**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF ASSURANCE WIRELESS USA L.P. FOR DESIGNAION AS AN ELIGIBLE TELECOMMUNCATIONS CARRIER IN THE STATE OF SOUTH DAKOTA FOR THE PURPOSE OF OFFERING LIFELINE SERVICE TO QUALIFYING CUSTOMERS	**))))))**	**Docket No. TC24-002**

SDTA Comments

The South Dakota Telecommunications Association (SDTA) respectfully requests the South Dakota Public Utilities Commission (Commission) consider the following comments and argument when ruling on the Assurance Wireless USA, L.P. (Assurance or Applicant) filing and request for Eligible Telecommunications Carrier (ETC) designation for Lifeline purposes. On or about January 12, 2024, the Applicant requested the Commission designate it as an ETC in the State of South Dakota solely for the purpose of offering Lifeline services to qualifying customers. (Application). The designation sought is also known as a "Lifeline-only ETC designation."

Introduction

The Lifeline program, and provider expectations evolved over the years as technology and consumer needs changed. Along with that evolution, the FCC issued various "forbearance orders" that impact the scope of this Commission's decision-making authority.[1] However, the FCC

[1] *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket 11-42, February 6, 2012, Para 379, and *In the Matter of Telecommunications Carriers Eligible or Support,* WC Docket 09-197, April 15, 2013, Para 13.
.

specifically preserved and reserved the public interest analysis for this Commission's consideration.[2] The Commission remains obligated to review the Assurance application for accuracy, to judge whether it meets the letter of the law in South Dakota and to make a finding on the public interest factors found at ARSD 20:10:32:43.07.

As a preliminary matter, SDTA does not agree with how Assurance describes or characterizes the state of rural broadband or Lifeline availability in rural South Dakota. Likewise, SDTA disagrees with how Assurance claims it will impact the availability of Lifeline in South Dakota. SDTA argues Assurance's efforts to advocate for its *version* of a Lifeline product ignore basic South Dakota Lifeline and broadband availability facts.

For example, Assurance claims it, "is uniquely positioned to reach unserved and underserved Lifeline eligible consumers*, especially those residing in rural areas*."[3] (emphasis added.) Assurance does not, however, provide any specificity regarding the location of the alleged un- or underserved customers in "rural areas." SDTA disputes any allegation that un- or underserved customers exist within SDTA member company service areas. SDTA's members serve large portions of the "rural areas" in South Dakota.[4] All SDTA member companies have received ETC designations and offer Lifeline services to their qualifying low-income customers. Currently, to SDTA's knowledge there are no areas of un- or underserved Lifeline eligible

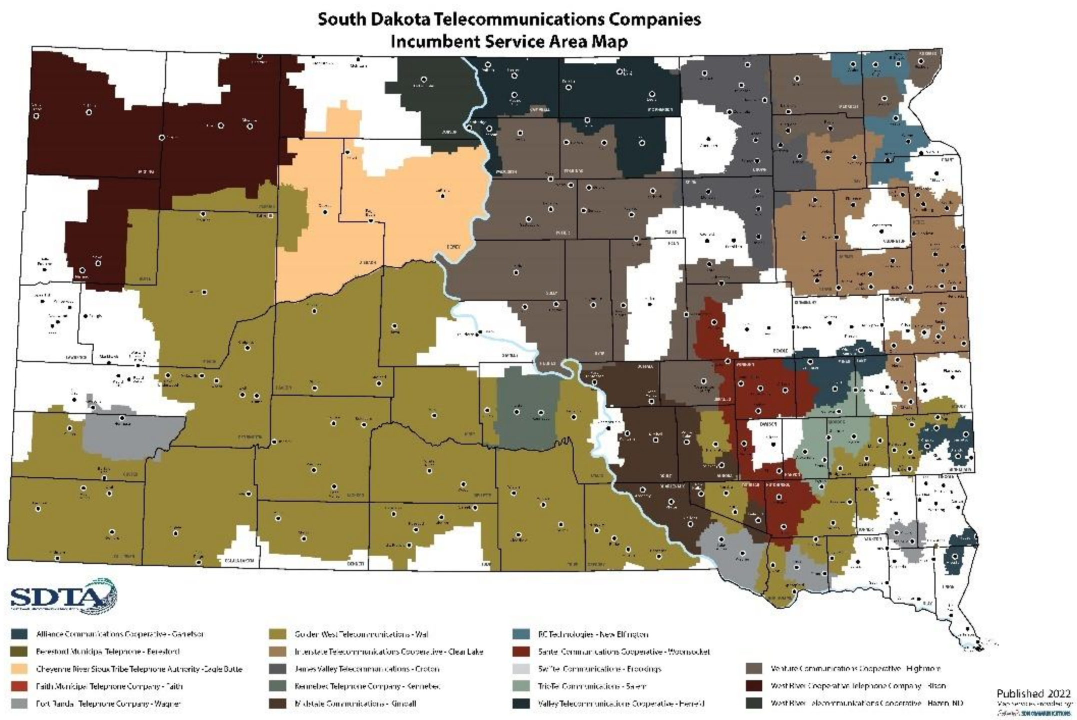
---

[2] "State commissions are still required to consider the public interest, convenience, and necessity of designating carriers as competitive ETCs in rural areas already served by a rural telephone company. Our decision here to grant forbearance for Lifeline only designations does not disturb the roles of State commissions and this Commission in the ETC designation process…" *In the Matter of Telecommunications Carriers Eligible or Support,* WC Docket 09-197, April 15, 2013, Para 14.

[3] Assurance Application, Page 2.

[4] SDTA companies are rural telephone companies as defined by 47 CFR §51.5.

customers within any of the established SDTA member company service or study areas. Assurance's blanket statements suggesting that large swaths of the "rural areas" in South Dakota lack access to Lifeline services is simply untrue. SDTA member company incumbent service areas are shown on the map below. All customers in the colored areas of the map have access to high quality, reliable Lifeline services.



While SDTA disputes any general allegation or statement that rural places in South Dakota lack access to Lifeline, SDTA acknowledges that SDTA member companies are generally terrestrial based and focused on the deployment and operation of fiber to the premises infrastructure. There may be a place in the low-cost communications ecosystem for wireless prepaid Lifeline services of the type offered by Assurance. However, it is misleading for

Assurance to portray its wireless Lifeline service plans, which are clearly structured to meet only the minimum federal Lifeline obligations for broadband data services, as being either comparable or equal to the fixed fiber broadband services made available by the SDTA members. For example, SDTA takes issues with Assurances unqualified statement that:

> "Mobile service allows children to reach their parents, wherever they may be, enables job seekers a chance to connect with potential employers, and provides end users with the ability to contact emergency service providers regardless of the location."[5]

Assurance also stretched the truth when it asserted that:

> "Mobile broadband often serves as a critical tool in narrowing the digital divide by closing the homework gap for students who live in rural areas with limited access to broadband."[6]

In reality, the following limitations exist for all wireless Lifeline consumers everywhere:

- Each household is entitled to only one Lifeline subscription. A wireless Lifeline product cannot easily serve the needs of more than one person. When the Lifeline wireless phone is away from the home, other members of the household do not have access to communications services. Alternatively, a wired Lifeline service can and does serve the whole household. Therefore, to maintain home access to emergency services (911) and communication with other family members, it is necessary to maintain land line services in addition to the Lifeline wireless service.

- The wireless plans that Assurance offers are limited by available minutes, available data and speed. If minutes and/or data have expired, the consumer and his/her family will lose connectivity with the world and each other (including prospective employers). A wired connection, on the other hand, has far greater available minutes/data and is often limitless.

- The reliability of the wireless product Assurance offers will be impacted by weather, network congestion, terrain, and tower location in proximity to the customer. It is not accurate to "sell" a customer on 100% reliability all of the time regardless of location. That is simply not the science of wireless communication. A wired connection, on the other hand, is consistently reliable.

---

[5] Assurance Application Page 11.

[6] Id.

- The data plans Assurance offers are not robust enough to serve a family's needs. Given the widespread highspeed broadband to the premises infrastructure that exists across South Dakota it is inaccurate for Assurance to claim it is solving a broadband access problem. Assurance's Lifeline plan offers 4.5 GB of data. It is hard to imagine how this limited amount of data will solve the homework gap. According to Open Vault, as of 4th quarter 2023, the average household consumes 641 GB of broadband data per month.[7] A wired Lifeline connection, like those that exist throughout all SDTA member service areas, better meet the data needs of most families.

SDTA argues that Assurance's statements regarding the impact its products will have on the digital divide and the "homework gap" are inflated and simply inaccurate. Assurance also overstates and overpromises how its Lifeline product can serve South Dakota consumers and how its Lifeline wireless product will impact overall South Dakota connectivity. Unrealistic and exaggerated advocacy is not helpful. Rather, consumers are best served when empowered with adequate information to make the best decision regarding how to meet household communication needs within available household financial constraints.

The Commission must determine whether designation of the applicant as an ETC is in the public interest.

The Commission must evaluate whether the Assurance ETC application is in the "public interest." The evaluation, found in both federal and state law, is not optional.[8] Given the mandate, in SDTA's view, consideration of actual rural telephone company service area circumstances is relevant to determine whether an additional Lifeline designation would have positive or negative impact on existing rural service providers and voice and/or broadband

[7] OpenVault's Broadband Insights Report for the fourth quarter of 2023, https://openvault.com/wp-content/uploads/2024/02/OVBI_4Q23_Report_v3.pdf

[8] 47 CFR 54.201, ARSD 20:10:32:42 and ARSD 20:10:32:43.07

consumers. As general matters of fact, SDTA would ask the Commission in conducting its public interest review to incorporate the following:

(1) All the "rural telephone company" members of SDTA provide high quality voice and high-speed broadband services throughout their existing established "service areas." Nearly all SDTA member companies provide the services through fiber transport and last-mile network facilities.

(2) Existing federal and state grant programs are prioritizing fiber broadband deployments by either encouraging or requiring grant awardees to participate in the Lifeline and/or ACP Programs, and in some cases even requiring further steps by awardees to address service affordability. Consistent with these and other similar grant programs, SDTA urges the Commission give due consideration to the unmatched data speeds, usage capacity, and longer-term advantages of fiber broadband investments in meeting consumer broadband needs and to avoid additional ETC designations in rural service areas that would disadvantage rather than support these investments.

(3) In evaluating and weighing public interest benefits of an ETC Lifeline designation for any rural service areas, the Commission should consider the substantial differences existing in federal law between the current "minimum service standards" imposed by the FCC rules and orders for "Mobile Broadband" services versus "Fixed Broadband" services.

    Currently, mobile broadband carriers designated as Lifeline ETCs are required to only offer a non-specific mobile broadband speed of "3G or better," and a monthly "usage allowance" of only "4.5 GB." These lower reduced mobile service standards are the result of several FCC waiver decisions occurring since the Lifeline and Link Up Programs were reformed and modernized in 2016. A recent "Order" of the FCC released July 7, 2023 granted another waiver pausing an increase in the minimum monthly mobile broadband usage allowance for another year.[9] Absent this waiver being granted the minimum monthly mobile broadband data/usage allowance would have risen to at least 20 GB per month. In contrast, the minimum service standards for Lifeline imposed by the FCC on fixed broadband carriers have been revised often and carry a much greater data service obligation. At present the minimum speed required to be offered by fixed broadband carriers is "25/3 Mbps" and the required minimum monthly broadband data/usage allowance is 1,280 GB. These substantial differences in the required broadband speed and data minimums give good reason to question the comparative value of the two different Lifeline benefits and in SDTA's view offer further justification for not granting a statewide ETC designation that includes all rural services areas.

[9] *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Order released July 7, 2023, DA 23-589.

More specifically, the Commission must make a public interest finding based upon the considerations listed in SDTA 20:10:32:43.07. The required considerations are: (i) the benefits of increased consumer choice, (ii) the impact of multiple designations on the universal service fund, (iii) the unique advantages and disadvantages of the applicant's service offering, (iii) commitments made regarding the quality of the telephone service provided by the applicant, (iv) the applicant's ability to provide the supported services throughout the designated service area within a reasonable time frame and (v) whether the designation of the applicant will have detrimental effects on the provisioning of universal service by the incumbent local exchange carrier. SDTA addresses each aspect of the public interest below.

1. <u>The benefits of increased consumer choice</u>

The Application only offers general statements referencing the importance of promoting competition and increasing customer choice. Given these statements, it appears Assurance takes the view that additional Lifeline-only ETC designations are always in the public interest and that little evidentiary or factual review by this Commission is necessary. SDTA disagrees. Consumers only benefit from choice when they understand what they are choosing between. In the case of mobile Lifeline, the consumer is choosing individual device mobility over data quantity, family usage, and in some cases reliability. So long as the consumer understands the benefits and limitations of his or her various options, consumer choice may benefit South Dakotans. The Commission Staff asked various questions throughout the discovery process seemingly intended to understand the benefits and limits of the Assurance Lifeline product. SDTA applauds the Commission Staff for its diligent investigation. Unfortunately, Assurance refused to answer many of the questions, and it is not clear from the Assurance Application or its Discovery Answers whether it intends to help consumers in making educated decisions.

Concerns as to whether consumers will be given sufficient information to reasonably determine the actual capabilities and value of the Assurance prepaid wireless service prior to purchase are heightened given statements made by Assurance indicating that the company will be relying wholly, or to a significant degree, on third-party marketing agents to sell its services in South Dakota. Given these circumstances, SDTA recommends the Commission seek information from Assurance on an annual basis to determine whether a significant number of consumers determine, after registering for service, that wireless Lifeline does not best meet his or her needs. This type of data could be indicative of a failure on Assurance's part to provide consumers with sufficient information to make well informed decisions before choosing a Lifeline wireless service over a wired Lifeline product. Over-promises from Assurance regarding the quality-of-service Lifeline wireless consumers can expect is not helpful and as a result, the Commission should have access to information that will facilitate follow-up.

2. The impact of multiple designations on the universal service fund and whether the designation of the applicant will have a detrimental effect on the provisioning of universal service by the incumbent local exchange carrier.

All the "rural telephone company" members of SDTA provide high quality voice and high-speed broadband services throughout their existing established "service areas." All these companies operate in areas considered "high cost" for FCC regulatory purposes and the FCC's Federal Universal Service Programs. The companies rely on federal "High-Cost Funds" for reimbursement of a portion of their network and operational costs and, as already designated ETCs, also participate in the FCC's "affordability" related programs, including Lifeline, Enhanced or Tribal Lifeline, and more recently the established (and, it appears, soon to end) Affordable Connectivity Program (ACP). In addition, SDTA members for many years have been eligible for and received long term financing through the Rural Utility Service's lower-interest, telecommunications lending programs. These referenced federal programs have been critical for SDTA member companies, assisting them in meeting their short-term and long-term cost recovery needs (associated with payment of loan obligations on existing network facilities, the maintenance and updating of existing network and related equipment, and at the same time preserving the affordability of the higher quality voice and broadband services offered).

As to the Lifeline program specifically, this program contributed to efforts by SDTA members to ensure their voice and/or broadband services of SDTA members are affordable for low-income users. This program assists with service affordability in two ways. First, the programs provide a direct discount to end users for their voice and/or broadband services. In addition, they increase consumer adoption of these services on a company-wide basis bring a second "affordability" benefit (in the form of a reduced per line or location costs, bringing a benefit to all users of the rural telephone company network). The value of this secondary benefit should not be ignored in the Commission's public interest review process under the ETC designation provisions. It can be particularly helpful to rural telephone companies operating in the highest cost, lowest density areas.

3. <u>The unique advantages and disadvantages of the applicant's service offering</u>

Assurance argues the "affordability" of its product is an advantage. Specifically, Assurance argues that "Designation of Assurance as an ETC in South Dakota will further the public interest by providing low-income consumers with quality voice and data communication services at very <u>*affordable prices*</u>".[10] (emphasis added). Assurance goes on to state that its Lifeline product offers a unique advantage through:

[10] Assurance Application page 10.

"convenience, portability and security…" giving customers the opportunity to "control cost by receiving a preset amount of monthly airtime at no charge; the opportunity for customers to receive both the minimum service standards for voice and broadband usage within the same rate plan; the ability of users to send and receive unlimited "SMS" or text messages; the ability for customers to purchase additional usage at flexible and affordable amounts in the event that included usage has been exhausted…"[11] (emphasis added).

However, much like Assurance's arguments regarding the contribution it will make to Lifeline and broadband availability in South Dakota, its arguments regarding the "affordability" of its product are inflated and inaccurate.

The "no charge" services are nothing more than the "minimum service standards" imposed by the FCC rules and orders for "Mobile Broadband." That is: a non-specific mobile broadband speed of "3G or better," and a monthly "usage allowance" of only "4.5 GB."[12] In response to Commission Staff discovery, Assurance confirmed that it does not allow a roll over of unused monthly voice or data.[13] Additional voice and data is charged at the following rates[14]:

	Add-On Description
Paid - Voice/Data	$5 - 250 Mins
	$15 - Unl Min/500MB
	$20 - Unl Mins/1GB
	$30 - Unl Mins/4GB
	$45 - Unl Mins 10GB
Paid - Data	$1 - 100MB AddOn
	$3 - 500MB AddOn
	$5 - 1GB AddOn
	$10 - 2GB AddOn
	$20 - 4GB AddOn
	$30 - 5GB AddOn

[11] Application starting at page 10.

[12] Assurance indicated in Application that its initial Lifeline service offering for South Dakota will include 1000 Voice minutes, 4.5 GB Data each month; and see Assurance Discovery Answer 1-13, 1-19 and 1-31

[13] Assurance Discovery Response 1-6.

[14] Assurance Discovery Response1-26.

In contrast, the minimum data usage for Lifeline imposed by the FCC on fixed broadband carriers is 1,280 GB and generally, SDTA member companies do not limit data usage. To get a comparable amount of data, an Assurance user would spend thousands of dollars per month. As previously stated, research indicates the average household consumes 641 GB of broadband data per month.[15] Again, to purchase this level of data, a household will spend thousands of dollars per month. There is nothing affordable or "no cost" about these numbers and the data limitations imposed by Assurance are a disadvantage of its product. Furthermore, data limits are reason to question Assurance's arguments that it will "increase consumer choice and increase the public's access to telephone and broadband services through the availability of a new ETC designee in South Dakota."[16]

Assurance seems willing to ignore facts when it asserts its product is, "*comparable or superior to*" the incumbent's service offering.[17] Assurance's failure to recognize the vast differences between what it offers, and what the rural incumbent offers (in the SDTA member service areas) is concerning. This statement, especially bearing in mind the very low prepaid monthly data amount being offered coupled with the additional extreme expenses associated with "add-on" data, gives good reason to question whether Assurance will operate in a manner good for low-income consumers and will not over-promise its service capabilities and prioritize making sales over all else.

[15] OpenVault's Broadband Insights Report for the fourth quarter of 2023, https://openvault.com/wp-content/uploads/2024/02/OVBI_4Q23_Report_v3.pdf

[16] Assurance Application page 10.

[17] Assurance Discovery Response 1-51.

Certain aspects of Assurance's plans relating to customer service also present concerns and seem likely to operate as a disadvantage. Assurance enrollments are done online, on the phone or with third party agents. Assurance does not have plans to have a physical location in South Dakota and as such, consumers cannot get help or support other than through the previously mentioned remote options.[18] Assurance was very vague regarding how it will sell its product and support consumers thereafter. Specifically, Assurance explains in its answer to Commission Staff data request 1-38 that:

> Assurance Wireless will use third-party agents to market its services. Assurance Wireless does not offer any commissions directly to individual third-party agents, but it does employ a carefully designed system to incentivize the entities that it contracts with to help customers understand Lifeline program requirements and successfully navigate the Lifeline application process. Assurance Wireless has a rigorous review process to ensure that beneficiary data is not misused. Specifically, the third-party agents use a mobile app that does not store personal data. The consumer enters their personal data into the app, but the personal data is not visible to the agent—it is replaced by asterisks as it is entered. If it is necessary to take a photograph for documentation purposes, the photo is stored within the app and is not accessible to the third-party agent from the agent's device. When each consumer session is complete, the app resets.

With this answer, the Commission should find a unique <u>dis</u>advantage with the Assurance Lifeline product. The answer copied above implies that Assurance will not have any employees in South Dakota and whether it is called an "incentive" or a "commission" the result is the same. That is, there is a benefit to pushing product out the door. With this type of incentive structure, how can the Commission hold any confidence that the data service limitations and full costs associated with receiving the Assurance Lifeline product will be fully disclosed to the consumer? Assurance cannot act in South Dakota rural consumer's best interest if neither it nor its third-party marketing agents will even acknowledge that the prepaid Lifeline service being offered

[18] Assurance Discovery Response 1-38, 39, 60.

may not be capable of meeting the individual interests and needs of all South Dakota rural residents.

The Commission should be concerned about and seek additional information on how Assurance will overcome the above-named unique disadvantages that come with the Assurance Lifeline product and an Assurance ETC designation.

4. Commitments made regarding the quality of the telephone service provided by the applicant.

Assurance did not provide sufficient or specific information regarding "quality of service." The Commission lacks sufficient information to make an informed public interest finding. Assurance does nothing more than commit to the "FCC's minimum service standard requirements."[19] However, at the same time Assurance acknowledges that "service quality and the customer experience is dependent upon interference, obstruction, weather, network congestion and distance from a cell tower." Further, "many of these factors are not knowable when a customer requests service."[20] More concerning, however, is the "small print" on Assurance's website (www.assurancewireless.com) where the following language is found:

> Assurance Wireless reserves the right to change or cancel offers at any time. **Network Management: Service may be slowed,** suspended, terminated, or restricted **for** misuse, abnormal use, **interference with our network or ability to provide quality service to other users.** See https://www.assurancewireless.com/legal/net-neutrality for details. By activating your device and service, you agree to the Assurance Wireless Terms and Conditions. See terms (including arbitration provision) and details at assurancewireless.com. (bold emphasis added)

---

[19] Application page 9.

[20] Assurance Discovery Response 1-17.

Assurance failed to provide information regarding how, when and why Lifeline customer (already slow 3G services) will be slowed due to “network interference” and/or Assurance’s “ability to provide quality service to other users.” As such, the Commission simply cannot find that Assurance commits to providing a quality service that is in the best interest of South Dakota Consumers.[21] Similarly, and despite all the argument made regarding Assurance having the “beneficial use” of the T-Mobile network, Assurance does not provide any information regarding how traffic on the T-Mobile network will be prioritized. The Commission is very aware that T-Mobile is an underlying network provider for Lifeline resellers. It is technically logical and expected that T-Mobile must prioritize traffic. Where does Assurance traffic fall into the prioritization and how will Assurance customers be impacted? In addition, SDTA believes that T-Mobile provides its own mobile CMRS services and fixed wireless access service in parts of South Dakota with its "5G Home Internet” product. No information is provided by Assurance indicating where the priority of its prepaid wireless services rests in relationship to these other uses of T-Mobile’s network in South Dakota. To what extent, if at all, will the quality of Assurance’s prepaid wireless service be negatively impacted through T-Mobile’s traffic prioritization, during periods of network congestion? Without further information, the Commission should consider these issues as inconsistent with the public interest and disadvantages of Assurance’s service offering.

These wireless service characteristics result in unreliability and again, a stark difference to what can be expected from SDTA member companies. SDTA asserts consumers must be made aware of the capacity and other possible quality-of-service limitations that are very likely

---

[21] The expectation that Lifeline customers are subject to throttled speed is yet another disadvantage of Assurance’s service offering.

to come with the Assurance product. When consumers choose a wireless product, they give up the opportunity for a wired Landline product that does not share the same quality-of-service problems. Consumers must be given the opportunity to cancel service if the wireless service is not meeting his or her needs, without high pressure sales tactics and without penalties or fees.

Finally, it is in South Dakota consumers' best interest to have the Commission as a resource to resolve concerns and complaints.[22] SDTA recommends that if the Commission grants Lifeline ETC designation to Assurance, the Commission should require the company to provide a direct contact as a resource for the Commission Consumer Affairs Staff in the event complaints or concerns are received by the Commission.[23] In addition, the Commission may be interested in how Assurance will balance its "agreement to cooperate with the South Dakota Public Utilities Commission to resolve consumer complaints"[24] against the Assurance Wireless Terms and Conditions that require arbitration.

5. <u>The Applicant's ability to provide the supported services throughout the designated service area.</u>

Assurance requests designation as an ETC "to correspond to its wireless coverage service areas…"[25] The Assurance coverage area is shown on the map below.

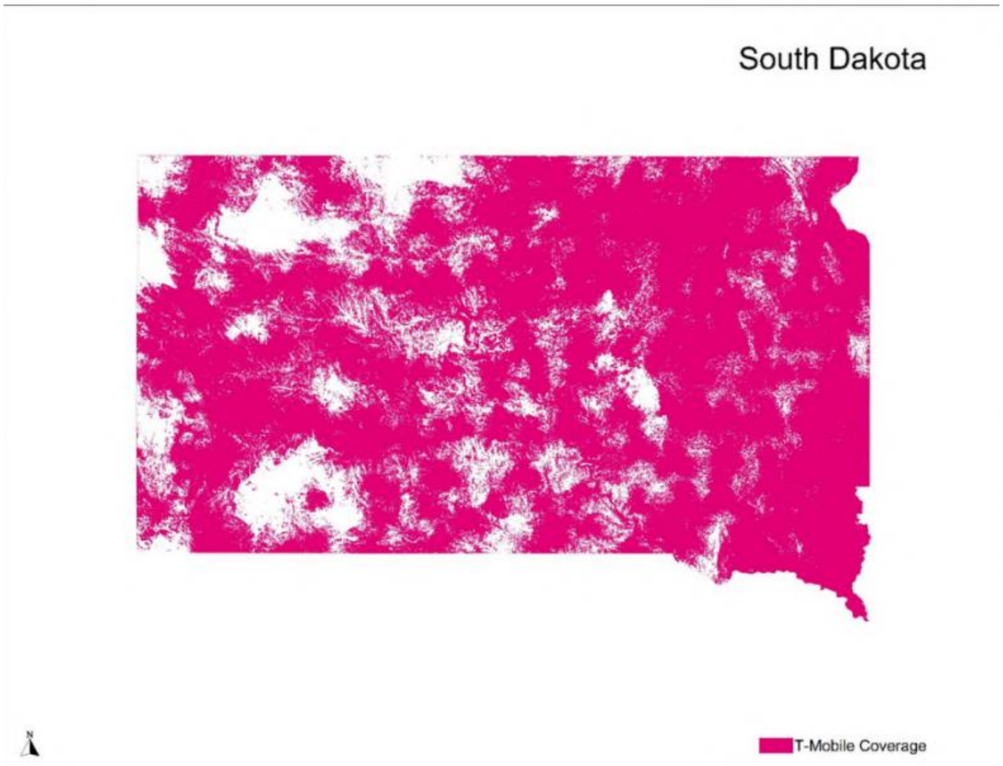
---

[22] Assurance Discovery Response 1-22.

[23] Assurance Discovery Response 2-3. The Commission should not accept this answer as sufficient and should require a direct contact.

[24] Assurance Discovery Response 1-22.

[25] Application page 7.



This map is a propagation map. Wireless propagation maps are nothing more than a predictive model of coverage. Without any indication of how this propagation map was developed or its intended purpose it is of no use in this context. Assurance not only failed to demonstrate it will provide the supported services throughout its service territory, the propagation map does not meet the ARSD 20:10:32:43(3) standard for an "identification of the service area, including a detailed map, for which the designation is sought." Additionally, Assurance does not intend to serve Tribal areas, yet included Tribal areas in the T-Mobile propagation map. If the Commission grants Assurance ETC designation, it must make, "a determination of the applicable service area" and in the case of a service area served by a rural telephone company, "service area means the company's study area."[26] Assurance simply did not provide the Commission with sufficient service area information for ETC designation. The law does not facilitate the loosely defined service area as requested by Assurance. Furthermore, absent a clearly defined geocoded boundary, Assurance cannot be confident that an applying customer resides in a qualifying location. A propagation map is not sufficient for the third-party marketing agents to determine whether a customer qualifies for services. Assurance should be expected to use all its internal propagation maps and data that show where it can reliably provide service and then accurately and specifically provide the Commission with a defined and mapped request for ETC designation showing a specific service area.

Finally, there is no legal mechanism for Assurance to modify its own ETC designation as available T-Mobile wireless signals change. The Commission must deny Assurance's requests that its ETC designation, change "going forward" to correspond with its wireless coverage area.[27] Rather, if or when the Assurance service boundaries change, it must come to this Commission with a formal request to legally amend or modify its ETC designation. The Commission has jurisdiction over Assurance's ETC designation, and it must be engaged by Assurance when changes occur.

Conclusion

The Commission should consider collection of the following information before it makes a final decision regarding ETC designation:

1) Details regarding how traffic is prioritized on the T-Mobile network.

---

[26] ARSD 20:10:32:45

[27] Application page 7.

2) Details regarding when and how Assurance Lifeline Consumers can expect the speed, reliability, or quality of their wireless service to be impacted by traffic prioritization on the T-Mobile network.

3) Details regarding how consumers are informed regarding the limitations that come with the speed and data offered by Assurance and the cost of additional data.

4) Details regarding how third-party marketing agents are monitored, controlled, supervised and the incentive structure Assurance offers for sales.

If the Commission grants Assurance's request for limited ETC designation for the purpose of Lifeline, SDTA requests the Commission's Order include factual corrections, service limits, the risks, and disadvantages of Assurance's Lifeline product. In addition, SDTA recommends the Commission impose the following conditions:

1) Designation should be limited to Assurance only, as a T-Mobile affiliate, for the provision of mobile service described CMRS. The ETC designation should specify that the designation does not extend to any separate service offerings of T-Mobile or T-Mobile affiliate in SD for the provisioning of CMRS or Fixed Wireless Access (FWA services). T-Mobile and/or any T-Mobile Affiliate other than Assurance must obtain a separate ETC designation if it desires to provide services that are claimed to be Lifeline eligible.

2) Assurance must notify the Commission if its corporate structure or ownership changes and it no longer has beneficial use of T-Mobile infrastructure specifically as a T-Mobile affiliate.

3) Assurance must provide new customers with notice that they may cancel service at any time without penalties or fees.

4) Notwithstanding the arbitration clause in the Assurance terms of service, the Commission should be a resource for consumers and Assurance in cases of consumer complaints and Assurance must provide the Commission with direct contact for an Assurance representative that has authority to resolve consumer complaints or concerns.

5) ETC designation should be limited to specific service territories wherein all public interest requirements are met. Assurance's vague request regarding service territory should be rejected. Service territories should be shown on a detailed map, publicaly available in the docket.

6) Assurance should be restricted from modifying its service territory in any way without prior approval from the Commission, though a docket filing.

7) Assurance should provide an annual report to the Commission that includes:

    a. A record of all Assurance SD Lifeline customers that discontinue service due to inadequate or unreliable cellular service.
    b. A record of all Assurance SD Lifeline customers that discontinue service due to insufficient minutes of use or data.
    c. A record of all Lifeline consumer complaints regarding coverage or available data.
    d. A summary of any change to T-Mobile infrastructure that may impact the services available in South Dakota or the quality-of-service South Dakota consumers experience.

Dated this 5th day of April, 2024.

/s/ Kara Semmler

Kara Semmler, General Counsel
South Dakota Telecommunications Association
PO Box 57
320 East Capitol Avenue
Pierre, SD 57501-0057
karasemmler@sdtaonline.com