

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF GUAM TELECOM)	GT DOCKET 11-01
LLC GENERAL EXCHANGE TARIFF)	
NO. 1, TARIFF TRANSMITTAL NO. 3)	PUC COUNSEL REPORT
(LIFELINE ASSISTANCE AND)	
OPERATOR SERVICES))	
_____)	

INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission [PUC] upon the filing by Guam Telecom LLC [GT] of Tariff Transmittal No. 3. Such tariff would amend GT General Exchange Tariff No. 1.¹

2. GT Tariff Transmittal No. 3 includes the following revisions to General Exchange Tariff No. 1:
 - (a) Reduction of Business Rates and Charges for the “Basic Feature Set” from \$6.00 per month to “free” (i.e., no charge) (the Basic Feature Set includes such items as speed dialing, caller ID, call hold, call forwarding, call waiting, etc.).²

 - (b) Reduction of Rates and Charges for the “Advanced Feature Set” of Advanced Features from \$25.00 per month to \$8.00 per month (the Advanced Feature Set includes voicemail, call park, call pickup, direct inward dial, Find Me, Follow Me, Do not Disturb, etc.).³

 - (d) Addition of Operator Services, which would establish a onetime rate of \$4.00 per call for all customer access to operator assistance calls.⁴

 - (e) Addition of Lifeline Assistance and Link-Up services; in accordance with Federal Communications Commission requirements

¹ GT Tariff Transmittal No. 3, GT Docket 11-01, filed February 28, 2011.

² GT Tariff Transmittal No. 3 (Second Revision of Page. No. 59 of General Exchange Tariff No. 1)).

³ GT Tariff Transmittal No. 3 (Second Revisions of Pages No. 59 and 60 of General Exchange Tariff No. 1).

⁴ GT Tariff Transmittal No. 3 (Second Revision of Pages No. 64-65 of General Exchange Tariff No. 1)

and the Code of Federal Regulations, GT will provide a Lifeline Assistance Credit to certain low income subscribers in the amount of \$13.50 per month⁵; a link-up service will also be provided through a credit to the non-recurring cancellation and service charges to such subscribers in the amount of \$30.00 maximum or fifty percent (50%) of the installation and service charges, whichever is less.⁶

ANALYSIS

3. GT is required to file its tariffs with the PUC pursuant to 12 GCA §12106(a); GT may not make any change in any rate or charge for the telecommunications service in its tariff except upon 30 days prior notice to the Commission or unless the Commission has previously authorized or approved the change.⁷

4. The Commission is required to adopt Lifeline and Link-up rates for telecommunications services provided in Guam.⁸

5. GT is not required to seek approval of the PUC for its rate decrease for Business Rates and Charges for the “Basic Feature Set” or for “Advanced Feature Set” of Advanced Features. PUC approval is not required for discount or reduction of any rate or charge service in its tariff of current rates:

“The telecommunications company may discount or reduce any rate or charge for a telecommunication service in its tariff of current rates and charges by filing notice of such discount or reduction with the Commission. A discount or reduction in any rate or charge under this subsection shall become effective without Commission review or approval.”⁹

6. The rate reductions set forth by GT in Tariff Transmittal No. 3 should be effective upon the date requested by GT, March 28, 2011 (the date of March 28, 2010 in GT’s Tariff Transmittal No. 3 was apparently a typographical error).

⁵ GT Tariff Transmittal No. 3 (Second Revision of Page Nos. 67-74 of General Exchange Tariff No. 1)

⁶ GT Tariff Transmittal No. 3 (Second Revision of Page Nos. 71-72 and First Revision of Page Nos. 73-74 General Exchange Tariff No. 1).

⁷ 12 GCA §12106(a) and (b).

⁸ 12 GCA §12106(c)(2)

⁹ 12 GCA §12106(d)

7. GT has also proposed a new tariff for “Operator Services.” GT was previously designated by the PUC as an “Eligible Telecommunications Carrier” [ETC].¹⁰ Therein GT indicated that, although it did not presently provide “access to operator services, it intended to provide such services to its customers in Guam.¹¹ GT was ordered to certify to the PUC, no later than August 31, 2011, that GT offers all of the services designated by the FCC for support pursuant to Section 254(c) of the Federal Act¹², including customer access to Operator Services. In now providing such Operator Services under its Tariff, GT is complying with requirements of the FCC and prior Order of the PUC.
8. The proposed charge of \$4.00 per call for Operator Services appears to be reasonable and in accordance with the rates charged by other carriers, and should be approved. On March 11, 2011, GT supplied sample Operator Assisted Tariffs from the United States indicating applicable rates for such services.¹³ The Iowa Network Services Inc. 2003 Tariff indicates a charge for Operator Services for Intrastate Telecommunications service for Person-to-Person calls of \$3.50. The 2003 Quest LD Corp. Interstate Operator Services Tariff indicates various Operator Services Surcharges that are added to the first minute of each operator service call in addition to the per minute usage charges, ranging from \$4.95 for Calling Card, Bill to third Party, Collect, and Operator Station, to \$9.95 for Person to Person. The 2004 Insight Phone of Indiana, LLC, indicates Operator Assisted Services for Operator assisted calls at a service charge of \$3.95 per call, \$4.95 for billed to third party calls, and \$8.95 service charge for Person-to-Person.
9. The Tariff Transmittal No. 3 also provides for the Addition of Lifeline Assistance and Link-Up Services to General Exchange Tariff No. 1. Pursuant to 47 U.S.C. §214(e) the FCC has defined services that are to be supported by the Federal Universal Service Support Mechanism, which includes toll limitation for qualifying low-income customers. Under Guam law, since it is designated as an ETC, GT must now participate in the Lifeline Assistance and Link-up Services.¹⁴

¹⁰ PUC Order Approving Designation, GT Docket 10-02, issued November 29, 2010.

¹¹ PUC Counsel Report, GT Docket 10-02, dated November 12, 2010, at p. 8.

¹² PUC Order Approving Designation, GT Docket 10-02, issued November 29, 2010 at p. 7, par. 1(c).

¹³ GT Filing re: Sample Operator Services tariff and miscellaneous information, GT Docket 11-01, filed March 11, 2011.

¹⁴ 12 GCA §12104(c)(1) requires PUC “to adopt Link-Up and Lifeline rates for telecommunications services...”; see also PUC Order, Docket 05-07, Eligible Telecommunications Carriers – Lifeline/Link-Up Verification and Certification Procedures, issued May 30, 2008.

10. The provisions and regulations in Tariff Transmittal No. 3 for Lifeline Assistance and Link-Up Services are consistent with similar tariffs previously approved by the PUC. Lifeline Assistance/Link-Up Services as provided in Tariff Transmittal No. 3 of GT mirror those of GTA Telecom.¹⁵ GT's Rules and Regulations for Lifeline/Link-Up are nearly identical to those of GTA Telecom LLC as set forth in its General Exchange Tariff No. 1, which were previously approved by the Commission.¹⁶
11. As revised, Par. 7.5.1(B) of GT General Exchange Tariff No. 1 provides that "[t]he Total Lifeline credit available to an eligible customer on Guam is \$13.50. The amount of the credit will not exceed the charge for local service." The amount of such Lifeline credit available is consistent with Lifeline credit approved by the PUC in GTA Telecom LLC General Exchange Tariff No. 1.¹⁷ Counsel submits that such credit is consistent with Guam and Federal law.
12. The Link-Up Service regulations proposed by GT state that: "A federal credit amount of fifty percent (50%) of the non-recurring charges for connection of service, up to a maximum amount of *Thirty Dollars* (\$30.00), is available to be passed through to the subscriber."¹⁸ The set amount is mandated by 47 C.F.R. §54.411(b)(1); Guam, as a "Federal Default State", adopts the federal Lifeline/Link-Up procedures.¹⁹

RECOMMENDATION

13. In accordance with the provisions of 12 GCA §12106(b) the PUC should approve Tariff Transmittal No. 3 effective March 28, 2011.
14. With regard to GT's proposed rate decrease to Advance Features, Business Rates and Charges, Basic Feature Set and Advance Feature Set, approval by the PUC is not required; in accordance with 12 GCA §12106(d) such charges shall be effective on March 28, 2011.

¹⁵ PUC Order, Combined Dockets 05-3 and 06-4, (GTA Telecom LLC Petitions for Tariff Amendments), issued on April 20, 2006.

¹⁶ Id. GTA Telecom LLC General Exchange Tariff No. 1, Miscellaneous Services, par. XII, Telephone Assistance Programs, Subparagraphs C (Lifeline Service) and D (Link-Up Service).

¹⁷ GTA Telecom LLC General Exchange Tariff No. 1, Miscellaneous Services, par. XII C(1)(c).

¹⁸ GT General Exchange Tariff No. 1, par. 7.5.5. (b)(1).

¹⁹ PUC Order, Docket 05-07(Eligible Telecommunications Carriers – Lifeline/Link-Up Verification and Certification Procedures, issued May 30, 2008.

15. The portion of Tariff Transmittal No. 3, which implements rules and regulations governing Lifeline Assistance and Link-Up Services is consistent with the Guam and federal requirements of law, and in accord with prior tariffs approved by the Commission for other telecommunications carriers.
16. A draft Order is submitted to the Commission for its consideration.

Dated this 14th day of March, 2011.

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