

STATE OF FLORIDA

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DIVISION OF REGULATORY ANALYSIS
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Public Service Commission

March 10, 2010

RECEIVED-FPSC
10 MAR -9 PM 1:36
COMMISSION
CLERK

Stanley Q. Smith
Watkins Ludlam Winter & Stennis, PA
190 E. Capitol Street, Suite 800
Jackson, MS 39201

Re: Docket No. 100071-TP - Petition by dPi Teleconnect, LLC for Supplemental Authority in regards to its Eligible Telecommunications Carrier (ETC) status in the State of Florida.

Dear Mr. Smith:

Staff is in receipt of dPi's Petition dated February 5, 2010, for Supplemental Authority in regard to its Eligible Telecommunications Carrier (ETC) status in the State of Florida. Staff is seeking additional information regarding dPi's Petition. Please provide a written response to each of the questions in the data request, and provide the requested documents on or before Monday, March 29, 2010. Your assistance will be greatly appreciated.

Your company may avail itself of the statutory confidential provisions of Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, if it believes it is necessary to comply with this data request. If you have any questions, please contact Jim Polk at (850) 413-6510 or Bob Casey at (850) 413-6974. Thank you.

Sincerely,

Beth Salak
Director

BSW:jsp
Enclosures

cc: Division of Regulatory Analysis (Trapp, Casey, Polk)
Office of General Counsel (Tan)
Docket No. 100071-TP

DOCUMENT NUMBER-DATE
01602 MAR -9 0
FPSC-COMMUNICATIONS DIVISION

dPi Teleconnect, LLC Data Request for Petition 100071-TP

1) The following chart for the 12 month period shows which states dPi has received Lifeline and Link-Up reimbursement from the Universal Service Administrative Company (USAC).

The USAC disbursement database shows dPi received \$5,821,429 from the low-income fund from nine states since August 2008.

State	USAC Disbursements	From	To
Alabama	\$1,229,244	Aug 2008	Feb 2010
Arkansas	\$27,764	Dec 2009	Feb 2010
Florida	\$102,714	Mar 2009	Feb 2010
Kentucky	\$15,897	Dec 2009	Feb 2010
Louisiana	\$126,801	May 2009	Feb 2010
North Carolina	\$638,696	Aug 2008	Feb 2010
Oklahoma	\$1,745,454	Dec 2009	Feb 2010
South Carolina	\$1,851,389	Jan 2009	Feb 2010
Texas	\$83,470	Jul 2009	Feb 2010
Total	\$5,821,429		

Based on the above, please provide the following:

- a. For each state, please provide the number of total residential and total business customers, the number of Lifeline customers served through Lifeline resale lines, and the number of Lifeline customers served through Wholesale Local Platform Lines (formerly UNE) for each month from March 2009 through February 2010. Also, please list dPi's underlying carrier(s) used in each state.
 - b. Please provide copies of each 497 form filed with USAC for each state from March 2009 through February 2010.
 - c. Please breakdown the incremental costs of TLS claimed on Form 497 for each state. If TLS is purchased from dPi's underlying carrier(s), provide the recurring and non-recurring costs charged by the carrier(s) for TLS.
- 2) Please confirm that dPi wireless will not be requesting TLS monies from the Universal Service Fund.
- 3) Please provide signed evidence of each UNE or commercial agreement you currently have in Florida with any telecommunications carriers.
- 4) Has dPi received any supplemental authority as an ETC for low-income wireless authority in any other state, or have a petition currently pending? Please elaborate on the current status of each petition in any other states.

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5) According to 47 C.F.R. 54.202(d), "A common carrier seeking designation as an eligible telecommunications carrier under section 214(e)(6) for any part of tribal lands shall provide a copy of its Application to the affected tribal government and tribal regulatory authority, as applicable, at the time it files its Application with the Federal Communications Commission. In addition, the Commission shall send the relevant public notice seeking comment on any Application for designation as an eligible telecommunications carrier on tribal lands, at the time it is released, to the affected tribal government and tribal regulatory authority, as applicable, by overnight express mail." Is dPi requesting to provide wireless Lifeline service in any tribal areas?

6) dPi states on page two of its petition for supplemental authority they obtain services through CMRS service providers that allow the company to supplement the services provided through company owned facilities. Through these arrangements, dPi is able to offer all of the services and functionalities supported by the universal service program. List each CMRS service provider dPi would be using to provide wireless Lifeline service and provide a copy of each CMRS agreement.

7) On page three, dPi states the company's owned facilities are co-located with other carrier's facilities, and provide dPi the ability to route interexchange services. Please describe in detail dPi's company owned facilities and provide the physical location of these facilities. Please describe in detail how dPi's company owned facilities route interexchange services as mentioned on page three.

8) Page seven of dPi's petition for supplemental authority states "dPi's Lifeline and Link-Up programs will enable thousands of residents to obtain wireless service which would otherwise be available to them." Please provide dPi's business plan to achieve these goals.

9) Please list any complaints (if any) filed against dPi in any state they are currently doing business in.

10) Please list any federal complaints (if any) filed against dPi.

11) On page nine of its petition, dPi discusses the dPi Wireless Lifeline Plan. In the event potential wireless customers in Lifeline use up the 68 minutes per month they are allocated, dPi states that Lifeline customers will have the capability of purchasing additional airtime replenishment cards at available retail outlets frequented by low income customers throughout the designated service area in denominations of \$20, \$30, and \$60. Please state how many minutes are included for each denomination, and the procedure the customers will use to add these minutes to their wireless phones. Additionally, please list the retail outlets that will distribute these cards.

12) If dPi receives supplemental authority for ETC wireless designation in Florida, approximately how long will it take for it to offer wireless Lifeline service in the area in which it receives the ETC designation? Please elaborate on any extended or special circumstances.

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- 13) What is the status of the AT&T complaints against dPi in North Carolina (P836, Sub 5), Georgia (Docket No. 31165), and South Carolina (Docket No. 2010-18-C)?
- 14) Would the free handset received by wireless Lifeline customers be new or reconditioned?
- 15) Would the handsets have E-911 capability?
- 16) dPi's petition repeatedly states that dPi's wireless Lifeline services would be provided in AT&T's non rural area. dPi was designated as a landline ETC in AT&T and Verizon service areas. Is dPi only requesting wireless ETC designation in AT&T's non-rural areas?
- 17) On page 13, dPi states it adopts by reference the list of wire centers that comprise the non-rural AT&T area. dPi must provide in its petition a list of wire centers which it is requesting wireless ETC designation instead of using a reference.
- 18) There seems to be a contradiction on Page 13. The first sentence states "consistent with Federal requirements, dPi requires customers to self certify at the service activation and annually thereafter that..." The last sentence of that paragraph states "verification of continued eligibility is accomplished by contacting a statistically valid sample of the company's Lifeline customers." Which is correct for *annual verification*?
- 19) Would dPi agree to do 60-day activity checks? If a Lifeline customer has no activity on his/her phone for a period of 60 days, dPi would contact that customer via text message, voicemail, and/or letter to confirm that the customer is still an active Lifeline customer. If no response is received, the customer would be deactivated.
- 20) dPi discusses its proposed Link-Up plan but fails to mention how much the Lifeline customer's activation fee would be. Please provide the amount Lifeline customers would have to pay for activation (prior to the 50 percent Link-Up credit).
- 21) Please provide dPi's current corporate structure.
- 22) Please provide a list of dPi's owners and corporate officers and indicate if any are also owners, corporate officers, or employees of any other telecommunications companies.
- 23) Have any dPi owners, officers, or managing members been involved in any bankruptcy proceedings? If so, please provide details as to who, when, and where the bankruptcy occurred.
- 24) Have any dPi owners, officers, or managing members been charged or convicted of a criminal offense? If so, please provide details as to who, when, and where the charges or convictions occurred.
- 25) Have any dPi owners, officers, or managing members been involved in any civil litigation in which a dPi owner, officer, or managing member has been deposed or has been a plaintiff, a defendant, or a witness? If so, please provide details as to who, when, and where the civil litigation occurred.

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- 26) List any recurring or non-recurring dPi charges which may reduce a Lifeline customer minutes.
- 27) List what safeguards dPi would have in place to prevent a Lifeline customer from receiving two wireless Lifeline phones and/or two Lifeline credits.
- 28) Would dPi maintain separate books and records for its wireless Lifeline customers?
- 29) Provide the latest financial statements for dPi, including: Profit & Loss Statements, Balance Sheets, and the most recent Federal Tax Returns.
- 30) Please provide a list of any companies which will be contracted with to provide wireless services to Lifeline customers. List each company and what service it will provide.
- 31) Please provide the physical location of all books and records of dPi, and provide the days and times when these books and records are available for examination.
- 32) Please provide a copy of dPi's wireless Lifeline application.
- 33) Please sign the enclosed current ETC Certification form and return this with your responses.

APPLICANT CERTIFICATION

State of _____

County of _____

My name is _____, I am employed by _____, located at _____ as its _____ . I am an officer of the Company and am authorized to provide the following certifications on behalf of the Company. This certification is being given to support the Eligible Telecommunications Carrier petition filed by my Company with the Florida Public Service Commission (PSC).

Company hereby certifies the following:

1. Company will follow all Florida Statutes, Florida Administrative Rules, and Florida PSC Orders relating to Universal Service, Eligible Telecommunications Carriers, and the Florida Link-Up and Lifeline Program.
2. Company will follow all FCC rules, FCC Orders, and regulations contained in the Telecommunications Act of 1996 regarding Universal Service, ETCs, Link-Up and Lifeline, and toll limitation service.
3. Company agrees that the Florida PSC may revoke a carrier's ETC status for good cause after notice and opportunity for hearing, for violations of any applicable Florida Statutes, Florida Administrative Rules, Florida PSC Orders, failure to fulfill requirements of Sections 214 or 254 of the Telecommunications Act of 1996, or if the PSC determines that it is no longer in the public interest for the company to retain ETC status.
4. Company understands that if its petition for ETC status is approved, it will be for limited ETC status to provide Link-Up, Lifeline, and toll-limitation service only, and the Company will be eligible only to receive low-income support from the Universal Service Fund.
5. Company understands that it may only receive reimbursement from the Universal Service Administrative company (USAC) for active customer Link-Up and Lifeline access lines which are provided using its own facilities or using access lines obtained as wholesale local platform lines (formerly UNE lines) from another carrier. The Company shall not apply to USAC for reimbursement of Link-Up and Lifeline access lines obtained from an underlying carrier which already receives a Lifeline and/or Link-Up credit provided by the underlying carrier.
6. Company understands that the PSC shall have access to all books of account, records and property of all eligible telecommunications carriers.

7. Company understands that low income support reimbursed by USAC for toll limitation service is available only for the incremental costs that are associated exclusively with toll limitation service.
8. Company agrees that upon request, it will submit to the PSC a copy of Form 497 forms filed with USAC to:
Florida Public Service Commission
Division of Regulatory Analysis, Market Practices Section
2540 Shumard Oak Drive
Tallahassee, Florida 32399-0850
9. Company understands that in accordance with the Florida Lifeline program, eligible customers will receive a \$13.50 monthly discount on their phone bill, \$3.50 of which is provided by the ETC, and \$10.00 of which is reimbursable from the Federal Universal Service Fund.

I am aware that pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree.

Signature

Date

Printed Name

Business Address:

