

Docket Number: TC23-041
Subject Matter: Second Data Request
Request to: TERRACOM INC. dba Maxsip Tel (TERRACOM)
Request from: South Dakota Public Utilities Commission Staff

- 2-1. Pursuant to ARSD 20:10:32:43(3), provide “a detailed map for which the ETC designation is sought”, confirming that Terracom only requests service in the CenturyLink wire centers. This map should show each CenturyLink wire center Terracom intends to serve and shade the areas Terracom requests to serve in a different color than the rural areas Terracom will not serve per the Stipulation with SDTA. In addition, include an outline of the tribal area boundaries.

Response: Please see attached Exhibit A.

- 2-2. Provide a list of the CenturyLink wire centers Terracom is requesting to serve.

Response: Pierre, Aberdeen, Mitchell, Madison, McIntosh, Morristown, Belle Fourche, Rapid City, Hill City, Lead, Sturgis, Spearfish, Deadwood, Whitewood, Redfield, Flandreau, Colman, Huron, Iroquios, Cavour, De Smet, Lake Preston, Arlington, Volga, Chamberlain, Miller, Timber Lake, Milbank, Ortonville (Big Stone City), Watertown, Canton, Sioux Falls, Harrisburg, Tea, Yankton, Elk Point, Vermillion, Sioux City, Valentine.

- 2-3. Will Terracom be utilizing zip codes when enrolling customers? If so, provide a list of zip codes Terracom intends to serve and provide a map overlaying the zip codes with the map provided in the response do data request 2-1. In addition, explain how Terracom will distinguish customers in rural and non-rural areas to ensure Terracom only enrolls customers in non-rural areas.

Response: TerraCom will automatically exclude customers in zip codes not associated with Qwest/CenturyLink areas. For the remaining zip codes, TerraCom will confirm the service area using the entire residential address to ensure it is located in wire centers within the Company’s proposed ETC service area. This is a process TerraCom has used successfully in other states.

- 2-4. Explain how Terracom will ensure customers are located in CenturyLink areas.

Response: TerraCom will either invest in geocoding software and/or, until that time, manually input each applicant’s address into the interactive study area boundary map on the Commission’s website to confirm the address is within CenturyLink areas (see <https://sdbit.maps.arcgis.com/apps/webappviewer/index.html?id=73648b1b111b4d81b71e71fdb49c295>)

- 2-5. Explain how Terracom will ensure tribal customers are located in CenturyLink areas, since some tribal lands extend into rural areas.

Response: TerraCom will rely upon USAC for determination of tribal Lifeline eligibility and will follow the same process described in No. 2-4 above to ensure location in CenturyLink areas.

- 2-6. Does Terracom operate an internal customer service center or utilize an external service center?

Response: TerraCom’s centers are internal with contracted centers used as demand dictates.

- 2-7. Confirm Terracom will not share customer data collected for the purpose of verifying customer eligibility for LifeLine services.

Response: TerraCom will not share customer data collected for the purpose of verifying customer eligibility for LifeLine services.

- 2-8. Does TerraCom collect customer data from the customer's use of the device or wireless services? If so, for what purpose does TerraCom collect data?

Response: TerraCom does not collect customer data.

- 2-9. On page 13 of TerraCom's Petition, TerraCom commits to comply with the Cellular Telecommunications and Internet Association's ("CITA") Consumer Code for Wireless Service. Provide a copy of the CITA Consumer Code for Wireless Service.

Response: Please see attached Exhibit B.

- 2-10. Refer to Petition Pg. 13. TerraCom claims TerraCom is able to remain functional in emergency situations because it will utilize its Underlying Carriers' networks. Have TerraCom's Underlying Carriers certified to TerraCom their ability to remain functional in emergency situations? If so, provide documentation. If not, explain in great detail how TerraCom came to the understanding that its Underlying Carriers' networks have the back-up power, ability to reroute traffic and manage traffic spikes described on page 13 of the Petition.

Response: As a reseller using the underlying facilities-based Tier I AT&T and T-Mobile wireless networks, TerraCom is able to offer its customers the benefits of each carrier's emergency preparedness and reliability. TerraCom provides the following based upon publicly available information from AT&T and T-Mobile.

It is TerraCom's understanding that in preparation for power outages, AT&T has at least 6 hours of battery backup power and 1 generator at each of its switch locations. In addition, most of AT&T's cell sites have battery back-up and there are permanent generators at many of its critical cell sites, cell sites are equipped to accept "plug in" portable power, and portable generators are available for deployment in the region. It is also TerraCom's understanding that AT&T has monitoring systems in place so that it quickly knows if it has any switches or cells sites that are not functioning properly so that it can deploy resources appropriately. AT&T provides for redundancy in its wireless network through several means, and it is TerraCom's understanding that AT&T generally designs its network so that adjacent cell sites have some overlapping coverage so that if one cell site is down a customer may be able to establish a connection with an adjacent cell site. Some of AT&T's cell sites are designed to provide additional capacity in an area, this results in providing an additional cell site with coverage to a particular area. And, in response to natural disasters, such as tornados or ice storms, it is TerraCom's understanding that AT&T has a number of portable generators that can be used at the ETC cell sites, a Cell Site on Wheels ("COW"), and portable microwave equipment (when there is an outage of the lines that AT&T leases from the wireline carrier) that it can deploy. See, i.e., [AT&T Network Disaster Recovery: Our NDR Program \(att.com\)](#).

While TerraCom is not aware of the exact length of time that T-Mobile has battery backup power, TerraCom can state that T-Mobile has 24/7 national Engineering Response & Crisis Management teams; Network Operation Centers (NOCs) to manage network traffic with backup equipment and power supplies on hand; pre-located cell sites on wheels (COWS) to provide additional wireless capacity to hardest-hit areas; and performs consistent readiness drills throughout the year to ensure a rapid, effective response to emergencies. It is TerraCom's understanding that T-Mobile made massive network resiliency investments in 2022 that added thousands of fixed backup generators to its resource inventory, significantly increased the number of portable generators that can restore power to tower locations where permanent generators are not possible, and expanded its emergency response fleet to include even more vehicles with WiFi connectivity to support WiFi calling even when cellular networks are down.

T-Mobile also has safeguards in place to ensure the redundancy and resiliency of its network. See, i.e., [Gearing Up: A Look at T-Mobile's Emergency Response Equipment - T-Mobile Newsroom \(t-mobile.com\)](#) and [Emergency Response | Support for Outages & Natural Disasters \(t-mobile.com\)](#).

- 2-11. Refer to the Petition, pages 5, 11 and 12. Terracom indicates it will “affirmatively reach out to the low-income sector of the consumer base to offer attractive and affordable communications options.” Additionally, Terracom specifies it will advertise via internet, radio, television, print advertising, and direct mailing, and will expand advertising efforts as necessary. Explain how Terracom may expand these advertising efforts. Will Terracom make unsolicited calls to its targeted customer base? If so, confirm Terracom will adhere to all Federal and State regulations regarding telephone solicitation, including but not limited to use of the Do Not Call Registry.
Response: TerraCom does not have a specific method of advertising expansion in mind, but is committed to evaluating its advertising efforts and expanding them (whether by method, target area, or timing) as needed. TerraCom does not at this time intend to make unsolicited calls to its targeted customer base but to the extent it ever does, TerraCom confirms it would adhere to all Federal and State regulations regarding telephone solicitation, including but not limited to use of the Do Not Call Registry.
- 2-12. Has the FCC ever taken action against Terracom, or any affiliated company, regarding any aspect of Terracom, or affiliated company’s, Lifeline services, including the collection and security of customer data? If so, provide all such FCC actions and explain in great detail the circumstances in which led to FCC Action and actions taken by Terracom, or affiliated company, to address an FCC action.
Response: In 2012 TerraCom and YourTel discovered and self-reported duplicate subscribers which was resolved by consent decree.

File No.: EB-12-IH-1351 Acct. No.: 201332080015 FRN: 0010-1037-45

File No.: EB-11-IH-1589 Acct. No.: 201332080016 FRN: 0008-4104-09

Oklahoma PUD 201300020 (State case addressing OUSF funding in the above matter)

In 2014, TerraCom settled a malicious and victimless data breach as well as a failure by its vendor to de-enroll subscribers in Illinois.

File Nos.: EB-TCD-13-00009175, EB-IHD-13-000106771 NAL/Account No.: 201432170015 FRN: 0010103745 and 0008410409

Indiana Cause No. 44332 (state investigation and settlement related to the above matter)

Related to the aforementioned data breach, the Offices of Attorneys General for the following states: Arkansas, Kansas, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Minnesota, Missouri, Nevada, Pennsylvania, Washington, and Texas (the “Multistate”) conducted a Joint investigation in the above data breach. To TerraCom’s knowledge nothing became of this investigation.

- 2-13. Does Terracom sell or trade data collected from customer's use of devices or wireless services? If so, what type of data is sold or transferred? If so, to whom does Terracom sell or transfer data? If so, does Terracom disclose to customers that data will be sold or transferred?
Response: TerraCom does not collect customer data.
- 2-14. Refer to Terracom's response to data request 1-11. Has there been any updates with the 5th Revised Compliance Plan? When does Terracom expect this to be heard before the FCC?
Response: The 5th Revised FCC Compliance Plan has not been approved. TerraCom has no indication on approval other than it is still under review. There are two other similar plans pending with the same status.
- 2-15. Refer to Terracom's response to data request 1-19. What would Terracom charge a lifeline customer if they needed to purchase additional text messages.
Response: TerraCom does not currently offer the ability to purchase additional text messages and this has never been an issue for TerraCom's Lifeline customers in other states.
- 2-16. Refer to Terracom's response to data request 1-20. What percent of Terracom's current lifeline subscribers purchase additional data? Voice minutes?
Response: Based on a recent sampling, both are less than 5%.
- 2-17. Refer to Terracom's response to data request 1-23.
- a. Will Terracom assist potential customers with the National Lifeline Eligibility Verifier application?
Response: TerraCom is fully in compliance with FCC rules regarding assisting customers with the application.
 - b. Is Terracom responsible for the annual re-certification of subscriber's Lifeline eligibility, or is a customer required to complete that process with the National Lifeline Eligibility Verifier?
Response: A customer is required to complete that process with the National Lifeline Eligibility Verifier.
 - c. Will Terracom provide lifeline customers with a notice of the requirement to re-certify before the annual re-certification date?
Response: Yes.
- 2-18. Refer to Terracom's response to data request 1-27. Can a customer have the Lifeline discount applied to a more expensive plan?
Response: Yes, customers can choose any retail plan.
- 2-19. Refer to Terracom's response to data request 1-30. Confidentially provide a breakdown of Terracom's fixed cost and variable cost to serve a single Lifeline customer.
Response: The Company objects to such request as on the basis that it is irrelevant to whether or not the Company meets the requirements of ETC designation. The information requested would only be relevant to a rate-setting case which is not applicable to wireless carriers. TerraCom's Lifeline offering meets the minimum service standards set by the FCC and is offered at no net cost to the Lifeline customer.

- 2-20. Refer to Terracom's response to data request 1-40. Does Terracom intend to make potential customers aware of potential coverage issues prior to enrolling customer?

Response: TerraCom will not enroll a customer unless the residential address has sufficient coverage. However, given the nature of wireless service, customers will be made aware of the following language via the Company's Terms and Conditions:

TerraCom Wireless services use radio transmissions and are therefore affected by limitations. Coverage is not available everywhere. Quality of service may be affected by conditions beyond TerraCom Wireless control, including atmospheric, geographical, or topographical conditions. Service may also be affected by damage to wireless handsets. TerraCom Wireless does not guarantee, or warrant, that service will be available at any specific time or geographical location, or that service will be provided without possible interruption. You should therefore never solely rely on your wireless phone for emergency calls, such as to 911. TerraCom Wireless customers have access to dial 911 in an emergency. However, occasionally a subscriber may attempt to call 911 in an area where there is no wireless coverage. If there is no wireless coverage, a subscriber's call to 911 may not go through and the subscriber should dial 911 from the nearest landline phone. By applying or activating service with TerraCom Wireless, a subscriber agrees not to use TerraCom Wireless services in any way that is illegal, abusive, or fraudulent. This will be determined by TerraCom Wireless in its sole discretion. You may also not alter any of the software or hardware on your TerraCom Wireless handset for any purpose. TerraCom Wireless phones may not be sold to third parties. In order to verify if you reside within a service area please visit www.terracomwireless.com. For any question about coverage quality please contact customer service. Coverage can be affected by many factors such as weather, terrain, buildings, equipment, signal strength or many other factors that may affect network coverage. TerraCom Wireless does not guarantee coverage or network availability.

- 2-21. Refer to Terracom's response to data request 1-47. Provide all options for an upgraded device and the costs for each option.

Response: TerraCom currently has Maxwest Neo Flip Phone or BLU C5L MAX, both \$50 on signup.

- 2-22. Refer to Terracom's response to data request 1-51. Has Terracom confirmed 4G speed throughout the service area?

Response: Yes.

- 2-23. Refer to Terracom's response to data request 1-53. What date will these be filed annually?

Response: TerraCom files the Form 555 and 481 with the FCC on the annual due dates (Jan 31 and Jul 1, respectively or as modified by the FCC), and will file copies with the Commission by any Commission-prescribed deadlines or within 30 days of filing with the FCC, whichever comes first.

2-24. How many customers did Terracom have in South Dakota participating in ACP? How many ACP customers did Terracom have throughout the United States?

Response: As of the final month of ACP support, i.e. April 2024, Terracom had 44 ACP customers in South Dakota and 127,483 nationwide. 47 C.F.R. § 54.202(a)(3)

2-25. Do any unused minutes and/or data in a given month roll over to the following months?

Response: No.