



August 29, 2011

FILED/ACCEPTED

AUG 29 2011

Federal Communications Commission
Office of the Secretary

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

Re: WC Docket No. 09-197

Dear Ms. Dortch

Enclosed please find an original and four copies of the Petition of Cintex Wireless, LLC for Designation as an Eligible Telecommunications Carrier on a Wireless Basis in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia.

Please date stamp the enclosed extra copy of this transmittal letter.

If you have any questions, please contact the undersigned at (301) 363-4306.

Regards,

A handwritten signature in blue ink that reads "Robert Felgar".

Robert Felgar
General Counsel

No. of Copies rec'd 0+4
List ABCDE

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

FILED/ACCEPTED

In the Matter of)
)
Telecommunications Carriers Eligible to)
Receive Universal Service Support)
)
Cintex Wireless, 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)

AUG 29 2011

Federal Communications Commission
Office of the Secretary

WC Docket No. 09-197

**PETITION OF CINTEX WIRELESS, LLC FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER ON A WIRELESS BASIS IN ALABAMA, CONNECTICUT,
DELAWARE, THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW
YORK, NORTH CAROLINA, TENNESSEE, AND VIRGINIA**

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SUMMARY

Cintex Wireless, LLC (“Cintex”), requests designation as an eligible telecommunications carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, Virginia and the District of Columbia. Each of these states has declined jurisdiction over ETC petitions of wireless providers. Accordingly, jurisdiction lies with the Commission.

Cintex is a facilities-based provider that provides the services supported by the federal universal service support mechanisms over a combination of its own facilities and the facilities of its underlying wireless carrier. Further, Cintex satisfies all other Commission requirements to be designated an ETC.

Designating Cintex an ETC is in the public interest by promoting greater penetration of telecommunications services among low income consumers and increasing the competitive choices that they have available.

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

In the Matter of)
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Telecommunications carriers Eligible to)
Receive universal Service Support)
Cintex Wireless, LLC)
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Petition for Designation as an Eligible)
Telecommunications Carrier in Alabama,) Docket No. _____
Connecticut, Delaware, the District of)
Columbia, Florida, New Hampshire,)
New York, North Carolina, Tennessee,)
and Virginia)

**PETITION OF CINTEX WIRELESS, LLC FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER ON A WIRELESS BASIS IN ALABAMA, CONNECTICUT,
DELAWARE, THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW
YORK, NORTH CAROLINA, TENNESSEE, AND VIRGINIA**

Cintex Wireless, LLC (“Cintex”), by its undersigned counsel, hereby petitions the Federal Communications Commission (the “Commission”) 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 Sections 54.201 through 54.207 of the Rules of the Federal Communications Commission (the “Commission”).² Cintex seeks designation as an ETC only to participate in the Lifeline and Link Up programs in the States of Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North

¹ 47 U.S.C. § 214(e)(6).

² 47 CFR §§54.201 – 54.207.

Carolina, Tennessee and Virginia. Cintex will not seek funds from the Universal Service Fund to provide service to high-cost areas.

I. ABOUT CINTEX

Cintex is a Delaware limited liability company with headquarters located at 11910 Parklawn Drive, Suite U, Rockville, Maryland 20852. Cintex has been designated an eligible telecommunications carrier in the states of Maryland, Rhode Island, West Virginia, Arkansas and Maine.

Cintex currently obtains service from Sprint-Nextel. The agreement with Sprint-Nextel enables Cintex to offer service wherever Sprint-Nextel offers service.

Cintex's marketing and distribution model is focused directly towards low-income communities and neighborhoods. Cintex will market its phones and services through mass media advertisements (i.e., television, radio and newspapers), direct mail and sales teams that will engage in in-person sales at locations and events frequented by low-income consumers. In addition, consumers will have the ability to purchase additional minutes at various retail locations, such as 7-Eleven stores, as well as by calling customer service and online. By providing service to this market segment, Cintex will ensure that many Americans who cannot afford or access the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications.

Cintex will provide its customers prepaid services. It does not require customers to sign long-term contracts nor does it impose early termination fees. Cintex will also provide a wide choice of handsets.

II. THE COMMISSION HAS JURISDICTION TO DESIGNATE CINTEX AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”), the Commission has the jurisdiction to designate telecommunications carriers as ETCs in states where common carriers are “not subject to the jurisdiction of a state commission.”³

Exhibit 1 to the Petition includes documentation demonstrating that the states in which Cintex seeks ETC status have stated that they do not wish to exercise jurisdiction over ETC petitions from wireless carriers.

III. CINTEX’S LIFELINE AND LINK UP OFFERING

Cintex will offer its Lifeline service through its own facilities and through the resale agreement with Sprint-Nextel or another underlying carrier. *Cintex will offer each eligible customer 90 free anytime local and long distance minutes per month.* Any unused minutes will roll over from month-to-month. Cintex will not charge a monthly recurring fee; the service will be strictly a pay-as-you-go service.

In the event that a customer uses all of his minutes, the customer may purchase additional airtime minutes in accordance with the following:

Airtime Card Face Value	Total Minutes	Actual Cost Per Minute
\$3.00	20	\$0.15
\$5.00	33	\$0.15
\$10.00	67	\$0.15
\$20.00	500	\$0.04

³ 47 U.S.C. § 214(e)(6).

The cost per minute associated with these buckets compares favorably with the rates offered by other wireless ETCs.

Airtime cards will be available at various retail outlets frequented by low income consumers; airtime minutes may also be purchased by calling Cintex's customer service number or online.

Wireless handsets will be provided to qualifying Lifeline customers free of charge. The service will include caller ID, call waiting, call forwarding, 3-way calling and voicemail.

Cintex also seeks Link-Up support for its customers. Link Up support offers customers “[a] reduction in the carrier’s customary charge for commencing telecommunications service for a single telecommunications connection at a consumer’s principal place of residence. The reduction shall be half of the customary charge or \$30.00, whichever is less.”⁴

IV. CİNTEX REQUESTS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN ITS SERVICE AREA

Cintex is not a rural carrier as defined in Section 153(37) of the Act.⁵ Accordingly, Cintex must describe the geographic service area(s) within which it requests designation as an ETC.⁶ Cintex requests designation in the entire area of each state. Cintex will offer its Lifeline-supported service wherever its underlying CMRS provider (currently Sprint-Nextel) has coverage.

⁴ 47 C.F.R. § 54.411(a)(1).

⁵ 47 U.S.C. § 153(37).

⁶ Public Notice – Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, FCC 97-419, 12 FCC Rcd 22947 (1997).

V. CİNTEX WILL PROVIDE THE NINE SUPPORTED SERVICES

In order to be designated an ETC, a carrier must offer all of the services “supported by the universal service support mechanisms”⁷ which are enumerated in Section § 54.101(a) of the Commission’s rules. Cıntex provides each of the enumerated services, other than toll limitation, which Cıntex is not required to provide for reasons discussed below. Each of the supported services is discussed in turn.

1. Voice grade access to the public switched network.

Voice grade access to the public switched telecommunications network (“PSTN”) means the ability to make and receive traditional voice phone calls between the approximately 500 Hertz and 4,000 Hertz for a bandwidth of approximately 3500 Hertz.⁸ The voice grade access provided by Cıntex enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving signals indicating there is an incoming call.

2. Local usage.

As part of the voice grade access to the PSTN, an ETC must provide local calling. Cıntex provides subscribers the ability to send and receive local phone calls wherever it provides service. Moreover, local usage is in all of Cıntex’s calling plans, including those plans which will comprise Lifeline offerings. Commission Rule 54.202(a)(4) requires an ETC applicant to “demonstrate that it offers a local usage plan comparable to the one offered by the incumbent

⁷ 47 U.S.C. § 214(e)(1)(A).

⁸ See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776, 8810-11 (1997) (“USF Order”).

LEC in the service areas for which it seeks designation.”⁹ The Commission has explained that an ETC applicant’s local usage plans should be reviewed on a case-by-case basis to ensure that each ETC provides a local usage component in its universal service offering that is comparable to the plan offered by the incumbent LEC in the area.¹⁰ The Commission has not adopted any minimum local usage requirements.¹¹ As a designated ETC, Cintex will comply with any minimum local usage requirements adopted by the Commission. Most importantly, as described in section III above, Cintex’s Lifeline offerings will go beyond those of some other ETCs in a very important respect. Cintex’s Lifeline customers will receive as part of their Lifeline service, specified amounts of *free* wireless service. That is, Lifeline customers will be able to use Cintex’s service to initiate and receive specified amounts of wireless calling – local and long distance – with no charge to the customers.

3. Dual tone multi-frequency (“DTMF”) signaling or its functional equivalent.

DTMF signaling allows carriers to provide expeditious call set-up and call detail information and enables modem usage.¹² The Commission permits carriers to provide signaling that is functionally equivalent to DTMF to satisfy the DTMF requirement. All telephone handsets provided by Cintex are DTMF-capable.

⁹ 47 C.F.R. § 54.202(a)(4).

¹⁰ Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371 (2005).

¹¹ Id. ¶ 32.

¹² USF Order, 12 FCC Rcd at 8814.

4. Single-party service or its functional equivalent.

Single-party service means that only one party will be served by a subscriber line or access for the duration of every phone call. Cintex does not provide “multi-party” or “party line” services.

5. Access to 911 and E911 emergency service.

The Commission has declared that access to emergency services is essential.¹³ Cintex provides universal access to the 911 system for its customers. Cintex offers enhanced 911 (“E-911”) services wherever such services are offered by Sprint-Nextel. In particular, Cintex will comply fully with the Commission’s E-911 requirement applicable to wireless resellers.¹⁴ Pursuant to the Commission’s E-911 Order, providers that use other carriers’ facilities to provide wireless voice service to customers have an obligation to comply with the Commission’s E-911 rules “to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP [public service answering point].”¹⁵

6. Access to operator services.

Cintex offers all of its customers access to operator services, in part through its own facilities. This is explained further in section VIII below.

¹³ Id. at 8815.

¹⁴ See Revision of the Commission’s Rules to Ensure Compatibility With Enhanced 911 Emergency calling Systems, Report and Order and Second Further Notice of proposed Rulemaking, 18 FCC Rcd 25340 (2003) (“E-911 Order”).

¹⁵ Id. ¶ 91.

7. Access to interexchange service.

Cintex customers can use Cintex services to complete toll calls. In fact, Cintex does not impose separate charges for interexchange calls. Long distance calling is included in Cintex service with no additional charge.

8. Access to directory assistance.

All Cintex customers receive access to directory assistance service in part through Cintex's own facilities. This is explained further in section VIII.

In addition, Cintex will offer its customers directory assistance at no charge. Calls to directory assistance will not consume any free minutes.

9. Toll limitation for qualified low-income customers.

There is no need for Cintex to offer a toll limitation feature to qualifying low-income customers. Since Cintex's service is a prepaid service, no customers will be disconnected for failure to pay toll charges or, for that matter, any other charges. Inasmuch as all Cintex services are prepaid, there is no danger that low income customers will incur large charges for heavy toll (or other) calling and no risk that they will be disconnected for nonpayment. Since customers pay for the service in advance – they can use only what they already have paid for or what service quantities have been provided to them under the Lifeline program. Thus, Cintex's prepaid services are especially beneficial to lower income users since the consumers' enjoy the ability to control or limit their charges for toll services (as well as local service) in a manner that customers of traditional post-paid do not.

VI. CINTEX WILL ADVERTISE THE AVAILABILITY OF THE SUPPORTED SERVICES

Section 54.201(d)(2) of the Commission’s rules provide that an ETC must “[a]dvertise the availability of such services and the charges therefore using media of general distribution.”¹⁶ Further, a carrier offering Lifeline must “[p]ublicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.”¹⁷ Similarly, a carrier must “publicize the availability of Link Up support in a manner reasonably designed to reach those likely to qualify for the support.”¹⁸

Cintex will advertise its Lifeline and Link Up offerings in traditional media such as television, radio and print. The advertisements will be published and/or viewed on programming and in newspapers that target low income audiences. Cintex may also make potential customers aware of its service through direct mail. Direct mail advertising will be targeted towards low income consumers. Attached as Exhibit 2 is an example of a Cintex flyer describing its Lifeline offering.

VII. CINTEX SATISFIES ALL ADDITIONAL REQUIREMENTS FOR DESIGNATION AS AN ETC

In addition to providing the supported services discussed in section V above, Cintex satisfies the Commission’s remaining requirements for designation as an ETC. These additional requirements are discussed below.

A. Cintex is a Common Carrier

Wireless resellers provide commercial mobile services and are therefore common carriers. Section 332(c)(1) of the Act provides that “[a] person engaged in the provision of a

¹⁶ 47 CFR § 54.201(d)(2).

¹⁷ 47 CFR § 54.405(b).

¹⁸ 47 CFR § 54.411(d).

service that is a commercial mobile service shall . . . be treated as a common carrier.”¹⁹ Section 332(d)(1), in turn, defines commercial mobile service as “any mobile service . . . that is provided for profit and makes interconnected service available (A) to the public or (B) such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.”²⁰ Cintex offers its services to the public for profit. Accordingly, Cintex is a common carrier.

B. Cintex Will Offer Service to Requesting Customers Within a Reasonable Time

Cintex offers service through a combination of its own facilities and the facilities of Sprint-Nextel. The network is operational and Cintex will be able to activate customers “on a timely basis” throughout its proposed designated service area, as required by Section 54.202(a)(1) of the Commission’s rules.²¹ Moreover, Cintex will be in a position to offer its Lifeline service quickly after the Commission approves this petition.

C. Cintex Can Remain Functional in Emergency Situations

Section 54.202(a)(2) of the Commission’s rules requires that a carrier seeking to be designated an ETC demonstrate that it has the ability to remain functional in emergency situations.²² Cintex has the same ability to remain functional in emergency situations as Sprint-Nextel, its underlying provider.

¹⁹ 47 U.S.C. § 332(c)(1).

²⁰ 47 U.S.C. § 332(d)(1).

²¹ 47 C.F.R. § 54.202(a)(1).

²² 47 C.F.R. § 54.202(a)(2).

D. Cintex will Satisfy Consumer Protection and Service Quality Standards

A carrier requesting designation as an ETC must “demonstrate that it will satisfy applicable consumer protection and service quality standards.”²³ This requirement is satisfied by a wireless applicant if it commits to “comply[ing] with the Cellular Telecommunications and Internet Association’s Consumer Code of Wireless Service.”²⁴ Cintex will comply with the Consumer Code.

E. Cintex Offers a Local Usage Plan Comparable to Those Offered by the Incumbent Local Exchange Carrier

As part of the voice grade access to the PSTN, an ETC must provide local calling. Cintex provides subscribers the ability to send and receive local phone calls wherever it provides service. Moreover, local usage is in all of Cintex’s calling plans, including those plans which will comprise Lifeline offerings. Section 54.202(a)(4) of the Commission’s rules requires an ETC applicant to “demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.”²⁵ The Commission has explained that an ETC applicant’s local usage plans should be reviewed on a case-by-case basis to ensure that each ETC provides a local usage component in its universal service offering that is comparable to the plan offered by the incumbent LEC in the area.²⁶ The Commission has not adopted any minimum local usage requirements.²⁷ As a designated ETC, Cintex will comply with any minimum local usage requirements adopted by the Commission. Most importantly, as described in section III above, Cintex’s Lifeline offerings will go beyond those of other ETCs in a very important respect. Cintex’s Lifeline customers will receive as part of their Lifeline

²³ 47 C.F.R. § 54.202(a)(3).

²⁴ Id.

²⁵ 47 C.F.R. § 54.202(a)(4).

²⁶ *Federal-State Joint Board on Universal Service*, Report and Order, 20 FCC Rcd 6371 (2005).

²⁷ *Id.* ¶ 32.

service, specified amounts of *free* wireless service. That is, Lifeline customers will be able to use Cintex’s service to initiate and receive specified amounts of wireless calling – local and long distance – with no charge to the customers.

F. Cintex Will Provide Equal Access

As required by Section 54.202(a)(5) of the Commission’s rules, Cintex will “provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.”²⁸

G. Cintex Will Comply With the Lifeline and Link Up Certification and Verification Requirements of 47 C.F.R. §§ 54.409, 54.410 and 54.416

Sections 54.409, 54.410 and 54.416 of the Commission’s rules require ETCs to comply with certain requirements of initial certification of eligibility and the verification of continued eligibility for participation in the Lifeline and Link Up programs.²⁹ Cintex will certify and verify customers in accordance with those rules.

VIII. CINTEX WILL PROVIDE THE SUPPORTED SERVICES OVER A COMBINATION OF ITS OWN FACILITIES AND RESALE OF ANOTHER CARRIER’S SERVICES

As required by the Act and Commission’s rules, Cintex will provide certain services supported by the universal service support mechanisms using a combination of its own facilities and the facilities of Sprint.³⁰ Cintex will provide access to directory assistance and access to operator services in part over its own facilities. Specifically, Cintex owns a platform located at 1010 Wayne Street Avenue, Suite 630, Silver Spring, Maryland 20910-5620. All (1) directory assistance calls, (2) operator services calls, and (3) customer service calls are forwarded to the

²⁸ 47 C.F.R. § 54.202(a)(5).

²⁹ 47 C.F.R. §§ 54.410, 54.416.

³⁰ 47 USC § 214(e)(1)(A), 47 C.F.R. § 54.201(d)(1) (an ETC must offer the supported services “using its own facilities or a combination of its own facilities and resale.”)

platform. Cintex leases a T1 from XO Communications, which connects the public switched telephone network to the platform; these three call types are transmitted over the T1 to the platform. The platform, in turn, can route the calls to any location designated by Cintex. As discussed below, directory assistance calls are routed to a directory assistance provider, while operator services calls are routed to Cintex's own call center.

The Commission's rules define "facilities" as "any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part."³¹ Cintex uses its own physical components to route 411 and operator services calls. These calls will be routed by Cintex to either its own call center or to a vendor that will provide directory assistance and operator services.

The Commission has been clear that a carrier does not have to use its own facilities to provide all of the supported services in order to be designated an ETC. The Commission explained that "if a carrier uses its own facilities to provide at least one of the designated services, and the carrier otherwise meets the definition of "facilities" adopted here, then the facilities requirement of Section 214(e) is satisfied."³²

Further, Section 214(e)(1)(A) of the Act makes it clear that a carrier is eligible to become an ETC if it provides the supported service(s) via a "combination" of its own facilities and resale.³³ Cintex is not required to provide 411 and operator services exclusively through its own facilities. Thus, by owning physical components that route 411 and operator services calls,

³¹ 47 C.F.R. § 54.201(e).

³² USF Order, 12 FCC Rcd at 8870-71.

³³ 47 U.S.C. § 214(e)(1)(A).

Cintex satisfies the statutory requirement mandating that ETCs provide service “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”³⁴

IX. DESIGNATING CİNTEX AN ETC IS IN THE PUBLIC’S INTEREST

Cintex’s Lifeline offering will provide low income consumers with increased competitive choice and the benefits of Cintex’s unique Lifeline service. As discussed in section III above, Cintex intends to offer consumers 90 free minutes that roll over from month-to-month. Moreover, Cintex will provide consumers with additional minutes at a low cost. This is exemplified by its \$20.00 airtime card, which provides 500 minutes at an effective cost of \$0.04 per minute. Low income consumers will benefit significantly from Cintex’s low cost service and high-quality phones.

X. CONCLUSION

Based on the foregoing, Cintex has demonstrated that it is eligible to be designated an ETC. Cintex respectfully requests that the Commission grant this petition expeditiously.

Respectfully submitted,



Robert Felgar
General Counsel
Cintex Wireless, LLC
11910 Parklawn, Suite U
Rockville, MD 20852
(301) 363-4306

Counsel for Cintex Wireless, LLC

August 29, 2011

³⁴ 47 U.S.C. § 214(e)(1).

Certification of Cintex Wireless, LLC

I, Paul Greene, hereby affirm under penalty of perjury that I have reviewed all of the factual assertions set forth in the foregoing petition for ETC status and that all such statements made therein are true and correct to the best of my knowledge, information and belief.

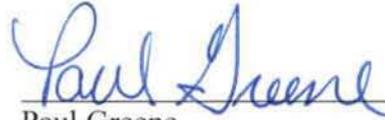

Paul Greene
CEO

EXHIBIT 1

Alabama Public Service Commission

Orders

**PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,**

Joint Petitioners

**PETITION: For ETC status and/or
clarification regarding the jurisdiction of
the Commission to grant ETC status to
wireless carriers.**

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural

service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

November 8, 2010

In reply, please refer to:
UR:PAP

Jacqueline Hankins
Helein & Marashlian
1420 Spring Hill Rd
Suite 205
McLean, VA 22102

Re: Request for Letter Clarifying Jurisdiction Over Wireless ETC Petitions

Dear Ms. Hankins:

The Department of Public Utility Control (Department) acknowledges receipt of your October 25, 2010 letter filed on behalf of Boomerang Wireless, LLC d/b/a Ready Mobile (Ready Mobile) requesting clarification as to whether the Department claims jurisdiction to designate wireless eligible telecommunications carriers (ETC) in Connecticut.

The Department does not regulate or license mobile carrier services' rates and charges and therefore, Ready Mobile should apply to the Federal Communications Commission for purposes of being designed an ETC.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

A handwritten signature in black ink, appearing to read "K. Santopietro", written over the typed name.

Kimberley J. Santopietro
Executive Secretary

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
VERIZON DELAWARE INC., TO MODIFY THE)
LIFELINE SERVICE BY ADDING AN INCOME) PSC DOCKET NO. 05-016T
QUALIFIER TO THE ELIGIBILITY CRITERIA)
(FILED JUNE 17, 2005))

ORDER NO. 6736

This 11th day of October, 2005, the Commission determines and Orders the following:

1. In the jargon of the federal Lifeline/Link-Up program, Delaware is a "federal default State." Delaware has never, by either state law or state regulation, ordained, nor funded, a stand-alone program to provide discounts on basic telephone services charges for low-income subscribers. Consequently, it was not until 1997, when the Federal Communications Commission ("FCC") revamped the federal Lifeline/Link-Up program, that Delaware subscribers first became eligible for participation in the federal Lifeline program.¹ And given that in a "federal default State" only federally-raised monies are used to reimburse eligible carriers for the Lifeline and Link-Up discounts, it is the FCC, and not the state commission, that gets to call the tune about who should be eligible to receive these federally-subsidized price reductions.

2. Since 1997, Verizon Delaware Inc. ("VZ-DE") has been designated as an "eligible telecommunications carrier" and has offered

¹See PSC Order No. 4684 (Dec. 16, 1997) (summarizing Delaware history and electing to allow "Tier 2" federal support to eligible Delaware subscribers).



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpssc.org

May 26, 2011

Via First Class & Certified Mail

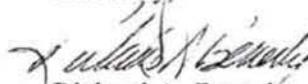
Douglas D. Orvis II
Kimberly A. Lacey
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006-1806

Dear Mr. Orvis and Ms. Lacey:

Thank you for your May 24, 2011 letter requesting information on whether the Public Service Commission of the District of Columbia ("Commission") designates wireless telecommunications carriers as eligible telecommunications carriers ("ETC") for the purposes of receiving federal universal service funding. Please be advised that, pursuant to section 34-2006(b) of the District of Columbia Code, the Commission does not have jurisdiction over wireless carriers. Thus, the Commission has no authority to designate wireless telecommunications carriers as ETCs.

Attached please find a copy of the relevant section of the District of Columbia Code for your information. Should you need anything further, please contact Lara Walt at 202-626-9191 or lwalt@psc.dc.gov.

Sincerely,


Richard A. Beverly
General Counsel

Enclosure