

**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
TAG Mobile, LLC)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in Alabama)	
Connecticut, Delaware, the District of)	
Columbia, Florida, New Hampshire,)	
New York, North Carolina, Tennessee,)	
and Virginia)	

PETITION OF TAG MOBILE, LLC FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN ALABAMA, CONNECTICUT, DELAWARE,
THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW YORK, NORTH
CAROLINA, TENNESSEE, AND VIRGINIA

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June 7, 2011

SUMMARY

TAG Mobile, LLC, seeks designation as an Eligible Telecommunications Carrier (“ETC”) in ten states as a wireless ETC serving low income customers. Specifically, TAG seeks ETC designation in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia. These states have all affirmatively declined jurisdiction over ETC designation petitions. As such, such jurisdiction defaults to the FCC.

TAG is a facilities-based provider of wireless services using a mixture of its own facilities and the use of MVNO agreements with their wireless partners to provide ubiquitous coverage throughout the states that are subject of this filing.

TAG provides all services required by the Commission’s rules to be designated as an ETC, and meets the requirements provided by the Commission’s regulations and the Communications Act to be designated as an ETC.

Further, granting of TAG’s petition will further the public interest by increasing the penetration and availability of wireless services for low income customers, and the competitive choice available to these customers. As a facilities-based wireless provider, granting the ETC designation, and providing TAG access to provide services to low income consumers, supported by Lifeline and Link Up, will inure to the public interest.

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TAG Mobile, LLC (“TAG” or the Company”) and, pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended, (the "Act") and Sections 54.201 through 54.207 of the Rules of the Federal Communications Commission ("FCC" or “Commission”), hereby requests that the FCC designate TAG as an Eligible Telecommunications Carrier ("ETC") for the limited purpose of providing Lifeline and Link-Up services under the Federal Universal Service Fund (“USF”) Low Income support program in the States of: Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia.

In further support of its Petition, TAG states as follows:

TAG is a Texas Limited Liability Company with its principal offices located at 1330 Capital Parkway, Carrollton, TX 75006. TAG was formerly operating as dPi Mobile, LLC. TAG is owned by Amvensys Telecom Holdings, LLC, which also owns dPi Teleconnect, LLC, a wireline provider of services and a recipient of Low Income, authorized by multiple state commissions as an ETC.

TAG, pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”)¹ and Sections 54.201-54.209 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,² hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”). TAG seeks ETC status for the limited purpose of offering Lifeline and Link-up services to end-users in the States of: Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia.

TAG meets each of the statutory and regulatory prerequisites for designation as an ETC. In addition, designating TAG as an ETC will provide consumers in these states an additional option for affordable and reliable services. Accordingly, TAG respectfully requests that the FCC grant this Petition expeditiously and designate it as an ETC in the following states: Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia.

I. Background

TAG provides handsets and domestic and international voice and data services, primarily to low income consumers. TAG operates as a facilities-based Mobile Virtual Network Operator (“MVNO”), with a variety of facilities owned by TAG and/or co-owned with wireline affiliate,

¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. §§ 54.201-54.209.

dPi Teleconnect, LLC. Specifically, TAG's co-owned switch is a Cisco switch located in Los Angeles, California. TAG also co-owns a Network call controller with its wireline affiliate, which is located in Dallas, Texas. TAG owns and operates additional databases and calling platforms that are also involved in the routing and transmission of customers' wireless calls. TAG relies upon these facilities to provide many of the services it provides to customers.

TAG has developed and implemented a diverse, facilities-based wireless network that delivers all of the services required by the federal Lifeline guidelines. Employing both Verizon and Sprint carrier networks to ensure ubiquitous coverage, TAG currently provides service to over 200,000 Lifeline and non-Lifeline subscribers in three states. TAG's network operation center ("NOC") is located at 8435 Stemmons Freeway, Dallas, Texas. The NOC is on line with TAG's remote Cisco call control/authorization array, and its Cantata Excel network switch, located at the 650 South Grand Avenue, Los Angeles, CA POP hotel. All wireless voice traffic gains network authorization/access from TAG's Call Control & Authorization Platform. This same intelligent calling platform is used to communicate to the Cisco call controller before being passed to the underlying carrier network for call completion of the services required by the federal lifeline guidelines. Operator Services, Directory Services and international terminated calling traffic passes through the TAG Cantata network switch.

The call control/authorization equipment manages account balances, PUC and FCC approved Lifeline calling packages (by state) and is used to control international calling per end user's request. It also tracks and reports on usage activity by line in real time. TAG's network operation center has protected power and diverse network feeds to protect against electric and/or phone company facility outages. A schematic diagram of how these facilities are utilized during normal call flow is attached as Exhibit 1.

TAG's Lifeline service offering provides customers with no less than 68 prepaid minutes a month, and up to 100 prepaid minutes per month, with select states having even more substantial free monthly minute offerings as mandated by the state, and access to text messaging and long distance as well as free adjunct to basic services like caller ID and enhanced services such as voicemail. In the future, TAG hopes to expand its offerings to include "smart" phones that offer mobile Internet access as well. Because these prepaid services offer flexible and affordable wireless services to low income consumers, they are a popular option among consumers with budgetary constraints on their telecommunications purchases.

TAG offers a variety of service options, but the one for Lifeline consumers offers at least 68, and up to 100, minutes of free monthly use. Each minute can also be converted into up to three text messages, depending on the requirements of the individual state, meaning the customer can use the service entirely for traditional voice communications, or for a mix of these traditional services and the popular modern communication done via text messaging. Customers can purchase additional value for additional minutes or additional messages as they need.

TAG's customers tend to be rural or exurban customers in second or third tier cities and towns. TAG advertises the availability and prices of its services through a variety of mediums including its extensive retail distribution network which includes CVS, Walgreens and Dollar General stores, among others, as well as from TAG's website and other online outlets. In total, more than 35,000 outlets nationwide will carry TAG's service. Verizon and Sprint both provide wireless service throughout the States of Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia. Through its relationship with its underlying CMRS partners, TAG intends to sell its services throughout these states, and thus requests designation for the entire area of the states. TAG's

offering will be a low income Lifeline-supported service, which will be available throughout the entire state, provided coverage is available from its underlying CMRS partners.

II. ETC Designation.

Section 214(e)(6) of the Act authorizes the FCC to designate a common carrier as an ETC if the carrier's services do not fall subject to the jurisdiction of a state commission.³ Exhibit 2 to this Application provides documentation demonstrating that the states in question have affirmatively stated that they do not wish to exercise jurisdiction over ETC applications from wireless carriers like TAG. As such, the Commission has jurisdiction over the instant application.

Section 54.202 of the Commission's rules establishes the requirements that an applicant must meet in order to receive ETC designation from the Commission. As demonstrated below, TAG meets all these requirements to be designated as an ETC. Specifically, Section 54.202 requires:

- a) That an applicant be a common carrier:

TAG provides its mobile offerings on a common carrier basis. TAG has registered with the FCC's data collection agent to identify itself as a provider of telecommunications services. TAG has also filed for ETC status and has registered as a provider of wireless services with an additional 9 state commissions, and such applications are currently pending. Lastly, TAG is already an authorized ETC in the states of Arkansas, Louisiana and Missouri, further indicating that it meets this standard.

- b) Provide the supported services through a combination of facilities and resale;

As noted above: TAG provides service using a mix of resold service (primarily through its status as an MVNO wireless provider) and facilities-based services, using the call

³ 47 U.S.C. § 214(e)(6).

authorization controller and co-ownership of a switch located in Dallas, Texas. These facilities are used to provide access to all of the federally required services. While the facilities are co-owned with TAG's wireline affiliate, dPi Teleconnect, the services are indeed offered using a combination of resold and facilities, as required by the applicable sections of the rules.

- c) Offer services supported by federal USF support mechanisms;

As is discussed in greater detail below, TAG offers all the required telecommunications services that are supported by the Commission's Lifeline program. All of these services are offered on a prepaid monthly basis, as well as the option to add more minutes on an "as needed" basis. A fuller description of TAG's service plans and pricing can be found on its website, www.tagmobile.net.

- d) Advertise the availability and pricing of its universal service support qualifying services;

TAG will announce and advertise telecommunications services as an ETC where it provides service in its Service Area and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income residents in these states will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to TAG's service. A sample of TAG's planned advertising is attached hereto as Exhibit 3.

- e) Comply with regulations applicable to ETCs, including:
 1. Providing continued functionality in emergencies;
 2. Complying with consumer protection standards;
 3. Committing to provide quality service;

4. Offering various local usage plans;
5. Acknowledging equal access requirements;
6. Submitting annual certifications; and
7. Verifying and certifying customer qualification for Lifeline and Link-Up programs.⁴

TAG offers a fully compliant E911 solution that is as resilient during emergencies as any provider of wireless service and will ordinarily continue to function even in emergency situations. TAG complies with all current consumer protection standards placed on it by the Commission, and, where applicable, state regulators. As part of these requirements, TAG must abide by the service quality and consumer protection rules. In addition, TAG commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's regulations.⁵ TAG in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards. TAG, as a wireless provider, offers a several basic service offerings, that comes with a standard number of minutes, as described above. But, customers have flexibility to choose from a variety of offerings for purchasing additional minutes as fits their needs. Thus, customers can purchase only the amount of service they need or can afford, even with the support from the Lifeline program. A chart further describing the various offerings is included in Exhibit 4 to this application. TAG acknowledges the FCC's equal access requirements, and will provide equal access to long distance carriers to extent required and technically feasible. Similarly, TAG is aware of the FCC's annual certification requirements and already complies with them for its affiliated wireline entity as well as for the services TAG provides in the states of Arkansas,

⁴ 47 C.F.R. § 54.202.

⁵ 47 C.F.R. § 54.209.

Louisiana and Missouri. As such, TAG will continue to comply with these annual certification requirements. TAG does establish and verify customer eligibility for Lifeline. Consistent with federal requirements, TAG requires customers to self-certify at the time of service activation and annually thereafter that they: 1) are the head of household; 2) participate in one of the state-approved means tested programs; 3) will be receiving Lifeline-supported services only from TAG; 4) do not currently receive Lifeline support; and 5) will notify TAG in the event that they no longer participate in the qualifying program. Verification of continued eligibility is accomplished by contacting a statistically valid sample of the TAG's Lifeline customers. TAG anticipates that it will be able to comply with any changes in the Commission certification requirements that may arise from current reform proceedings.⁶

III. Required Service Offerings.

In addition to the basic requirements to provide service. The Commission's rules require that ETCs offer a minimum set of supported services. TAG offers all of these services and satisfies the requirements. Under federal rules, the ETC must offer the following services:

- a) Voice grade access to the public switched network;

Voice grade access "enables a user of telecommunications services to transmit ... and to receive voice communications" including signaling for outgoing and incoming calls. And, "bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz."⁷ Through its underlying carriers, TAG has the ability to provide this level of service and access to the PSTN.

- b) Access to free-of-charge "local usage" defined as an amount of minutes of use of exchange service;

Local usage in the context of a wireless provider means "an amount of minutes of use of

⁶ *Lifeline and Link Up Reform*, WC Docket No 11-42, Notice of Proposed Rulemaking (Rel: Mar. 4, 2011).

⁷ 47 C.F.R. § 54.101(a)(1).

exchange service, prescribed by the Commission”⁸ As noted above, TAG offers customers a basic level of service that includes a monthly allowance of no less than 68, and up to 100, minutes of use in most states, but also the ability to purchase additional minutes as needed. More details on current pricing and options can be found at www.tagmobile.net.

- c) Dual tone multi-frequency signaling or its functional equivalent;

“Dual tone multi-frequency” (DTMF) is “signaling that facilitates the transportation of signaling through the network, shortening call set-up time.”⁹ All handsets offered by TAG are DTMF-compliant.

- d) Single-party service or its functional equivalent;

For wireless providers, “single-party service” provides a “dedicated message path for the length of a user’s particular transmission.”¹⁰ Single-party service effectively allows only one party service by a subscriber line in contrast to a multiparty line which grants multiple parties access to a single line. TAG offers single party service exclusively.

- e) Access to emergency services;

Emergency services include “access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations.”¹¹ Consumers can place 911/E911 emergency calls with TAG’s service from their E911 capable handsets. Further, TAG is capable of delivering automatic numbering information (“ANI”) and automatic location information (“ALI”) over its existing network, and otherwise satisfies all applicable state and federal E911 requirements. Finally, 911 and E911 emergency services are available to TAG customers even when all if their minutes have expired or their handset is currently inactive.

⁸ 47 C.F.R. § 54.101(a) (2).

⁹ 47 C.F.R. § 54.101(a) (3).

¹⁰ 47 C.F.R. § 54.101(a)(4).

¹¹ 47 C.F.R. § 54.101(a)(5).

f) Access to operator services;

Operator services include “access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.”¹² TAG provides access to operator services with respect to call completion to customers dialing “411,” access to operator services with respect to the national 2-1-1 initiative, which provides access to free and confidential information and referrals for help with food, housing, employment, health care, counseling and more, to customers dialing “211,” and depending on the underlying carrier, access to operator services with respect to billing questions to customers dialing “611.” Operator services are provided through TAG’s own switching facilities.

g) Access to interexchange services;

TAG’s wireless service includes the ability to access long distance services, and itself provides long distance service to its end users as part of its wireless offerings. In addition, as noted above, TAG will provide access to alternative interexchange providers as required and technically feasible

h) Access to directory assistance; and

Directory Assistance is the availability to reach directory listings on request. TAG provides access to these services through its own facilities and its underlying provider. Customers can thus receive directory listings as required.

i) Toll Limitation for qualifying low income consumers.

Toll limitation allows low income consumers the tools to avoid unexpected toll charges, through “either toll blocking or toll control.”¹³ Since TAG is a prepaid service provider, which means that customers pay for their service in advance and can use only the amount of service for

¹² 47 C.F.R. § 54.101(a)(6).

¹³ 47 C.F.R. § 54.400(d).

which they have already paid, TAG customers cannot be disconnected for failure to pay telephone toll charges, nor do they have to worry about back end charges for going over their preset minute limits. Also, as typical wireless service does not differentiate domestic long distance telephone toll usage from local usage and all usage is paid for in advance, TAG customers can use their service to complete both local and domestic long distance telephone toll calls without incurring additional fees for domestic long distance calls. This service is ideal for low-income consumers who enjoy the ability to control or limit their charges.

As described above, qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier. Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated an ETC. TAG will comply with each of these requirements regarding service provisions and advertisement, and TAG will utilize all universal service support for the provision, maintenance, and upgrading of the supported services.

IV. TAG's Application is in the Public Interest.

Commission Rules require that an ETC application demonstrate that designation would be consistent with the public interest, convenience and necessity and that prior to designating an ETC pursuant to section 214(e)(6), the Commission "shall consider the benefits of increased consumer choice, and the unique advantages...of the applicant's service offering".¹⁴ Pursuant to this requirement, TAG provides the following information which clearly demonstrates that TAG's designation as an ETC for wireline and wireless service is consistent with the public interest, convenience and necessity providing consumers with increased competitive choice through the offering of a unique service.

¹⁴ 47 C.F.R. § 54.202(c).

The FCC has determined that while designation of competitive ETCs promotes and benefits consumers by increasing customer choice, designation must include “an affirmative determination that such designation is in the public interest regardless of whether the applicant seeks designation in an area served by a rural or non-rural carrier.”¹⁵ TAG is seeking ETC designation for wireless services, and designation of TAG will increase competitive choice for recipients of Lifeline-subsidized services. In addition, inclusion of its wireless service will provide an additional valuable alternative to the existing telecommunications services currently available in these areas and will promote competition and facilitate the provision of advanced communications services to low-income residents of these states.

The public interest benefits of inclusion of the Company’s wireless service include larger local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage in the event that included usage has been exhausted, 9-1-1 service and, where available, E 9-1-1 service in accordance with current FCC requirements.

Designation of the Company as an ETC will also provide the ILECs and incumbent wireless carriers serving the same area an incentive to improve their existing networks and service offerings in order to remain competitive, which will result in improved consumer services and will also benefit consumers by allowing TAG to offer the services designated for support at rates that are “just, reasonable, and affordable.”¹⁶

¹⁵ See *Federal-State Joint Board on Universal Service*. Report and Order, FCC 05-46, ¶ 42 (2005).

¹⁶ See 47 U.S.C. § 254(b)(1).