

**A Report by the Staff of the
Public Utilities Commission of Ohio**

Petition of AT&T Ohio to Relinquish ETC Designation
Case Number 21-0917-TP-UNC

March 4, 2022

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

Petition of AT&T Ohio for Order Confirming Relinquishment of)
Eligible Telecommunications Carrier Designation in Specified) Case No. 21-0917-TP-UNC
Areas and Request for Waiver)

Jenifer French, Chair
M. Beth Trombold, Commissioner
Lawrence K. Friedeman, Commissioner
Dennis P. Deters, Commissioner
Daniel R. Conway, Commissioner

To the Honorable Commission:

The Staff of the Public Utilities Commission of Ohio (PUCO) has conducted its investigation in the above matter and hereby submits its results and recommendations to the Commissioners of the PUCO (Commission) in this Staff Report. The Staff Report has been jointly prepared by the Regulatory Utilities Services Division in the Rates and Analysis Department and the GIS and Operations Division in the Power Siting Board Department.

Copies of the Staff Report have been filed with the Docketing Division of the PUCO and served upon all parties to the case.

The Staff Report is intended to present for the Commission's consideration the results of the Staff's investigation. It does not purport to reflect the views of the Commission nor should any party to the proceeding consider the Commission as bound in any manner by the representations or recommendations contained within.

Respectfully submitted,



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Introduction

On September 3, 2021, AT&T Ohio (AT&T) filed a Petition requesting an Order from the Commission to confirm relinquishment of its Eligible Telecommunications Carrier (ETC) designation in the remaining portions of its service area in Ohio.¹

A carrier designated by a state commission or the Federal Communications Commission (FCC) as an ETC is eligible to receive universal service support in accordance with 47 U.S.C. 254, including the current \$5.25² per line reimbursement for the monthly discount provided to eligible low-income customers through the federal Lifeline program.³ By relinquishing its ETC designation, AT&T may withdraw its Lifeline discount in those areas that the relinquishment is granted. AT&T states it is not discontinuing any legacy voice service and that its ETC designation relinquishment will not affect the availability of any of its legacy voice service in any area of the state. The only consumer impact, according to AT&T, is that consumers in the relinquishment area will no longer receive the federal Lifeline discount. AT&T states that Lifeline customers in the relinquishment area can continue to receive legacy voice service at standard AT&T prices⁴ or they can choose another ETC to provide the Lifeline service and discount. Moreover, AT&T submits that it will provide ample advance notice to all affected customers, if deemed necessary.⁵

Background

Congress delegated the authority to designate telephone company common carriers as ETCs to the state commissions. ETCs are designated by this Commission in accordance with 47 U.S.C. 214(e)(1). AT&T is an incumbent local exchange carrier (ILEC) granted an ETC designation on December 18, 1997, within its ILEC service area in Ohio.⁶ This designation allows ETCs, such as AT&T, to receive federal Universal Service Fund (USF) support for the Lifeline and high-cost programs.

The Lifeline program helps low-income households obtain voice service by providing a monthly discount. Prior to 2012, the High-Cost Program, a component of USF, was utilized by ETCs to provide Lifeline voice service. The High-Cost Program is now known as the Connect America Fund (CAF), which has been used by the ETCs since 2012 to deliver broadband to high-cost areas identified by the FCC.⁷ The CAF is intended to expand access to voice and broadband services in areas where they are presently unavailable. CAF support is provided through multiple phases. Under Phase II, known as CAF-II, support is provided over

¹ *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-0917-TP-UNC, Petition (filed Sep. 3, 2021) (Petition).

² Since its inception, the Lifeline program has allowed a \$9.25 monthly discount for voice services. As technology changes and the need for broadband has increased, the FCC has begun transitioning the support for voice-only services to broadband services. Thus, on December 1, 2019, the FCC reduced the monthly discount for voice services to \$7.25 then to \$5.25 on December 1, 2020, with the expectation that beginning, December 1, 2021, the monthly discount would be \$0.

³ The discount can be applied to both basic local exchange service (BLES) and package services. Many competitive ETCs have presumably developed business models that allow them to cover their cost and a profit margin with the \$5.25 reimbursement and, thus, provide free service to their customers.

⁴ AT&T's residential BLES rate is currently \$32.25. PUCO No. 20, Part 4, Section 2, Pages 2.2.1-2.2.5.1, 19.

⁵ *Petition* at 7. It was the FCC's intent to end the Lifeline monthly discount for voice only services beginning, December 1, 2021. AT&T would not be required to provide notice if the monthly discount was discontinued because it would no longer be applicable since the discount would have ended prior to the granting of AT&T's ETC relinquishment petition. The FCC delayed the discontinuance for one year, thus, AT&T is now required to provide customer notice.

⁶ *In the Matter of the Commission Investigation of the Intrastate Universal Services Discounts*, Case No. 97-632-TP-COI, Supplemental Finding and Order (issued Dec. 18, 1997).

⁷ *In the Matter of Connect America Fund, et al*, FCC 11-161, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17673, para 20 (rel. Nov. 18, 2011) (CAF Order).

the course of a six-year program.⁸ Carriers receiving CAF-II support are subject to numerous public interest obligations, such as speed and deployment, as well as an obligation to continue providing Lifeline service in supported areas.⁹ CAF-II funding is now made available by census blocks instead of service areas and wire centers, as was done previously. Price cap carriers accepting CAF-II funding, such as AT&T, were obligated to remain an ETC in the CAF-II census blocks and offer the Lifeline discount to eligible customers in those census blocks. All carriers who accepted the CAF-II funding received six years of support with the option to extend it for a seventh year. In 2020, the FCC replaced the CAF-II support program with the Rural Digital Opportunity Fund (RDOF) and held the Phase I auction from October 29, 2020, through November 25, 2020.¹⁰

Since 2009, Ohio's Lifeline customers have had the option of obtaining service from competitive Lifeline service providers (known as competitive ETCs or CETCs) in addition to the Lifeline services offered by their traditional ILECs.¹¹ Most CETCs are non-facilities-based resellers of wireless service.

In the 2016 *Lifeline Order*¹², the FCC addressed discontinuing the monthly Lifeline discount for voice services that meet only the minimum service standard by transitioning the discount to \$0 by December 1, 2021. Lifeline voice only services, which AT&T proposes to no longer offer should the Commission grant its petition, falls into this category of meeting only the minimum service standard. Thus, as of December 1, 2021, it was the FCC's intent to discontinue the monthly Lifeline discount of \$5.25 for voice only service. In an Order, released November 5, 2021, the FCC paused, for one year, the phase down to \$0, citing the creation of the Emergency Broadband Benefit Program, the continuance of the COVID-19 pandemic, and new data published in the Lifeline Marketplace Report¹³. During the pause, the FCC's intent is to re-evaluate the Lifeline program, in light of, these new circumstances.¹⁴

Review of AT&T's Petition

On September 7, 2017, AT&T filed its first petition to relinquish its ETC designation in all areas of its service territory, except for those census blocks for which it had accepted CAF-II funding and other extremely high-cost census blocks.¹⁵ On March 13, 2019, with a 90-day effective date¹⁶, thereafter, the Commission granted AT&T's petition to relinquish its ETC designation in the requested relinquishment area for a total of 7,684 Lifeline customers and 262 in the retained area. In the current petition, AT&T is seeking to

⁸ Federal Communications Commission, Connect America Fund Phase II FAQs available at <https://www.fcc.gov/consumers/guides/connect-america-fund-phase-ii-faqs> (Jan. 24, 2018).

⁹ *In the Matter of Connect America Fund*, FCC 14-190, WC Docket No. 10-90, Report and Order, 29 FCC Rcd 15644, 15647-15664, paras. 13-70, (rel. Dec. 18, 2014).

¹⁰ *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced*, FCC Form 683 Due January 29, 2021, Public Notice, DA 20-1422 (rel. Dec 7, 2020).

¹¹ *In the Matter of the Commission Investigation of the Intrastate Universal Service Discounts*, Case No. 97-632-TP-COI, Supplemental Finding and Order (issued May 21, 2009). Tracfone Wireless Inc. dba SafeLink Wireless was the first competitive ETC designated by the Commission. Since that time, the Commission has designated several other competitive ETCs. There are currently 23 competitive ETCs offering service in Ohio.

¹² *In the Matter of Lifeline and Link Up Reform and Modernization et. al.*, WC Docket 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3989-97, paras 73-98 (rel. April 27, 2016) (2016 *Lifeline Order*); 47 CFR § 54.403(a)(2)(iv), (v).

In the Matter of Lifeline and Link-Up Reform and Modernization, et. al., WC Docket No. 11-42, Order, at para. 17 (rel. Nov. 5, 2021) Wireline Competition Bureau, Report on the State of the Lifeline Marketplace available at <https://docs.fcc.gov/public/attachments/DOC-373779A1.pdf> (Marketplace Report).

¹⁴ *Id.*

¹⁵ *In the Matter of the Petition of AT&T Ohio Seeking to Relinquish its Eligible Telecommunications Carrier Designation in a Portion of its Service Territory*, Case No. 17-1948-TP-UNC Petition (filed Sep 3, 2017).

¹⁶ *In the Matter of the Petition of AT&T Ohio Seeking to Relinquish its Eligible Telecommunications Carrier Designation in a Portion of its Service Territory*, Case No. 17-1948-TP-UNC, Finding and Order, ¶ 65, (rel. Mar 13, 2019).

relinquish its ETC designation for all the remaining areas in which it is currently designated as an ETC¹⁷, which includes the retained area from its first petition that represents the remaining 5% or 153 Lifeline customers¹⁸ in its service territory. AT&T affirms it received CAF-II support in the relinquishment area in Ohio for seven years through December 31, 2021, and that it did not participate in the RDOF Phase I auction, thus, it will no longer receive any federal high-cost universal service support in Ohio as of January 1, 2022.¹⁹

In this Petition, AT&T believes it meets the standard for ETC relinquishment because there are between four and 11 alternative ETCs presently serving all areas in which it seeks to relinquish its ETC designation.²⁰ AT&T opines that to its knowledge these providers continue to be ETCs in their designated areas with obligations to comply with applicable Lifeline requirements and with many consumers already receiving the Lifeline discount from them. As further support of its Petition, AT&T conveys those other providers have been approved by the Commission as ETCs in census blocks that partly overlap with its relinquishment area but were not included with the 11 alternative ETCs that are listed in Exhibit A²¹. AT&T explains that due to no longer receiving federal high-cost universal service support in Ohio it is seeking relinquishment of its ETC designation, but it is not seeking to withdraw any legacy voice service in its service territory and will continue to fulfill any non-ETC retail service obligations, even in the relinquishment area, at standard AT&T prices, including all applicable surcharges, fees, and taxes.²²

Customer Notice

In the Petition, AT&T suggests that based on current federal rules and since it will not have any CAF-II obligations as of January 1, 2022, notice to Lifeline customers is unnecessary because as of December 1, 2021, the federal voice discount will be reduced to zero. But, if the federal voice discount continues beyond December 1, 2021, AT&T indicates it will provide ample notice to its Lifeline customers by sending written notice in a letter via U.S. mail at least 60 days prior to the relinquishment effective date and a second written notice in a letter and in a bill message at least 15 days prior to the relinquishment effective date. Further, AT&T states the notices will explain the loss of the AT&T Lifeline discount, that standard AT&T prices will apply if another ETC is not selected, and how to contact the Universal Service Administrative Company (USAC) for general Lifeline questions as well as include a list of other ETCs in the state. Finally, AT&T asserts that, in the event the FCC extends the federal voice discount, to avoid customer confusion it will stop enrolling Ohio customers in the federal voice Lifeline program on December 1, 2021, or five days after the Commission issues an Order, whichever occurs later.²³ Until the Commission issues an order, AT&T is obligated as an ETC to continue enrolling Lifeline customers. Thus, as of January 14, 2022, AT&T has 118 Lifeline customers remaining since filing the Petition.²⁴

¹⁷ *Petition* at 1.

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 5 and Exhibit A.

²⁰ *See id.* at 7 and Exhibit A. The 11 alternative ETCs are: Boomerang Wireless, LLC; Tempo Telecom, LLC; American Broadband & Telecommunications; i-wireless, LLC; Air Voice Wireless, LLC; Telrite Corporation; Global Connection Inc. of America; Sage Telecom Communications, LLC; Tracfone Wireless Inc.; Q Link Wireless, LLC; and Virgin Mobile USA LP (Assurance Wireless).

²¹ *See id.* at 7. The other Commission approved alternative ETCs are Armstrong Telephone Company, Northern Division; CCO Holdings, LLC; Connect Everyone, LLC; LTD Broadband LLC; Mercury Wireless, Inc.; Nextier Consortium; Rural American Broadband Consortium; Rural Electric Cooperative Consortium; and Windstream Services, LLC, Debtor-In-Possession.

²² *Id.* at 5-6.

²³ *Id.* at 7-8.

²⁴ *See In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-0917-TP-UNC, Statement of AT&T Ohio (filed Jan. 14, 2022).

Staff Investigation

Staff's investigation included several data requests to gather additional information to determine if AT&T's Petition meets the statutory requirements found in 47 U.S.C. 214(e)(4). Staff solicited the following information from AT&T:

- Wire center and census block data in the area AT&T has requested to relinquish its ETC designation. The addresses of all AT&T Lifeline customers within the proposed relinquishment area. Confirmation that AT&T has met its CAF-II deployment obligations including the expiration of the CAF-II funding support on December 31, 2021.²⁵
- Confirmation whether AT&T advised its Lifeline customers of the impending December 1, 2021, discontinuance of the monthly Lifeline voice only discount. Clarification that all remaining AT&T Lifeline customers in the relinquishment area are, in fact, subscribers of voice only services. Whether AT&T has a continuing obligation to offer Lifeline broadband in the CAF-II deployment areas in which buildout was completed.²⁶
- Confirmation that AT&T intends to continue its ETC relinquishment in light of the FCC postponing the discontinuance of the monthly Lifeline voice only discount and whether AT&T is eligible to continue receiving Lifeline funds during the postponement. AT&T was directed to not publish legal notice of its intent to relinquish its ETC designation until further directed by the Commission.²⁷
- A refreshed Lifeline customer count and list of addresses of all Lifeline customers in the AT&T area in which it is seeking ETC relinquishment after AT&T submitted its October 1, 2021, response to Staff's DR # 1.²⁸
- An explanation from AT&T of how it determined there is at least one alternative ETC available at seven Lifeline customer addresses in the proposed relinquishment area where Staff's investigation determined there was no voice or data coverage at the premises.²⁹

AT&T submitted the responses to the first data request on October 1, 2021, directly to Staff which contained data and information noted by AT&T as confidential and proprietary. AT&T submitted the responses to the second data request on October 18, 2021, in the Petition docket. The responses to the third and fourth data requests, were submitted on November 15, 2021, and January 14, 2022, respectively, in the Petition docket. The responses to the fifth data requests were filed on February 22, 2022, in the Petition docket.

On November 3, 2021, the Commission issued an Entry allowing interested persons the opportunity to comment by December 10, 2021, on AT&T's relinquishment Petition. In addition, AT&T was directed to publish notice of its relinquishment in newspapers of general circulation throughout the relinquishment area with proof being submitted to the Commission by AT&T within 20 days of the entry date. Lastly, the Commission directed the 11 alternative ETCs identified in AT&T's Petition to submit comments by November 23, 2021, advising whether they are willing and able to serve all eligible AT&T Lifeline customers in their respective service areas and identify which portions of AT&T's proposed relinquishment area they will continue to serve including identifying the discounted Lifeline service. In addition, the

²⁵ Staff Data Request #1 sent to AT&T on Sep. 15, 2021.

²⁶ Staff Data Request #2 sent to AT&T on Oct. 7, 2021.

²⁷ Staff Data Request #3 sent to AT&T on Nov. 9, 2021

²⁸ Staff Data Request #4 sent to AT&T on Dec. 29, 2021.

²⁹ Staff Data Request #5 sent to AT&T on Feb. 16, 2022.

alternative ETCs were directed to explain whether the Lifeline service would be provisioned over wireline, Voice Over Internet Protocol, wireless facilities, or as resale with identification of the underlying carrier.³⁰

The 11 alternative ETCs responded that they are able to serve qualifying Lifeline subscribers in AT&T's relinquishment areas that are also in their respective designated ETC service territory, noting some exceptions. Air Voice stated it could not affirm their ability to serve qualifying Lifeline customers in the Marshall and Walnut exchanges without an address or zip code.³¹ Of the 11 confirming ETCs, Virgin Mobile USA LP is the only facilities-based wireless ETC in Ohio.³²

No comments from the public were received. Advocates for Basic Legal Equality, Inc., Legal Aid Society of Cleveland, Ohio Poverty Law Center, Southeastern Ohio Legal Services, and The Office of the Ohio Consumers' Counsel collectively filed comments recommending the Commission deny AT&T's Petition. The groups claim AT&T's attempt to abandon its ETC designation during the coronavirus pandemic should be denied because Ohioans' health and finances continue to be threatened including in those areas where AT&T was previously granted an ETC relinquishment. In their view, AT&T's Lifeline voice only customers should not be abandoned at this time or forced to obtain Lifeline service from alternative ETCs that may offer less reliable wireless service at higher bundled rates. Moreover, the group suggests the Commission should delay granting AT&T's request because the FCC has delayed, for one year, the discontinuance of the Lifeline voice only discount citing potential adverse impacts to low-income consumers. Lastly, the group reminds the Commission that the State's two telecommunications policies are advanced when it, 1) ensures the availability of BLES and voice services are reliable and adequate for Ohioans and 2) the affordability of telephone service for low-income consumers is protected by continuing the Lifeline program.³³

Intervenors

The Office of the Ohio Consumers' Counsel (OCC) filed a Motion to Intervene representing low-income residential customers who will be affected by AT&T's ETC relinquishment.³⁴ The OCC states that the Commission's decision to allow AT&T to relinquish its ETC designation could adversely affect income eligible consumers' access to Lifeline service. Further, since AT&T is a provider of Lifeline service, which makes basic telephone service affordable, the OCC has the authority, under R.C. Chapter 4911, to represent the interests of the residential customers utilizing the service.³⁵

Requirements for ETC Relinquishment

Relinquishment of ETC designation has been delegated to state commissions by the FCC and Congress pursuant to 47 U.S.C. 214(e)(4), which states in part:

³⁰ *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-917-TP-UNC, Entry (issued Nov. 3, 2021).

³¹ *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-917-TP-UNC, ETC Comments (filed Nov. 18, Nov. 19, Nov. 22, Nov. 23, Nov. 29, and Dec. 15, 2021, respectively).

³² *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-917-TP-UNC, Assurance Wireless (fka Virgin Mobile USA LP) Comments (filed Dec. 15, 2021).

³³ *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-917-TP-UNC, Consumer Advocates Comments (filed Dec. 10, 2021).

³⁴ *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-917-TP-UNC, Motion to Intervene (filed Oct. 29, 2021).

³⁵ *Id.*

A State commission...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission...of such relinquishment.

AT&T believes it is entitled to relinquish its ETC designation because it has demonstrated, in Exhibit A of its Petition, that at least four, and in some cases eleven, other designated ETCs provide Lifeline service in the relinquishment area wire centers.³⁶ Further, AT&T states, to its knowledge, these providers remain as ETCs in its relinquishment area in Exhibit A and are obligated to comply with applicable Lifeline requirements since there are currently Lifeline customers receiving the discount from them.³⁷

According to AT&T, federal law does not treat ETC relinquishment by an ILEC any differently than relinquishment by any other ETC, and other ETC designation relinquishments, including AT&T's, have been allowed by the Commission. For further justification of its request for relinquishment of its ETC designation, AT&T points to 47 U.S.C. 214(e)(4) as the standard for permitting such relinquishments.³⁸

Pursuant to 47 U.S.C. 214(e)(4), a state commission shall permit an ETC to relinquish its designation as such a carrier in any area served by more than one ETC. Before a state commission may permit the ETC to relinquish, it must determine that:

Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission...shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier...

Therefore, the Commission first needs to determine whether there is at least one other ETC present in each census block of the relinquishment area. In addition, the Commission shall require the remaining ETC(s) to ensure that all Lifeline customers served by the relinquishing carrier will continue to be served. As noted in the statute and further FCC interpretation,

The section 214(e)(4) relinquishment process allows for the states (or the [FCC], if applicable) to conduct an inquiry at a sufficiently granular level to ensure that the customers in that area 'will continue to be served.' *The relinquishment process not only entails an evaluation of what service providers are present in an area at a given point in time, but of the practical ability of those providers to take on additional consumers as might be needed once the relinquishing carrier is no longer an ETC subject to associated obligations in that area [emphasis added].*³⁹

Historically, competitive ETCs are granted ETC authority at the exchange or wire center level. In addition, those ETCs must have a "practical ability" to serve the current customers in the relinquishment area. In this case, staff reviewed ETC service and the corresponding practical ability of each to provide service at

³⁶ Petition at Exhibit A. AT&T lists the following ETCs to be designated in its current ETC service area: I-Wireless, Air Voice, American Broadband and Telecommunications Company, Virgin Mobile USA LP, Boomerang, LLC, Global Connection Inc. of America, Q Link Wireless, Sage Wireless, Tracfone Wireless, Telrite Corporation, and Tempo.

³⁷ Petition at 7.

³⁸ Petition at 6.

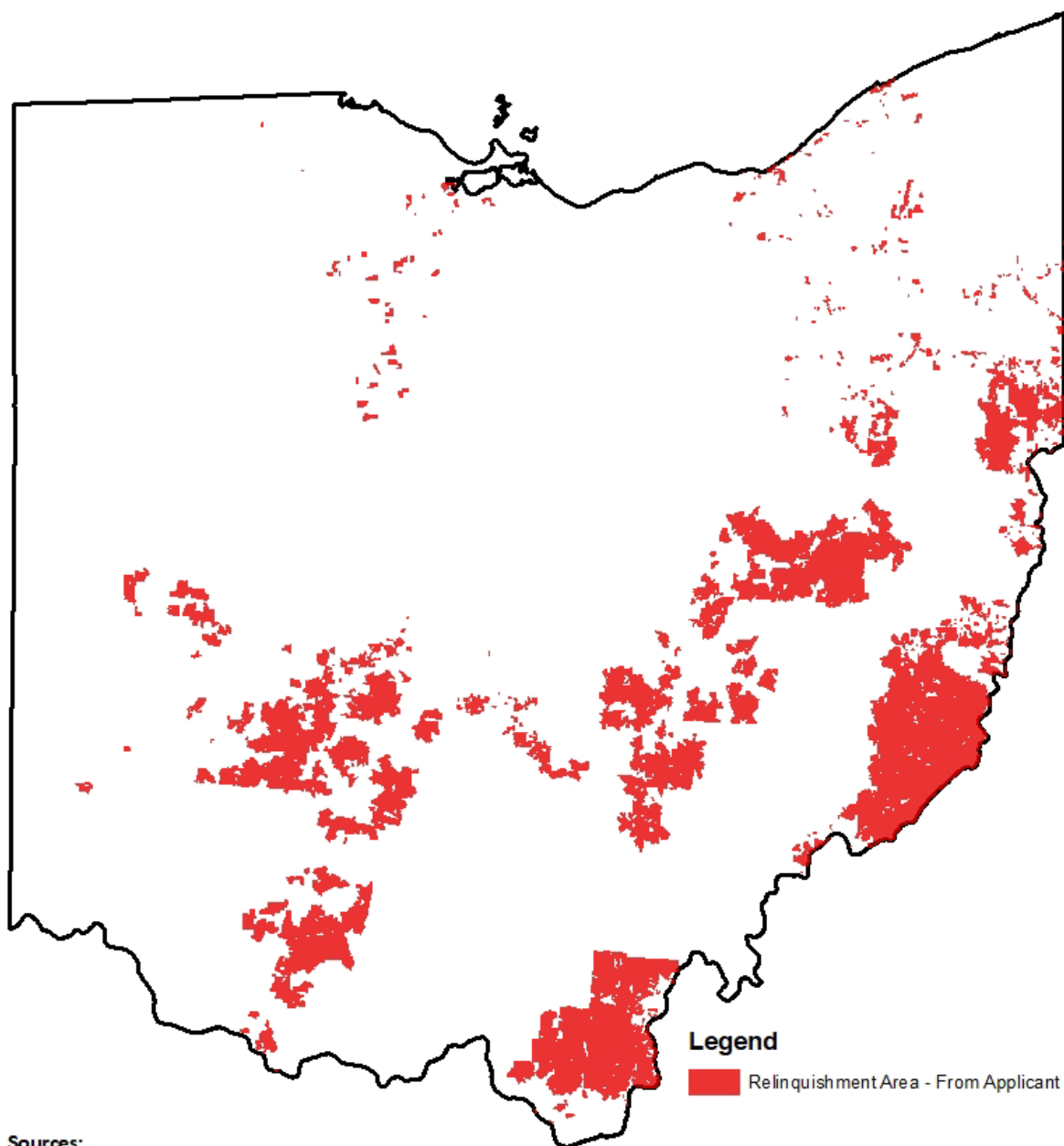
³⁹ *In the Matter of Petition of USTelcom for Forebearance Pursuant to 47 U.S.C. § 160(C), et al*, WC Docket Nos. 14-192, 11-42, 10-90, Memorandum Opinion and Order, 31 FCC Rcd 6157, 6216, para 111, (rel. Dec. 28, 2015) (Forbearance Order).

the individual customer level using geocoded address data and recently available service coverage maps from the FCC.

Analysis of ETC Service

Determination of Relinquishment Area

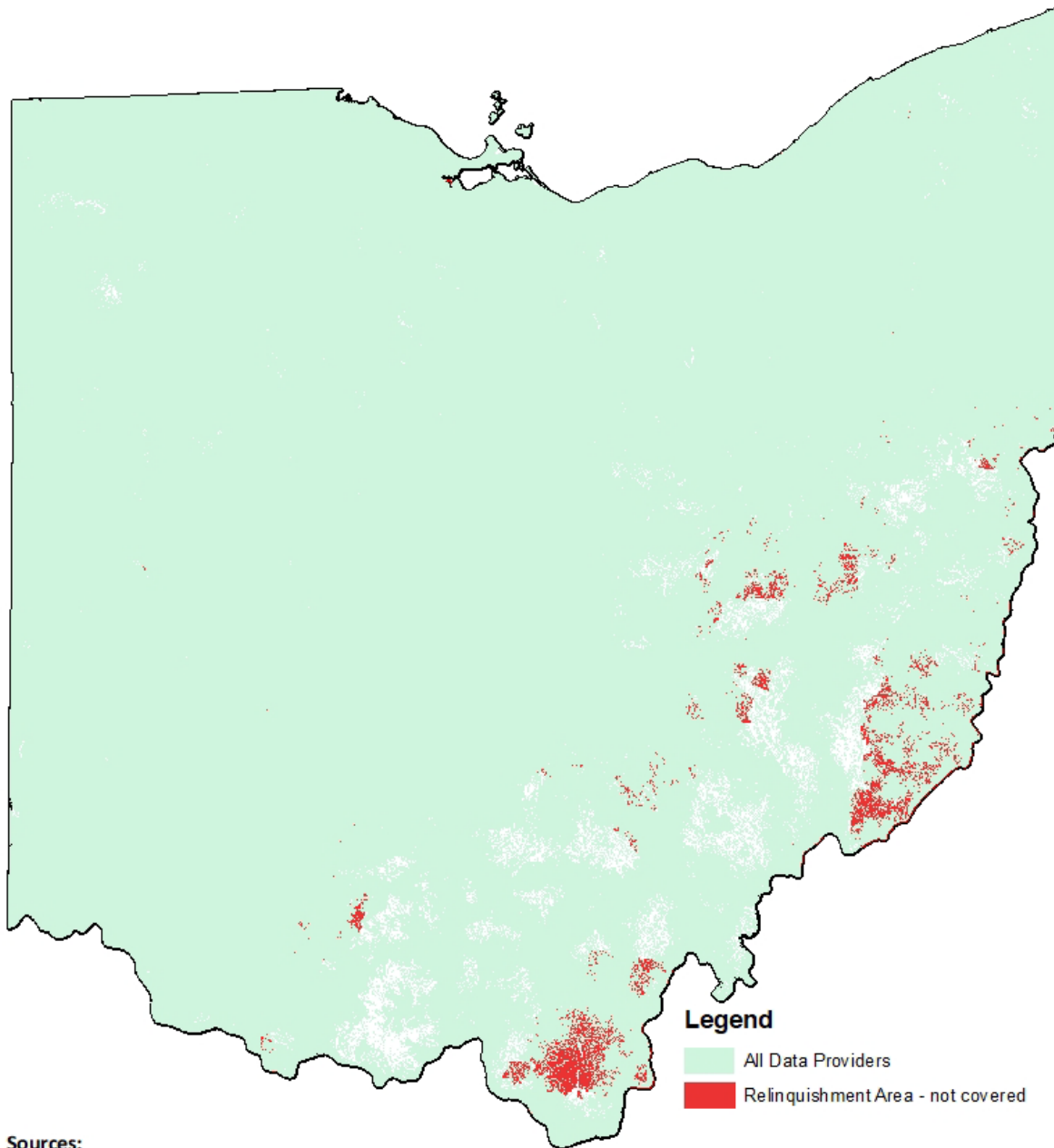
In AT&T's prior petition for relinquishment, a total of 262 Lifeline Customers remained after the relinquishment. As of January 2022, AT&T's total Lifeline Customer count decreased to 118 per DR #4. The map below shows the associated relinquishment area in red. The PUCO compared this geocoded list of customers to the corresponding newly available Federal Communications Commission (FCC) map of Long Term Evolution 4th Generation (LTE 4G) data and voice provider coverage to see if these customers had coverage available. Carriers listed in the relinquishment area included AT&T, T-Mobile, and Verizon. Comparing this coverage area to the 118 customer addresses showed that there are seven remaining Lifeline customer addresses that would not have access to wireless broadband service.



Sources:

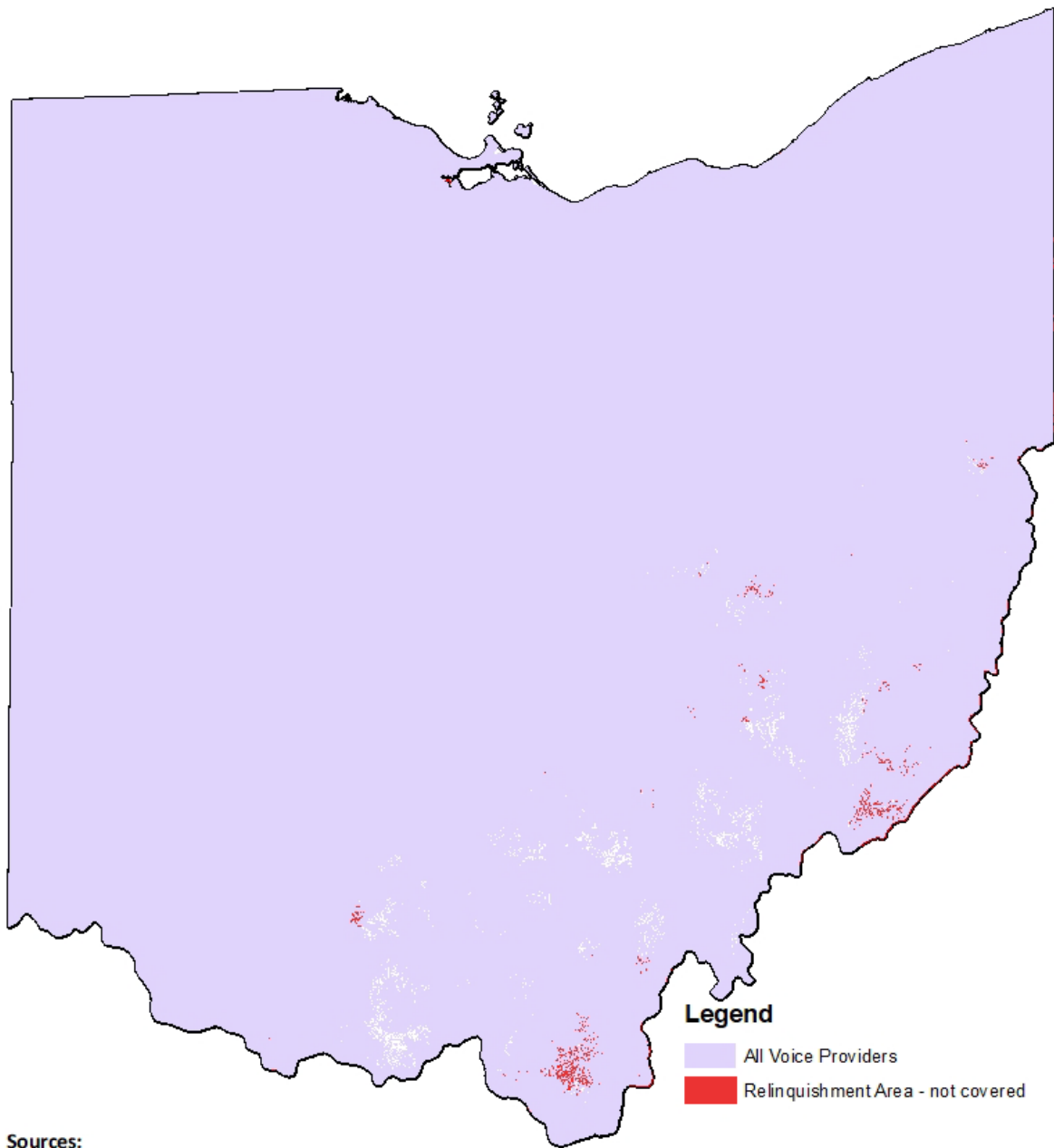
- AT&T ETC relinquishment area information from AT&T

By comparing coverage availability to the current Lifeline customer addresses, we found that seven of the previously identified Lifeline customer addresses would also be outside of the voice coverage area as well. Thus, there are seven Lifeline customer addresses not served by data or voice or 4G service. The following maps show how the data and voice coverage from the FCC compares to the relinquishment area. The white color represents those areas without coverage that are not within the relinquishment area. The red color represents those areas from the relinquishment map above that are still without coverage.



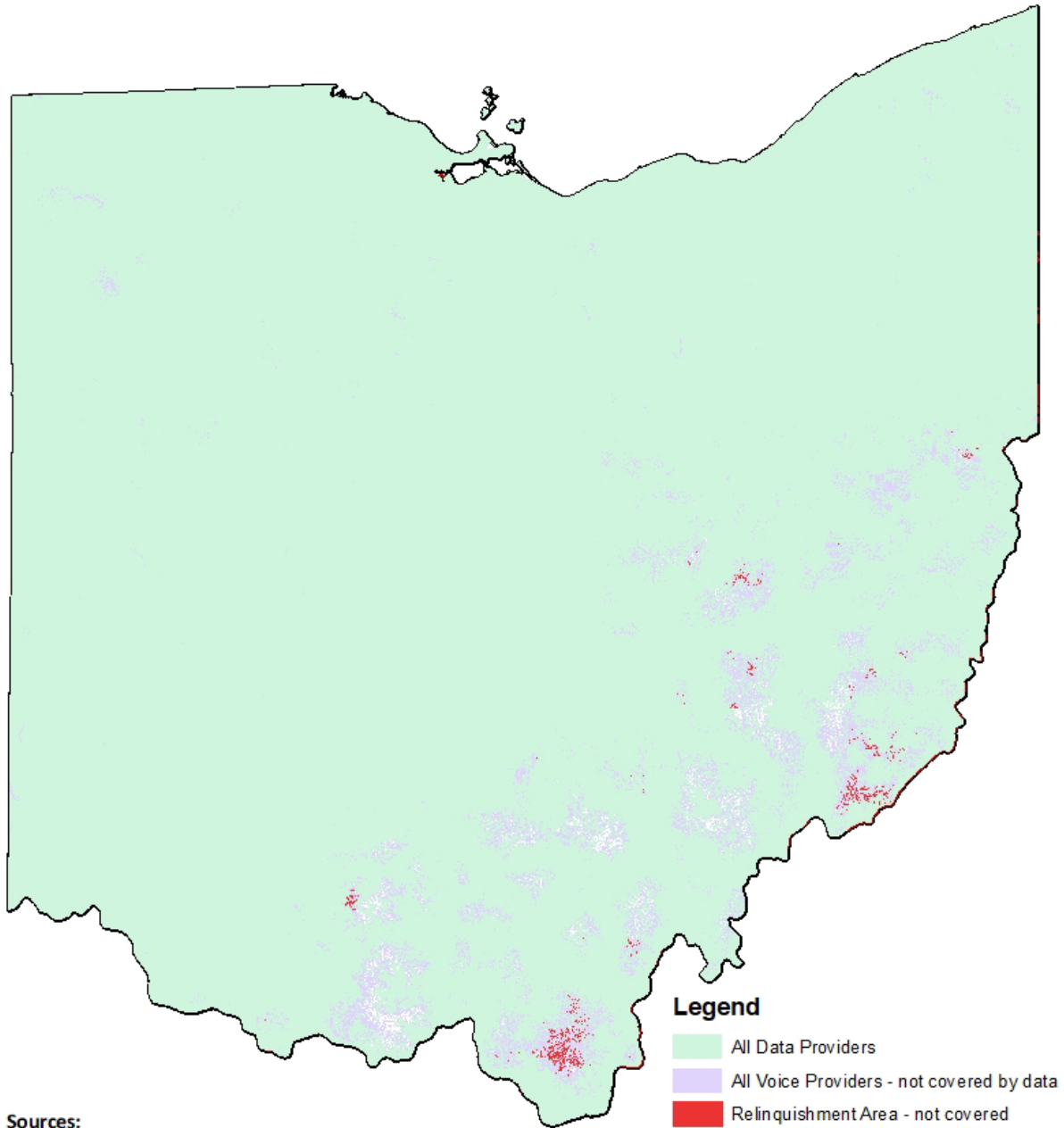
Sources:

- AT&T ETC relinquishment area information from AT&T
- Voice and data coverage area information comes from the 4G LTE map as of May 15, 2021 downloaded from the Federal Communications Commission (FCC)



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- AT&T ETC relinquishment area information from AT&T
- Voice and data coverage area information comes from the 4G LTE map as of May 15, 2021 downloaded from the Federal Communications Commission (FCC)



Sources:

- AT&T ETC relinquishment area information from AT&T
- Voice and data coverage area information comes from the 4G LTE map as of May 15, 2021 downloaded from the Federal Communications Commission (FCC)

Determination of Practical Ability to Serve

Even with the maps of data and voice service, the actual quality of service to a particular household may not be exactly as the maps indicate due to variations in obstructions between the households and the available infrastructure.

For this evaluation, Staff used wireless signal coverage data from the FCC, which collects coverage data from the underlying wireless carriers. The FCC specifies that the carrier submit an area “depicting their network coverage areas for commercially-available mobile voice service... [that] should reflect where users should expect to be able to make, maintain, and receive voice calls.”⁴⁰ However, all of the carriers’ published coverage maps contain disclaimers stating that the published coverage areas are not guarantees of service.⁴¹ In addition, the FCC expresses concern over the accuracy of wireless coverage maps submitted for the Mobility Fund Phase II reverse auction, following the filing of over 20 million speed tests across 37 states, challenging the coverage maps.⁴²

Summary of ETC Service

Based on Staff’s review of ETC service areas and wireless signal coverage of their underlying carriers, at least one other ETC is likely able to provide federal Lifeline service to existing Lifeline customers in all of the AT&T relinquishment area, with the exception of seven Lifeline customer addresses that appear to be unserved by wireless broadband, LTE 4G or LTE 5G. Thus, for the vast majority of the relinquishment area, AT&T meets the federal requirement to be granted the authority to relinquish its ETC designation for the remaining census blocks in Ohio.

Conclusion and Recommendations

Staff has determined that there are other ETCs in the relinquishment area that claim to offer service in each of the AT&T exchanges in the relinquishment area except for the seven Lifeline customer addresses identified by Staff. Moreover, AT&T confirms that at least one other ETC likely has the practical ability to serve AT&T’s current Lifeline customers; however, AT&T indicates that it cannot identify an ETC providing voice or data service to the seven Lifeline customer addresses identified by Staff.⁴³ In its response to Staff’s data request, AT&T explains that these seven Lifeline customer addresses are at or near their exchange boundaries and may have weak or no wireless coverage.⁴⁴ Accordingly, Staff recommends denial of AT&T’s petition to relinquish its ETC designation for those seven specific Lifeline customers. For the remainder of AT&T’s relinquishment area, Staff recommends approval of AT&T’s request to relinquish its ETC designation.

Due to the lack of certainty in determining wireless signal coverage for 100 percent of AT&T’s current Lifeline customers in the relinquishment area and to allow time for those customers who may have special medical needs, Staff recommends that a minimum 60-day grace period be implemented after the effective relinquishment date. There are likely current Lifeline customers with medical devices or services that may

⁴⁰ Federal Communications Commission, “How Should I Format my Mobile Voice Deployment Data?” accessed March 3, 2022 at http://www.fcc.gov/form477/MVD/formatting_mvd.pdf.

⁴¹ Sample coverage map disclaimer: “This map shows approximate outdoor coverage and is not a guarantee of service. Actual coverage may vary and is subject to change..” (Verizon Wireless, accessed March 3, 2022 at, <https://www.verizon.com/coverage-map/>)

⁴² Federal Communications Commission, “FCC Launches Investigation into Potential Violations of Mobility Fund Phase II Mapping Rules,” Dec. 7, 2018: accessed Feb. 6, 2019: <https://docs.fcc.gov/public/attachments/DOC-355447A1.pdf>.

⁴³ See *In the Matter of the Petition of AT&T Ohio for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation in Specified Areas*, Case No. 21-0917-TP-UNC, AT&T’s Response to Staff Data Request #5 (filed Feb. 22, 2022).

⁴⁴ *Id.*

require at least 60 days, perhaps more, to find an alternative ETC, if available, should there be a compatibility issue related to their medical device and/or service resulting from the transition from wireline to wireless service.

During this grace period, any AT&T Lifeline customer in the relinquishment area who is unable to obtain Lifeline service at their residence from another ETC would have the opportunity to contact the PUCO Call Center to request assistance in finding another ETC. If the PUCO Staff is unable to find another ETC serving the Lifeline customer's specific address in the relinquishment area, then the Commission has the authority pursuant to 47 U.S.C. 214(e)(2)(3) to determine which common carrier(s), including AT&T, are best able to serve an unserved community or portion thereof and may order and designate the carrier(s) as an ETC to do so.

Moreover, according to AT&T's Petition, "After relinquishment, AT&T will continue to offer and provide service in the relinquishment area. All customers in the relinquishment area, including former AT&T Lifeline customers who choose to keep their AT&T service, will have access to services offered by AT&T at standard AT&T prices, including all applicable surcharges, fees and taxes".⁴⁵ Therefore, Staff recommends that AT&T be designated as the ETC by the Commission for those particular Lifeline customers in the AT&T relinquishment area who are unable to receive Lifeline service from another ETC at their residence. AT&T already has facilities to the Lifeline customer's address and is continuing to offer service there after relinquishment, which establishes it as the common carrier best suited to provide the requested Lifeline service. Thus, the only change to AT&T is that it would have to continue providing the Lifeline discount for that particular Lifeline customer.

Staff believes that AT&T's proposal for providing notice to Lifeline customers is sufficient with Staff recommending an additional method of communication. AT&T has indicated in its Petition that it would send customer notices as a letter via direct US mail 60 days prior to the relinquishment effective date. Then send a second letter via direct US mail and as a bill message 15 days prior to the relinquishment effective date. Additionally, to better ensure receipt of customer notification, Staff recommends that both notices also be sent via electronic communication where possible. Furthermore, five days after the second notice has been sent, Staff recommends that AT&T follow up with the remaining Lifeline customers via telephone call or text to inform Lifeline customers in the relinquishment area that they may contact the PUCO if they are unable to find another ETC to service their address. Finally, Staff recommends that AT&T add the following language to all of its customer notices:

If you have contacted other Lifeline providers for voice service and find that you are unable to obtain Lifeline service at your residence from another provider, you may contact the Public Utilities Commission of Ohio at (800) 686-7826 to report your problem until (*insert date 60 or more days after relinquishment effective date*).

As an ETC, AT&T is obligated to continue enrolling Lifeline customers until the Commission grants its request to relinquish its ETC designation. Consequently, AT&T has continued to enroll customers into the Lifeline program after filing its Petition to relinquish its ETC designation. Because the number of AT&T Lifeline customers is constantly changing with customers both joining and leaving the program, any Lifeline customers enrolled after AT&T filed the supplement to its Petition on January 14, 2022, were not included in Staff's investigation. If a new Lifeline customer is enrolled in the relinquishment area, Staff's investigation has determined that more than one ETC is present, and the new customer should be able to obtain Lifeline service through another ETC. Nonetheless, new Lifeline customers should receive the

⁴⁵ Petition at 6.

same customer notice from AT&T as those included in the staff analysis advising them to contact the PUCO should they find that alternate Lifeline service is not available to them.

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Summary: Staff Review and Recommendation electronically filed by Mrs. Tanika
Hawkins on behalf of PUCO Staff