Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Carriers Eligible to Receive Universal Service Support	)	WC Docket No. 09-197
	)	
GreatCall, Inc.	)	
	)	
Petition for Designation as an Eligible Telecommunications Carrier in North Carolina	)	

PETITION OF GREATCALL, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN NORTH CAROLINA

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September 22, 2010

SUMMARY

GreatCall, Inc. ("GreatCall") respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC") pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act"), and Section 54.201 *et seq.* of the FCC's rules. GreatCall seeks designation as an ETC in North Carolina for the limited purpose of offering Lifeline and Link-Up services to end-user customers in that state. GreatCall does not seek funding from the USF's high-cost program.

GreatCall has been providing services under the "Jitterbug" brand name since 2006. Since its inception, GreatCall has had as its mission increasing access to basic telecommunications services by senior citizens and disabled populations who have been largely left behind by other carriers focused on supplying high-end devices that provide, among other things, cameras, data services, Internet access and video streaming. Jitterbug offers its customers the opportunity to purchase phones that are simple and easy to use. Its service plans include simple access to live representatives. Jitterbug's customers are the many people who simply want to place and receive voice calls, with easy access to personal operators who can help complete calls, answer questions, and provide assistance with phone functions.

Sections 214(e) and 254 of the Act expressly authorize the FCC to designate GreatCall as an ETC. Section 214(e)(6) of the Act provides that the FCC may designate a common carrier as an ETC where, as here, that carrier's services are not subject to the jurisdiction of a state commission. GreatCall has provided an affirmative statement from the North Carolina Utilities Commission that it lacks jurisdiction over wireless providers for purposes of ETC designations.

GreatCall meets each of the statutory and regulatory prerequisites for designation as an ETC. In addition, consumers will receive the benefits of mobility, high-quality service, and access to GreatCall's operator services that are tailored to the senior and disabled communities and are unique in the telephone industry. As a result, designating GreatCall as an ETC will serve the public interest generally, and the needs of low-income customers in North Carolina in particular.

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PETITION OF GREATCALL, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN NORTH CAROLINA

GreatCall, Inc. ("GreatCall" or "Company") respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC") pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act"),[1] and Section 54.201 *et seq.* of the FCC's rules.[2] GreatCall seeks designation as an ETC in North Carolina for the limited purpose of offering Lifeline and Link-Up services to end-user customers in the state.

As demonstrated herein, and as certified in Exhibit A, GreatCall meets each of the statutory and regulatory prerequisites for such designation. In addition, consumers will receive the benefits of mobility, high-quality service, and access to GreatCall's operator services that are tailored to the senior and disabled communities and unique in the telephone industry. Accordingly, GreatCall respectfully requests that the FCC grant this Petition expeditiously, so that low-income citizens in North Carolina can benefit from the variety of high-quality calling plans provided by GreatCall without any unnecessary delay.

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[1] 47 U.S.C. § 214(e)(6).

[2] 47 C.F.R. § 54.201 *et seq.*

I. BACKGROUND

A. GreatCall.

GreatCall provides digital wireless services on a common carrier basis, offering customers affordable mobile wireless phone service at flat rates without fixed-term contracts, credit checks or termination fees. GreatCall has been providing services under the "Jitterbug" brand name since 2006. The Jitterbug service is designed primarily for senior citizens who typically have little use for many of the vertical services offered on typical wireless plans offered by the "Big 4" carriers. Jitterbug offers customers the opportunity to purchase phones that are simple and easy to use. Its service plans include simple access to live representatives who can complete calls, program functions into the phone, and provide additional concierge services such as programming contacts and adding calendar events to the customer's phone.

GreatCall offers other services tailored to the senior community. For example, LiveNurse™ provides customers with access to health related resources 24 hours a day, seven days a week through live, personalized advice from registered nurses. In addition, LiveNurse™ offers access to a health information library with hundreds of pre-recorded messages on general health topics. GreatCall also offers a medication reminder service, which sends a message to customers reminding them to take their scheduled medication on time. GreatCall also offers an automated check-in call service for homebound or at-risk customers. These services can provide low-income citizens with access to basic health care information and related services at a low cost. Over the next year, GreatCall will be introducing additional health care related services to help customers manage diabetes and receive emergency response assistance.

GreatCall is a Delaware corporation, providing service in North Carolina pursuant to a Mobile Virtual Network Operator ("MVNO") arrangement with Verizon Wireless, which is

authorized to provide service throughout North Carolina via Commercial Mobile Radio Service ("CMRS") licenses granted by the FCC.

B. Designation of Eligible Telecommunications Carriers.

Sections 214(e) and 254 of the Act expressly authorize the FCC to designate GreatCall as an ETC.[3] Section 214(e)(6) of the Act provides that the FCC may designate a common carrier as an ETC where, as here, that carrier's services are not subject to the jurisdiction of a state commission.[4] That provision further states that the FCC may, in the case of any area in North Carolina served by a rural telephone company, and shall, in the case of any other area in North Carolina, designate more than one common carrier as an ETC, provided the requesting carrier: (i) offers services that are supported by federal universal service support mechanisms; and (ii) advertises the availability of such services.[5] The FCC's rules impose additional requirements on a common carrier seeking designation as an ETC. As demonstrated below, GreatCall satisfies each of these requirements.

C. Scope of GreatCall Designation Request.

GreatCall seeks ETC designation for the purpose of receiving available support from the federal universal service fund ("USF") for low-income customers only (*i.e.,* Lifeline and Link-Up support). GreatCall will not seek funding from the USF's high-cost program. As more fully described below, the instant request to participate in the Lifeline program promotes the goals of universal service and offers many benefits to low-income customers in North Carolina. The

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[3] 47 U.S.C. §§ 214(e), 254.

[4] 47 U.S.C. § 214(e)(6). The North Carolina Utilities Commission has confirmed that wireless communications carriers, such as GreatCall, are not subject to state jurisdiction for purposes of ETC designation. *See* Exhibit C hereto. *See also Federal-State Joint Board on Universal Service*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, at ¶ 96 (2000).

[5] 47 U.S.C. § 214(e)(6).

Lifeline services provided by GreatCall will contain many features specifically designed for qualifying customers. Indeed, GreatCall's Lifeline plans will provide affordable and convenient wireless services to qualifying customers, many of whom are otherwise unable to afford wireless services.

Verizon Wireless holds commercial mobile wireless service licenses throughout the state of North Carolina; as a result, Great Call seeks designation throughout the entire state. For the reasons set forth below, designating GreatCall as an ETC throughout the state would serve the public interest, convenience and necessity. A list of requested service areas is attached hereto as Exhibit B.

D. Description of GreatCall's Lifeline Service Offering.

GreatCall is prepared to offer Lifeline service throughout the area where it is designated. Customers taking Lifeline service will receive the same features and functionalities enjoyed by all other GreatCall customers. Under GreatCall's basic service plan, eligible customers receive 50 anytime minutes per month for $14.99. GreatCall has other rate plans that suit low-income customers, such as $19.99 for 100 minutes and $29.99 for 200 minutes, plus 500 night/weekend minutes. Additional detail on Great Call's rate plans and offerings can be found at http://www.jitterbug.com/RatePlans/#

II. THE REGULATORY AGENCY IN NORTH CAROLINA HAS PROVIDED AN AFFIRMATIVE STATEMENT THAT THEY DO NOT REGULATE CMRS CARRIERS FOR ETC DESIGNATION PURPOSES

Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support." The Act reserves the authority to designate entities as ETCs to state public utility commissions.[6]

[6] 47 U.S.C. § 254(e).

Pursuant to section 214(e)(6), however, the FCC may designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission . . . ."[7] The FCC has established that a carrier must demonstrate that it "is not subject to the jurisdiction of a state commission" before it may review any ETC designation application.[8] The FCC also has stated that any carrier seeking ETC designation from it must provide an "affirmative statement" from the state commission that it lacks jurisdiction to perform the ETC designation.[9]

The North Carolina Utilities Commission has provided an affirmative statement that it lacks jurisdiction over wireless providers for purposes of ETC designations. The letter enclosed as Exhibit C meets the FCC's requirements for an affirmative statement from a state commission that requests for ETC designation are not within its jurisdiction and should be sought from the FCC. Accordingly, GreatCall requests that the FCC designate it as "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission...."[10]

III. GREATCALL SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC

GreatCall satisfies each of the statutory and regulatory prerequisites set forth in the Act and the FCC's rules:

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[7] 47 U.S.C. § 214(e)(6).

[8] *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 29947, 29948 (1997).

[9] *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 (2000).

[10] 47 U.S.C. § 214(e)(6).

A. GreatCall is a Common Carrier.

Section 153(10) of the Act defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio...." Great Call meets the definition of a person, offers interstate communications by radio, and is a common carrier for hire.

B. GreatCall Will Provide the Supported Services Through a Combination of Facilities-Based Service and Resale.

GreatCall operates as a Mobile Virtual Network Operator ("MVNO") for most of the supported services, purchasing them on a wholesale basis from Verizon Wireless. GreatCall currently provides, or will provide, as of the date of designation, operator services and directory assistance, through its own facilities. In addition, approximately fifteen percent (15%) of GreatCall's customers receive service through a separate platform whereby their calls are routed through GreatCall's owned and operated switching facilities. Accordingly, GreatCall qualifies as a facilities-based carrier as defined by the federal statute.[11]

C. GreatCall Offers the Services and Functionalities Supported by the Federal Low-Income Universal Service Program [47 C.F.R. § 54.201(d)]

GreatCall provides each of the services supported by federal universal service support mechanisms, as set forth in 47 C.F.R. § 54.101, and will offer these supported services throughout the areas in which it is designated as an ETC. GreatCall will provide these supported services using a combination of its own facilities and the resale of another carrier's service. The services provided through the Verizon Wireless network will include the same antennae, cell-sites, towers, trunking, mobile switching and interconnection facilities used to serve Verizon Wireless' customers. A description of how the supported services are provided follows:

[11] *See*, 47 U.S.C. § 214(e)(1).

1. ***Voice Grade Access [47 C.F.R. § 54.101(a)(1)].*** "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. Through Verizon Wireless's interconnection agreements with local exchange carriers ("LECs") in North Carolina, GreatCall's customers will be able to make and receive calls on the public switched telephone network with a minimum bandwidth of 300 to 3000 Hertz.

2. ***Local Usage [47 C.F.R. § 54.101(a)(2)].*** "'Local usage' means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users."[12] The FCC has interpreted its rule as requiring carriers to offer customers rate plans offering varying amounts of local usage.[13] GreatCall offers customer rate plans that provide varying amounts of local usage, with all plans including a set amount of minutes for a flat fee. GreatCall's plans offer consumers numerous benefits, including nationwide local calling areas, the availability of mobile service, and the ability to access a live operator who can perform a wide range of services in addition to standard operator services.

3. ***Dual Tone Multi-Frequency Signaling or its Functional Equivalent [47 C.F.R. § 54.101(a)(3)].*** Dual tone multi-frequency ("DTMF") signaling is a method of signaling that facilitates the transportation of call set-up and call detail information. The FCC has

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[12] 47 C.F.R. § 54.101(a)(2).

[13] *See, Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 48, 52 ¶ 10 (2000).

recognized that, with respect to wireless carriers, it "is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling." The Verizon Wireless network currently uses out-of-band digital signaling and in-band multi-frequency signaling that is the functional equivalent to DTMF signaling.[14]

4. ***Single-Party Service or its Functional Equivalent [47 C.F.R. § 54.101(a)(4)].*** With respect to wireless carriers, "single-party service" affords a user a dedicated message path for the length of a user's particular transmission. GreatCall meets this requirement with respect to each of its service offerings.

5. ***Access to Emergency Services [47 C.F.R. § 54.101(a)(5)].*** "Access to emergency service" includes access to services, such as 911 and enhanced 911 ("E-911"), provided by local governments or other public safety organizations. All of the phones that GreatCall distributes in North Carolina are capable of delivering automatic numbering information ("ANI") and automatic location information ("ALI"), and otherwise satisfy applicable state and federal E-911 requirements.

6. ***Access to Operator Services [47 C.F.R. § 54.101(a)(6)].*** "Access to operator services" means access to automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call. GreatCall meets this requirement by providing access to operator services for customer service and call completion. GreatCall employs and trains operators who provide the required services, in addition to other personal services described elsewhere in this application, through its own facilities.

7. ***Access to Interexchange Service [47 C.F.R. § 54.101(a)(7)].*** With respect to wireless carriers, "access to interexchange service" means access to the functional equivalent

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[14] *Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, at ¶ 71 (1997).

of the use of the loop, as well as that portion of the switch that is paid for by the end user, necessary to access an interexchange carrier's network. GreatCall meets this requirement by providing all of its subscribers with the ability to make and receive interexchange or toll calls through GreatCall's network.

8. Directory Assistance [47 C.F.R. § 54.101(a)(8)]. "Access to directory assistance" means access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings. GreatCall meets this requirement by providing access to directory assistance to customers. GreatCall employs and trains operators who provide directory assistance, in addition to other personal services described elsewhere in this application, through its own facilities.

9. Toll Limitation [47 C.F.R. § 54.101(a)(9)]. "Toll limitation" includes the offering of either "toll control" or "toll blocking" to qualifying low-income customers, as a means of limiting or blocking the completion of outgoing toll calls. GreatCall has the technical capability to provide toll blocking if requested by its customers and it will offer toll blocking to qualifying low-income customers.

D. GreatCall Will Advertise the Availability of and Charges for its Universal Service Qualifying Offerings [47 C.F.R. § 54.201(d)(2)]

GreatCall will advertise the availability of the supported services detailed above, and the corresponding rates and charges, in a manner designed to inform the general public within North Carolina. 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.

E. GreatCall Will Satisfy its Additional Obligations as an ETC.

In addition to those requirements set forth in Section 54.201 of the FCC's

rules, GreatCall will satisfy other ETC requirements adopted by the FCC as applicable. In particular:

1. Satisfaction of Applicable Consumer Protection and Service Quality Standards [47 C.F.R. § 54.202(a)(3)]. GreatCall will comply with all applicable state and federal consumer protection and service quality standards. Further, GreatCall will abide by CTIA's Consumer Code for Wireless Service ("CTIA Code"). GreatCall has already adopted the CTIA Code and is committed to compliance with the CTIA Code in those areas where it is seeking designation as an ETC. In particular, GreatCall will use its best efforts to resolve complaints received by the FCC, and designates the following contact person to work with FCC staff to resolve any complaints or other compliance matters:

Lynn Herrick, Esq.
12680 High Bluff Drive
Suite 310
San Diego, CA 92130
(858) 720-7322
Lynn.herrick@jitterbug.com

2. Local Usage Plan [47 C.F.R. § 54.202(a)(4)]. GreatCall will offer all of its local usage plans to eligible Lifeline customers. Low-income customers may choose either of GreatCall's basic service plans, one priced at $14.99 or the other priced at $19.99, without being subjected to a credit check or other requirement. For customers who wish to choose one of GreatCall's higher-priced plans, the company will provide applicable Lifeline discounts, but will require automatic monthly billing to a valid credit card.

All of GreatCall's rate plans are comparable to those offered by ILECs in the service areas for which GreatCall seeks ETC designation. Moreover, prospective GreatCall customers will receive superior value because they will be able to select a rate plan that best suits their individual needs. For those who wish to make just a few calls, GreatCall's lower priced

rate plan will provide savings and mobility. For those who wish to make more calls, GreatCall's higher priced rate plan, with a 48 state local calling area, will significantly lower the cost of basic local exchange service from competitors with smaller local calling areas. In all cases, consumers will receive the benefits of mobility, high-quality service, and access to GreatCall's operator services that are unique in the telephone industry.

3. Equal Access [47 C.F.R. § 54.202(a)(5)]. GreatCall acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

4. Lifeline Certification and Verification [47 C.F.R. § 54.410]. GreatCall will certify and verify consumer eligibility to participate in the Lifeline and Link-Up programs in accordance with the FCC's rules.

IV. DESIGNATING GREATCALL AS A COMPETITIVE ETC WILL SERVE THE PUBLIC INTEREST.

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is "to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies" to all citizens, regardless of geographic location or income.[15] Designating GreatCall as an ETC will serve the public interest generally, and the needs of low-income customers in North Carolina in particular.

GreatCall has specifically tailored its wireless service plans to provide the numerous benefits of mobile wireless telecommunications to underserved customers who have been left behind by other providers. GreatCall offers voice service at affordable rates starting as low as $14.99 per month, without the typical strings attached (such as credit checks, long-term

[15] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

commitments, and early termination fees) that otherwise prevent many economically disadvantaged customers from obtaining wireless services. The reach and quality of GreatCall's service are enhanced by the fact that it uses the network infrastructure of Verizon Wireless, which consistently receives top rankings for its voice coverage across the nation.[16]

GreatCall fulfills a critical role in the marketplace by ensuring that many Americans who cannot qualify for, or afford, the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications. For example, 27% of GreatCall's customers have incomes below $30,000 per year and nearly 40% have incomes below $40,000 per year. 34% of GreatCall customers are retired and nearly 11% are over 85 years of age. These figures underscore the depth of GreatCall's reach in this demographic niche and the benefits that GreatCall can bring to the senior and disabled communities if Lifeline benefits are made available.

GreatCall's signature "Jitterbug" phones have been designed to make it easier for seniors and disabled people to place telephone calls and activate phone functions. For example, the software interface has been designed to request simple "Yes/No" responses, using dedicated "Yes" and "No" buttons. There are no "nested menus" to navigate. The telephone keypad has indented numbers to prevent fingers from slipping off keys. In addition, voice mail is activated by voice command; there is no PIN required to access voice mail.

GreatCall's "Jitterbug" phone provides specific features designed to assist the visually and hearing impaired. Visually impaired customers will find the following features helpful:

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[16] *See* "J.D. Power and Associates Reports: Overall, Wireless Carriers Reduce Dropped Calls, Failed Connections and Static, Driving an Improvement in Call Quality Performance , available at http://businesscenter.jdpower.com/news/pressrelease.aspx?ID=2009155 (Aug. 27, 2009) ("Verizon Wireless ranks highest in the Northeast, Mid-Atlantic, Southeast and Southwest regions in wireless call quality performance. Verizon performs particularly well with regard to limiting dropped calls, failed initial connections, and late or failed text and voice messages.")

- Raised guides on the "5" key
- Large 20-point font on phone's screen
- Amber, backlit buttons
- Extra large buttons
- Dial tone, so customers know they are connected to the network. There is no need to see the signal strength meter (how many "bars" on the phone) to use the phone.

Hearing impaired customers will find the following features helpful:

- M4/T4 Hearing Aid compatibility rating.
- Very loud speaker with adjustable volume to 101 decibels.
- Dedicated speakerphone button.

Since its inception, GreatCall has had as its mission increasing access to basic telecommunications services by senior and disabled populations who have been largely left behind by other carriers focused on providing high-end devices that provide, among other things, cameras, data services, Internet access and video streaming. GreatCall's customers are the many people who simply want to place and receive voice calls, with easy access to personal operators who can help complete calls, answer questions, and provide assistance with phone functions.

GreatCall's service has been recognized for its outreach and assistance to the senior and visually impaired communities. In 2009, GreatCall's service won the "Caregiver Friendly Award" from *Today's Caregiver* Magazine. Also in 2009, GreatCall won the 49th Annual Louis Braille "Special Recognition Award" for having made a significant contribution on behalf of the blind and visually impaired.

By this application, GreatCall seeks to make it easier for low-income Americans to access basic telephone services, including seniors and the disabled who today form the core of

GreatCall's business. The primary purpose of universal service is to ensure that consumers—especially low-income consumers— receive affordable and comparable telecommunications services. A study has found such service to be a vital economic resource for low-income consumers that leads to improved wage levels and personal safety.[17] Given this context, designating GreatCall as an ETC would benefit consumers, especially its many low-income and senior consumers eligible for Lifeline services. The Company's participation in the Lifeline program also undoubtedly would increase opportunities for it to serve North Carolina customers with appealing and affordable service offerings.

Designation of GreatCall as an ETC would also promote competition. GreatCall will bring the same entrepreneurial spirit that has reinvigorated the wireless industry to the Lifeline market in North Carolina, helping to redefine the wireless experience for many low-income consumers in the state. Other carriers, therefore, will have the incentive to improve their existing service offerings and tailor service plans to contain service terms and features appealing to lower-income customers.

GreatCall has emphasized customer service as a pillar of its marketplace success since service launch. As evidence of its commitment to high-quality service, GreatCall has complied with the CTIA-The Wireless Association® Consumer Code for Wireless Service ("Consumer Code") since its inception and will continue to comply with the Consumer Code once designated as an ETC.

GreatCall enjoys high customer satisfaction ratings. GreatCall employs a tool called Net Promoter Score, which is a straightforward metric that holds companies and employees

[17] *See* Sullivan, "A Review of Literature and Data from Two New Surveys," April 2008.

accountable for how they treat customers.[18] It measures how likely customers are to refer your business to others. Without explaining the metric in detail, GreatCall can report that last year its Net Promoter score was 44. The wireless industry norm was 12-14, confirming that GreatCall's customer satisfaction exceeds that of its competitors by a wide margin.

GreatCall has also received several awards, most recently CTIA's Hottest Mobile Consumer Application Award for its LiveNurse™ program. The company has been the recipient of additional awards, which can be found on the company's web site, www.jitterbug.com/Community/Awards.aspx.

While GreatCall has experienced success in deploying wireless services to low-income consumers, internal Company analysis suggests that many low-income customers still intermittently discontinue service because of economic constraints. Designation in North Carolina would enable GreatCall to offer more appealing and affordable service offerings to low-income customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Without question, wireless services have become essential for lower-income citizens, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents.

Providing GreatCall with the authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

V. ANTI-DRUG ABUSE CERTIFICATION

No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862.

[18] More detailed information can be found at www.netpromoter.com.

VI. CONCLUSION

Based on the foregoing, GreatCall has demonstrated its eligibility for designation as an ETC. Accordingly, GreatCall respectfully requests that the FCC grant this Petition expeditiously.

Respectfully submitted,

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September 22, 2010

EXHIBIT A

Exhibit A

CERTIFICATION

I, Bill Kuncz, Chief Financial Officer, do hereby affirm that I have reviewed all of the factual assertions set forth in the foregoing application for ETC status and that all such statements made therein are true and correct to the best of my knowledge, information and belief.

Bill Kuncz
Chief Financial Officer
GreatCall, Inc.

EXHIBIT B

Proposed ETC Service Areas

SAC	Name
230468	ATLANTIC MEMBERSHIP
230469	BARNARDSVILLE TEL CO
230470	CAROLINA TEL & TEL
230471	CENTEL OF NC
230473	CITIZENS TEL CO
230474	CONCORD TEL CO
230476	WINDSTREAM NC
230478	ELLERBE TEL CO
230479	VERIZON SOUTH-NC
230483	LEXCOM TELEPHONE CO.
230485	MEBTEL, INC.
230491	N.ST. DBA N. ST.COMM
230494	PINEVILLE TEL CO
230495	RANDOLPH TEL CO
230496	RANDOLPH MEMBERSHIP
230497	PIEDMONT MEMBERSHIP
230498	SALUDA MOUNTAIN TEL
230500	SERVICE TEL CO
230501	SKYLINE MEMBERSHIP
230502	STAR MEMBERSHIP CORP
230503	SURRY MEMBERSHIP
230505	TRI COUNTY TEL MEMBR
230509	VERIZON S-NC(CONTEL)
230510	WILKES MEMBERSHIP
230511	YADKIN VALLEY TEL
235193	SOUTHERN BELL-NC

EXHIBIT C

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS form the definition of "public utility." See, G.S. 62-3(23)j. Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23)j, enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

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