



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU APPROVES THE UPDATED COMPLIANCE PLAN OF TEMPO TELECOM, LLC

WC Docket Nos. 09-197 and 11-42

The Wireline Competition Bureau (Bureau) hereby approves the updated compliance plan¹ of Tempo Telecom, LLC (Tempo) filed pursuant to the requirements for the continued provision of Lifeline service.²

The Act provides that a carrier be designated as an eligible telecommunications carrier (ETC) to receive universal service support.³ The Commission has required that all non-facilities based telecommunications carriers seeking Lifeline-only ETC designation must meet the following conditions: (1) compliance with certain 911 and enhanced 911 (E911) public safety requirements; and (2) Bureau approval of a compliance plan providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will take to implement its obligations.⁴

Any transfer of ownership or control of an ETC with an approved Lifeline compliance plan requires approval of an amended compliance plan in advance of the transaction.⁵ This includes renewing compliance plan approval for changes in the corporate structure of the ETC.⁶

In accordance with this requirement, Tempo submitted a revised compliance plan to reflect the proposed change in ownership structure of Tempo resulting from one transaction (the BR Transaction⁷), the resulting ownership structure associated with a second transaction (the BullsEye Transaction⁸), and to

¹ Updated Compliance Plan of Tempo Telecom, LLC, WC Docket Nos. 09-197, 11-42 (filed July 25, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/107250467828034> (Updated Tempo Compliance Plan).

² See *Lifeline and Link Up Reform and Modernization et al*, 27 FCC Rcd 6656, 6816, paras. 379-380 (2012) (*2012 Lifeline Reform Order*); *In the Matter of Lifeline & Link Up Reform & Modernization*, 30 FCC Rcd 7818 (2015) (*2015 Lifeline Order*).

³ 47 U.S.C. § 214(e)(1)(A).

⁴ See *2012 Lifeline Reform Order*, 27 FCC Rcd at 6814, 6819, paras. 373 and 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans pursuant to the *2012 Lifeline Reform Order*. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, 27 FCC Rcd 2186 (WCB 2012).

⁵ *Wireline Competition Bureau Reminds Carriers of Eligible Telecommunications Carrier Designation and Compliance Plan Approval Requirements for Receipt of Federal Universal Service Support*, Public Notice, 29 FCC Rcd 9144, 9145 (WCB 2014) (*2014 ETC Public Notice*).

⁶ *Id.*

⁷ Updated Tempo Compliance Plan at 4-5.

⁸ *Id.* at 6-7.

otherwise update Tempo's Compliance Plan to describe the measures Tempo has implemented to comply with the rules and regulations of the Commission governing the provision of prepaid wireless Lifeline services since Tempo's original Compliance Plan was previously approved.⁹

Tempo is a Lifeline ETC in twenty one states.¹⁰ Pursuant to the BR Transaction described in Tempo's Updated Compliance Plan, the ownership interest held by B. Riley Principal Investments, LLC (BRPI) in Lingo Management, LLC (of which Tempo is a wholly-owned subsidiary) has increased from 40% to 80%.¹¹ In addition, as described in the Tempo Updated Compliance Plan, there is a pending transaction whereby Lingo Management, LLC; Lingo Communications, LLC; and BRPI have requested Commission approval to acquire BullsEye Telecom, Inc.¹² According to Tempo's Updated Compliance Plan, however, "There will be no change in the ultimate ownership and control of Tempo as a result of the BullsEye Transaction."¹³

The Bureau has reviewed Tempo's Updated Compliance Plan for conformance with the relevant requirements and now approves the Updated Compliance Plan. We note that with respect to this matter, Tempo will remain the only entity with an approved compliance plan. Additionally, Tempo must continue to comply with any future additions to or amendments of the Lifeline program rules unless it has relinquished its relevant designation(s) pursuant to section 214(e)(4) of the Act.¹⁴ This approval is limited to Tempo's Updated Compliance Plan and does not impact any other regulatory approvals that Tempo or its affiliates may be required to undertake to implement the transactions discussed in the Updated Compliance Plan.

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For further information, please contact Allison Jones, Telecommunications Access Policy Division, Wireline Competition Bureau at allison.jones@fcc.gov.

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⁹ *See id.* at 1.

¹⁰ *Id.* at 3. These states are: Colorado, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, North Dakota, Ohio, Rhode Island, South Carolina, Utah, West Virginia, Wisconsin, and Wyoming. *Id.* at 3, n.8.

¹¹ *Id.* at 5.

¹² *Id.* at 6-7.

¹³ *Id.* at 7.

¹⁴ *See* 47 U.S.C. § 214(e)(4).