Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the	)	
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
	)	WC Docket No. 11-42
Lifeline and Link Up Reform and Modernization	)	
	)	
Clowers Communications, Inc. d/b/a Clowd Wireless's Compliance Plan	)	

CLOWERS COMMUNICATIONS, INC. D/B/A CLOWD WIRELESS'S COMPLIANCE PLAN

Lance J.M. Steinhart
Lance J.M. Steinhart, P.C.
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005
(770) 232-9200 (Phone)
(770) 232-9208 (Fax)
E-Mail: lsteinhart@telecomcounsel.com

Attorneys for Clowers Communications, Inc. d/b/a Clowd Wireless

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I. INTRODUCTION

Clowers Communications, Inc. d/b/a Clowd Wireless ("Clowd Wireless" or the "Company") is a prepaid wireless telecommunications carrier seeking designation as an Eligible Telecommunications Carrier ("ETC") solely for the purpose of participating in the Lifeline program. Although Section 214(e)(1)(A) of the Act requires an ETC to offer USF-supported services to some extent over its own facilities, the Federal Communications Commission ("FCC" or the "Commission") has forborne from that requirement for carriers that are, or seek to become, Lifeline-only ETCs.[1] Clowd Wireless will avail itself of the FCC's conditional grant of forbearance and, by its attorney, hereby files its Compliance Plan outlining the measures it will take to

[1] *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training,* WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("*Order*").

implement the conditions of forbearance outlined in the *Order*.[2] Given the economic environment that is forcing many low-income customers to forego wireless service, Clowd Wireless respectfully requests expeditious approval of this plan so that the Company, upon designation as an ETC, may quickly deploy much-needed Lifeline services to qualified low-income customers.

II. BACKGROUND

In the *Order*, the Commission granted forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:[3]

> (1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and
>
> (2) the carrier must file, and the Bureau must approve, a compliance plan that: (a) outlines the measures the carrier will take to implement the obligations contained in this Order, including but not limited to the procedures the ETC follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Fund, materials related to initial and ongoing certifications and sample marketing materials, as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary; and (b) provides a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier's various Lifeline service plan offerings, including subscriber rates, number of minutes included and types of plans available.

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[2] Although the Company qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 214(e)(1)(A), the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state, particularly for purposes of state universal service funding under state program rules and requirements. The Company will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income fund.

[3] *See Order* at ¶¶ 368, 373, and 379.

III. CLOWD WIRELESS WILL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE ORDER

Clowd Wireless will comply with all conditions set forth in the *Order*, the provision of this Compliance Plan, and all laws and regulations governing its provision of Lifeline-supported prepaid wireless service to customers throughout the United States.[4]

A. Access to 911 and E911 Services

Under the *Order*, the Commission requires Clowd Wireless to provide its Lifeline customers with access to 911 and E911 services, regardless of activation status and availability of minutes.[5] The Commission and consumers are hereby assured that all Clowd Wireless customers will have available access to emergency calling services at the time that Lifeline service is initiated and that such 911 and E911 access will be available from Clowd Wireless handsets, even if the account associated with the handset has no minutes remaining.

B. E911-Compliant Handsets

The Commission also conditioned its grant of forbearance determination on Clowd Wireless providing only E911-compliant handsets to its Lifeline customers.[6] Clowd Wireless will ensure that all handsets used in connection with the Company's Lifeline service offering are E911-compliant. In the event that an existing Clowd Wireless customer does not have an E911-compliant handset, the Company will replace it with a 911/E911-compliant handset at no charge to the customer. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well.

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[4] To the extent that future changes in federal regulations render the commitments herein invalid, the Company reserves the right to modify its operations in accordance with federal regulations in effect at that time.
[5] *See Order* at ¶ 373.
[6] *See id*.

C. Consumer Eligibility and Enrollment

Clowd Wireless will certify and verify consumer eligibility for Lifeline in accordance with the requirements set forth in the *Order*. In instances where a state agency or third-party administrator is responsible for the initial determination and annual recertification of consumer eligibility, Clowd Wireless will rely on the state identification or database.[7] In instances where Clowd Wireless is responsible for the initial determination and annual recertification of consumer eligibility, the Company will follow the procedures set forth below.

1. One-Per-Household

Clowd Wireless understands that Lifeline is limited to a single subscription per household and that the Commission has defined household as "any individual or group of individuals who are living together at the same address as one economic unit."[8] Upon receiving an application for Lifeline support, Clowd Wireless will check the National Lifeline Accountability Database ("NLAD") to determine whether an individual at the applicant's residential address is currently receiving Lifeline-supported service. Clowd Wireless will also search its own internal database of active customers, real-time, pre-sale, to ensure that the Company does not already provide Lifeline-supported service to someone at a given residential address. If Clowd Wireless determines that an individual at the applicant's address is currently receiving Lifeline-supported service, Clowd Wireless will take an additional step to ensure that the applicant and the current subscriber are part of different households. To enable applicants to make this demonstration, Clowd Wireless will require applicants to complete and submit to the Company USAC's one-per-household template, which will contain the following: (1) an explanation of the Commission's one-per-household rule; (2) a check box that an applicant can mark to indicate

[7] *See Order* at ¶ 98.
[8] *See id.* at ¶ 74.

that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income; and (4) the penalty for a consumer's failure to make the required one-per-household certification (i.e., de-enrollment).[9] Clowd Wireless will deny the Lifeline application of any individual residing at the same address as a current Lifeline subscriber who is part of the same household, and will advise the applicant of the basis for the denial.

On its certification forms, a draft sample of which is attached,[10] Clowd Wireless will obtain a consumer's permanent residential address (which cannot be a P.O. Box or General Delivery address), unless customers only have a temporary address, and a billing address for the service, if different (which may include a P.O Box or General Delivery address).[11] Clowd Wireless will inquire on its certification forms whether or not the applicant's address is a temporary one.[12] If and when the 90-day verification rules become effective, Clowd Wireless will notify the consumer that if they have a temporary address, the Company will contact the consumer every 90 days, by phone or text, to verify that he or she continues to rely on that address, and that if the consumer fails to respond within 30 days of Clowd Wireless's attempt to verify the temporary address, he or she will be de-enrolled from the Lifeline program.[13] Also on its certification forms, Clowd Wireless will explain that if the subscriber moves, he or she must

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[9] *See Order* at ¶ 78.
[10] *See* Exhibit A. The draft form remains subject to change, but substantially reflects the content of the Company's application.
[11] *See Order* at ¶ 85.
[12] *See id.* at ¶ 89.
[13] *See id.* As of the date of filing of this Compliance Plan, this requirement has not been approved pursuant to the Paperwork Reduction Act.

provide his or her new address to the Company within 30 days of moving.[14] If the subscriber has moved, Clowd Wireless will update the NLAD with the information within 10 business days of receipt of the information.[15]

As detailed below, Clowd Wireless's certification form will clearly explain the one-per-household requirement, and all consumers must certify that they receive Lifeline support for a single subscription per household.

2. Initial and Annual Certification

Consumers will be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to the Company website (www.clowdwireless.com), which will provide information regarding the Company's Lifeline service plans, including a detailed description of the program and state-specific eligibility criteria. Clowd Wireless's application form will identify that it is a "Lifeline" application. Clowd Wireless will provide Lifeline-specific training to all personnel, whether employees, agents or representatives, who interact with actual or prospective consumers with respect to obtaining, changing or terminating Lifeline services.

Clowd Wireless's initial and annual certification forms will conform to the list of requirements provided in the *Order*, Appendix C, and with C.F.R. § 54.410(d), as amended. Clowd Wireless's Lifeline certification forms, a draft sample of which is attached as Exhibit A, will require each prospective subscriber to provide the following information:

(i) The subscriber's full name;
(ii) The subscriber's full residential address;
(iii) Whether the subscriber's residential address is permanent or temporary;
(iv) The subscriber's billing address, if different from the subscriber's residential address;

[14] *See Order* at ¶ 85.
[15] *See id.*

(v) The subscriber's date of birth;
(vi) The last four digits of the subscriber's social security number, or the subscriber's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a social security number;
(vii) If the subscriber is seeking to qualify for Lifeline under the program-based criteria, as set forth in § 54.409, the name of the qualifying assistance program from which the subscriber, his or her dependents, or his or her household receives benefits; and
(viii) If the subscriber is seeking to qualify for Lifeline under the income-based criterion, as set forth in § 54.409, the number of individuals in his or her household.

The certification forms will also explain in clear, easily understandable language that:

(i) Lifeline is a federal benefit;
(ii) Lifeline service is available for only one line per household;
(iii) A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses;
(iv) Households are not permitted to receive benefits from multiple providers;
(v) That violation of the one-per-household requirement would constitute a violation of the Commission's rules and would result in the consumer's de-enrollment from the program, and potentially, prosecution by the United States government; and
(vi) A Lifeline subscriber may not transfer his or her service to any other individual, including another eligible low-income consumer.

Clowd Wireless will require all consumers, at sign up and annually thereafter, to certify under penalty of perjury that:

(i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;
(ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.
(iii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);
(iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;
(v) If the subscriber provided a temporary residential address, he or she will be required to verify his or her temporary residential address every 90 days;
(vi) The subscriber's household will receive only one Lifeline service and, to the

> best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
> (vii) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,
> (viii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
> (ix) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).

Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility requirements. Consumers who do not complete the application process in person must return the signed application and support documentation to the Company by mail, fax, email, or other electronic transmission. The Company will accept electronic signatures, including Interactive Voice Response (IVR) recordings that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001–7006.[16]

Enrollment in person. The Company will enroll Lifeline applicants primarily in person at storefront and retail locations, as well as in-person events. When a prospective customer applies at such retail locations, Company employees, agents or representatives ("personnel") will ask to see a government issued I.D. and will validate the address via a USPS/Melissa Database. The Company will check the NLAD to confirm that the applicant is not already receiving a Lifeline subsidy from Clowd Wireless or any other ETC. If a customer indicates on the application form that his or her address is a multi-household residence, personnel will require the applicant to complete USAC's one-per-household template as well. In cases where an eligibility database exists, personnel will query the database to determine eligibility. In states where eligibility databases are not available, the applicant is required to provide proof of participation in one of the Lifeline eligible programs or

[16] *See Order* at ¶ 168.

proof that their annual household income is at or below 135% of the federal poverty guidelines. Clowd Wireless's Lifeline application contains an "Office Use Only" section, which must be completely filled out and signed by Company personnel in order to record a description about the specific documentation reviewed as part of the eligibility verification process, including type of documentation (i.e. Food Stamps) and a unique identifier (last 3 digits of document I.D.).[17]

Finally, Clowd Wireless personnel will verbally review all certifications and disclosures with the applicant before they sign the application form, making sure each applicant verbally acknowledges each required certification before moving on to the next. Upon successful completion of the certification process, customers are allowed to receive their free phones in person. In instances where eligibility databases cannot be accessed in real-time, Clowd Wireless will mail the phone to eligible customers once verification of eligibility is complete. The customer's first call will be directed to an activation line if they do not call the activation toll free number. After being redirected to the activation line, customers will be required to enter proof of identification, for example the last 4 digits of the identification source that was submitted on their Lifeline application.

Enrollment by phone. With respect to those enrolling via the phone, Company personnel are able to verbally explain the Lifeline program and its eligibility requirements, including required information and disclosures, as well as collect and input electronically the application form information and obtain the applicant's signature via IVR. Company personnel will obtain applicant's verbal confirmation of each required certification. If the applicant indicates on the application form that their address is a multi-household residence, personnel will require the applicant to complete USAC's one-per-household template as well. If no eligibility database is

[17] The Company hereby assures the Commission that it will comply with all applicable regulations and laws with respect to the retention and treatment of subscriber eligibility documentation.

available, personnel will advise the applicant that they are required to provide proof of identity verification of benefits before their Lifeline service can be activated; applicants will be made aware of how to submit the required documentation to the Company as well as what documentation qualifies as proof of benefits. The Company will qualify the applicant by accessing necessary databases (USPS/Melissa, NLAD, eligibility databases). If no eligibility database is available, the application will be placed in a "hold" status until the Company receives copies of the applicant's proof documentation and government-issued ID, at which point Company personnel will review the documentation and complete the "Office Use Only" section of the application form, which must be completely filled out and signed by personnel in order to record a description about the specific documentation reviewed as part of the eligibility verification process, including type of documentation (i.e. Food Stamps) and a unique identifier (last 3 digits of document ID). Clowd Wireless will deliver phones to eligible customers by mail. The customer's account is activated upon the customer's personal initiation or actual use of the phone.

Enrollment online. When enrolling via the Internet, prospective customers will be able to fill out an application form online and sign electronically. Clowd Wireless will highlight the certifications that are required, for example, by requiring consumers to acknowledge each certification before moving on to the next field.[18] If a customer indicates that his or her address is a multi-household residence, online interface will require the applicant to complete USAC's one-per-household template as well. If no eligibility database is available, the online interface will advise the applicant that they are required to provide proof of identity verification of benefits before their Lifeline service can be activated; applicants will be made aware of how to submit the required documentation to the Company as well as what documentation qualifies as proof of

[18] *See Order* at ¶ 123.

benefits. The Company will qualify the applicant by accessing necessary databases (USPS/Melissa, NLAD, eligibility databases). If no eligibility database is available, the application will be placed in a "hold" status until the Company receives copies of the applicant's proof documentation and government-issued I.D., at which point Company personnel will review the documentation and complete the "Office Use Only" section of the application form, which must be completely filled out and signed by personnel in order to record a description about the specific documentation reviewed as part of the eligibility verification process, including type of documentation (i.e. Food Stamps) and a unique identifier (last 3 digits of document I.D.). Clowd Wireless will deliver phones to eligible customers by mail. The customer's account is activated upon the customer's personal initiation or actual use of the phone.

General Enrollment Procedures. Clowd Wireless will determine eligibility utilizing the income and program criteria currently utilized by federal default states (47 C.F.R. § 54.409(a),(b)), as well as any additional state-specific criteria. Prior to enrolling a new subscriber, Clowd Wireless will check the eligibility of low-income consumers first by accessing state or federal social services electronic eligibility databases, where available.[19] If a database is used to establish eligibility, Clowd Wireless will not require documentation of the consumer's participation in a qualifying federal program; instead, Clowd Wireless or its representative will note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline.[20] However, in states where there is no state administrator, the state commission or other state agency is not making eligibility determinations, and there is no automated means for Clowd Wireless to check electronic databases for eligibility, Clowd Wireless will review documentation to determine eligibility for new subscribers until such time as a qualifying

[19] *See Order* at ¶ 97.
[20] *See id.* at ¶ 98.

eligibility database is available.[21] Clowd Wireless will require acceptable documentation both for income eligibility and for program eligibility. The Company will retain copies of the documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility.[22] Clowd Wireless understands that the Company may permit agents or representatives to review documentation of consumer program eligibility for Lifeline, and in such cases Clowd Wireless remains liable for ensuring the agent or representative's compliance with the Lifeline program rules.[23]

Clowd Wireless will provide Lifeline-specific training to all personnel—employees, agents, and representatives—designed to give them an understanding of Lifeline program requirements and permit them to review customer documentation and determine whether it is sufficient to establish a customer's eligibility to participate in the Lifeline program under the Commission's rules. No Company employee, agent, or representative may accept a Lifeline application unless he or she has first completed this training program and demonstrated an understanding of the underlying material. Among other things, the Lifeline program training discusses the Company's Lifeline application form (*see* Exhibit A) on a section-by-section basis. The training explains what sections of the form must be completed by the customer and reviews the form disclosures in detail, to facilitate the ability of employees, agents, or representatives to explain each item contained therein and answer any customer questions. Because the Company is responsible for the actions of all its personnel and a Company employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on an FCC Form 497 for reimbursement, the Company

[21] *See Order* at ¶ 99.
[22] *See id.* at ¶ 101. As previously stated herein, should FCC regulations so require the retention or return of proof documentation, the Company hereby commits to comply with said rules and regulations.
[23] *See id.* at ¶ 110.

always "deals directly" with its customers to certify and verify customers' Lifeline eligibility.

3. Annual Re-Certification

Clowd Wireless understands that it must annually re-certify the eligibility of its entire Lifeline subscriber base and report the results to USAC by January 31 each year, and the Company may elect to perform this re-certification on a rolling basis throughout the year.[24] Clowd Wireless will re-certify the continued eligibility of all of its subscribers by contacting them—either in person, in writing, by phone, by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.[25] The re-certification notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company. Clowd Wireless will obtain a signed certification from the subscriber that meets the certification requirements of 47 C.F.R. § 54.410(d), as amended, as detailed in section C.2 above. The Company will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. Clowd Wireless understands that such certifications may be obtained through a written format, an IVR system, or a text message, and Clowd Wireless will use one or more of such options for its certifications.[26]

Alternatively, where a database containing consumer eligibility data is available, Clowd Wireless (or state agency or third-party, where applicable) will instead query the database and maintain a record of what specific data was used to re-certify eligibility and the date of re-certification. If a subscriber's address cannot be verified through the state data, Clowd Wireless will contact the subscriber every year during the annual certification process to

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[24] *See Order* at ¶ 130.
[25] *See id.*
[26] *See id.* at ¶ 132.

obtain a valid address.[27] Clowd Wireless understands that it has the option to elect USAC to administer the self-certification process on the Company's behalf.[28]

Clowd Wireless will certify its compliance with Commission rules on an annual Lifeline eligible telecommunications carrier certification form and when submitting FCC Forms 497 to USAC for reimbursement. As part of Clowd Wireless's submission of re-certification data pursuant to 47 C.F.R. § 54.416, an officer of the Company will certify annually to USAC:

> (1) that the Company has procedures in place to review consumers' documentation of income-and program-based eligibility. In instances where the Company confirms consumer eligibility by relying on official program eligibility data, such as a state or federal database, an officer of the Company will attest to what data the Company uses to confirm consumer eligibility in each state, and
> (2) that the Company is in compliance with all federal Lifeline certification procedures.[29]

D. Other Reforms to Eliminate Waste, Fraud and Abuse

Clowd Wireless shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that the procedures it will implement will prevent Company customers from engaging in such abuse of the program, inadvertently or intentionally.

Clowd Wireless has implemented enrollment procedures designed to prevent subsidies for duplicate, ineligible, or inactive subscribers. The Company contracts with a third party Lifeline service bureau, currently CGM, LLC ("CGM"), of Roswell, Georgia, to edit all subsidy request data. CGM will process and validate the Company's subsidy data to prevent: (1) Duplicate Same-Month Lifeline Subsidies (Double Dip): any name/address that is already receiving a lifeline subsidy from the Company will be automatically prevented from receiving a second

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[27] *See Order* at ¶ 131.
[28] *See id.* at ¶ 133.
[29] *See id.* at ¶ 126–27.

lifeline subsidy in that same month; and (2) inactive lines receiving subsidy: CGM's systems compare all subsidy requests to underlying network status to ensure that subsidies are requested only for active lines. Through the processes described herein, Clowd Wireless ensures that it does not over-request from support funds.

During the Lifeline application process, the Company details all required disclosures with the applicant, including the one-per-household rule. As detailed in section III.C.2, Clowd Wireless validates each applicant's identity via a government issued I.D. card, passport, etc. Additionally, as mentioned above, Clowd Wireless requires the applicant to provide their date of birth (DOB) and last four digits of their social security number (SSN). Requiring DOB and SSN ensures that neither the applicant nor the Company representative can forge certification forms based on false names and addresses. Clowd Wireless validates the applicant's address via a USPS/Melissa Database to ensure the address is correct. Once an applicant's identity is confirmed, Clowd Wireless verifies that the applicant is eligible to receive the Lifeline subsidy. To do this, Clowd Wireless checks the NLAD and any available eligibility database. If an eligibility database is not available, the applicant is required to provide proof of eligibility. This prevents ineligible applicants or duplicate subscribers from receiving the subsidy.

1. National Lifeline Accountability Database

Clowd Wireless will participate in the NLAD. Clowd Wireless will query the NLAD to check to see if a prospective subscriber is already receiving service from another ETC at a residential address prior to seeking reimbursement from the Fund.[30] As required by the *Order*, Clowd Wireless will provide to the NLAD subscriber name, address, phone number, the last four digits of Social Security number, date of birth, Lifeline service initiation and de-enrollment date

[30] *See Order* at ¶ 203.

(when applicable), and amount of federal Lifeline support being sought for that subscriber.[31] Furthermore, on its certification form, Clowd Wireless will obtain acknowledgement and consent from each of its subscribers that is written in clear, easily understandable language that the subscriber's name, telephone number, and address will be divulged to USAC (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit.[32]

2. Subscriber Usage

Clowd Wireless will not seek reimbursement from the USF for new subscribers until they have personally activated the service, either by initiation and/or actual use of the service by the subscriber. Furthermore, Clowd Wireless will not seek reimbursement from the USF for inactive subscribers who have not used the service for a consecutive 60-day period.[33] Clowd Wireless will notify its subscribers at service initiation, via the certification form and via the script that is reviewed with every customer, about the non-transferability of the phone service, its usage requirements, and the de-enrollment as well as deactivation that will result following non-usage in any 60-day period of time.[34] An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from the Company to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than the Company, its representative, or agent; or affirmatively responds to a direct contact from the Company confirming that he or she wants to continue.[35] Clowd Wireless utilizes tracking software to

[31] *See id.* at ¶ 189.
[32] *See id.*, Appendix C.
[33] *See id.* at ¶ 257.
[34] *See id.*
[35] *See Order* at ¶ 261.

notify the customer if the customer has not used their service for more than 30 or 60 consecutive days. Furthermore, a third party contractor validates the Company's subsidy data to prevent a subsidy request for customers that are inactive under the Company's non-usage policy.[36] After notification, if the customer fails to use the phone, it is automatically de-enrolled pursuant to the procedures outlined in section E below. Clowd Wireless will continue to comply with applicable public safety, including transmitting 911 calls to the appropriate PSAP even if the Company is no longer providing Lifeline service to a consumer.[37]

3. Marketing & Outreach

Clowd Wireless will implement the measures outlined herein to help ensure that only eligible consumers enroll in the program and that those consumers are fully informed of the limitations of the program, so as to prevent duplicative or otherwise ineligible service as well as other forms of waste, fraud, and abuse. Clowd Wireless will explain in clear, easily understood language the following disclosures in all marketing materials related to the supported service:[38] (1) the offering is a Lifeline-supported service; (2) only eligible consumers may enroll in the program; (3) the program is limited to one benefit per household, consisting of either wireline or wireless service; and (4) Lifeline is a government benefit program. Clowd Wireless's website (www.clowdwireless.com) and printed collateral will explain the documentation necessary for enrollment, and the details of Clowd Wireless's plans. Such collateral and website information, as well as its application, will make clear that consumers who willfully make false statements in

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[36] CGM, LLC ("CGM") is currently the Company's third-party contractor.

[37] *See Order* at ¶ 262. 911 transmission will actually be performed by the Company's underlying facilities-based CMRS provider.

[38] The Company understands the term "marketing materials" includes materials in all media, including but not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the Lifeline-supported service offering, including application and certification forms. *See also Order* at ¶ 275.

order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.[39] For broadcast advertisements and outdoor signs, and any other situation in which inclusion of documentation information and warnings against willful false statements are not practicable, Clowd Wireless will include the URL link for its website where disclosures will be listed. Additionally, Clowd Wireless will disclose the company name under which it does business.[40]

4. Audits

The *Order* requires ETCs that draw $5 million or more in the aggregate on an annual basis from the low-income program, as determined on a holding company basis taking into account all operating companies and affiliates, to hire an independent licensed certified public accounting firm to conduct a biennial audit according to government accounting standards to assess the ETC's overall compliance with the program's requirements.[41] Clowd Wireless will comply with this requirement, including applicable rules regarding the dissemination of audit findings to the Commission, USAC, and relevant state and Tribal governments within 30 days upon issuance.[42]

E. De-Enrollment

If at any time a Clowd Wireless Lifeline customer wishes to de-enroll from the Company's Lifeline program, Company customer service representatives will handle such elective de-enrollment requests. Clowd Wireless Lifeline customers simply call the Company, via 611 or the toll-free customer service number, (866) 580-3864, and such customers can speak to a live operator to de-enroll from Clowd Wireless's Lifeline program. Clowd Wireless will

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[39] *See Order* at ¶ 275.
[40] *See id.*
[41] *See id.* at ¶ 291.
[42] *See id.* at ¶ 294.

de-enroll consumers from the Company's Lifeline program in the following instances, according to 47 C.F.R. § 54.405(e):

Ineligibility. Any subscriber who indicates that he or she is receiving more than one Lifeline-supported service per household, or neglects to make the required one-per-household certification on his or her certification form, will be de-enrolled from Lifeline pursuant to the process for resolving duplicative Lifeline subscriptions described in section 54.405(e)(2).[43] If a customer does not respond to the Company's annual verification survey within 30 days, or if Clowd Wireless has reasonable basis to believe that such a subscriber no longer meets the Lifeline-qualifying criteria (including instances where a subscriber informs the Company or the state that he or she is ineligible for Lifeline), Clowd Wireless will provide a written notice of impending service termination to the subscriber and then give the subscriber 30 days after the date of the letter to demonstrate that his or her Lifeline service should not be terminated.[44] Similarly, Clowd Wireless will de-enroll a subscriber if he or she fails to respond to the Company's attempt to verify a temporary address within 30 days.[45]

Duplicative Support. Subject to USAC's Duplicate Resolution Process and anticipated Duplicate Scrubbing Process,[46] Clowd Wireless will de-enroll a subscriber within five (5) business days if the Company is informed by USAC that the subscriber is receiving Lifeline service from another ETC or that more than one member of a subscriber's household is receiving Lifeline service.

Non-Usage. Clowd Wireless will de-enroll any subscriber that has not used the

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[43] *See Order* at ¶ 122.
[44] *See id*. In states that have dispute resolution procedures applicable to Lifeline termination, the Company will comply with the state requirements.
[45] *See id.* at ¶ 89.
[46] *See id.* at ¶ 214–16.

Company's Lifeline service for 60 consecutive days, as discussed in section IV.B above. Clowd Wireless will provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage; such notice may be initiated after 30-days of non-usage. Clowd Wireless will update the NLAD within one (1) business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.[47]

F. Additional Rule Amendments

1. Terms and Conditions of Service

The Company's Lifeline terms and conditions are summarized in section IV.C below. These terms and conditions are subject to change as needed, and the most current version may be found online at www.clowdwireless.com.

2. Reporting Requirements

Clowd Wireless will report all information required by section 54.422, including as it may heretofore be amended. This includes the names of the Company's holding company, operating companies and affiliates, and any branding ("doing-business-as company" or brand designation), and provide to the Commission and USAC general information regarding the terms and conditions of the Lifeline plans for voice telephony service offered specifically for low-income consumers through the program offered during the previous year, including the number of minutes provided, and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.[48]

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[47] *See Order* at ¶ 257.

[48] *See Order* at ¶ 296, 390. Section 153 of the Communications Act defines "affiliate" as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

3. Reimbursement from USAC

In seeking reimbursement for Lifeline, Clowd Wireless will comply with the requirements of 47 C.F.R § 54.407, as revised by the *Order*.[49] Clowd Wireless will certify when seeking reimbursement that the Company has obtained a valid certification form for each consumer for whom the Company seeks Lifeline reimbursement,[50] and the Company will seek reimbursement for actual lines served, not projected lines.[51]

4. Section 54.202 Certifications

Clowd Wireless certifies the following in accordance with newly amended 47 C.F.R. § 54.202: (1) Clowd Wireless will comply with the service requirements applicable to the support that it receives; (2) Clowd Wireless is able to remain functional in emergency situations; (3) Clowd Wireless will satisfy applicable consumer protection and service quality standards.

IV. COMPANY INFORMATION

Clowd Wireless is a Georgia corporation. Clowd Wireless will provide prepaid wireless telecommunications services to consumers by using the network of its underlying carrier, T-Mobile USA, Inc. ("T-Mobile"). The Company will obtain access to the network infrastructure of T-Mobile via its direct agreement with the Prepaid Wireless Wholesale, LLC ("Prepaid Wireless Group"), a Mobile Virtual Network Enabler ("MVNE"), to purchase the minutes of T-Mobile for re-sale. T-Mobile is a nationwide carrier that provides wholesale capacity on its wireless network to resellers like Clowd Wireless. The Company will obtain from T-Mobile the network infrastructure and transmission facilities to allow Clowd Wireless to operate as a Mobile Virtual Network Operator ("MVNO").

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[49] *See id.* at page 221.
[50] *See id.* at ¶ 128.
[51] *See id.* at ¶ 302.

A. Operations

The Company's legal name is Clowers Communications, Inc. The Company does not have a holding company, any operating companies, or any affiliates. The Company identifies itself as "Clowers Communications, Inc." or by its d/b/a "Clowd Wireless" on all Company marketing and advertising materials. The Company utilizes the services of CGM, LLC, of Roswell, Georgia, to edit all subsidy request data and to assist the Company process and validate the Company's subsidy data.

B. Financial and Technical Capability

Clowd Wireless is financially and technically capable of providing Lifeline-supported services.[52] Clowd Wireless has been in business for 7 years. Clowd Wireless will provide wireless service to both Lifeline and non-Lifeline customers. Clowd Wireless has not been subject to enforcement action or ETC revocation proceedings in any state. Clowd Wireless is financially able to provide Lifeline-supported services and will not rely exclusively on USF disbursements to operate. In the event that USAC ceases disbursements for a period of time, the Company will still be able to provide service to its customers. The Company will continue to rely on its successful business model and service offerings to sustain and grow its business, independent of USF disbursements that provide discounts for qualifying Lifeline subscribers. Furthermore, the senior management of Clowd Wireless has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.[53] Clowd Wireless will be providing resold wireless service, and therefore will also rely upon the managerial and technical expertise of its underlying carrier.

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[52] *See Order* at ¶ 387.

C. Customer Service

Clowd Wireless is dedicated to quality customer service and care. Lifeline customers can reach the Company's Customer Service department via phone at or email. Clowd Wireless's Customer Service department is available Monday through Friday, 9 A.M. through 5 P.M. EST. The Company has a dedicated Customer Service staff that will handle all service requests, including elective de-enrollments as outlined in Section III.E above.

D. Lifeline Offering

Clowd Wireless will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carrier.[54] As summarized in Exhibit B, attached hereto, the Company's Lifeline offering will provide customers with the following plan options:

Plan 1: 125 Monthly Minutes Plan*
125 anytime minutes per month
(texts are one minute, i.e. 1 text = 1 minute)
Net cost to Lifeline customer: **$0 (free)**
*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 125 anytime minutes (unused minutes rollover)
- Free Domestic Long Distance

Plan 2: 250 Monthly Minutes Plan*
250 anytime minutes per month
(texts are one minute, i.e. 1 text = 1 minute)
Net cost to Lifeline customer: **$0 (free)**
*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 250 anytime minutes (unused minutes *do not* rollover)
- Free Domestic Long Distance

[54] The Company reserves the right to alter the proposed Lifeline rate plans on a state-by-state basis, particularly as required by state public utility commissions (PUC). The Company commits to pass through the entire Lifeline subsidy amount directly to the consumer.

Plan 3: 500 Monthly Minutes Plan* - Effective 12/1/16
500 anytime minutes per month
(texts are one minute, i.e. 1 text = 1 minute)
Net cost to Lifeline customer: **$0 (free)**
*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 500 anytime minutes (unused minutes *do not* rollover)
- Free Domestic Long Distance[55]

Lifeline customers will also have access to voice mail, caller I.D., and call-waiting features at no additional charge, even after customers' initial allotment of included minutes have been consumed. Airtime minutes are not deducted for calls to customer service (via 611 or the toll free number) or calls to 911; customers may place calls to 911 for free, regardless of account balance or activation status. Customers are not bound by a local calling area requirement; all Company plans come with domestic, long-distance at no extra charge and exceptional nationwide digital coverage on the Nationwide T-Mobile Network. Clowd Wireless currently blocks roaming and international calling features, so Lifeline customers are not at risk for incurring unexpected charges for these features.

Lifeline customers will be able to choose from a range of handsets available for purchase, as affordable as $20.00 as well as models up to $400.00 with financing available if needed. Lifeline customers can also purchase additional airtime if needed. Airtime cards will be available in a range of denominations, currently $6.00 (30 minutes), $11.00 (90 minutes), $20.00 (300 minutes), $25.00 (500 minutes) and $55.00 (1000 minutes), and may be purchased by calling Customer Service. Clowd Wireless does not impose burdensome credit checks or long-term service contracts. Clowd Wireless's prepaid offering will be an attractive alternative for

[55] The Company may alter its Lifeline offering as necessary on a state-by-state basis, particularly as required by state public utility commissions.

consumers who need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts.

V. THE COMPANY WILL COMPLY WITH THE COMMISSION'S THIRD REPORT AND ORDER, FURTHER REPORT AND ORDER, AND ORDER ON RECONSIDERATION

The Company is aware that the FCC adopted its *Third Report and Order, Further Report and Order, and Order on Reconsideration* on March 31, 2016.[56] In part, the new *Third Report and Order* marks a considerable step forward with respect to creating a competitive Lifeline broadband program by allowing support for standalone fixed and mobile broadband services, establishing minimum service standards for such broadband and mobile voice services, and implementing a five and one-half year transition, during which the FCC will gradually increase mobile voice and data requirements and simultaneously decrease voice support levels. Moreover, the *Third Report and Order* takes steps to curb abuse in the Lifeline program by establishing the National Verifier, which transfers the responsibility of eligibility determination away from Lifeline providers, lowering costs of conducting verification, and reducing the risks of facing a verification-related enforcement action. As aforementioned, the Company is aware of the compliance requirements set forth in the *Third Report and Order* and commits to adhere to all obligations provided therein to the extent applicable to the Company.

[56] *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket No. 11-42, WC Docket No. 00-197, WC Docket No. 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (hereinafter, "*Third Report and Order*").

VI. CONCLUSION

Clowd Wireless submits that its Compliance Plan fully satisfies the conditions of forbearance set forth in the Commission's *Order*. Implementation of the procedures described herein will promote public safety and should ensure that Lifeline customers have access to 911 and E911 services while safeguarding against misuse of the Company's Lifeline services. Accordingly, Clowd Wireless respectfully requests that the Commission expeditiously approve its Compliance Plan so that the Company may begin providing the benefits of much-needed Lifeline service to qualifying low-income consumers as quickly as possible.

Respectfully submitted,

Clowers Communications, Inc.

/s/ Lance J.M. Steinhart

Lance J.M. Steinhart
Lance J.M. Steinhart, P.C.
1725 Windward Concourse
Suite 150
Alpharetta, Georgia 30005
(770) 232-9200

Its Counsel

Dated May 3, 2016

Exhibit A

Sample Lifeline Certification Form

CLOWERS COMMUNICATIONS, INC. D/B/A CLOWD WIRELESS

LIFELINE APPLICATION

A Complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you the Lifeline program in your state. The Certification is only for the purpose of verifying your eligibility in the Lifeline service and will not be used for any other purpose. This service is provided by Clowers Communications, Inc. d/b/a Clowd Wireless ("Clowd Wireless" or the "Company"). Requests will not be processed until this form has been received, verified, and processed by the company.

Things to know about the Lifeline Program:
(1) Lifeline is a government benefit program.
(2) Lifeline Service is available for only one line, wireless OR wireline, per household. A household cannot receive benefits from multiple providers; and
(3) A household is defined, for purposes of the Lifeline Program, as any individual or group of individuals who live together at the same address and share income and expenses.

Applicant Information:

First Name: _____ MI: _____ Last Name: _____ Date of Birth: Month ___ Day ___ Year _____

Social Security Number or Tribal ID Number (last 4 digits): _____ *(XXX-XX-XXXX)* Contact Telephone Number: _____

Residence Address (*No P.O. Boxes, Must be your principal address*): This address is ☐Permanent ☐Temporary ☐Multi-Household

_____ APT/ Floor/ Other _____ City: _____ State: _____ ZIP Code: _____

Billing Address *(May Contain and P.O. Box)*

_____ APT/ Floor/ Other _____ City: _____ State: _____ ZIP Code: _____

_____ I hereby certify that I participate in at least one of the following programs: (Check all that apply)
Initial Here

Non-Tribal Programs
_____ Supplemental Nutrition Assistance Program (SNAP)
_____ Supplemental Security Income (SSI)
_____ Federal Public Housing Assistance
_____ Low- Income Home Energy Assistance Program (LIHEAP)
_____ National School Lunch Program
_____ Temporary Assistance for Needy Families (TANF)
_____ Medicaid

Tribal Programs
_____ Bureau of Indian Affairs General Assistance (BIA)
_____ Tribally Administered TANF (TATNF)
_____ Head Start (Tribal households meeting income qualifying standards)
_____ Food Distribution Program (program on Indian reservations)

_____ I certify that my household income is at or below 135% of the Federal Poverty Guidelines (FPG). There are _____ individuals in my household.
Initial Here

I certify, under penalty of perjury: *(Please certify by checking each Checkbox for each Certification)*

☐ (1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.

☐ (2) I am a current recipient of the program checked above, or have an annual household income at or below 135 percent of the Federal Poverty Guidelines.

☐ (3) I have provided documentation of eligibility if required to do so.

☐ (4) I understand that I and my household can only have one Lifeline-supported telephone service. Clowd Wireless has explained the one-per household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the lifeline program, and could result in criminal prosecution by the United States Government.

☐ (5) I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.

☐ (6) I understand my Lifeline service is a non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.

☐ (7) I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period which I may use the service or contact Clowd Wireless to confirm that I want to continue receiving their service.

☐ (8) I will notify Clowd Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify my company if I or my household:
- (1) cease to participate in the above federal or state program, or my annual household income exceeds 135% FPG.
- (2) am receiving more than one Lifeline supported service;
- (3) no longer satisfy the criteria for receiving Lifeline support.

☐ (9) I will notify Clowd Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Clowd Wireless every ninety (90) days. If I fail to respond to Clowd Wireless's address verification attempts within thirty (30) days, my Lifeline service may be terminated.

☐ (10) Clowd Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it will result in the termination of my Clowd Wireless Lifeline service.

☐ (11) I authorize and understand that the Clowd Wireless may provide to state and Federal agencies, as required by law, for the purposes of complying with the Lifeline program all the information related to my account including but not limited to my name, date of birth, social security, usage history, address and phone number.

☐ (12) I understand that my name, telephone number, address, date of birth, last four digits of my Social Security Number or my Tribal ID Number, the date my Lifeline service was initiated, the date my Lifeline service was terminated, if applicable, amount of Lifeline support requested on my behalf and the means through which I qualified for Lifeline will be divulged to the Universal Service Administrative Company (USAC)(the administrator of the program) and/or its agents for the purpose of verifying that I do not receive more than one Lifeline subsidy.

☐ (13) I understand that if USAC identifies I am receiving more than one Lifeline subsidy, all carriers involved may be notified so that I may select one service and be de-enrolled from the other. I further understand that some states may impose more stringent rules including but not limited to barring me from re-enrolling in the program.

☐ (14) I authorize the company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program.

☐ (15) I certify that I reside on Federally Recognized Tribal lands (if applicable)

_____ _____
APPLICANT'S SIGNATURE DATE

CLOWERS COMMUNICATIONS, INC. D/B/A CLOWD WIRELESS

LIFELINE APPLICATION

Agent Use Only:

1. Eligibility determination (check only 1 eligibility category and only 1 box under that category):

Documents Acceptable Proof Income-Eligibility (if proof does not cover a full year, it must cover 3 consecutive months, same document type, within previous 12-months):

- ☐ The prior year's state, federal, or Tribal tax return,
- ☐ Current income statement from an employer or paycheck stub,
- ☐ A Social Security statement of benefits,
- ☐ A Veterans Administration statement of benefits,
- ☐ A retirement/pension statement of benefits,
- ☐ An Unemployment/Workmen's Compensation statement of benefits,
- ☐ Federal or Tribal notice letter of participation in General Assistance, or
- ☐ A divorce decree, child support award, or other official document.

Documents Acceptable Proof for Program-Eligibility
(choose 1 from each list **A** and **B** below)

List A - Choose 1

- ☐ Supplemental Nutrition Assistance Program (SNAP)
- ☐ Medicaid
- ☐ Section 8 Federal Public Housing Assistance (FPHA)
- ☐ Supplemental Security Income (SSI)
- ☐ Temporary Assistance for Needy Families (TANF)

Documents Acceptable Proof for Program-Eligibility: **List A** (Continued)

- ☐ Low Income Home Energy Assistance Program (LIHEAP)
- ☐ National School Lunch Program's free lunch program
- ☐ Bureau of Indian Affairs General Assistance (BIA)
- ☐ Tribally Administered TANF (TATNF)
- ☐ Head Start (meeting income qualifying standards)
- ☐ Food Distribution Program (program on Indian reservations)

List B - Choose 1

- ☐ Program Participation card / document
- ☐ Prior year's statement of benefits
- ☐ Notice letter of participation
- ☐ Other official qualifying document:_____

Representative Number	Representative Signature

Exhibit B

Proposed Lifeline Rate Plans

Plan 1: 125 Monthly Minutes Plan*
125 anytime minutes per month
(texts are one minute, i.e. 1 text = 1 minute)
Net cost to Lifeline customer: **$0 (free)**
*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 125 anytime minutes (unused minutes rollover)
- Free Domestic Long Distance

Plan 2: 250 Monthly Minutes Plan*
250 anytime minutes per month
(texts are one minute, i.e. 1 text = 1 minute)
Net cost to Lifeline customer: **$0 (free)**
*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 250 anytime minutes (unused minutes *do not* rollover)
- Free Domestic Long Distance

Plan 3: 500 Monthly Minutes Plan* - Effective 12/1/16
500 anytime minutes per month
(texts are one minute, i.e. 1 text = 1 minute)
Net cost to Lifeline customer: **$0 (free)**
*This package includes:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free Voicemail, Caller-ID, and Call Waiting
- 500 anytime minutes (unused minutes *do not* rollover)

Free Domestic Long Distance

Additional Airtime: Airtime cards will be available in a range of denominations, currently $6.00 (30 minutes), $11.00 (90 minutes), $20.00 (300 minutes), $25.00 (500 minutes) and $55.00 (1000 minutes), and may be purchased by calling Customer Service.