

Before the
Federal Communications Commission
445 12th Street SW, Washington, DC 20554

In the Matter of) WC Docket 11-42
Telecommunications Carriers Eligible)
to Receive Universal Service Support) WC Docket 09-197

Petition Of Plains Internet, LLC for Designation as an)
Eligible Telecommunications Carrier (ETC))
Lifeline Broadband Provider (LBP))

Joseph Monroe

Plains Internet, LLC
7519 Canyon Drive
Amarillo, TX 79110
(806) 340-7320

To: The Commission

PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)
LIFELINE BROADBAND PROVIDER (LBP)

Plains Internet, LLC. (“Plains Internet”) requests that the Commission designate it as an Eligible Telecommunications Carrier (ETC) Lifeline Broadband Provider (LBP) for the limited purpose of receiving Broadband Lifeline support in Texas.

I. INTRODUCTION & SUMMARY

Plains Internet, LLC is a facilities-based telecommunications carrier that seeks approval to serve Lifeline-eligible customers in Texas. The requested LBP designation will promote the public interest by providing eligible low-income consumers a choice of a significant new facilities-based competitor in the marketplace for Lifeline services. Plains Internet's entry into the Lifeline market will create competitive pressure on all Lifeline providers, resulting in a

higher level of service quality and more competitive pricing and advantageous service options for Lifeline service for eligible consumers in Texas. As discussed below, Plains Internet meets all statutory and regulatory prerequisites for LBP designation. Furthermore, the public interest would be greatly served by granting this petition, enabling Plains Internet to advance universal service in Texas by serving the basic and advanced communications needs of low-income consumers.

II. BACKGROUND

Plains Internet is a facilities-based, regional provider of competitively-priced wireless broadband, VOIP, and data services capable of reaching over 293 thousand Americans. The company holds a Common Carrier Radio Operator's license issued by the Federal Communications Commission, Wireless Technology Bureau. Plains Internet, LLC has provided BIAS service to 1500 non-lifeline customers since July 1st 2014. Plains Internet has deployed an advanced terrestrial fixed wireless telecommunications network capable of serving consumers basic and advanced communications needs. Plains Internet provides award-winning service, quality, and customer care. Plains Internet's designation as a Lifeline Broadband Provider will create significant competitive pressure on existing Lifeline providers, to the benefit of Lifeline consumers in Texas.

III. PLAINS INTERNET MEETS THE STATUTORY AND REGULATORY PREREQUISITES FOR THE REQUESTED ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

As demonstrated herein, Plains Internet meets the requirements for designation as an LBP as established under the statute and FCC rules. In particular, Plains Internet: 1. is a common carrier; 2. will offer the services supported by federal universal service support mechanisms within its Lifeline service offerings, which will be made available to qualifying low-income

consumers; 3. will use its own facilities to provide the supported services; 4. will provide Lifeline service, including all of the supported services, throughout its designated service area; 5. will advertise the availability of its Lifeline universal service offerings and charges for such offerings using media of general distribution; 6. will meet the additional application requirements established by the FCC by: a) certifying that it will comply with the minimum service requirements applicable to the support that it receives; b) demonstrating it is able to remain functional in emergency situations; c) demonstrating it will satisfy consumer protection and service quality standards; d) demonstrating that it is financially and technically capable of providing Lifeline service in compliance with the Lifeline rules; and e) distributing information on its Lifeline service offering. 7. will comply with all applicable reporting requirements and additional conditions; and, 8. will take steps to help prevent waste, fraud, and abuse of the USF. Furthermore, Plains Internet designation as an LBP serves the public interest by expanding customer choice and increasing service availability. Plains Internets compliance with each of the applicable requirements to obtain designation as an LBP is further discussed below.

A. Plains Internet is a Common Carrier Plains Internet is regulated as a common carrier. As such, Plains Internet certifies that it is a common carrier for purposes of LBP designation. Therefore, Plains Internet meets the LBP requirement of being a common carrier.

B. Plains Internet Offers the Services Supported by the Federal Universal Service Support Mechanisms

As described below, Plains Internet provides broadband service supported by federal universal service support mechanisms, including the following capabilities: Plains Internet LLC meets the initial minimum service speed standards for fixed broadband at 10 Mbps for download and 1 Mbps for upload. An offering must meet both download and upload speed minimums to be considered to meet the minimum service standards. Plains Internet, LLC also offers unlimited data on all broadband packages.

C. Plains Internet is a Facilities-Based Wireless Telecommunications Carrier

Plains Internet is a facilities-based wireless telecommunications carrier with its own

telecommunications facilities throughout its proposed designated LBP service area and, therefore, meets the applicable facilities-based requirements for LBPs. The Company uses radio licenses issued by the Federal Communications Commission to provide wireless radio service and will use its own extensive network facilities to provide Lifeline service to eligible consumers in its requested LBP Service Area.

D. Plains Internet Will Provide Service Throughout Its Designated Service Area

Plains Internet commits to provide Lifeline service, including all of the supported services, throughout its designated service area, consistent with all applicable requirements.

Plains Internets requested designated LBP service area is its wireless coverage area shown in Exhibit A, B, and C

E. Plains Internet Will Advertise the Availability of Its Low Income Offerings and Charges for Such Offerings Using Media of General Distribution

Plains Internet will advertise the availability of, and charges for, its Lifeline service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of Plains Internets Lifeline service offering, consistent with all applicable requirements. Plains Internet currently offers and advertises its wireless telecommunications services, including those offerings that include all of the supported services, using radio, television, billboards, print, Internet, and targeted mailings, among others. In addition, Plains Internet maintains a retail store in its proposed LBP designated service area. Plains Internet will use the appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements. Plains Internet also commits to explain in clear, easily understood language in all marketing materials for its Lifeline offerings (1) that the offerings are Lifeline-supported services, (2) that only eligible consumers may enroll in the program, (3) what documentation is necessary for enrollment, (4) that the program is limited to one benefit

per household consisting of either wire line or wireless service, (5) that Lifeline is a government benefit program, (6) that a consumer who is an existing Lifeline customer of another carrier can only become a Lifeline customer of Plains Internet if they notify their existing Lifeline carrier provider that such consumer is discontinuing their existing Lifeline service, and (7) that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment and can be barred from the program. For purposes of this commitment, “marketing materials” includes materials in all media, including but not limited to print, audio, video, Internet, ... and outdoor signage.

F. Plains Internet Meets the Additional Requirements for Designation as an LBP

1. Certify Compliance With Applicable Requirements,

Plains Internet certifies that it will comply with all applicable requirements related to receipt of low-income support, consistent with the Lifeline support program.

2. Ability to Function in Emergency Situations

Plains Internet has the “ability to remain functional in emergency situations” as required. Plains Internet has back-up power sufficient to ensure functionality in the designated service area without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

3. Consumer Protection and Service Quality Standards

Plains Internet will satisfy applicable consumer protection and service quality standards. Plains Internet is a strong supporter of and abides by the CTIA-The Wireless Association’s® Consumer Code for Wireless Service (“Consumer Code”). Plains Internet also provides its customers with other service quality and consumer protection benefits that have been recognized repeatedly for excellence. Plains Internet has a record of excellence in customer satisfaction, having won a number of awards from independent researchers. In addition, Plains Internet maintains policies for consumer privacy protections, as detailed in Plains Internet’s Privacy Policy available at the Company’s website (www.plainsinternet.com).

4. Financial and Technical Capability To Provide Lifeline Service and Information on Lifeline Service Offering

In the Lifeline Reform Order, the FCC adopted a rule requiring Lifeline-only LBP applicants to demonstrate financial and technical capability to provide Lifeline service in compliance with applicable requirements. In explaining this new requirement, the FCC stated:

Among the relevant considerations for such a showing would be whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or LBP revocation proceedings in any state.

Plains Internet has provided service in the United States since 2014 and is the fourth largest regional provider of broadband services. As demonstrated herein, Plains Internet is a well-established facilities-based wireless telecommunications carrier with a history of providing service to non-Lifeline consumers and does not intend to rely exclusively on Universal Service Fund (“USF”) disbursements. Plains Internet receives revenue from several non-USF sources. Plains Internet has not been subject to LBP-related enforcement action or LBP revocation proceedings in any state. In addition, Plains Internet is a holder of six FCC Wireless Radio licenses. As Plains Internet has advocated, carriers holding spectrum licenses obtained at auction or in secondary markets and using those licenses to operate wireless systems should be presumed to have made the requisite showing of financial and technical capability. Deploying a regional facilities-based wireless communications network such as Plains Internets requires considerable financial and technical capability. In addition, as a FCC Wireless Technology Bureau licensee, Plains Internet has independent obligations and incentives to comply with Commission rules. In sum, as a major regional licensed carrier with a well-established track record of providing quality broadband and VOIP services to non-Lifeline customers, Plains Internet has made the requisite showing of financial and technical capability.

G. Additional Steps to Prevent Waste, Fraud, and Abuse

In its Lifeline Modernization Order released on April, 27 2016, the Commission adopted comprehensive reforms to the low-income program to revise and modernize the Lifeline service requirements and implement measures to address fraud, waste, and abuse within the system. Plains Internet has thoroughly reviewed the *Lifeline Reform Order* and all newly-adopted requirements and

has begun to implement the internal controls and processes to ensure compliance with the order.

To the extent that the Commission also wishes applicants to provide information on unrelated enforcement activity, Plains Internet would be happy to do so (upon clarification of scope and materiality thresholds).

H. Commission's final rules and any subsequent orders.

Plains Internet is a well-established universal service provider operating in multiple counties with a compliance program in place to address all existing and future requirements.

A. Policy. Plains Internet will comply with the minimum federal certification and verification requirements for Lifeline eligibility and any additional requirements established by the states where it is designated as an LBP. In addition to any state-imposed requirements, Plains Internet will certify at the outset and will verify annually consumers' Lifeline eligibility in accordance with the Commission's requirements. As part of the annual certification process, Plains Internet will require that every Lifeline customer's annual certification form be properly and timely executed and entered into our compliance systems prior to extending any benefits for the next year.

B. Detailed Customer Enrollment Process. While the enrollment processes and eligibility requirements have, until the effective date of the Lifeline Modernization Order, varied from state to state, Plains Internet generally follows the same processes for the enrollment of subscribers who elect Plains Internet Lifeline offering and qualify for Lifeline support. By doing so, Plains Internet is able to ensure that its enrollment and verification practices meet the needs of all customers, in a variety of situations, while recognizing that it must maintain strict compliance with all applicable requirements. To safeguard against misuse of the Lifeline service plan, Plains Internet will collect initial and annual certifications required by the *Lifeline Modernization Order*. Plains Internet will establish safeguards to prohibit more than one supported service for each household. Plains Internet proposes the following plan to implement these certification and verification requirements and will modify the plan to conform to any new rules and orders, once issued and effective:

C. Certification Procedures. Plains will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting Plains Internet via

telephone, facsimile, or the Internet. Specific information is available to educate consumers about the one per household rule. Customers who come to Plains Internet's own store, or Plains Internet's website will have access to information regarding the program, including among other things the limit of one Lifeline subsidy per household, and Plains Internet's Lifeline application form, which requires customers to certify that they are not receiving Lifeline from any other carrier and lists the leading other Lifeline providers as examples.

Currently, all Lifeline application forms are directed to a single central Plains Internet office for processing. This office is staffed with personnel who have received specific training regarding the Lifeline rules and regulations and continue to receive ongoing training on the program requirements for obtaining, changing or terminating its Lifeline services. Forms completed in Plains Internet's store are faxed to this office. Processing of consumers' applications, including review of all application forms and relevant documentation is performed by staff experienced in the administration of the Lifeline program. Plains Internet ensures that all required documentation is properly reviewed by using compliance checklists. Plains Internet's application form for its Lifeline service identifies that it is a "Lifeline" application. Applicants will be required to complete USAC's application form. Consumers must return the signed application and support documentation to Plains Internet by the electronic application process, fax or regular mail. The Plains Internet Lifeline application form lists each of the qualifying programs, and applicants are required to identify the program(s) in which they participate, and to furnish documentation evidencing their participation in such program(s). Applicants qualifying based on income are required to certify under penalty of perjury that their household income does not exceed the relevant threshold (e.g., 135% of the Federal Poverty Guidelines) and are required to provide proof of income-based eligibility consistent with Commission requirements. Plains Internet does not retain copies of this information, but does document what information was provided. In addition, the Lifeline application form includes a

certification section where the applicant must attest and sign under penalty of perjury that the applicant's representations are true and correct. Applicants will also be required to certify under penalty of perjury that they are head of their household and receive Lifeline-supported service only from Plains Internet.

Penalties for perjury are clearly stated on the certification form. Customers will also be provided a verification form consistent with parameters described in the annual verification section described below. The forms will require each applicant to provide their name and permanent residential address, and a billing address if different. Plains Internet's staff incorporates this information into Plains Internet's customer information database. Staff also collects a customer's date of birth and last four digits of the customer's Social Security Number as required by the new Lifeline rules. Prior to initiating service for a customer, Plains Internet's staff check the name and address of each Lifeline applicant (and the personal information required for verification) against the Plains Internet database to determine whether or not it is associated with a customer who already receives Lifeline supported service. Staff also reviews the application to ascertain whether the applicant is attempting to receive Lifeline-supported service for more than one service associated with the address. Plains Internet shares the Commission's concern about abuse of the Lifeline program and is committed to adhering to the safeguards stated herein in the belief that these safeguards will prevent customers from abusing the program.

D. Verification Procedures.

Plains Internet will require every consumer enrolled in the Lifeline program to verify on an annual basis that they receive Lifeline service from only one LBP, and will assist consumers in understanding this key Lifeline requirement by identifying the two other largest Lifeline providers as examples. Plains Internet will notify all participating Lifeline customers prior to their service anniversary dates that they must confirm their continued eligibility in accordance with the applicable requirements. Currently, we

plan to provide the notification to customers by mail via the U.S. Postal Service to the address the subscriber has on record with Plains Internet. This notification may be provided via electronic means such as e mail, text message and a web-based response.

The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact Plains Internet. Customers will have 60 days to complete the form, certify under penalty of perjury that they are the head of household and receive Lifeline service only from Plains Internet, and return the form to Plains Internet by mail or electronically. The form will remind customers that Lifeline is a federal benefit, that it is only available for one service per household, that “household” in the context of the certification means any individual or group thereof who live together at the same address and share income and expenses, and that a household may not have service from multiple providers. The form will include a statement that violation of these rules constitutes a violation of the program’s rules that will result in immediate de-enrollment from the program and could be the basis for federal criminal prosecution. Anyone who does not respond to the mailing and certify their continued eligibility will be DE-enrolled from the Lifeline program. Plains Internet will report annually on its verification and re-verification procedures.

E. Customer Education with Respect to Duplicates. To supplement its verification and certification procedures and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, Plains Internet will ensure that its marketing and advertising also help to prevent duplicate Lifeline benefits being awarded to the same household.

a) Marketing, Advertising and Website Content. Plains Internet, in its marketing materials, will reinforce the limitation of one Lifeline service per household.

b) Other Marketing Requirements. In addition to reminding consumers of the one-per household rule, Plains Internet will comply with the other marketing requirements in the *Lifeline Modernization Order*, as applicable, and will explain in all marketing materials that the service offering is a Lifeline

-supported service, only eligible consumers may enroll, Lifeline is a government benefit program, and other required information. These statements will also appear on the company's website (plainsinternet.com) during the customer information/education cycle.

In addition, Plains Internet will include in its printed materials and website substantially the following statement "Not all Lifeline supported programs are identified as 'Lifeline' and may be marketed under other brand names." As the processes discussed above demonstrate, Plains Internet has taken and will continue to take strong steps to protect against waste, fraud, and abuse within the Lifeline universal service system.

IV. PLAINS INTERNET WILL MAKE VALUABLE LIFELINE OFFERINGS AVAILABLE TO LOW-INCOME CONSUMERS

Upon designation as an LBP, Plains Internet will make available to qualified low-income consumers a discounted, facilities-based service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on broadband for much of their communications needs, and qualifying low-income consumers are no exception. Low-income consumers would be the beneficiaries of Plains Internet's Lifeline service offering. Plains Internet's planned initial Lifeline service offering is summarized below. Plains Internet intends to expand its Lifeline offerings as it obtains Lifeline LBP status through this petition. As it does so, Plains Internet will implement its Lifeline service offerings consistent with all applicable requirements.

Pending any such changes, Plains Internet's Lifeline offering includes: • a low \$44.95 per month base rate less the applicable Lifeline discount of \$9.95 as required, resulting in a low monthly Lifeline discounted rate of \$35.00 unlimited data and • an affordable wireless router. Plains Internet's Lifeline offering provides consumers additional benefits. For example, VOIP services that include free calls to 911. In addition to broadband and voice services, Plains Internet's Lifeline customers (like all of its customers) will also have access to a variety of other standard features at no additional charge. Plains Internet submits that its plan offering is in fact more

valuable than other LBP's Lifeline plans offering.

V. DESIGNATING PLAINS INTERNET AS AN LBP IS IN THE PUBLIC INTEREST

Currently, Plains Internet serves the telecommunications needs of consumers in Texas, and through its proposed Lifeline offering, Plains Internet plans to expand its business in Texas by making available to low-income consumers a new, more affordable service offering that meets their basic and advanced communication needs. As a CMRS provider, Plains Internet is not subject to universal service obligations today in Texas but, as a LBP, Plains Internet will be entering the universal service market and, by doing so, will be subject to the universal service obligations discussed above. Designating Plains Internet as a LBP will bring important public interest benefits. The designation will allow a regional facilities-based service provider to enter the Lifeline market in Texas. This will place significant competitive pressure on other Lifeline providers, to the benefit of low-income consumers and the Lifeline program as a whole. The benefits to low-income consumers will be significant and include: (i) greater customer choice; (ii) a new, facilities-based Lifeline service offering with competitive pricing, services, and features; (iii) continued contribution to the economy through Plains Internet's facilities and employment; and (iv) access to a region wide network and quality, broadband services. The benefits of competition are widely recognized and extend to all markets, including the low income universal service market, as recognized by the FCC: The additional choice and service options of another broadband [carrier] offering a service for low-income consumers represents a significant benefit for consumers and is in the public interest. A new entrant should incentivize existing broadband LBPs to offer better service and terms to their customers. Low-income consumers increasingly rely on wireless broadband services for their entire telecommunications needs.

Plains Internets designation as an LBP will result in low-income consumers having greater access to wireless broadband telecommunications services, particularly from facilities-based carriers, thereby advancing the basic goal of preserving and advancing universal service.

Plains Internets current Lifeline Plan allows customers to control costs by receiving a preset monthly rate with unlimited data. The wireless broadband services that Plains Internet offers will provide customers with an affordable alternative to traditional telecommunications service. Plains Internets designation as an LBP will enable the Company to make available competitive low-income service offerings to consumers throughout its designated service area. Designating Plains Internet as an LBP will provide an additional alternative to the existing Lifeline service plans currently being offered and thus will promote competition and advance communication services for the benefit of the residents of the FCC States. Plains Internet invested heavily in 2016, primarily in expanding deployment of its network. Plains Internet recently announced that it will invest up to \$500,000 in total to strengthen its network and engage in a significant spectrum re-farming effort which will allow the deployment of long term service in 2017. This anticipated network transformation will significantly enhance coverage and performance for customers, and also provide well paying American jobs. Allowing Plains Internet to offer the services required by a Lifeline Broadband Provider also will provide critical telecommunications services to low-income consumers that need it the most, at a low monthly rate. Plains Internets planned Lifeline offering will allow customers to control costs by receiving a preset monthly rate with no data caps or overage charges.

The wireless broadband services that Plains Internet offers will provide customers with an affordable alternative to traditional telecommunications service. Plains Internet's designation as an LBP will enable the Company to make available competitive low-income service offerings to consumers throughout its designated service area. Designating Plains Internet as an LBP will provide an additional alternative to the existing Lifeline service plans currently being offered and thus will

promote competition and advance communication services for the benefit of the residents of Texas.

The Lifeline wireless broadband services that Plains Internet will offer will provide customers with an affordable alternative to existing telecommunications service. Increased competitive choices in the telecommunications arena benefit all consumers, but low income consumers stand to gain the most.

VI. ANTI-DRUG ABUSE CERTIFICATION

Plains Internet certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

VII. CONCLUSION

As discussed above, designation of Plains Internet as a Lifeline Broadband Provider in Texas accords with the requirements of the Act and is in the public interest. For all of the foregoing reasons, Plains Internet respectfully requests that the Commission designate it as an Eligible Telecommunications Carrier (ETC) Lifeline Broadband Provider (LBP) in Texas. We propose the effective date of the designation to be 08/31/2016.

Respectfully submitted,

Joseph Monroe, Owner
Plains Internet, LLC

