

**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
)	
)	
Petition for Forbearance of)	
Zefcom, LLC d/b/a Telispire PCS)	

PETITION FOR FORBEARANCE

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SUMMARY

Zefcom, LLC d/b/a Telispire PCS (“Telispire”), a Mobile Virtual Network Enabler (“MVNE”), on behalf of the Mobile Virtual Network Operators (“MVNOs”) it enables and provides services to as well as any other MVNO who seeks Lifeline support, seeks forbearance from enforcement of the requirement in Section 214(e)(1)(A) of the Communications Act of 1934, as amended, and Sections 54.201(d)(1) and 54.201(i) of the Federal Communications Commission’s rules that a common carrier designated as an eligible telecommunications carrier (“ETC”) offer services supported by the Federal Universal Service Fund (“USF”) using either its own facilities or a combination of its own facilities and resale of another carrier’s services.

The petition satisfies each of the forbearance criteria. Because MVNOs are by definition subject to competition, enforcement of the facilities requirement is not necessary to ensure just and reasonable rates. The FCC should require any MVNO seeking forbearance to meet all of the conditions previously imposed on entities receiving similar forbearance grants, as well as those additional conditions recently proposed by Virgin Mobile. Based on adherence to these conditions, forbearance is not only not necessary to protect consumers against waste, fraud and abuse, it will actually benefit consumers by providing Lifeline consumers greater choice among providers. Any growth in the USF resulting from grant of the instant petition will be minimal and outweighed by the public interest benefits of granting forbearance. Forbearance will allow MVNOs to offer discounted services to low income customers, spur innovation among competing carriers in their Lifeline offerings and expand the choice of Lifeline products for eligible subscribers.

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PETITION FOR FORBEARANCE

Zefcom, LLC d/b/a Telispire PCS (“Telispire”), by its attorneys and pursuant to Section 10 of the Communications Act of 1934, *as amended* (“Act”) and Section 1.53 of the Federal Communications Commission’s (“FCC” or “Commission”) Rules,¹ hereby requests that the FCC forbear from enforcing the requirement in Section 214(e)(1)(A) of the Act² and Sections 54.201(d)(1) and 54.201(i) of the FCC’s Rules³ that a common carrier designated as an eligible telecommunications carrier (“ETC”) offer services supported by the Federal Universal Service Fund (“USF”) using either its own facilities or a combination of its own facilities and resale of another carrier’s services.

I. Introduction & Background

Telispire is a Mobile Virtual Network Enabler (“MVNE”). As an MVNE, Telispire has entered into CMRS resale agreements with Sprint and Verizon Wireless to aggregate Mobile Virtual Network Operators (“MVNOs”) in order to obtain volume discounts from Sprint and

¹ 47 U.S.C. § 160; 47 C.F.R. § 1.53.
² 47 U.S.C. § 214(e)(1)(A).
³ 47 C.F.R. §§ 54.201(d)(1), 54.201(i).

Verizon Wireless on a wholesale basis so that the MVNOs who resell wireless services through Telispire can offer competitive services to several niche markets on both a prepaid and post paid platform developed and serviced by Telispire. Telispire on behalf of the MVNOs it enables and provides services to as well as any other MVNO who seeks Lifeline support hereby requests forbearance from Section 214(e)(1)(A) of the Act and Sections 54.201(d)(1) and 54.201(i) of the FCC's rules. For the reasons set forth below, forbearance is warranted.

Section 254(e) of the Act states that only a common carrier designated as an ETC may receive federal universal service support.⁴ Section 214(e) of the Act and Section 54.201(d)(1) of the FCC's rules state that a common carrier designated as an ETC must offer services supported by the federal USF using either its own facilities or a combination of its own facilities and resale of another carrier's services.⁵ Section 54.201(i) of the FCC's Rules states that a state commission shall not designate as an ETC a telecommunications carrier that offers the services supported by federal universal service support mechanisms exclusively through the resale of another carrier's services.⁶

Although the Commission has declined to extend ETC status to pure resellers for all services, the FCC has consistently extended such status to pure resellers for Lifeline service only. In its *1997 Universal Service Order*, the Commission found that the plain language of the statute requires that a carrier seeking ETC designation offer service over its own facilities, at least in part, thus precluding a carrier that offers services solely through resale from being designated as an ETC.⁷ The Commission concluded that it was appropriate to deny pure resellers universal

⁴ 47 U.S.C. § 254(e).

⁵ 47 U.S.C. § 214(e).

⁶ 47 C.F.R. § 54.201(i).

⁷ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9015 (*1997 Universal Service Order*) (concluding that any

service support because pure resellers could receive the benefit of universal service support by purchasing wholesale services at a price that includes the universal service support received by the incumbent provider. However, the Commission also concluded that although resellers were not eligible to receive universal service support directly, they were not precluded from offering Lifeline services. In its *1997 Universal Service Order*, the FCC assumed that the underlying carrier was an incumbent local exchange carrier, subject to price-regulated resale obligations. At that time, the FCC did not distinguish among the various universal service support programs and concluded that forbearance was not in the public interest because allowing pure resellers to receive universal service support would result in double recovery by the resellers.

In the FCC's *TracFone Order*, however, the FCC changed its position regarding resellers receiving federal universal service support.⁸ The FCC granted a petition for forbearance filed by TracFone Wireless, Inc. ("TracFone") requesting that the Commission forbear from enforcing its requirement that a carrier designated as an ETC for purposes of receiving federal universal service support provide services, at least in part, over its own facilities. Specifically, the FCC conditionally granted TracFone's petition and concluded that it was in the public interest to forbear from enforcing its facilities requirement. The conditions imposed on TracFone include: (1) providing its Lifeline customers with 911 and Enhanced 911 ("E911") access regardless of activation status and availability of prepaid minutes; (2) providing its Lifeline customers with E911-compliant handsets and replacing, at no additional charge to the customer, non-compliant handsets of existing customers who obtain Lifeline-supported service; (3) complying with

telecommunications carrier, not just ETCs, may receive universal service support for providing supported services to schools and libraries).

⁸ *In re Federal-State Joint Board on Universal Service, Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, FCC 05-165 (September 8, 2005) (*TracFone Order*).

conditions (1) and (2) as of the date it provides Lifeline service; (4) obtaining a certification from each Public Safety Answering Point (“PSAP”) where TracFone provides Lifeline service confirming that TracFone complies with condition (1); (5) requiring its customers to self-certify at time of service activation and annually thereafter that they are the head of their household and receive Lifeline-supported service only from TracFone; and (6) establishing safeguards to prevent its customers from receiving multiple TracFone Lifeline subsidies at the same address. The FCC also required TracFone to file with the FCC a plan outlining the measures it will take to implement these conditions.

In the *TracFone Order*, the FCC stated that it will apply the exceptions and conditions adopted in its *TracFone Order* to similarly situated prepaid wireless resellers seeking forbearance from the FCC’s facilities ownership requirement for the purpose of providing only Lifeline support on a going forward basis. Since the issuance of the *TracFone Order*, the Commission has acted on numerous similar petitions requesting the same relief, granting forbearance from the facilities ownership requirement to each pure reseller seeking to provide Lifeline only service, conditioned on compliance with the same conditions imposed on TracFone.⁹ The cumulative effect of these virtually identical forbearance orders has been the

⁹ See, e.g., *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petition for Designation as an Eligible Telecommunications Carrier in the State of New York; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia; Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina; Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee*; CC Docket No. 96-45, Order, 24 FCC Rcd 3381 (2009) (“*Virgin Mobile Order*”); *Federal-State Joint Board on Universal Service; Telecommunications Carriers Eligible for Universal Service Support; i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45, WC Docket No. 09-197, Order, 25 FCC Rcd 8784 (2010) (“*i-wireless Order*”); *Telecommunications Carriers Eligible for Universal Service Support; Federal-State Joint Board on Universal Service; Head Start Petition for Forbearance; Consumer Cellular Petition for Forbearance; Midwestern Telecommunications Inc. Petition for Forbearance; Line Up, LLC Petition for Forbearance*, WC Docket No. 09-197, CC Docket No.

establishment of a *de facto* forbearance ruling for pure resellers seeking to provide Lifeline-only service. As discussed below, because the forbearance requirements are met by any pure reseller who meets the TracFone conditions, a generalized grant of forbearance from the facilities ownership requirement for Lifeline-only wireless resellers is warranted.

II. Forbearance from Enforcement of the FCC’s Facilities Requirements is Justified

Section 10 of the Act directs the Commission to forbear from applying any regulation or any provision of the Act to a telecommunications carrier or telecommunications service, or classes of such carriers or services, if the Commission determines that: 1) enforcement of such regulation or provision of the Act is not necessary to ensure that charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory; 2) enforcement of such regulation is not necessary for the protection of consumers; and 3) forbearance from applying such regulation or provision is consistent with the public interest.¹⁰ Section 10 further provides that forbearance is in the public interest if the Commission determines that forbearance from application of a statutory provision or a regulation promotes competition among providers of telecommunications services.¹¹ Because Telispire’s instant request meets the three conditions in Section 10 of the Act and promotes competition, grant of the requested forbearance is warranted.

96-45, Order, 25 FCC Rcd 10510 (2010); *Telecommunications Carriers Eligible for Universal Service Support; Federal-State Joint Board on Universal Service; Conexions Petition for Forbearance*, WC Docket No. 09-197, CC Docket No. 96-45, Order, FCC 10-178 (rel. October 1, 2010) (“*Conexions Order*”).

¹⁰ 47 U.S.C. § 160(a)(1)-(3).

¹¹ 47 U.S.C. § 160(b).

a. Enforcement of the Facilities Requirement is Not Necessary to Ensure Just and Reasonable Rates

Section 10(a)(1) of the Act requires that, when evaluating a forbearance request, the FCC consider whether enforcement of a provision or regulation is necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory. For carriers seeking to provide Lifeline services, enforcement of the facilities requirement to receive federal universal service support is not necessary to ensure that rates are just and reasonable. MVNOs compete with at least one other carrier in every market they serve because as a reseller, MVNOs are “by definition subject to competition”¹² from the very-same facilities-based carrier whose services they resell. Because an MVNO’s Lifeline offerings will compete with at least one other offering, such competition will ensure that its practices and charges are just and reasonable, and therefore enforcement of the facilities requirement is not necessary to ensure that an MVNO’s rates are just and reasonable.¹³

b. Enforcement of the Facilities Requirement is Not Necessary to Protect Consumers

Section 10(a)(2) requires that the FCC consider whether enforcement of the facilities requirement of Section 214(e) of the Act and Sections 54.201(d)(1) and 54.201(i) of the FCC’s Rules is necessary for the protection of consumers. The FCC concluded in its *TracFone Order* that forbearance from enforcement of the facilities requirement is not only not necessary to

¹² *i-wireless Order* at par. 9.

¹³ *See, e.g., Virgin Mobile Order* at par. 19.

protect consumers (provided certain conditions are met), but it will actually benefit consumers by providing Lifeline consumers greater choice among providers.¹⁴

Recent filings with the FCC have expressed concern that the increased use of the Lifeline program will lead to waste, fraud and abuse, and growth of the universal service fund.¹⁵ As discussed below, concerns of waste, fraud and abuse are unwarranted in light of the conditions agreed to herein, and any resulting growth in the USF will be both minimal and outweighed by the public interest benefits of granting the requested forbearance.

Granting MVNOs forbearance in order to seek ETC designation will not harm consumers by increasing the contribution obligation. As the FCC has noted, Lifeline is an underutilized service.¹⁶ If an MVNO is granted ETC status, its Lifeline service will not significantly burden the USF and therefore will not increase charges that would result from a carrier's contribution obligation being passed through to the customer.¹⁷ In its *Virgin Mobile Order*, the FCC concluded that “[a]ny increase in the size of the fund would be minimal and is outweighed by the benefit of increasing eligible participation in the Lifeline program, furthering the statutory goal of providing access to low- income consumers.”¹⁸ Any increase in the growth of the fund resulting from grant of the instant petition will once again be “minimal.”¹⁹ Moreover, the public

¹⁴ *TracFone Order* ¶ 15.

¹⁵ See U.S. Government Accountability Office, *Improved Management Can Enhance FCC Decision Making for the Universal Service Fund Low-Income Program*, GAO-11-11 (Oct. 2010) (“GAO Report”); *Federal-State Joint Board on Universal Service; Lifeline and Link-Up*, CC Docket No. 96-45, WC Docket No. 03-109, Recommended Decision, FCC 10J-3 (Nov. 4, 2010) (“Recommended Decision”).

¹⁶ See, e.g., *Virgin Mobile Order* at par. 30.

¹⁷ See *Id.* at par. 24.

¹⁸ *Id.*

¹⁹ In its *Virgin Mobile Order*, the FCC noted that in 2007, low income support accounted for only 11.8 percent of the distribution of the total universal service fund; whereas, high-cost support accounted for 61.06 percent. *Virgin Mobile Order* at par. 24. While the most recent Universal Service Monitoring Report shows a modest growth in the USF distribution attributable

interest benefits of granting the requested forbearance discussed herein clearly outweigh any such minimal growth in the size of the fund.

As noted above, the FCC stated in the *Tracfone Order* that the facilities requirement is not necessary to protect consumers if certain conditions are met. If the FCC grants Telispire's forbearance request, the Commission should require all MVNOs to meet all of the same conditions imposed on TracFone regarding its Lifeline service offering. Pursuant to the *TracFone Order*, and in addition to complying with the FCC's current Lifeline certification and verification procedures,²⁰ an MVNO must: (1) provide its customers with access to basic and E911 service immediately upon activation of service regardless of activation status and availability of prepaid minutes; (2) obtain a certification from each PSAP where it provides Lifeline service confirming that the MVNO provides its customers with access to basic and E911 service;²¹ (3) furnish copies of the PSAPs' certifications to the FCC upon request; (4) provide only E911-compliant handsets to its Lifeline customers; and (5) replace any non-compliant

to Lifeline to 14 percent, that growth logically flows from the downturn in the economy in 2009. *Universal Service Monitoring Report*, CC Docket No. 98-202, prepared by Federal and State Staff for the Federal-State Joint Board on Universal Service, CC Docket No. 96-45, rel. December 30, 2010. Indeed, a recent Florida Public Service Commission report concluded that an increase in Lifeline participation in Florida was due to a variety of factors including an automatic enrollment process and the stagnant economy. For example, from June of 2009 to June of 2010, Florida had a 32.9 percent increase in households participating in the Food Stamp Program, which is the largest qualifying program for Lifeline assistance in Florida. Florida Public Service Commission, Report to the Governor, President of the Senate, and Speaker of the House of Representatives, *The Number of Customers Subscribing to Lifeline Service and the Effectiveness of Procedures to Promote Participation* (Dec. 2010).

²⁰ 47 C.F.R. § 54.410.

²¹ If the PSAP neither provides certification nor makes an affirmative finding within the "evaluation period" described by the FCC in the *Conexions Order*, that the MVNO does not provide its customers with access to 911 and E911 services, the MVNO will self certify in accordance with the procedures described in the *Conexions Order* that it provides access to 911 and E911 services. See, e.g., *Conexions Order* at par. 12.

handset of an existing customer that obtains Lifeline-supported services with an E911-compliant handset at no charge.

In addition to the above conditions, MVNOs must be willing to meet the additional conditions imposed by the FCC on TracFone and other carriers to further safeguard the fund. An MVNO receiving the requested forbearance will require its Lifeline customers to self-certify under penalty of perjury upon service activation and then annually thereafter that they are the head of household and only receive Lifeline-supported service from their MVNO.²² The penalties for perjury will be clearly stated on the certification form. Each MVNO will deal directly with the customer to verify the customer's Lifeline eligibility and submit to the Wireline Competition Bureau, to the extent required, a compliance plan outlining the measures each MVNO will take to implement the commitments undertaken herein.²³ Each MVNO will establish safeguards to prevent its customers from receiving multiple Lifeline subsidies from the MVNO (or any other MVNO)²⁴ at the same address.²⁵ Specifically, each MVNO will track its Lifeline customers' primary residential address and prohibit more than one supported MVNO service at each residential address.²⁶

²² *TracFone Order* ¶ 18. An MVNO must also agree to monitor compliance of its customers' self-certifications by retaining these self-certifications and providing them, as well as documentation of how the MVNO obtained the certifications, to the FCC upon request. *i-wireless Order* at par. 17.

²³ *i-wireless Order* at par. 16.

²⁴ Although not previously required, Telispire suggests that the Commission require the establishment of safeguards to prevent an MVNO's customers from receiving multiple subsidies from any MVNO.

²⁵ See *i-wireless Order* at par. 16.

²⁶ *Id.*

To further limit the possibility of abuse, the FCC should require MVNOs to comply with additional conditions recently agreed to by Virgin Mobile.²⁷ Specifically, the MVNO should be required to implement the following procedures in each state where it provides Lifeline services within 30 days of release of any order granting the MVNO designation as an ETC:

- The MVNO will implement a 60-day inactivity policy in all states where it provides Lifeline services, unless directed otherwise by a state public utility commission. Under this policy, if no usage appears on the MVNO's customer's account during any continuous 60-day period, the MVNO will promptly notify the customer that the customer is no longer eligible for the MVNO's Lifeline service subject to a 30-day grace period. During the 30-day grace period, the customer's account will remain active, but the MVNO will engage in outreach efforts to determine whether the customer desires to remain on the MVNO's Lifeline service. If the customer's account does not show any customer-specific activity during the grace period (such as making or receiving a voice call, receiving or sending a text message, downloading data or adding money to the account), the MVNO will deactivate Lifeline services for that customer. In addition, the MNVO will not seek to recover a federal Universal Service Fund subsidy for the free minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497.
- The MVNO will make available state-specific customer data, including name and address, to each state PUC where it operates for the purpose of permitting the PUC to

²⁷ *Ex Parte Letter from Antoinette C. Bush and John M. Beahn to Marlene H. Dortch*, WC Docket No. 09-197, December 14, 2010; *Telecommunications Carriers Eligible for Universal Service Support*, Order, WC Docket No. 09-197, DA 10-2433, rel. Dec. 29, 2010 (“*Virgin ETC Order*”).

determine whether an existing Lifeline customer receives Lifeline service from another carrier. The MVNO will promptly investigate any notification that it receives from a state PUC that one of its customers already receives Lifeline service from another carrier. Should the MVNO's investigation conclude that the customer receives Lifeline services from another carrier in violation of the FCC's rules, the MVNO will immediately deactivate the customer's Lifeline service and will no longer report that customer on USAC Form 497.

Pursuant to the *Virgin ETC Order*, the MVNO should also be required to distribute its Lifeline service directly to its Lifeline customers.²⁸ The MVNO must deal directly with the customer to certify and verify the customer's Lifeline eligibility. When establishing initial and continued eligibility, the MVNO must have direct contact with the Lifeline customer.

In light of an MVNO's compliance with all of the foregoing conditions, as the FCC concluded in its *TracFone Order*, the FCC's enforcement of facilities ownership requirement to be designated as an ETC is not necessary for the protection of consumers. These conditions should also alleviate concerns of consumer harm resulting from waste, fraud and abuse.²⁹

²⁸ *Virgin ETC Order* at par. 22.

²⁹ See *Virgin ETC Order* at par. 21-24. The GAO Report and Recommended Decision suggest that additional conditions may be needed to further alleviate concerns of waste, fraud and abuse. Additional safeguards may be entirely appropriate and agreeable to Zefcom and to entities benefitting from the requested forbearance, but any potential need for such additional safeguards should not delay grant of the instant petition. In addition to the filings cited herein, one additional recent filing touches upon Lifeline issues and notes, among other things, that any future grants of forbearance should be subject to the same conditions previously imposed upon TracFone. *TracFone Wireless, Inc. Petition for Declaratory Ruling*, Petition for Declaratory Ruling, WC Docket No. 09-197, CC Docket No. 96-45, filed December 1, 2010. Zefcom has already agreed to the imposition of those conditions and any changes resulting from the Commission addressing the remaining issues raised in the TracFone petitions can be incorporated into generally applicable Lifeline procedures and standards.

c. Forbearance is in the Public Interest

Section 10(a)(3) requires that the FCC consider whether enforcement of the facilities requirement of Section 214(e) and Section 54.201(i) is consistent with the public interest. One of the FCC's statutory goals is to provide telecommunications access to low-income consumers.³⁰ By allowing MVNOs to provide Lifeline support to qualifying low-income consumers, the FCC will advance this statutory goal. Granting all MVNOs forbearance from the facilities requirement will enable them to expand the availability of affordable telecommunications services to low income consumers. MVNOs will provide additional competition for those consumers most often ignored by larger carriers. Accordingly, it will clearly serve the public interest to allow MVNOs to offer discounted services to low income customers by forbearing from enforcing the facilities requirement against all MVNOs.

As the FCC stated in its *TracFone Order*, the FCC's Lifeline program is underutilized.³¹ According to the FCC, only approximately one-third of households eligible for low-income assistance actually subscribe to the program. The Commission found that it is in the public interest to allow TracFone, a wireless reseller, to be designated as an ETC to provide Lifeline support, which will expand participation in the Lifeline program. Similarly, it is in the public interest to forbear from applying the FCC's facilities requirement to all MVNOs.

MVNO-provided Lifeline service provides a valuable wireless alternative to eligible subscribers. This competition will spur innovation among competing carriers in their Lifeline offerings and expand the choice of Lifeline products for eligible subscribers.³²

³⁰ *TracFone Order* ¶ 10.

³¹ *TracFone Order* ¶ 11.

³² *TracFone Order* ¶ 13.

By limiting federal universal service support to Lifeline only, any concerns regarding double recovery should be eliminated. Because Lifeline is customer-specific, a carrier who loses a Lifeline customer to a reseller would no longer receive the Lifeline support that is passed through to that customer. Lifeline support is distributed on a per-customer basis and is directly reflected in the price that the eligible customer pays.³³ Thus, as the FCC stated, a wireless reseller who serves a Lifeline-eligible customer and receives Lifeline support directly from the fund does not receive a double recovery.³⁴

As stated above, all MVNOs seeking to take advantage of forbearance must agree to meet the conditions the FCC imposed on TracFone ensuring emergency access to its customers. These conditions ensure that Lifeline customers have meaningful access to emergency services.³⁵ As the FCC has noted, the prepaid feature is an attractive alternative for Lifeline-eligible consumers who need mobility, security and convenience of a wireless phone but who are also concerned about charges and long-term contracts. By meeting all of the FCC's related conditions, an MVNO's prepaid wireless service will help provide Lifeline-eligible consumers with meaningful access and choice of emergency services. In light of agreeing to meet the above conditions, it is consistent with the public interest to forbear from enforcing the FCC's facilities requirement to allow MVNOs agreeing to meet the conditions contained herein to obtain Lifeline support.³⁶

III. Conclusion

The FCC should grant Telispire's forbearance request because enforcement of the facilities requirement is not necessary to ensure that MVNOs' rates are just and reasonable and

³³ *TracFone Order* ¶ 12.

³⁴ *Id.*

³⁵ *TracFone Order* ¶ 16.

³⁶ *Id.*

not unjustly or unreasonably discriminatory, enforcement of the facilities requirement is not necessary for the protection of consumers, and forbearance from applying the facilities requirement is consistent with the public interest. Accordingly, Telispire hereby requests that the FCC, consistent with its prior forbearance orders in this proceeding, forbear from enforcing its facilities ownership requirement to allow MVNOs who meet the FCC criteria contained in this forbearance petition to provide Lifeline service to customers throughout the United States.

Respectfully submitted,

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APPENDIX

SCOPE OF RELIEF SOUGHT

Pursuant to Section 1.54(e) of the Rules and Regulations of the Federal Communications Commission, Zefcom, LLC d/b/a Telispire PCS (“Telispire”) hereby provides the following information regarding the scope of relief sought. Telispire is seeking forbearance from Section 214(3)(1)(A) of the Communications Act of 1934, as amended (“Act”), and Sections 254.201(d)(1) and 54.201(i) of the Federal Communications Commission’s rules. Telispire requests forbearance on behalf of all MVNOs seeking to provide Lifeline-only service. Telispire requests forbearance with respect to the provision of commercial mobile radio service. Telispire seeks forbearance with respect to all states in which an MVNO will seek designation as an ETC from the relevant state commission.

All supporting data upon which Telispire intends to rely is included in the preceding pages. Telispire is not relying on any separate market analysis.