

STATE OF INDIANA

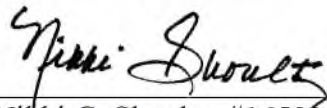
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF MERCURY )  
WIRELESS INDIANA, LLC FOR EXPANSION OF IT )  
ELIGIBLE TELECOMMUNICATIONS CARRIER ) CAUSE NO. 41052-ETC-77 S1  
DESIGNATED SERVICE TERRITORY )

**PETITIONER'S SUBMISSION OF VERIFIED PRE-FILED DIRECT TESTIMONY OF  
MATTHEW SAMS**

Petitioner, Mercury Wireless Indiana, LLC, by counsel, hereby submits the Verified Pre-Filed  
Direct Testimony and exhibits of Matthew Sams.

Respectfully submitted,

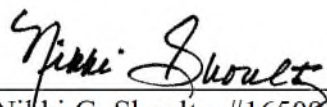


Nikki G. Shoultz, #1650941  
Bose McKinney & Evans LLP  
111 Monument Circle, Suite 2700  
Indianapolis, Indiana 46204  
(317) 684-5000 (Phone);  
(317) 223-0242 (Fax)  
E-Mail: [nshoultz@boselaw.com](mailto:nshoultz@boselaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2021, a copy of the foregoing was served electronically  
on the following:

Karol Krohn  
Indiana Office of Utility Consumer Counsel  
115 West Washington Street  
Suite 1500 South  
Indianapolis, IN 46204  
[kkrohn@oucc.in.gov](mailto:kkrohn@oucc.in.gov)  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)



Nikki G. Shoultz, #1650941

**VERIFIED DIRECT TESTIMONY OF MATTHEW SAMS**  
**ON BEHALF OF MERCURY WIRELESS INDIANA, LLC**

1   **Q1: PLEASE STATE YOUR FULL NAME AND OCCUPATION.**

2   **A:** My name is Matthew Sams. I am the Customer Solutions Manager and Corporate  
3   Secretary of Mercury Wireless, Inc., which is the parent corporation of Mercury Wireless  
4   Indiana, LLC (hereinafter sometimes referred to as “Mercury Wireless” or the  
5   “Company”).

6   **Q2: ARE YOU THE SAME MATTHEW SAMS WHO FILED TESTIMONY IN THE**  
7   **MAIN DOCKET, CAUSE NO. 41052 ETC 77?**

8   **A:** Yes.

9   **Q3: WHAT ARE YOUR JOB RESPONSIBILITIES?**

10   **A:** My job responsibilities as the Company’s Customer Solutions Manager include oversight  
11   of customer support, hiring, training, and development in addition to implementation and  
12   management of our interconnected VoIP system. Additionally my role as Corporate  
13   Secretary is to coordinate overall compliance at the state and federal levels, coordinate and  
14   manage all Board and Shareholder meetings, and to assist the other corporate officers in any  
15   operational capacity needed.

16   **Q4: PLEASE DESCRIBE THE COMPANY.**

17   **A:** The Company is a privately held Indiana limited liability company founded and majority  
18   owned by Garrett Wiseman with offices located at 6004 Highview Dr., Suite B, Fort  
19   Wayne, IN 46818. On November 17, 2018 the IURC issued an Order in Cause No. 45153  
20   granting Mercury Wireless a Certificate of Territorial Authority to operate as a  
21   Communications Service Provider. On February 20, 2019, the Commission issued its

1 Order in Cause No. 41052-ETC-77 (the “ETC Order”) designating Mercury Wireless as an  
2 Eligible Telecommunications Carrier.

3 **Q5: PLEASE PROVIDE ADDITIONAL INFORMATION ON YOUR PROFESSIONAL**  
4 **BACKGROUND.**

5 **A:** I joined Mercury Wireless in 2011 after graduating from Washburn University with a  
6 bachelor’s degree in business administration. I hold an Associate's degree from Washburn  
7 University in Industrial Technology Management, in addition to completing courses at the  
8 Washburn Institute of Technology for A+ and Networking. Prior to joining Mercury, I  
9 worked in retail management for 10 years filling roles in sales, logistics and human  
10 resources. In my role as Customer Solutions Manager, I oversee the customer support team.  
11 I also serve as Corporate Secretary. Finally, I oversee the Company's VoIP development,  
12 FCC/USAC Regulatory Compliance, and training and development of new team members.

13 **Q6: WHAT TYPES OF SERVICES DOES THE COMPANY PROVIDE?**

14 **A:** Broadband Internet, interconnected VoIP, web and Email hosting, and custom network  
15 design.

16 **Q7: PLEASE SUMMARIZE THE COMPANY’S REQUEST IN THIS PROCEEDING.**

17 **A:** On December 7, 2020, the Federal Communication Commission (“FCC”) announced the  
18 winning bidders of the Rural Digital Opportunity Fund (“RDOF”) Phase I Auction, which  
19 included the Company’s parent corporation, Mercury Wireless, Inc. Mercury Wireless,  
20 Inc. was an original bidder selected to receive support for 20,961 Indiana locations (the  
21 “Award Locations”) with a corresponding 10-year support amount of \$9,746,150. As a  
22 result of the RDOF award and pursuant to Section 8(H) of this Commission’s ETC Order,  
23 the Company seeks authority to expand its Indiana ETC service territory to the eighty-five

1 (85) additional Census Block Groups (“CBGs”) identified in Exhibit A to the Verified  
2 Petition filed contemporaneously herewith. Mercury Wireless respectfully requests that  
3 the Commission expeditiously grant this Petition on or before May 28, 2021 to ensure that  
4 the Company meets the FCC's deadline to begin deployment activities in compliance with  
5 the FCC's directives.

6 **Q8: PLEASE EXPLAIN THE RDOF PHASE I AUCTION AND THE COMPANY'S**  
7 **WINNING BID.**

8 **A:** In February 2020, the FCC established the RDOF “to ensure continued and rapid  
9 deployment of broadband networks to unserved Americans.”<sup>1</sup> The RDOF will commit up  
10 to \$20.4 billion over the next decade to support up to gigabit speed broadband networks in  
11 rural America. The FCC opted to allocate RDOF funding through a multi-round, reverse,  
12 descending clock auction that favors faster services with lower latency and encourages  
13 intermodal competition in order to ensure that the greatest possible number of Americans  
14 will be connected to the best possible networks, all at a competitive cost. The FCC will  
15 assign funding in two phases: Phase I will target those areas that current data confirm are  
16 wholly unserved; and, Phase II will target unserved locations within areas that data  
17 demonstrates are only partially served, as well as any areas not won in Phase I.

18 On or about July 15, 2020, Mercury Wireless began participation in the RDOF  
19 Phase I auction and submitted its initial application to the FCC for participation as  
20 evidenced by Mercury’s Form 183 Auction Application, attached as **Confidential**  
21 **Attachment MS-1C**. Form 183 specifies the performance tier, latency, technology and

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<sup>1</sup> *In the Matter of the Rural Digital Connect America Fund; Connect America Fund*, WC Docket 19-126; WC Docket 10-90, Released February 7, 2020 at ¶5.

1 eligibility for each CBG specified in the Company's application. As the auction  
2 progressed, Mercury Wireless submitted additional rounds of bids to compete for high-cost  
3 funding in several Indiana CBGs. On December 7, 2020, the FCC announced that Mercury  
4 Wireless will receive support over a ten year period to deploy supported services in the  
5 CBGs described in Exhibit A of Mercury Wireless's Verified Petition.

6 **Q9: HOW WILL THE COMPANY PROVISION LIFELINE AND BROADBAND**  
7 **SERVICE?**

8 **A:** Mercury Wireless will provide service through a combination of its own facilities and  
9 resale consistent with 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1). A more  
10 detailed description of how Mercury Wireless will provide the supported services and the  
11 associated speeds, latency and network architecture is included in Form 183. At this time,  
12 the Company does not plan to deploy any different technology or provide service at  
13 different speeds than what was specified by the Company in Cause No. 41052 ETC 77. It  
14 is possible that over time, the Company will elect to add variations to its current service  
15 offerings but any such plans are not imminent.

16 **Q10: DOES THE COMPANY STILL SATISFY THE REQUIREMENTS FOR ETC**  
17 **DESIGNATION IN INDIANA?**

18 **A:** Yes. As our Verified Petition indicates, the Company continues to satisfy all of the  
19 requirements for ETC designation and I affirm that all of the statements in my pre-filed  
20 testimony in Cause No. 41052 ETC 77, provided in **Attachment MS-1** which I adopt  
21 herein, remain true and accurate. As such, Mercury Wireless remains a "common carrier"  
22 as required by 47 C.F.R. § 54.201; is able to provide all of the services and functionalities  
23 required by Section 54.101(a) and Section 54.202(a) of the FCC Rules; and will provide

1 voice grade access to the public switched telephone network or its functional equivalent.

2 In accordance with the ETC designation requirements applicable to winning bidders in the  
3 RDOF Phase I auction adopted by the FCC and in accordance with IURC General  
4 Administrative Order 2019-5, Mercury Wireless requests that, to the extent necessary, the  
5 IURC confirm that Mercury Wireless need not file a five-year improvement plan and  
6 demonstrate that it will satisfy applicable consumer protection and service quality  
7 standards.

8 **Q11: DOES THE COMPANY HAVE THE FINANCIAL AND TECHNICAL CAPACITY**  
9 **TO PROVIDE THE LIFELINE SUPPORTED SERVICES IN THE EXPANDED**  
10 **ETC TERRITORY?**

11 **A:** Yes. The Company continues to rely on the management and financial qualifications  
12 provided in Cause No. 41052 ETC 77 establishing that the Company has sufficient  
13 financial, managerial and technical ability to effectively manage its operations in the  
14 existing and expanded ETC territory.

15 **Q12: WHAT FUNCTIONS WILL THE COMPANY OFFER TO LIFELINE**  
16 **SUBSCRIBERS IN THE EXPANDED ETC TERRITORY?**

17 **A:** The Company will offer all of the services and functionalities required by the FCC's rule  
18 47 C.F.R. § 54.101 within the expanded ETC territory. The details of these services and  
19 functionalities are provided in **Confidential Attachment MS-2C**.

20 **Q13: IN WHAT SERVICE AREAS IS THE COMPANY SEEKING ADDITIONAL**  
21 **DESIGNATION AS AN ETC?**

22 **A:** The Company seeks ETC designation for the additional areas of the state shown on the  
23 map provided as **Attachment MS-3**, which includes a map depicting the location of the

1 census blocks shown in Exhibit A to the Company's Verified Petition and mirrors the  
2 census blocks for which Mercury Wireless was awarded RDOF Phase I funding.  
3 **Attachment MS-3** also includes shapefiles that will be hand delivered on a CD to the  
4 Presiding Officer and OUCC corresponding to the census blocks for which the Company  
5 seeks an expanded ETC territory. Of the forty-one (41) Indiana counties covered by the  
6 RDOF award, Mercury Wireless is presently certificated to provide communications  
7 services in six (6) of those counties. On December 23, 2020, Mercury Wireless submitted  
8 to this Commission its Notice of Change form identifying the remaining thirty-five (35)  
9 counties in which Mercury Wireless will commence service as a result of the RDOF award.

10 **Q14: DOES THE COMPANY STILL MAINTAIN BUSINESS FACILITIES OR**  
11 **CUSTOMER SERVICE CENTERS IN INDIANA?**

12 **A:** Yes. The Company maintains a data center located in South Bend, IN. Additionally, the  
13 Company operates a satellite office location at 6004 Highview St, Suite B, Fort Wayne IN,  
14 46818.

15 **Q15: HOW WILL INDIANA CUSTOMERS SERVED UNDER THE RDOF PHASE I**  
16 **AWARD LEARN OF THE COMPANY'S LIFELINE OFFERINGS?**

17 **A:** Generally speaking, customers in Indiana will learn of Mercury Wireless's Lifeline  
18 services through marketing materials (social media, print, radio, and billboards), social  
19 service organizations and direct mail. Mercury Wireless will coordinate with relevant state  
20 agencies, community outreach organizations, and non-profit organizations to make  
21 information available regarding the Company's prepaid wireless Lifeline service offering  
22 in resource guides and other printed materials produced by those organizations, as well as  
23 in their offices or other locations visited by potential Lifeline-eligible subscribers.

Mercury Wireless will pro-actively market its prepaid wireless Lifeline services through state, county, municipal and non-profit community action agencies, associations and networks. A working draft example of the Company's advertising materials is included as **Attachment MS-4.**

**Q16: WILL THE COMPANY TRAIN ITS CUSTOMER SALES REPRESENTATIVES ANY DIFFERENTLY THAN YOU DESCRIBED IN YOUR TESTIMONY IN CAUSE NO. 41052 ETC 77?**

**A:** No, the Company will follow the same training and customer service protocols I described in my testimony in Cause No. 41052 ETC 77.

**Q17: HOW QUICKLY WILL THE COMPANY COMMENCE LIFELINE SERVICE IN THE EXPANDED ETC TERRITORY?**

**A:** Upon the receipt of a Commission order, the Company will wait to begin construction until it begins receiving disbursements from the RDOF award. The Company will then commence construction and begin providing service once construction is complete. Because of these variables, the timing of the Company's commencement of service unknown.

**Q18: PLEASE DESCRIBE THE COMPANY'S SERVICE OFFERING WITHIN THE EXPANDED ETC TERRITORY.**

**A:** A description of the Company's service offering, terms and conditions, and an informational tariff are included in **Attachment MS-5.** The Terms and Conditions will be posted on the Company's website: <https://www3.mercurywireless.com/legal-policies/> and customers will be provided with a link to the Terms and Conditions after completion of enrollment. The Company's service plan, pricing, terms, conditions and advertising for



1 Lifeline services to the customers located in the expanded ETC territory funded by the  
2 RDOF will not be different than those offered to the Company's existing Lifeline  
3 customers.

4 **Q19: HOW WILL CUSTOMERS IN THE EXPANDED ETC TERRITORY BE**  
5 **ASSURED THAT THEY RECEIVE THE CORRECT AMOUNT OF AIRTIME**  
6 **PURCHASED?**

7 **A:** Customers are able to track their minutes and usage at no charge by contacting customer  
8 service or accessing their mobile account online at: <https://voip-in.mercurywireless.com>.  
9 Since Mercury Wireless VoIP service provides unlimited local and long distance calling  
10 inside the United States, there is no need to purchase additional minutes as it is covered by  
11 the flat rate charge applied to the customer's account.

12 **Q20: HOW WILL CUSTOMERS IN THE EXPANDED ETC TERRITORY**  
13 **COMMUNICATE WITH THE COMPANY WITH QUESTIONS, CONCERNS OR**  
14 **COMPLAINTS?**

15 **A:** Customers can contact the Company via a toll-free number from any phone or by dialing  
16 611 from their wireless handset. They will also be able to contact a customer service  
17 representative through the Company's website or by mail.

18 **Q21: WILL CUSTOMERS IN THE EXPANDED ETC TERRITORY HAVE ACCESS**  
19 **TO INTRAC SERVICES FOR SPEECH AND HEARING IMPAIRED**  
20 **INDIVIDUALS PURSUANT TO INDIANA CODE § 8-1-2.8 ET SEQ?**

21 **A:** Yes.

22 **Q22: PLEASE COMMENT ON THE RELIABILITY OF THE COMPANY'S**  
23 **QUALITY OF SERVICE IN THE EXPANDED ETC TERRITORY.**

1   **A:**     I attach and adopt the testimony I provided in Cause No. 41052 ETC 77, including the  
2           commitments on service quality in the expanded ETC territory. The Company will  
3           continue to follow those measures to honor its commitment to offering the highest quality  
4           interconnected VoIP service possible.

5   **Q23: WILL THE COMPANY FOLLOW THE SAME PROTOCOLS YOU DESCRIBED**  
6           **IN YOUR TESTIMONY IN CAUSE NO. 41052 ETC 77 WITH REGARD TO**  
7           **ACCESS TO EMERGENCY SERVICES; TOLL BLOCKING TO QUALIFIED**  
8           **LIFELINE CUSTOMERS; REMAINING FUNCTIONAL IN EMERGENCIES;**  
9           **AND PREVENTING RECOVERY OF LIFELINE FUNDS FOR PREPAID**  
10          **CUSTOMERS WHO CEASE USING THE COMPANY’S PHONES AND**  
11          **AIRTIME?**

12   **A:**     Yes, the Company will follow the same protocols for customers in the expanded ETC  
13          territory.

14   **Q24: WILL THE COMPANY CONTINUE TO COMPLY WITH THE LIFELINE**  
15          **CERTIFICATION AND VERIFICATION REQUIREMENTS, VERIFY**  
16          **CONTINUED CUSTOMER ELIGIBILITY FOR THE FEDERAL LIFELINE**  
17          **DISCOUNTS, AND RESPOND TO COMMISSION INQUIRIES?**

18   **A:**     Yes, the Company will comply with all applicable requirements and Commission inquiries  
19          related to service in the expanded ETC territory.

20   **Q25: WITH REGARD TO THE EXPANDED ETC TERRITORY, DOES THE**  
21          **COMPANY INTEND TO CONTINUE REMITTING ENHANCED 911 (“E-911”)**  
22          **FEES IN INDIANA; CONTRIBUTING TO THE FUNDING FOR UNIVERSAL**  
23          **SERVICE; AND QUANTIFYING SALES THAT ARE MADE IN INDIANA TO**

**DETERMINE WHETHER CUSTOMER ACCOUNTS ARE OPEN OR CLOSED?**

**A:** Yes, the Company will collect and remit any fees required by law and quantify Indiana sales as described in my testimony filed in Cause No. 41052 ETC 77.

**Q26: DOES THE COMPANY'S DESIGNATION AS AN ETC IN THE ADDITIONAL REQUESTED AREAS SERVE THE PUBLIC INTEREST?**

**A:** Yes. The public interest benefits associated with the expanding the Company's ETC territory include the deployment of broadband and wireless communications service to additional unserved or underserved portions of Indiana and bringing increased competitive choice and unique advantages to qualifying Indiana Lifeline consumers. Expansion of Mercury Wireless's Lifeline ETC territory will bring another competitive alternative to low-income consumers in Indiana, and will thus exert further competitive pressures on existing wireless Lifeline providers operating in Indiana. Expansion of Mercury Wireless's ETC territory will provide accessible technologically advanced broadband and telecommunications services to a portion of the public that may not otherwise be able to obtain those services either because similar services are not currently deployed in the area or, as to Lifeline service, due to insufficient credit, immigrant status, or living situation. The Company's Lifeline services will provide consumers in the expanded ETC territory with convenience, control over their telecommunications spending without the imposition of high monthly fees, and the ability to pay for only those services needed.

**Q27: DO THE COMPANY'S SERVICE OFFERINGS IN THE EXPANDED ETC TERRITORY HAVE THE SAME UNIQUE ADVANTAGES YOU DESCRIBED IN YOUR TESTIMONY IN CAUSE NO. 41052 ETC 77?**

**A:** Yes. Mercury Wireless will use the RDOF Phase I funding to provide high-speed Internet

1 and voice communication services to consumers and anchor institutions in Indiana,  
2 focusing on underserved, rural areas in and around forty-one (41) Indiana counties.

3 **Q28: IF THE COMPANY'S ETC TERRITORY IS EXPANDED AS REQUESTED,**  
4 **WILL THERE BE ANY IMPACT ON THE UNIVERSAL SERVICE FUND?**

5 **A:** The Company's award of RDOF Phase I funding has been approved and any impact on the  
6 Universal Service Fund by virtue of the RDOF funding has already been deemed  
7 acceptable. Because the FCC has already vetted the Company's proposed project, there can  
8 be no doubt that the proposed project in the expanded ETC territory will promote the public  
9 interest by providing underserved areas with broadband and other advanced  
10 telecommunications services in a cost-effective manner using funds that have already been  
11 set aside for that very purpose. Expansion of the Company's Indiana ETC territory would  
12 not unduly burden the USF or otherwise reduce the amount of funding available to other  
13 ETCs.

14 **Q29: WILL THE COMPANY CONTINUE TO COMPLY WITH ALL APPLICABLE**  
15 **COMMISSION RULES AND REGULATIONS REGARDING ETCS?**

16 **A:** Yes. The Company affirms its commitment to continue to comply with all rules and  
17 regulations that the Commission may lawfully impose upon the Company's provision of  
18 service within its existing and expanded ETC territory as described in my testimony filed  
19 in Cause No. 41052 ETC 77.

20 **Q30: DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

21 **A:** Yes.

## **VERIFICATION**

I hereby verify that the foregoing testimony is true and accurate to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Matthew Sams", is written above a horizontal line.

Matthew Sams