urban areas would represent a small percentage of low-income households’ after-tax income,” but “[i]n contrast, it is unclear whether low-income consumers would be able to obtain quality, affordable voice service in rural areas without Lifeline voice support.”³¹ Accordingly, the Commission sought comment on eliminating the phase down of voice

²⁴ Letter from John J. Heitmann & Joshua Guyan, Counsel for the National Lifeline Association and Q Link Wireless LLC, WC Docket No. 17-287 et al., at 3 (filed Nov. 1, 2019).

²⁵ *2019 Waiver Order*, 34 FCC Rcd at 11023, para. 10.

²⁶ *Id.* at para. 10, n.24.

²⁷ See *2020 Waiver Order* at para. 2.

²⁸ *Bridging the Digital Divide for Low-Income Consumers et al.*, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 FCC Rcd 10475, 10500, para. 72 (2017) (*2017 Lifeline NPRM*).

²⁹ *Id.*, 32 FCC Rcd at 10502, paras. 75-76.

³⁰ *Id.*, 32 FCC Rcd at 10502, para. 76.

³¹ *Id.*, 32 FCC Rcd at 10502, paras. 75-76.

support in areas—such as rural areas and rural areas on Tribal lands—where “voice rates are actually above the urban average.”

III. DISCUSSION

12. We find that there is a compelling need for cost and usage data with regard to voice and mobile broadband usage minimum service standard given the unreliable data produced by providers with respect to providing Lifeline services. Collecting cost and usage data for inclusion in the State of the Lifeline Marketplace Report will allow the Bureau to assess and make recommendations to the Commission about, among other policy changes, the mobile broadband usage minimum service standard as advocated for by several parties, the phase-out of Lifeline voice support and transition to chiefly supporting broadband services, and Lifeline support amounts.

13. We narrowly tailor our data collection to include only those data necessary to assist the Commission in fulfilling these objectives. Specifically, we seek network cost data, including wholesale costs, subscribership usage data, and overhead cost data from the nine largest Lifeline mobile service providers, measured by subscribership (“providers”). We find that cost data from this selection of Lifeline providers capture sufficient insight into the program as they provide service to a significant number of Lifeline consumers. We find that the scope of this collection adequately represents the Lifeline marketplace and should provide us with the data necessary to complete the State of the Lifeline Marketplace Report.

14. The data sought in this one-time collection order will enable us to provide the Commission with the analysis and recommendations required in the State of the Lifeline Marketplace Report, and inform future action, such as resolution of reconsideration petitions regarding the mobile broadband usage minimum service standards and voice support phase-down. The Bureau is undertaking this one-time collection in order to balance the need it has for a more complete understanding of the costs of providing Lifeline service with the effort providers will need to devote to providing the information. This collection will help ensure that our recommendations to the Commission are based on a record that includes current information about consumer usage and providers’ costs to be able to fulfill the Commission’s statutory directive to promote the availability and affordability of communications services.

15. Some providers have previously raised the confidentiality of their cost data as a barrier to their voluntary submission of such data to the Commission.³² This effort will address those concerns by treating the responses to the questionnaire as having being filed in confidence, that is, being filed with a request that the responses not be made routinely available for public inspection under the Commission’s rules.³³

16. *Network Costs.* We find it necessary to collect network cost data to inform the Commission’s actions on the pending issues regarding the mobile broadband usage minimum service standards and the State of the Lifeline Marketplace Report, including recommendations regarding the Lifeline support amount. Such data will help us better understand the effect of the mobile broadband usage minimum service standard increases on the costs that providers incur to deliver Lifeline-supported service. This, in turn, will allow the Commission to evaluate whether the minimum service standard rules and program reimbursement amounts support an evolving level of service for low-income Americans at an affordable rate.

17. Setting the minimum service standard for mobile broadband usage requires a balance between accessibility and affordability that can only be accomplished with both parts of the picture. The

³² See, e.g., Letter from John J. Heitmann & Joshua Guyan, Counsel for the National Lifeline Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-287 et al., at 2-3 (filed Sept. 21, 2020).

³³ 47 CFR § 0.459.

minimum service standards were established, in part, to “remove the incentive for providers to offer minimal, un-innovative services.”³⁴ As a broadband connection becomes more and more vital to adequately participate in today’s society,³⁵ the mobile broadband minimum service standards have gradually increased year-to-year to ensure that Lifeline consumers can subscribe to the services which have “been subscribed to by a substantial majority of residential customers,”³⁶ and that they are not left with “second class” service.³⁷

18. In 2016, the Commission took into consideration concerns that minimum service standards could force providers to abandon the Lifeline market or require a significant charge for consumers.³⁸ The network cost information we will collect will assist in evaluating at what point the minimum service standard rules could create such a disruption. To date, such data has been missing. Providers have only submitted conclusory statements that the mobile broadband usage minimum service standard will result in unaffordable service for Lifeline consumers and retail cost data that the Commission has already concluded does not support the relief requested. The data provided by the parties do not shed light on the costs to provide a Lifeline offering compared to a retail, non-Lifeline offering with similar service characteristics—indeed, if costs were prohibitively high, then Lifeline providers would have begun charging a co-payment from most Lifeline subscribers long ago, and yet they have not.³⁹

19. The historical inaccuracy of certain providers’ predictions of the impact of the Lifeline minimum service standards on the pricing and availability of Lifeline service offerings also counsels in favor of requiring providers to produce cost data. For example, in this year’s mobile broadband usage minimum service standard waiver proceeding, the petitioner argued that wireless eligible telecommunication carriers (ETCs) have stated on the record that the cost of providing 4.5 GB per month will vastly exceed the \$9.25 monthly Lifeline subsidy for broadband service, and that carriers would consider relinquishing their ETC designation if the increase to 4.5 GB went into effect.⁴⁰ These conclusory statements were undermined by evidence that providers continued to pursue Lifeline designations, even in states without state Lifeline subsidies, by some of the very same wireless ETCs arguing that they were not interested in serving those states.⁴¹ Similar arguments were made in 2019, where providers contended that a minimum standard increase from 2 GB to 3 GB was “too costly” and that a lower-than-3-GB “option” was necessary to make enrollment of new Lifeline subscribers outside of states with additional subsidies possible without a co-pay, and that the record “contains no evidence that 3 GB mobile broadband plans will be offered by ETCs outside of California or Tribal areas to existing and new Lifeline subscribers without imposing a price increase over current mobile broadband [minimum

³⁴ *2016 Lifeline Order*, 31 FCC Rcd at 4000, para. 104.

³⁵ *Id.* at 3988, para. 69.

³⁶ *Id.* at para. 70 (quoting 47 U.S.C. § 254(c)(1)(B)).

³⁷ *Id.* at 4000, para. 104.

³⁸ *Id.* at 3995, 4000, paras. 92, 104

³⁹ *See 2019 Waiver Order* at para. 10, n.24.

⁴⁰ *See National Lifeline Association Petition for Waiver of Lifeline Mobile Broadband Minimum Service standard and Voice Support Phase-Down*, WC Docket No. 11-42 et. al., at 14 (filed Aug. 27, 2020).

⁴¹ *See 2020 Waiver Order* at para. 16.

service standard]-compliant plans, which makes the supported service less affordable for Lifeline-eligible low-income.”⁴² These claims, however, never proved true.⁴³

20. Indeed, some of the very providers that complain about the costs of an increase in the minimum service standard have in the past failed to disclose any specific details or cost information that would allow us to review and validate such claims (despite them being in the best position to provide that information to the Commission). Without such data, we cannot determine whether such providers are overstating the impact on costs of such an increase. We believe that seeking such data directly will more precisely inform our decisions. Network cost data will also assist the Commission in evaluating the issues that will be considered in the State of the Lifeline Marketplace Report, including whether the Commission should continue the transition to chiefly supporting broadband services.

21. Accordingly, we require the providers subject to this data collection to provide network cost data for voice minutes and mobile broadband data as described in the data collection instrument.⁴⁴ We require these data for each of the last five years to assist in showing how costs have evolved during the time after the adoption of the *2016 Order* and establishment of the minimum service standards. Further, we require providers to indicate the proportion of minutes or data purchased that go unused by consumers and whether minutes or data that go unused decrease the average cost per minute or megabyte.

22. *Subscribership and Usage.* We also require information demonstrating data usage by providers’ subscribers, including both Lifeline subscribers and non-Lifeline subscribers. This information—combined with the network cost information and the overhead cost information sought today—will allow the Commission to estimate the costs Lifeline providers incur to provide the Lifeline-supported service (for example, by multiplying a provider’s cost per GB used by the number of GB used to arrive at total costs). Subscriber usage data will also allow the Commission to understand the average number of Lifeline subscribers who exceed their monthly data allowance, and if those subscribers tend to exceed their plans’ data allowance. These data will provide a useful comparison for the State of the Lifeline Marketplace Report and assist our ability to make recommendations for any program changes, particularly with respect to the transition from chiefly supporting voice services to broadband services. Accordingly, we require that providers subject to this data collection produce information demonstrating voice and data usage for both Lifeline and non-Lifeline subscribers for the last five years.

23. *Overhead Costs.* We will also collect data on costs that Lifeline providers incur that are not included in the network-specific costs necessary to provide Lifeline-supported service. Collecting these data will inform the Commission’s decision-making with regard to the Lifeline minimum service standards and the State of the Lifeline Marketplace Report, as described above, and will also inform the Commission’s consideration of the pending 2017 Notice of Proposed Rulemaking, which sought comment on whether “Lifeline resellers passed through all Lifeline funding to their underlying carriers to ensure federal funding is appropriately spent on the required ‘facilities and services’ rather than non-eligible expenses like free phones and equipment.”⁴⁵ Indeed, section 254(e) of the Communications Act of 1934, as amended, provides that universal service funding be spent “only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.”⁴⁶

24. To provide a complete picture of the costs associated with providing Lifeline services, and to ensure that funds are appropriately spent on the services for which the support is intended, we

⁴² See Letter from John J. Heitmann & Joshua Guyan, Counsel for the National Lifeline Association and Q Link Wireless LLC, WC Docket No. 17-287 et al., at 3 (filed Nov. 1, 2019).

⁴³ See *2020 Waiver Order* at para. 18.

⁴⁴ See Appendix A.

⁴⁵ *2017 Lifeline NPRM*, 32 FCC Rcd. at 10500, para. 72.

⁴⁶ 47 U.S.C. § 254(e).

require other cost data associated with the provision of Lifeline services, including sales, marketing, general, and administrative costs incurred over the previous five years. This more complete picture of Lifeline providers' costs will allow the Commission to take into consideration the legitimate non-network costs incurred by providers when reviewing issues such as the Lifeline minimum service standards and support levels. Indeed, multiple providers have argued that they incur substantial overhead costs in addition to network costs, such as marketing and outreach, customer acquisition, customer service, and regulatory compliance.⁴⁷

25. *Costs in Rural and Tribal Areas.* Finally, we seek network cost data to assist the Commission in determining the state of affordable broadband deployment in different geographical regions.⁴⁸ In 2017, the Commission recognized the possibility that low-income consumers may face difficulties obtaining affordable, quality broadband service in rural areas or rural areas on Tribal lands “because service providers have less incentive to incur the costs to deploy advanced facilities or to provide a wide range of services at competitive prices in these areas.”⁴⁹ In addition to whether these areas faced increased difficulties in obtaining affordable, quality broadband service, the Commission was mindful about the need to establish the correct support amounts to appropriately encourage development of broadband in different geographical areas.⁵⁰

26. Thus, we require the providers subject to today's data collection to indicate whether their costs vary by geographical region—for example, urban versus rural and Tribal versus non-Tribal. Further, if such variations do exist, we require providers to indicate the additional costs associated between different geographical regions and indicate the additional hurdles that provide for such variations. We find this data necessary to assist in answering outstanding questions regarding whether the digital divide is more prevalent in certain geographical regions, and whether the support amount for certain geographical regions needs to be adjusted to help expedite reduction in the digital divide.⁵¹

27. We also seek data to help determine whether Lifeline for voice services remains necessary in rural and Tribal areas. We require the providers subject to today's data collection to indicate what, if any, voice services they offer in rural and Tribal areas to non-Lifeline subscribers and whether the network costs for voice service differ between urban, rural, Tribal, and non-Tribal areas. Specifically, we require each provider to identify any such costs that are substantially higher in rural and/or Tribal areas than non-rural, non-Tribal areas.

IV. PROCEDURAL MATTERS

28. *Instructions.* A copy of this Order will be sent via email and registered mail to each provider obligated to respond.⁵² We direct the above-listed providers to email

⁴⁷ See, e.g., Letter from Eric Schimpf, Chief Operating Officer, Global Connection Inc. of America, Jose Cortes, Chief Strategy Officer, Easy Telephone Services Company, Jim Carpenter, President, Telrite Corporation, Dennis Henderson, CEO, Boomerang Wireless, LLC, Nathan Johnson, Co-CEO, TruConnect Communications, Inc., Stephen Klein, President, Amerimex Communications Corp., David Dorwart, CEO, Assist Wireless, LLC, and Jeff Ansted, President, American Broadband and Telecommunications Company, to Marlene Dortch, Secretary, FCC, WC Docket No. 11-42 et. al., at 1 (filed Sept. 14, 2020); Letter from Mark Rubin, Senior Executive for the Government Affairs, TracFone Wireless, Inc., to Marlene Dortch, Secretary, FCC, WC Docket No. 11-42 et. al., at 2 (filed Sept. 29, 2020); Letter from John J. Heitmann & Joshua Guyan, Counsel for Q Link Wireless LLP, to Marlene Dortch, Secretary, FCC, WC. Docket No. 11-42 et al., at 2 (filed Oct. 5, 2020).

⁴⁸ See 2017 Lifeline NPRM, 32 FCC Rcd at 10517, para. 125.

⁴⁹ *Id.*

⁵⁰ *Id.* at 10518, para. 126.

⁵¹ See *id.* at 10517, para. 125.

⁵² The Bureau may revise the questionnaire and instructions as needed before sending to the respondents to the extent that such revisions ensure accurate and complete data.

LifelineCollection@fcc.gov to identify two individual contacts for this questionnaire, along with the contacts' respective business email addresses and phone number(s), within 14 days of the release of this Order. A final version of the questionnaire will be sent to the respondent providers and respondents must send the requested data within 60 days of receipt of that final questionnaire. All questions and statements must be completed. If the proper answer is "none," "not applicable," or "zero (0)," insert that answer. Providers shall report all data in whole numbers, shall report dollar amounts without using dollar signs, and shall report all amounts using a comma to separate thousands (for example, report one million dollars as 1,000,000). Willful false statements in responses to this information collection are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001).

29. *Ex Parte Rules.* This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR § 1.1206(b). In proceedings governed by 47 CFR § 1.49(f), or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

V. ORDERING CLAUSES

30. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 and 0.291, that Deutsche Telekom AG, América Móvil, Quadrant Holdings Group LLC, TSC Acquisition Corporation, Telrite Corporation, Amerimex Communications Corporation, i-wireless, LLC, Global Connection Inc. of America., and Assist Wireless, LLC provide the data required herein within 60 days of receipt of the final questionnaire.

31. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), that this Order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

⁵³ 47 CFR. §§ 1.1200 *et seq.*