



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

October 13, 2014

Stephanie Dassinger
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798

Re: Blue Jay Wireless, LLC, Case No. PU-14-720

Dear Ms. Dassinger,

The North Dakota Public Service Commission is requesting that all applicants provide additional information and should certify to certain future actions they will undertake as a Lifeline-only ETC. Both the answers to this additional information request and certification document will be made part of the record in this case. The Commission intends to consider this information before a making decision regarding Blue Jay's application.

If Blue Jay does not agree that the information in its responses should be part of the record, or wishes to provide additional information or testimony, or cross examine a witness regarding this information, Blue Jay should make a written request to the Commission for a formal hearing on its application. Further, if Blue Jay believes that there would be a benefit to discussing any of these questions, Blue Jay's responses, or the requested certification in an informal or formal hearing, please let us know at your earliest convenience.

Please have Blue Jay respond to the questions below no later than November 21, 2014.

1. Provide all Lifeline audits and reviews the Federal Communications Commission (FCC), the Universal Service Administrative Company (USAC) and any other state commission, Lifeline administrator or any other government agency has conducted on Blue Jay's Lifeline program since the beginning of 2011. The requested documents should include formal audits and limited reviews such as in-depth data validations and Payment Quality Assurance (PQA) reviews.
2. Provide Blue Jay's 2014 recertification report provided to the FCC and USAC. If the Company has not yet prepared a 2014 recertification report, please provide the 2013 report and the date the Company expects to submit the 2014 report.

3. If the FCC has issued any citations to individuals receiving duplicate lifeline support from Blue Jay and other Lifeline providers, what processes and procedures has Blue Jay undertaken to prevent duplicate lifeline support going forward? If applicable, please also provide copies of these processes and procedures as well as the number of citations issued.

4. Please describe the specific procedures Blue Jay has in place to prevent waste, fraud and abuse in the Lifeline program. Include in this response copies of employee training manuals, processes and procedures as well as a discussion of the data bases that Blue Jay uses. In describing the data bases, please specifically identify what data Blue Jay believes specifically helps prevent waste, fraud and abuse.

5. Would Blue Jay be willing to request Lifeline participants waive any right to privacy in order that Blue Jay could periodically provide a list of customers to the Commission?

6. If Blue Jay's lifeline program has been the subject of any state or federal investigations, please provide information on the outcome of these investigations. Did any of the investigations result in Blue Jay paying fines and implementing any changes in its processes and procedures to ensure the mistakes that led to the investigation would not reoccur? If so, please specifically discuss the changes and the amount of any fines.

In addition to your responses to the questions above, please have Blue Jay complete and sign the enclosed Certification or let us know if Blue Jay has any specific objection to the Certification.

Sincerely,



Julie Prescott
Compliance and Competitive Markets Division

Enclosure: Certification

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Blue Jay Wireless, LLC
Eligible Telecommunications Carrier
Application

Case No. PU-14-720

CERTIFICATION

I am _____, a representative of Blue Jay Wireless, LLC (Blue Jay) with authority to bind Blue Jay and I certify that:

1. Blue Jay understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Wireless Lifeline Only Eligible Telecommunications Carriers (ETC), and that Blue Jay will be responsible for compliance with this Certification, the Public Service Commission's order designating Blue Jay as an ETC, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Eligible Telecommunications Carriers offering Lifeline Only services.
2. Blue Jay agrees to comply with all statements, processes and procedures set forth in its Application for designation as an ETC in the non-rural and rural wire centers in North Dakota identified in its Application. Blue Jay agrees that all statements made and matters set forth in its Application are true and correct to the best of Blue Jay's knowledge, information, and belief.
3. Blue Jay will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
4. Blue Jay meets all of the prerequisites to be designated as an ETC throughout its proposed ETC Designated Area in the state of North Dakota.
5. Blue Jay provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47 C.F.R. § 54.101, and will offer these supported services in North Dakota upon designation as an ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
6. Blue Jay will provide the supported services on a timely basis to requesting customers within Blue Jay's designated service area where Blue Jay's underlying carriers' network exists.

7. Blue Jay will provide service within a reasonable period of time, if the potential customer is within the applicant's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (a) Modifying or replacing the requesting customer's equipment;
 - (d) Adjusting network or customer facilities; or
 - (e) Reselling services from another carrier's facilities to provide service.
8. Blue Jay is not seeking Universal Service Fund high-cost support as part of its Application.
9. Blue Jay will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal default eligibility criteria in 47 C.F.R. § 54.409(2) and the relevant proof documentation specified in 47 C. F. R. § 54.410. Blue Jay will check all available data bases including the FCC's National Accountability Database and the National Lifeline Eligibility Database when fully functional to prevent duplication and determine eligibility.
10. Blue Jay has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
11. Blue Jay will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.
12. Blue Jay will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.
13. Blue Jay will offer the services described in its Application.
14. Blue Jay understands and agrees that if Blue Jay has not advertised its Lifeline services or signed up any North Dakota customers within 12 months

of the effective date of Blue Jay's designation as a Lifeline-only ETC, the Public Service Commission may revoke Blue Jay's ETC designation and Blue Jay may reapply to be designated as a Lifeline-only ETC in North Dakota.

15. Blue Jay understands and agrees that it may be required by the FCC to provide equal access to long distance carriers in the event that no other ETC provides equal access within Blue Jay's designated ETC service area.
16. Blue Jay will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each report filed with the FCC, within 30 days of filing with the FCC.
17. Blue Jay will file at least annually or more often if requested by the Public Service Commission, a complete list of its customers and waivers, including North Dakota Department of Human Services' Form SFN 1059, Authorization for Release of Information 449-55-05, for each customer on the list.
18. Blue Jay understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
19. Blue Jay agrees to maintain the records to demonstrate that Blue Jay has complied with the requirements of the Public Service Commission's order(s) and that Blue Jay will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
20. Blue Jay understands and agrees that, to the extent there are any conflicts or inconsistencies between Blue Jay's Application and the provisions in this Certification, the Certification provisions control.

Dated this ____ day of October, 2014.

BLUE JAY WIRELESS, LLC

By _____

Its _____