

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

In the Matter of
Telecommunications Carriers Eligible for Universal
Service Support
WC Docket No. 09-197

ORDER

Adopted: December 15, 2022

Released: December 15, 2022

By the Chief, Wireline Competition Bureau:

1. In this Order, we approve the request of T-Mobile South LLC (T-Mobile) to relinquish its eligible telecommunications carrier (ETC) designation in Florida for high-cost support, effective December 31, 2020, and for Lifeline support, effective as of December 31, 2022. T-Mobile no longer receives high-cost support as of December 31, 2020 but has continued to offer Lifeline services and receive Lifeline support under the terms of this ETC designation. T-Mobile has committed to continuing to provide wireless service to qualified low-income consumers in Florida through its affiliate, Assurance Wireless USA L.P. (Assurance Wireless), which is a Lifeline-only ETC in the state.

2. To obtain universal service funds, a carrier must be designated as an ETC under section 214 of the Communications Act, as Amended ("the Act"). Section 214(e)(2) of the Act grants states the primary role in designating ETCs, and sections 214(e)(3) and (6) provide that the Federal Communications Commission ("Commission" or "FCC") should designate ETCs in limited circumstances—where the carrier is not subject to the jurisdiction of a state, or in unserved areas where no carrier is willing to provide USF services. Section 214(e)(4) of the Act provides that the state commission, or the FCC in the case of a carrier designated by the FCC pursuant to section 214(e)(6), shall permit an ETC to relinquish its designation "in any area served by more than one" ETC so long as "the

1 In December 2020, T-Mobile requested "to convert its high-cost eligible telecommunications carrier ('ETC') designation to a Lifeline-only ETC designation for the State of Florida, effective December 31, 2020." See T-Mobile South LLC's Petition for Conversion of its High-Cost Eligible Telecommunications Carrier Designation Pursuant to 47 U.S.C. § 214(e)(4), WC Docket No. 09-197 (filed Dec. 21, 2020). As of December 31, 2020, T-Mobile ceased receiving high-cost support but continued to offer Lifeline services. On September 1, 2022, T-Mobile requested to relinquish its original ETC designation in full and withdraw its prior petition filed in December 2020 to convert its ETC designation to a Lifeline-only designation. T-Mobile South LLC's Petition for Relinquishment of its Eligible Telecommunications Carrier Designation Pursuant to 47 U.S.C. § 214(e)(4), WC Docket No. 09-197, 1, n. 1 (filed Sept. 1, 2022) (T-Mobile Florida ETC Relinquishment Petition). As T-Mobile stopped receiving high-cost support at year-end 2020, we deny T-Mobile's request to withdraw its prior petition and grant the relinquishment of its ETC status for high-cost support as of December 31, 2020.

2 See T-Mobile South LLC's Petition for Relinquishment of its Eligible Telecommunications Carrier Designation Pursuant to 47 U.S.C. § 214(e)(4), WC Docket No. 09-197 (filed September 1, 2022) (T-Mobile Florida ETC Relinquishment Petition). These relinquishments are granted without prejudice to T-Mobile applying for ETC status in Florida at a later date.

3 See id. at 1 n.1.

4 See id. at 2.

5 47 U.S.C. § 214(e).

remaining [ETCs] ensure that all customers served by the relinquishing carrier will continue to be served.”⁶ Consistent with this statutory provision, once the requesting ETC makes the required showing under section 214(e)(4), a state commission or the FCC is required to grant the request for relinquishment.

3. T-Mobile was designated an ETC in Florida by the Florida Public Service Commission (PSC) in 2010.⁷ The following year, however, the Florida legislature exempted all wireless providers in the state from the Florida PSC’s jurisdiction.⁸ Following that change in law, the Florida PSC stated that it lacks jurisdiction over wireless providers for the purposes of ETC designations.⁹ In a letter dated May 28, 2021, the Florida PSC’s general counsel confirmed to T-Mobile that the PSC lacks jurisdiction to accept T-Mobile’s ETC relinquishment.¹⁰ Given the state’s position, we believe that it is appropriate for the Wireline Competition Bureau (Bureau) to act here.¹¹

4. Without Commission action, T-Mobile would be unable to relinquish its ETC designation in Florida and would be compelled to indefinitely participate as an ETC in the state despite the fact that it has met the statutory criteria for relinquishment. With the state avowing that it lacks jurisdiction to act,¹² the Commission is the only option to step in and review T-Mobile’s relinquishment request, and this action is consistent with the general framework of section 214, in which the Commission addresses designations and relinquishments in situations where the carrier is not subject to the jurisdiction of a State commission.¹³ Under the circumstances, we believe that it is appropriate for the Bureau to examine and resolve T-Mobile’s requested relinquishment.

5. The Bureau has confirmed that T-Mobile meets the requirements for relinquishment of its ETC designation.¹⁴ T-Mobile is providing advance notice to the Commission of its relinquishment and there are other service providers, including several incumbent local exchange carriers (ILECs), that offer service throughout T-Mobile’s service area in Florida. This includes T-Mobile’s high-cost areas, where such service providers must provide supported services throughout their designated areas.¹⁵ We also do

⁶ 47 U.S.C. § 214(e)(4).

⁷ *Petition for Designation as Eligible Telecommunications Carrier (ETC) by T-Mobile South LLC*, Docket No. 090507-TP, Order No. PSC-10-0475-PAA-TP, Notice of Proposed Agency Action Order Granting Eligible Telecommunications Carrier Designation (Fla. PSC July 28, 2010); Docket No. 090507-TP, Order No. PSC-10-0536-CO-TP, Consummation Order, (Fla. PSC. August 20, 2010) (granting ETC designation for certain non-rural and rural areas).

⁸ See Fla. Stat. Ann. § 364.011(4).

⁹ See *Petition for Declaratory Statement Concerning Jurisdiction over Wireless Telecommunications, Specifically Commercial Radio Service Providers, for the Sole Purpose of Lifeline-Only ETC Designation, by TruConnect Communications, Inc.*, Docket No. 20200260-TP, Order No. PSC-2021-0103-DS-TP, Declaratory Statement at 10 (Fla. Pub. Serv. Comm’n Mar. 12, 2021).

¹⁰ See T-Mobile Florida ETC Relinquishment Petition, Exhibit A.

¹¹ We note that the Bureau regularly approves ETC designations and relinquishment requests under delegated authority. See, e.g., *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, Order, 36 FCC Rcd 9377 (WCB 2021) (approving the relinquishment of T-Mobile Northeast LLC’s high-cost ETC designation in Virginia); *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, Order, 34 FCC Rcd 12382 (WCB 2019) (granting a relinquishment of SI Wireless’s ETC designation in Tennessee); see also *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997).

¹² See T-Mobile Florida ETC Relinquishment Petition, Exhibit A.

¹³ See 47 U.S.C. § 214(e)(6).

¹⁴ See 47 U.S.C. §§ 214(e)(4).

¹⁵ See T-Mobile Florida ETC Relinquishment Petition at 6-7; see also, e.g., USAC, *Companies Near Me*, <https://cnm.universalservice.org/> (last visited Oct. 27, 2022). See 47 U.S.C. § 214(e)(1)(A); 47 CFR § 54.101(a)

(continued....)

not believe that any of the other ETCs in the service area need time to purchase or construct additional facilities to serve consumers as these ETCs are already operating and serving consumers in the impacted service area. Most significantly, T-Mobile has committed to providing advance notice to impacted Lifeline subscribers and apprising them of their new service options after it leaves the Lifeline program.¹⁶ This notice process will afford T-Mobile's Lifeline customers time to select an alternative discounted calling plan from T-Mobile subsidiary Assurance Wireless, remain on their existing plans without a Lifeline discount, or obtain discounted Lifeline service from another provider.¹⁷ Based on these facts, we conclude that it is appropriate to grant T-Mobile's request to relinquish its ETC designation.¹⁸

6. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act of 1934, as amended, 47 U.S.C. 214(e)(4), section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and the authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, the ETC designation of T-Mobile IS RELINQUISHED in Florida (SAC 219013) for high-cost support, effective December 31, 2020, and for Lifeline support, effective as of December 31, 2022.¹⁹

7. IT IS FURTHER ORDERED that T-Mobile SHALL TRANSMIT a copy of this Order to the relevant state commission in Florida and the Universal Service Administrative Company.

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

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau

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(providing that voice service is the supported service); 47 CFR § 54.403(a) (setting forth Lifeline support eligibility requirements).

¹⁶ See T-Mobile Florida ETC Relinquishment Petition at 7; see also Letter to Marlene H. Dortch, Secretary, FCC from Indra Sehdev Chalk, T-Mobile USA, Inc. at 1 (filed Nov. 10, 2022) (detailing T-Mobile's plan to give customers a 60-day period to transfer service before the company ends subsidized support for the customer).

¹⁷ See *id.*

¹⁸ See 47 U.S.C. § 214(e)(4). While the Bureau acts today to grant this relinquishment, we clarify that we consider valid any ETC designation granted by the Florida PSC prior to the Florida legislature's exempting of wireless service providers from the Florida PSC's jurisdiction. The Florida PSC acted consistent with its authority and granted designations in accordance with the Act prior to the legislature acting to exempt wireless providers.

¹⁹ USAC shall discontinue the eligibility of the SAC 219013 assigned to T-Mobile in Florida according to the effective dates established in this Order.