

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
MERCURY WIRELESS INDIANA, LLC) **CAUSE NO. 41052 ETC 77 S1**
FOR EXPANSION OF ITS DESIGNATED)
ETC SERVICE)

MERCURY WIRELESS INDIANA, LLC’S RESPONSES TO THE PRESIDING
OFFICERS’ MARCH 23, 2021 DOCKET ENTRY QUESTIONS

Mercury Wireless Indiana, LLC (“Mercury”), by counsel, hereby submits the following responses to the Presiding Officers’ March 23, 2021 Docket Entry questions:

1. General Administrative Order (“GAO”) 2019-5 provides that Petitioner should list the applicable census blocks in which it is seeking ETC designation in a single column in a Microsoft Excel spreadsheet in the docketed ETC proceeding. Please provide census block information in Microsoft Excel format, including the associated tier and latency commitment for each census block.

Response: Please see Attachment 1 hereto.

2. GAO 2019-5 provides that an eligible telecommunications carrier applicant should provide a five-year plan, and Petitioner seeks a waiver of the five-year plan requirement. In lieu of a five-year plan, please provide more information for the record regarding Petitioner’s intended plan for complying with RDOF Phase I milestone requirements.

Response: Petitioner's buildout target schedule for its fiber-to-the-premises ("FTTP") plant is based on it and its affiliate Mercury Wireless Kansas, LLC's experience constructing fiber-optic networks for Kansas school districts that participate in USAC's E-rate program, in addition to existing relationships with fiber-optic service providers that operate within our affiliates wireless network footprint in Kansas. These relationships with other carriers will include partnerships with their CEOs and network architects as well as our network engineers that have helped Mercury to construct a timeline for its fiber-to-the-premises deployments based on internally developed construction schedules and methodologies. To further support the engineering and construction of its RDOF network, Mercury has established relationships with leading telecommunications engineering firms who support some of the nation's largest Tier 1 carriers. Assuming the FCC follows similar procedures for the approval and disbursement of funds that were used for FCC Auction 903: Connect America Fund Phase II (CAF II), the petitioner has developed an aggressive construction timeline and plans to meet or exceed RDOF milestone requirements by completing construction of 20 percent of locations

by the end of year 2 (estimated 2023, optional milestone), 40 percent of locations by the end of year 3 (estimated 2024), 60 percent of locations by the end of year 4 (estimated 2025), 80 percent of locations by year 5 (estimated 2026), and 100% of locations by year 6 (estimated 2027).

Petitioner will leverage its existing commercial relationships with numerous Tier 1 carriers for fiber optic transport to support the bandwidth and connectivity needs of RDOF supported locations, in addition to collaborative partnerships with other operators in the area. This infrastructure already services over 120 fixed wireless subscriber access sites and thousands of subscribers with additional fiber optic transport circuits and capacity planned to be turned up in the coming months to support future growth needs. Detailed network diagrams and engineering plans have already been developed to support all RDOF above baseline and gigabit supported locations to connect 100% of the locations within the Expanded Service Area by constructing a buried cable fiber-to-the-premises network to connect all gigabit homes. This fiber optic network will also be used to extend fiber optic capacity wirelessly to above baseline locations where applicable.

3. Further, GAO 2019-5 provides that an ETC petitioner should demonstrate it will satisfy applicable consumer protection and service quality standards, and Petitioner seeks a waiver of the requirement. However, Petitioner's long form application does not include any sections that specifically relate to consumer protection and service quality standards for either voice telephony or broadband services. Please provide information demonstrating that Petitioner will satisfy applicable consumer protection and service quality standards for both required services.

Response: Mercury will use state-of-the-art firewall protection at all points within the network to protect against outside threats. Mercury's core infrastructure is collocated in secure facilities that offer N+1 redundancy to further ensure uptime and availability of critical communications services. Mercury has implemented all FCC service quality and consumer protection standards applicable to broadband and VoIP service, including but not limited to local number portability rules, limits on the disclosure of CPNI, E911 service requirements, and STIR/SHAKEN standards for authenticating calls. Mercury will implement all applicable voice subscriber consumer rights and protections required by to Ind. Code ch. 8-1-29 and 170 IAC § 7-1.1, -1.2 and -1.3, including those relating to unauthorized switching of providers or billing for services confirmation or preferred carrier change order required, providing notice of proposed rate changes, and compliance with billing requirements. In addition, pursuant to Ind. Code ch. 8-1-29 and 170 IAC 7-1.3-9, voice subscribers will have the ability to bring complaints forward to the Commission. Additionally, Mercury takes all reasonable measures to discover and protect against attempts to gain unauthorized access to sensitive customer data (CPNI). Specifically, Mercury has processes in place to properly authenticate a customer prior to disclosing sensitive information on a

customer-initiated telephone contact, online account access, and in-person contact.

4. Certain passages in the prefiled direct testimony of Mr. Sams (for example, the quoted section below on page 9) seem to relate to the provision of prepaid wireless services, including affirmation that Petitioner will follow the same protocols described in its original ETC petition for “preventing recovery of Lifeline funds for prepaid customers who cease using the company’s phones and airtime.” However, Petitioner has not stated that it will offer such services in any of its Commission filings. Please state whether Petitioner plans to offer prepaid wireless services.

Response: This passage of Mr. Sams’ testimony will be stricken as shown in Attachment 2, as it is not meant to suggest that Mercury is offering a prepaid wireless Lifeline voice service. Rather, Mercury and its affiliates currently provide CIR fiber-optic broadband services, fixed-wireless broadband services, and interconnected VoIP either bundled with broadband or offered independently. Mercury's billings are on a pre-paid basis, since all services are unlimited with no overage fees or other taxes/surcharges aside from local sales tax applicable to interconnected VoIP charges and installation charges.

Respectfully submitted,



Nikki G. Shoultz, #16509-41
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, Indiana 46204
(317) 684-5000 (office)
(317) 684-5173 (facsimile)
nshoultz@boselaw.com

Counsel for Petitioner,
Mercury Wireless Indiana, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Mercury Wireless Indiana, LLC's Responses to Presiding Officers' March 23, 2021 Docket Entry Questions* has been served upon the following counsel of record electronically this 26th day of March, 2021:

Karol Krohn
Office of Utility Consumer Counselor
PNC Center, Suite 1500 South
115 West Washington Street
Indianapolis, IN 46204
kkrohn@oucc.in.gov
infomgt@oucc.in.gov


Nikki G. Shultz, #16509-41

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