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May 14, 2012

BY ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Total Call Mobile, Inc., WC Docket Nos. 09-197 and 11-42

Dear Secretary Dortch:

On March 16, 2012, Total Call Mobile, Inc. ("TCM"), by its attorneys, submitted a Compliance Plan to the Federal Communications Commission ("Commission" or "FCC") in accordance with the Commission's February 6, 2012 Lifeline and Link Up Reform and Modernization *et al.* Report and Order. Attached to the Compliance Plan, as Exhibit B, was a sample of TCM's Application Form ("Form") for its Lifeline services.

TCM has continued to refine its plans for providing Lifeline services. In addition, through discussions of its Compliance Plan with Commission staff, TCM has identified additional revisions which will help clarify its compliance with the requirements in the *Lifeline Reform Order*. Accordingly, TCM hereby submits a revised Compliance Plan demonstrating its compliance with applicable FCC Lifeline rules. This plan supplements, restates and replaces the Compliance Plan submitted on March 16, 2012.

For the staff's convenience, TCM describes the principal changes to the plan below. The Revised Compliance Plan:

- Clarifies the procedures used by TCM personnel to verify Lifeline service applicant eligibility (see pp. 5-7);
- Provides further explanation of the technical and financial capabilities of TCM, of its parent, Total Call International, Inc.,

and of the majority owner of TCI, KDDI of America (see pp. 21-23 and Exh. A);

- Inserts Exhibits A and B and re-labels the remaining exhibits accordingly;
- Revises the Model Application Form (now Exhibit D) to clarify eligibility for large households under income-based eligibility, to add a check-box for applicants residing at an address occupied by multiple households, and to amend and clarify customer certifications;
- Adds a copy of an internal verification form that will be used by TCM to record the type of documentation used to verify customer eligibility (see Exhibit B);
- Makes minor clarifications throughout (see pp. 1, 6-7, 14, 18, 22-23)

In addition, on February 29, 2012,[1] the Wireline Competition Bureau provided guidance on the compliance plans that must be submitted to the Bureau by carriers seeking to avail themselves of the Commission's conditional grant of forbearance in the *Lifeline Reform Order*. The guidance summarized the elements that non-facilities based Lifeline-only ETCs must include within their compliance plans. For ease of review, Total Call Mobile also attaches to this letter an index identifying the sections in its Compliance Plan that address each of the items listed in the Bureau *Public Notice*. This index follows the organization of the *Public Notice*, at page 3.

TCM requests that the Commission expeditiously approve this Compliance Plan in order to permit it to begin serving Lifeline customers on a non-facilities basis in its ETC states as soon as possible.

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1 Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the *Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, DA 12-314 (rel. Feb. 29, 2012).

Please contact the undersigned at (202) 342-8612 if you have any questions.

Respectfully submitted,

Steven A. Augustino

Counsel to Total Call Mobile, Inc.

Attachments

cc: Garnet Hanly, FCC (via e-mail)
Divya S. Shenoy, FCC (via e-mail)
Charles Tyler, FCC (via e-mail)
Best Copy and Printing, Inc. (via e-mail)

Compliance Plan Index

By *Public Notice* dated February 29, 2012,[1] the Wireline Competition Bureau provided guidance on the compliance plans that must be submitted to the Bureau by carriers seeking to avail themselves of the Commission's conditional grant of forbearance in the *Lifeline Reform Order*. The guidance summarized the elements that non-facilities based Lifeline-only ETCs must include within their compliance plans. For ease of review, Total Call Mobile hereby provides an index identifying the sections in its Compliance Plan that address each of the items listed in the Bureau *Public Notice*. This index follows the organization of the *Public Notice*, at page 3.

1. Information about the carrier and the Lifeline plans it intends to offer

Requirement	Page number in Compliance Plan
(a) names and identifiers used by the carrier, its holding company and affiliates	fn 1
(b) detailed information demonstrating that the carrier is financially and technically capable of providing the supported Lifeline service in compliance with the Commission's rules	pp. 21-23
(c) detailed information, including geographic locations, of the carrier's current service offerings if the carrier currently offers service	p. 22 (non-Lifeline services)
(d) the terms and conditions of each Lifeline service plan offering, including rates, the number of minutes provided, and additional charges, if any, for toll calls	pp. 21, 23-24, Exhibits E-G.
(e) all other certifications required under newly amended section 54.202 of the Commission's rules	pp. 23-24

2. Compliance with subscriber eligibility rules

Requirement	Page number in Compliance Plan
all of the consumer eligibility, consumer enrollment, and re-certification procedures, as required by Section VI and Appendix C of the *Lifeline Reform Order*	pp. 4-13 (initial enrollment) pp. 13-14 (verification/re-certification) pp. 14-15 (non-usage policy) pp. 16-17 (one per household rule)
a copy of the carrier's certification form	Exhibit D

[1] Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the *Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, DA 12-314 (rel. Feb. 29, 2012).

3. Compliance with 911/E911 rules

Requirement	Page number in Compliance Plan
A detailed explanation of how the carrier will comply with the forbearance conditions relating to public safety and 911/E911 access	pp. 3-4

4. Compliance with marketing and disclosure rules

Requirement	Page number in Compliance Plan
A detailed explanation of how the carrier will comply with the Commission's marketing and disclosure requirements for participation in the Lifeline program	pp. 17-18 Exhibit D (certification form) Exhibit E (sample brochure)

5. Compliance with waste, fraud and abuse protections

Requirement	Page number in Compliance Plan
A detailed explanation of the carrier's procedures and efforts to prevent waste, fraud and abuse in connection with Lifeline funds	pp. 4-13 (initial enrollment) pp. 15-18 (additional protections)
procedures the carrier has in place to prevent duplicate Lifeline subsidies within its own subscriber base	pp. 15-17
procedures the carrier undertakes to de-enroll subscribers receiving more than one Lifeline subsidy per household	pp. 16-17. See also, application and certification forms (#2, above) and marketing methods (#4, above)
information regarding the carrier's toll limitation service, if applicable	not applicable (see p. 24)
information regarding the carrier's non-usage policy, if applicable	pp. 14-15

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

In the Matter of	)	
Telecommunications Carrier Eligibility to Receive Universal Service Support	)	WC Docket No. 09-197
Lifeline and LinkUp Reform and Modernization	)	WC Docket No. 11-42
Total Call Mobile, Inc. (Compliance Plan)	)	

TOTAL CALL MOBILE, INC.'S REVISED COMPLIANCE PLAN

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May 14, 2012

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TOTAL CALL MOBILE, INC.'S REVISED COMPLIANCE PLAN

On May 25, 2011, Total Call Mobile, Inc. ("TCM" or "Company")[1] filed a Petition for Forbearance ("Petition") requesting the Commission forbear from enforcement of section 214(e)(1)(A) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(1)(A), which requires eligible telecommunications carriers ("ETCs") to use their own facilities to provide services supported by the Universal Service Fund ("USF").

On February 6, 2012, the Federal Communications Commission ("FCC" or "Commission") granted TCM's Petition for Forbearance, conditioned on fulfillment of the

[1] The Company hereby also reports its corporate and trade names, along with its holding company, operating companies and affiliates as follows: Total Call International is the parent of Total Call Mobile; KDDI of America is the majority owner of Total Call International; Locus Telecommunications and KDDI Global are affiliates of Total Call International. A copy of KDDI Corporation's "Financial Statements Summary for the Year ended March 31, 2012 [Japan GAAP]" and biographies for all of the Executive Board Directors showing KDDI's technical and financial capabilities is attached hereto as Exhibit A.

obligations detailed in the *Lifeline Reform Order*,[2] which also required each carrier to submit to the Commission for approval a Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.

The Company will comply fully with all conditions set forth in the *Lifeline Reform Order*, as well as with the Commission's Lifeline rules and policies more generally.[3] Company will comply with 911 requirements as described below in its Compliance Plan. Company also will implement the foregoing objectives and the other objectives described in the *Lifeline Reform Order*. Specifically, this Compliance Plan: (1) describes the specific measures that the Company will take to implement the obligations contained in the *Lifeline Reform Order*, including the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Fund; (2) describes the materials related to initial and ongoing certifications and the sample marketing materials; and (3) provides a detailed description of how the Company offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

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2 *See Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training,* WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice of Proposed Rulemaking, FCC 12-11, ¶¶ 521, 523 (Feb. 6, 2012) ("*Lifeline Reform Order*"). TCM herein submits the information required by the Compliance Plan Public Notice. *See Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012).

3 In addition, this Compliance Plan is consistent with the compliance plan filed by Cricket Communications, Inc. *See* Notice of *Ex Parte* Communication of Cricket Communications, Inc., WC Docket No. 09-197 (Sept. 23, 2011) ("Cricket Compliance Plan"). The Wireline Competition Bureau approved the Cricket Compliance Plan on February 7, 2012. *See Telecommunications Carriers Eligible for Universal Service Support, Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, DA 12-158 (Feb. 7, 2012).

I. TOTAL CALL MOBILE'S COMPLIANCE PLAN

A. Total Call Mobile's Access to 911 and E911 Services

Pursuant to the *Lifeline Reform Order*, forbearance is conditioned upon Company (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.[4] Company will comply with these conditions upon initiation of its Lifeline service.

Company will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all Company customers will have available access to emergency calling services at the time that the handset is activated, and that such 911 and E911 access will be available from Company handsets, even if the account associated with the handset has no minutes remaining.

The Company's existing practices currently provide access to 911 and E911 services for all customers. Company uses Sprint as its underlying network provider/carrier. Sprint routes 911 calls from Company's customers in the same manner as 911 calls from Sprint's own retail customers. To the extent that Sprint is certified in a given PSAP territory, this 911 capability will function the same for Company. Company (via Sprint) also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active, suspended or terminated. Finally, the Company (via Sprint) transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

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[4] *See Lifeline Reform Order*, ¶ 373.

Company will ensure that all handsets used in connection with the Lifeline service offering are E911-compliant. In point of fact, Company's phones have always been and will continue to be 911 and E911-compliant. Company uses phones that have been through a stringent certification process with Sprint, which, among other things, ensures that the handset models used meet all 911 and E911 requirements. As a result, any customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

B. Procedures To Enroll A Subscriber in Lifeline

1. Policy

The Company will comply with the uniform eligibility criteria established in new section 54.409 of the Commission's rules (when it becomes effective on June 1, 2012), as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC. In states where there are no state-imposed requirements, the Company will comply with the certification and verification procedures in effect in that state as reflected on the website of the Universal Service Administration Company ("USAC").[5] For any states that do not have established rules of procedure in place, the Company will comply with the certification and verification procedures in effect in that state as reflected in the *Lifeline Reform Order* and the rules.

All subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that

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[5] *See* Cricket Compliance Plan at 3.

size; or (2) the household's participation in one of the federal assistance programs listed in new section 54.409(a)(2) and 54.409(a)(3) of the Commission's rules. In addition, through the certification requirements described below, Company will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

2. Eligibility Determination

If Company cannot determine a prospective subscriber's eligibility for Lifeline by accessing income databases or program eligibility databases, Company's employees or agents ("Company personnel") will review documentation establishing eligibility pursuant to the Lifeline rules.[6] All personnel who interact with actual or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on the federal and state-specific income-based and/or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies the *Lifeline Reform Order* and state-specific eligibility requirements using state-specific checklists.[7]

Proof of Eligibility. Company personnel will be trained on acceptable documentation required to establish income-based and program-based eligibility.[8] Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state or federal program; (2) a notice letter of participation in a qualifying state or federal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid

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6 *See Lifeline Reform Order*, ¶ 100; 47 C.F.R. §§ 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B); Cricket Compliance Plan at 4.

7 *See* Cricket Compliance Plan at 6.

8 *See Lifeline Reform Order*, ¶ 101.

participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state or federal program.[9]

Acceptable documentation of income eligibility includes the prior year's state or federal tax return, current income statement from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal notice letter of participation in General Assistance, or a divorce decree, child support award, or other official document containing income information for at least three months time.[10]

Company personnel will examine supporting documentation for each Lifeline applicant, and will record the type of documentation used to satisfy the income- or program-based criteria.[11] As specified in FCC rules, the Company will not retain a copy of the documentation reviewed.[12] However, for audit and recordkeeping purposes, the Company will record eligibility verification information on a separate form. This "Company-only" form will be completed by Total Call Mobile personnel, who will be trained to complete the form, indicating what proof of eligibility was reviewed, and retain the form for each applicant determined to be eligible for service. The separate form is attached hereto as Exhibit B.

Where the Company personnel conclude that proffered documentation is insufficient to establish such eligibility, the Company will deny the associated application and

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9 *Id.* and 47 C.F.R. § 54.410(c)(1)(i)(B).

10 *See Lifeline Reform Order*, ¶101; 47 C.F.R. § 54.410.(b)(1)(i)(B).

11 *See Lifeline Reform Order*, ¶101; 47 C.F.R. §§ 54.410(b)(1)(iii), 54.410(c)(1)(iii).

12 *See Lifeline Reform Order*, ¶101; 47 C.F.R. §§ 54.410(b)(1)(ii), 54.410(c)(1)(ii).

inform the applicant of the reason for such rejection.[13] In the event that Company personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel.[14] In addition, as described in Section I.B.3, below, subscribers will complete certification forms that, among other things, demonstrate the subscriber's eligibility to receive Lifeline support.

De-Enrollment for Ineligibility. If Company has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, Company will notify the subscriber of impending termination in writing and in compliance with any applicable state dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.[15] A demonstration of eligibility must comply with the annual verification procedures below and found in new rule section 54.410(f), including the submission of a certification form.

3. Subscriber Certifications for Enrollment

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.[16] The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these

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13 *See* Cricket Compliance Plan at 6.

14 *See* Cricket Compliance Plan at 6.

15 *See Lifeline Reform Order*, ¶ 143; 47 C.F.R. § 54.405(e)(1).

16 *Lifeline Reform Order*, ¶ 61; 47 C.F.R. § 54.410(a).

procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally.[17]

TCM will implement certification procedures that require consumers to demonstrate their eligibility for Lifeline assistance. Customers will be able to sign up for Lifeline assistance by contacting TCM via telephone, facsimile, or the internet. Company personnel will verbally explain the eligibility criteria to consumers when they are enrolling in person or over the phone.[18] At the point of sale, consumers will be provided with printed information describing TCM's Lifeline program in detail, including federal and state specific eligibility requirements, and instructions for enrolling, a description of the one-per-household rule and a copy of USAC's printed material describing the one-per-household rule.[19] These materials (like all Lifeline marketing materials) also will clearly identify supported plans as "Lifeline" plans, consistent with TCM's current practice and policies. Consumers will be directed to a toll-free telephone number and to TCM's website, which will contain a link to information regarding the Company's Lifeline service plan, including a detailed description of the program, rates, and federal and state-specific eligibility criteria.

TCM will have direct contact with all customers applying for participation in the Lifeline program either by mail or by phone and all marketing materials will include TCM's customer service number. Retailers and distributors will be able to assist customers in completing applications but will provide TCM's customer service number for further questions and assistance. Retailers or customers will then directly send the applications and supporting

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17 *See* Cricket Compliance Plan at 3.

18 *See Lifeline Reform Order*, ¶ 123.

19 *See Lifeline Reform Order*, ¶79.

documents to TCM. Retailers will not retain any copies of the customer application or supporting documentation, and company personnel will review and process all applications.

4. Call Center Procedures

Consumers will be directed to call a toll-free number to complete an application over the phone. The application will then be mailed to the customer for signature under penalty of perjury and for the submission of supporting documentation. The signed application and support documentation must be mailed to the address provided by the Company (or, if available to the consumer, returned by facsimile or electronic transmission). Processing of consumers' applications, including review of all application forms and relevant documentation will be performed under TCM's supervision by managers thoroughly trained in the requirements of the Lifeline program. TCM will ensure that all required documentation is taken care of properly by using federal and state-specific compliance checklists.

TCM will emphasize the "one Lifeline phone per household" restriction during the initial interview with the potential customer when they call into the call center. The call center introduction script substantially in the form TCM would use is attached as Exhibit C.

5. In-Person Sales Efforts

TCM will promote its Lifeline services through many channels. One sales channel will be in-person sales events staffed by TCM representatives or agents. At these events, customers will be allowed to sign up, in-person, for Lifeline service. TCM representatives or agents, fully trained in Lifeline requirements, will conduct an interview, ensuring that the potential customer does not already receive a Lifeline subsidy. Documentation proving eligibility for the program will also be collected and an application will be completed by

the customer. Only after completing all required eligibility verification will TCM issue phones to the customer.

At retail outlets where trained TCM representatives or agents are not present, customers will not have access to Lifeline services (or receive a Lifeline handset) at the retail location. Instead, customers will be directed via print ads and information brochures to contact TCM directly, and to submit the Lifeline service application directly to TCM. Through TCM's certification procedures, the company would verify that the individual qualifies for a Lifeline plan (*i.e.* that there is no duplication, and that the individual qualifies by virtue of participation in an eligible state or federal low income program). Only after the customer is verified as qualifying to receive Lifeline will the phone be provided to the customer via mail or subsequent pickup.

6. Applications, Information and Disclosures

Every applicant will be required to complete an application/certification process containing disclosures, and collecting certain information and certifications as discussed below.[20]

Disclosures. TCM's application and certification process will include the following disclosures: (1) Lifeline is a federal benefit and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the applicant's de-enrollment

[20] *See* Model Application/Certification Form (Maryland), included as Exhibit D. *See* Compliance Plan Public Notice at 3.

from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.[21]

Applicants will also be informed that (1) the service is a Lifeline service, (2) Lifeline is a government assistance program, and (3) only eligible consumers may enroll in the program.[22]

In addition, Company will notify the applicant that the prepaid service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days.[23]

Information Collection. TCM will also collect the following information from the applicant in the application/certification process: (1) the applicant's full name;[24] (2) the applicant's full residential address (P.O. Box is not sufficient[25]); (3) whether the applicant's residential address is permanent or temporary; (4) billing address will not be requested as the service will be on TCM's prepaid platform (i.e. there will be no bill sent); (5) the applicant's date of birth; (6) the last four digits of the applicant's Social Security number; (7) if the applicant is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits;[26] and (8) if the applicant is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.[27]

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21 *See Lifeline Reform Order*, ¶ 121; 47 C.F.R. § 54.410(d)(1).

22 *See* 47 C.F.R. § 54.405(c).

23 *See Lifeline Reform Order*, ¶ 114.

24 *See* Cricket Compliance Plan at 4.

25 *See Lifeline Reform Order*, ¶ 87.

26 *See* Cricket Compliance Plan at 4.

27 *See* 47 C.F.R. § 54.410(d)(2). *See* Cricket Compliance Plan at 4.

Applicant Certification. Consistent with new rule section 54.410(d)(3), TCM will require the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,[28] the following:

1. the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline;

2. the applicant will notify the Company immediately, and, in any event, within a maximum of 30 days, if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, if the applicant is receiving more than one Lifeline benefit, or if another member of the applicant's household is receiving a Lifeline benefit;

3. if the applicant moves to a new address, he or she will provide that new address to the Company within 30 days;

4. if the applicant provided a temporary residential address to the Company, the applicant will be required to verify his or her temporary residential address every 90 days;

5. the applicant's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the applicant's household is not already receiving a Lifeline service;[29]

6. the information contained in the applicant's certification form is true and correct to the best of the applicant's knowledge;

7. the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and

8. the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to the applicant' s continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits pursuant to the de-enrollment policy included below and in the Commission's rules.

Applicants will also be required to certify under penalty of perjury that they are head of their household and receive Lifeline-supported service only from TCM. Penalties for

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28 *See Lifeline Reform Order*. ¶¶ 168-69; 47 C.F.R. § 54.419.

29 *See* Cricket Compliance Plan at 4.

perjury will be clearly stated on the certification form.[30] This will be accomplished by a certification form substantially similar in format to the Model Application/Certification Form (Maryland), included as Exhibit D. Customers will be required to sign and date this statement.

In addition, the applicant will be required to authorize TCM to access any records required to verify the applicant's statements in the application/certification process and to confirm the applicant's eligibility for the Company Lifeline credit.[31] The applicant must also authorize TCM to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in an Lifeline program eligibility database.[32]

C. Annual Verification Procedures

TCM will annually re-certify all subscribers by querying the appropriate eligibility databases (when it becomes available) or, if no eligibility database is available, by obtaining a signed certification from each subscriber consistent with the certification requirements above and new section 54.410(d) of the rules. This certification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.[33] Company will notify each participating Lifeline customer prior to his or her service anniversary date that he or she must confirm his or her continued eligibility in accordance with the applicable requirements.[34] Further, the verification materials will inform the subscriber that

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30 *See* Cricket Compliance Plan at 5.

31 *See* Cricket Compliance Plan at 5.

32 *See* 47 C.F.R. § 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. *See id. See also* Cricket Compliance Plan at 5.

33 *See Lifeline Reform Order*, ¶ 120 and Cricket Compliance Plan at 8.

34 See Cricket Compliance Plan at 8.

he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled in the program.[35]

2012 Verification. Company will re-certify (if applicable) the eligibility of each of its existing subscribers as of June 1, 2012 on a rolling basis by the end of 2012 and report the results to USAC by January 31, 2013.[36] Company will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, email or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

Verification De-Enrollment. Company will give subscribers 30 days to respond to the annual verification inquiry. Company will de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification.[37] If the subscriber does not respond, the Company will send a separate written notice explaining that failure to respond within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days, Company will de-enroll the subscriber within five business days thereafter.

D. Activation and Non-Usage

Each subscriber activates the service by placing a call to TCM. Company will not consider a prepaid subscriber activated, and will not seek reimbursement for Lifeline for that subscriber, until the subscriber places this call demonstrating usage of the phone.[38] In addition, after service activation, Company will provide a de-enrollment notice to subscribers that have

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35 *See Lifeline Reform Order*, ¶ 145.

36 *See Lifeline Reform Order*, ¶ 130.

37 *See Lifeline Reform Order*, ¶ 142; 47 C.F.R. § 54.54.405(e)(4).

38 *See Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.407(c)(1).

not used their service for 60 days. After 60 days of non-use, Company will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.[39] For these purposes, subscribers will be considered to "use" the service by: (1) completing an outbound; (2) purchasing minutes from Company to add to the subscriber's plan; (3) answering an incoming call from a party other than Company; or responding to a direct contact from Company and confirming that the subscriber wants to continue receiving the service.[40]

If the subscriber does not respond to the notice, the subscriber will be de-enrolled and Company will not request further Lifeline reimbursement for the subscriber. Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.[41]

E. Additional Measures to Prevent Waste, Fraud and Abuse

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, the Company will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.[42]

In addition to checking the national database when it becomes available, Company personnel will emphasize the "one Lifeline phone per household" restriction in their

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39 *See Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3). *See* Cricket Compliance Plan at 2 (stating that it did not need to implement a non-usage policy because it offered only plans with unlimited local and long distance calling).

40 *See Lifeline Reform Order*, ¶ 261; 47 C.F.R. § 54.407(c)(2).

41 *See Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3).

42 *See* Cricket Compliance Plan at 9.

direct sales contacts with potential customers.[43] Training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction.[44]

Database. When the National Lifeline Accountability Database ("National Database") becomes available, Company will comply with the requirements of new rule section 54.404. Company will query the National Database to determine whether a prospective subscriber is currently receiving a Lifeline service from another ETC and whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service.[45]

One-Per-Household. Company will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household[46] through the use of its application and certification forms discussed above, internal database checks and its marketing materials discussed below. Upon receiving an application for Company's Lifeline service, Company will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.[47] If it does discover

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43 *See* Cricket Compliance Plan at 6, 9.

44 *Id.*

45 *See Lifeline Reform Order*, ¶ 203. Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. *See Lifeline Reform Order*, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, Company will update each subscriber's information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. *See* 47 C.F.R. § 54.404(b)(8),(10).

46 A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. *See Lifeline Reform Order*, ¶ 74; 47 C.F.R. § 54.400(h).

47 *See Lifeline Reform Order*, ¶ 78 and *See* Cricket Compliance Plan at 7.

duplicate service at an address, Company will require the applicant to complete and submit a written USAC document containing the following: (1) an explanation of the Commission's one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income, pursuant to the Commission's definition; and (4) the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).[48] Further, if a subscriber provides a temporary address on his or her application/certification form collected as described above, Company will verify with the subscriber every 90 days that the subscriber continues to rely on that address.[49]

Finally, Company personnel will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and will facilitate the applicant's understanding of what constitutes "Lifeline-supported services." The Company personnel will also assist the applicant in determining if he or she is already benefiting from Lifeline support, by identifying the leading Lifeline offerings in the relevant market by brand name.[50]

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, TCM will include the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service,[51] (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household, consisting of either one

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48 *Id.*

49 *See Lifeline Reform Order*, ¶ 89.

50 *See* Cricket Compliance Plan at 7.

51 *See* Cricket Compliance Plan at 4.

wireline or one wireless service; (6) what documentation is necessary for enrollment;[52] (7) TCM's name as the ETC; and (8) consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.[53] These statements will be included in all print, audio video and web materials (including social networking media) used to describe or enroll customers in Company's Lifeline service offering, as well as Company's application forms and certification forms.[54] This specifically includes Company's website (totalcallmobile.com/lifeline).[55] A sample of Company's Lifeline marketing materials is included as Exhibit E.

F. Company Reimbursements From the Fund

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, Company will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.[56] Company will verify customers as described in the Compliance Plan before submitting requests for reimbursement for service provided to the subscriber. In addition, Company will keep accurate records as directed by USAC[57] and as required by new section 54.417 of the Commission's rules.

Further the Company will submit its FCC Forms 497 on the eighth day of each month in order to be reimbursed the same month, and inform USAC, to the extent necessary, to

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52 *See* Cricket Compliance Plan at 4.

53 *See Lifeline Reform Order*, ¶ 275; 47 C.F.R. § 54.405(c).

54 *Id.*

55 *Id.*

56 *See Lifeline Reform Order*, ¶ 128; 47 C.F.R. § 54.407(d).

57 *See id.*

reimburse it for actual claims rather than projected claims over the course of more than one month.[58]

G. Annual Company Certifications

Company will submit an annual certification to USAC, signed by a Company officer under penalty of perjury, that Company: (1) has policies and procedures in place to review consumers' documentation of income- and program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;[59] (2) is in compliance with all federal Lifeline certification procedures;[60] and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.[61]

In addition, Company will provide the results of its annual re-certifications/verifications on an annual basis to the Commission, USAC and the applicable state commission as appropriate.[62] Further, as discussed above, Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.[63]

The Company will also annually report to the Commission, USAC and relevant state commissions as appropriate, the company name, names of the company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation) as well as relevant universal service identifiers for each entity by Study Area Code.[64] Company will report annually information regarding the terms and conditions of its Lifeline plans for voice

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58 *See Lifeline Reform Order*, ¶¶ 302-306.

59 *See Lifeline Reform Order*, ¶ 126; 47 C.F.R. § 54.416(a)(1).

60 *See Lifeline Reform Order*, ¶ 127; 47 C.F.R. § 54.416(a)(2).

61 *See* 47 C.F.R. § 54.416(a)(3).

62 *See Lifeline Reform Order*, ¶¶ 132,148; 47 C.F.R. § 54.416(b).

63 *See Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3).

64 *See Lifeline Reform Order*, ¶¶ 296, 390; 47 C.F.R. § 54.422(a).

telephony service offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.[65] Finally, Company will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that Company is able to function in emergency situations.[66]

H. Cooperation with State and Federal Regulators

The Company will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;[67]
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and
- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe[68] is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.[69]

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65 *See Lifeline Reform Order*, ¶ 390; 47 C.F.R. § 54.422(b)(5).

66 *See Lifeline Reform Order*, ¶ 389; 47 C.F.R. § 54.422(b)(1)-(4).

67 The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

68 *See* 47 C.F.R. § 54.405(e)(1).

69 *See* Cricket Compliance Plan at 10.

II. DESCRIPTION OF LIFELINE SERVICE OFFERINGS

Company will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying provider Sprint. The Company's Lifeline offering, as described in Exhibit F, will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit G) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM's 30-day Unlimited Talk & Text plan or TCM's 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement at Exhibit E and in Exhibit F. Lifeline customers can also purchase additional bundles of minutes and service (*i.e.* if they run out of minutes or if they want to make international calls) by purchasing TCM's refill cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

In addition to free or discounted voice services, Company's Lifeline plan will include a free handset (with an option to buy an upgrade) and custom calling features at no charge, including Caller ID and Voicemail. All plans include domestic long-distance at no extra per minute charge. Calls to customer service and 911 emergency services are always free, regardless of service activation or availability of minutes.

III. DEMONSTRATION OF FINANCIAL AND TECHNICAL CAPABILITIES AND CERTIFICATIONS REQUIRED FOR ETC DESIGNATION[70]

Financial and Technical Capabilities. Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires carriers petitioning for ETC designation to demonstrate financial

[70] *See* Compliance Plan Public Notice at 3.

and technical capability to comply with the Commission's Lifeline service requirements.[71] The Compliance Plan Public Notice requires that a carrier's compliance plan also include this demonstration. Among the factors the Commission will consider are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate; whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding. This section summarizes TCM's financial and technical capabilities to provide the service.

TCM provides affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets and high quality customer service. The majority of TCM's products and plans are specially geared toward serving lower income communities, and its service models and pricing plans reflect this mission. TCM offers nationwide non-Lifeline prepaid services as an MVNO using the Sprint network. In addition, TCM is applying for certification as an ETC with the FCC (for Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia), Arkansas, California, Louisiana, Michigan, Nevada, and West Virginia. TCM received ETC approval in Maryland on December 23, 2011.[72]

TCM is the wholly-owned subsidiary of Total Call International ("TCI"), a national prepaid telecommunications services provider. TCI provides international prepaid calling cards, which are often used by low income or unbanked consumers, many of whom are members of ethnic communities. TCI has been providing telecommunications services to

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71 *See Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

72 The Arkansas PSC initially granted TCM's application, but on March 22, 2012, the PSC issued a stay and remand in light of the *Lifeline Reform Order*.

customers for over 10 years. TCI, in turn, is majority owned by KDDI America, a subsidiary of Japan's second largest telecommunications carrier (KDDI Corporation). KDDI Corporation and its affiliates provide mobile services (voice and data) and fixed line services (broadband, domestic and international telecommunications and data center services) in Japan and globally. KDDI's technical and financial capabilities are further described in Exhibit A.

TCM will benefit from the experience of its parent entities in its provision of ETC services. TCM also will benefit from TCI's knowledge of low income markets when conducting outreach to eligible consumers. During the past 10 years, TCM and TCI have provided telecommunications services to non-Lifeline customers and, consequently, TCM has not and will not be relying exclusively on Lifeline reimbursement for the Company's operating revenues. TCM receives revenues from these prepaid wireless services and also has access to the financial resources of its parent company. The Company has not been the subject of any enforcement actions by the FCC nor has it been subject to any ETC revocation proceedings.

Service Requirements Applicable to Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under newly amended section 54.202 of the Commission's rules."[73] Company certifies that it will comply with the service requirements applicable to the support the Company receives.[74] TCM provides all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout the states in which it is designated as an ETC.[75] TCM's services include voice telephony services that provide voice grade access to the public

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73 Compliance Plan Public Notice at 3.

74 47 C.F.R. § 54.202(a)(1).

75 In addition to voice telephony services, TCM's services include the nine features, *i.e.*, dual tone multi-frequency signaling, single party service and access to operator services, *etc.* previously identified in Commission rule 54.101(a).

switched network or its functional equivalent. Further, TCM's service offerings provide its customers with minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local exchange service free of charge to its subscribers and will abide by any Commission-required minimum usage amounts. TCM's Lifeline offering will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit G) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM's 30-day Unlimited Talk & Text plan or TCM's 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement attached as E and in F. Lifeline customers can also purchase additional bundles of minutes and service (*i.e.* if they run out of minutes or if they want to make international calls) by purchasing TCM's refill cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, TCM will comply with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

Finally, toll limitation services do not apply because TCM, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.[76]

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[76] *See Lifeline Reform Order*, ¶ 230.

IV. CONCLUSION

TCM submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's *Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules. Accordingly, the Company respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,

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May 14, 2012

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