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May 22, 2012

VIA ECFS

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

Re: Linkup Telecom, Inc.
Petition for Designation as an Eligible Telecommunications Carrier
WC Docket No. 09-197

Dear Ms. Dortch:

Attached please find Linkup Telecom, Inc.'s Petition for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia.

If you have any questions or if I may provide you with additional information, please do not hesitate to contact me. Thank you for your assistance.

Respectfully submitted,

/s/ LANCE STEINHART

Lance J.M. Steinhart, Esq.
Attorney for Linkup Telecom, Inc.

cc: Robert Williams

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	WC Docket No. 09-197
	)	
Linkup Telecom, Inc.	)	
	)	
Petition for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia	)	

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

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TABLE OF CONTENTS

SUMMARY iv

I. INTRODUCTION 1

II. BACKGROUND 3

- A. Company Overview 3
- B. Lifeline Program 4
- C. Proposed Lifeline Offering 5

III. THE COMMISSION HAS AUTHORITY TO PERFORM THE ETC DESIGNATION 6

IV. LINKUP REQUESTS ETC DESIGNATION IN ITS SERVICE AREAS IN THE NON-JURISDICTIONAL STATES FOR PARTICIPATION IN THE LIFELINE PROGRAM 9

- A. Linkup Requests ETC Designation in its Existing Service Area 9
- B. Linkup's Limited ETC Designation Request Only Seeks Authority to Participate in the Lifeline Program 9
- C. The Limited Designation Request is Consistent with Recent Precedent 10

V. LINKUP SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC 11

- A. Linkup is a Common Carrier 12
- B. Linkup Will Provide the Supported Services Consistent With the Commission's Grant of Forbearance from Section 214's Facilities Requirements 12
- C. Linkup Offers All of the Required Services and Functionalities 13
  - 1. Voice Grade Access to the Public Switched Telephone Network 13
  - 2. Local Usage 13
  - 3. Access to Emergency Services 14
  - 4. Toll Limitation for Qualifying Low-Income Consumers 14
- D. Advertising of Supported Services 14
- E. Service Commitment Throughout the Proposed Designated Service Area 15
- F. Five-Year Network Improvement Plan 16
- G. Ability to Remain Funcional in Emergency Situations 16
- H. Commitment to Consumer Protection and Service Quality 17
- I. Financial and Technical Capability 17

VI. LINKUP WILL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE LIFELINE AND LINK-UP REFORM ORDER 18

- A. Consumer Eligibility and Enrollment 18

1. One-Per-Household 18
2. Initial and Annual Certification 20
3. Annual Re-Certification 26
B. Other Reforms to Eliminate Waste, Fraud and Abuse 28
1. National Lifeline Accountability Database 29
2. Subscriber Usage 30
3. Marketing & Outreach 31
4. Audits 32
C. De-Enrollment 32
D. Additional Rule Amendments 34
1. Terms and Conditions of Service 34
2. Reporting Requirements 34
3. Reimbursement from USAC 35
VII. DESIGNATION OF LINKUP AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST 35
A. Advantages of Linkup's Service Offering 36
B. The Benefits of Competitive Choice 38
C. Impact on the Universal Service Fund 38
VIII. ANTI-DRUG ABUSE CERTIFICATION 39
IX. CONCLUSION 40

TABLE OF ATTACHMENTS

Attachment

Proposed Lifeline Rates ..... A

Affirmative Statement of the Alabama Public Service Commission ..... B

Affirmative Statement of the Connecticut Department of Public Utility Control C

Affirmative Statement of the Delaware Public Service Commission ..... D

Affirmative Statement of the District of Columbia Public Service Commission ..... E

Affirmative Statement of the Florida Public Service Commission ..... F

Affirmative Statement of the New Hampshire Public Utilities Commission ..... G

Affirmative Statement of the New York Public Service Commission ..... H

Affirmative Statement of the North Carolina Utilities Commission I

Affirmative Statement of the Tennessee Regulatory Authority ..... J

Affirmative Statement of the Virginia Corporation Commission ..... K

Coverage Area L

Linkup Telecom, Inc.'s Compliance Plan ..... M

SUMMARY

Linkup Telecom, Inc. ("Linkup") is seeking limited designation as an Eligible Telecommunications Carrier ("ETC") in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia (collectively the "Non-Jurisdictional States") pursuant to Section 214(e)(6) of the Communications Act, solely for purposes of offering services supported by the Universal Service Fund's ("USF") Lifeline program. Linkup purchases wireless service on a wholesale basis from Sprint via Telecom Service Bureau, Inc. ("TSB").

The Federal Communications Commission ("Commission") may grant ETC designations for entities not subject to the jurisdiction of a state commission, and each Non-Jurisdictional State has provided an affirmative statement that it does not exercise jurisdiction over wireless providers for purposes of ETC designation. Accordingly, pursuant to Section 214(e)(6), the Commission has the authority to designate Linkup as an ETC in the Non-Jurisdictional States.

Linkup meets all of the requirements under Section 214(e)(1) for the limited ETC designation requested herein except for providing service, at least in part, using its own facilities. However, the Commission granted forbearance from enforcement of this facilities requirement to carriers seeking Lifeline-only ETC designation in its Lifeline and Link-Up Reform Order released February 6, 2012.[1] Through its contracts with underlying carriers, Linkup has the ability to offer all of the services and functionalities supported by the USF and set forth in Section 54.101(a) of the Commission's rules. Linkup therefore respectfully requests that the Commission

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[1] *In the Matter of 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 (rel. Feb. 6, 2012) ("*Lifeline and Link Up Reform Order*").

promptly approve the instant request for limited ETC designation to enable the Company to rapidly provide Lifeline services to qualifying customers in the Non-Jurisdictional States.

Designating Linkup as an ETC in the Non-Jurisdictional States will promote the public interest by providing qualifying low-income customers in the Non-Jurisdictional States with lower prices and high-quality wireless services. Many low-income customers in the Non-Jurisdictional States have yet to reap the well-documented benefits of wireless service because of financial constraints, poor credit history, or intermittent employment. Linkup's prepaid service offerings are ideally suited to provide these customers with reliable and cost-effective wireless services. As an ETC, Linkup will be able to provide discounted and affordable services to these consumers who are among the intended beneficiaries of USF support. Linkup's designation will specifically serve the public interest because of the aggressive pricing plans that Linkup will provide (see Attachment A).

Accordingly, designating Linkup as an ETC for Lifeline service is consistent with precedent and will serve the public interest, and should be granted without delay.

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

I. INTRODUCTION

Linkup Telecom, Inc. ("Linkup" or "the Company"), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended ("Act"), and Section 54.201 of the rules of the Federal Communications Commission ("FCC" or "Commission"), hereby requests limited designation as an eligible telecommunications carrier ("ETC") in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia (collectively the "Non-Jurisdictional States"). Linkup seeks ETC designation in the Non-Jurisdictional States only for purposes of participation in the Universal Service Fund's ("USF") Lifeline program and does *not* seek to participate in the Link-Up or the High-Cost support programs.

Since the Alabama Public Service Commission, the Connecticut Department of Public Utility Control, the Delaware Public Service Commission, the District of Columbia Public Service Commission, the Florida Public Service Commission, the New Hampshire Public Utilities Commission, the North Carolina Utilities Commission, the New York Public Service Commission, the Tennessee Regulatory Authority and the Virginia State Corporation Commission (collectively, the "State Commissions") lack jurisdiction to designate Linkup as an ETC, the Commission, under Section 214(e)(6) of the Act, has the authority to consider and grant this request.[2] As more fully described below, Linkup satisfies the requirements for designation as an ETC in the Non-Jurisdictional States, including the new requirements outlined in the FCC's *USF/ICC Transformation Order*[3] and *Lifeline and Link Up Reform Order*,[4] and will offer all of the services and functionalities supported by the universal service program throughout its designated service areas in the Non-Jurisdictional States. Grant of Linkup's request, therefore, will promote the public interest by providing customers in the Non-Jurisdictional States with lower prices and higher quality wireless services through innovative distribution channels.

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[2] *See* 47 U.S.C. § 214(e)(6).

[3] *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund,* WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) ("*USF/ICC Transformation Order").*

[4] *See* supra note 1.

II. BACKGROUND

A. Company Overview

Linkup is a Florida corporation with principal offices located at One Lincoln Centre, 18W140 Butterfield Road, Oakbrook Terrace, Illinois, 60181.[5] Linkup provides prepaid wireless telecommunications services to consumers by using the Sprint Spectrum L.P. ("Sprint") network to offer nationwide service. Sprint is a nationwide carrier that provides wholesale capacity on its wireless network to wireless resellers like Linkup. Pursuant to an existing agreement, Linkup will obtain from Sprint, via Telecom Service Bureau, Inc. ("TSB"), the network infrastructure, including wireless transmission facilities, to allow Linkup to operate as a Mobile Virtual Network Operator ("MVNO"), similar to TracFone and Virgin Mobile, both of whom have been granted ETC status by the Commission.[6] Linkup will purchase services for mobile calling and text messaging, package those services into Linkup's own service plans and pricing, and bundle those service with Linkup's handset selection, mobile applications, marketing materials, web interface, and customer service to produce finished wireless service offerings to sell to end-user customers.

Affordable and easy to use prepaid wireless services are attractive to low-income and lower-volume consumers, providing them with access to emergency services and a reliable means of communication that can be used both at home and while traveling to remain in touch with

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[5] Linkup was incorporated in the State of Florida on February 10, 2009.

[6] *Federal-State Joint Board on Universal Service, TracFone Wireless, Inc., Petitions for Designation in the States of Alabama, Connecticut, Delaware, Florida, North Carolina, New Hampshire, New York, North Carolina, Pennsylvania, Tennessee, Virginia, and Washington D.C.*, CC Docket No. 96-45, Order, 23 FCC Rcd 6206 (2008) ("*TracFone ETC Order*"); *Petition of Virgin Mobile USA, L.P. for Forbearance from 47 U.C.S. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 24 FCC Rcd 3381 (2009) ("*Virgin Mobile Order*"). The Commission had previously granted TracFone forbearance from the facilities requirement for ETC designation, permitting TracFone to offer the supported services via resale only. *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) ("*TracFone Forbearance Order*"). The *Virgin Mobile Order* contained both the forbearance analysis and ETC designation.

friends and family and for contacting prospective employers. By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or were previously ignored by traditional carriers, Linkup will expand the availability of wireless services to many more low-income consumers, which is one of the principal objectives of Congress' universal service program as codified in Section 254 of the Act, 47 U.S.C. § 254.

Linkup will offer consumers simple and affordable prepaid calling plans, easy-to-use handsets and high-quality customer service. Given its pricing and marketing strategy and the demographics of other, similar MVNOs' customers, Linkup anticipates that many of its customers will be from low-income backgrounds and will not previously have enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. Linkup does not conduct credit checks or require customers to enter into long-term service contracts as a prerequisite to obtaining wireless service. Linkup allows customers to choose a prepaid plan that best suits their needs.

B. Lifeline Program

Universal service has been a fundamental component of U.S. telecommunications policy since adoption of the Act over 70 years ago. Section 254 of the Act codified that commitment in 1996, and embodies the Commission's historical commitment to the concept of universal service, including for low-income consumers. Section 254(b) sets forth the principles upon which the Commission shall base its policies for the promotion and advancement of universal service. These principles require the Commission to ensure that all consumers, including low-income consumers, have access to telecommunications services at affordable and reasonably comparable rates.[7] As

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[7] *See* 47 U.S.C. § 254. Section 254(b)(3) of the Act requires the Commission to determine whether "consumers in all regions of the Nation, *including low-income consumers* and those in rural, insular, and
(continued on next page)

part of those universal service support programs, Lifeline support helps defray the monthly costs of telecommunications services for low-income consumers by providing them with discounts off the monthly cost of telephone service, with additional discounts available for individuals living on tribal lands.[8]

While generally praising the Low-Income program's success, the Commission has noted that "there is more that we can do to make telephone service affordable for more low-income households," and has specifically targeted telephone subscription among low income consumers as one area for improvement.[9] To increase awareness of the program, the Commission has expanded the qualifying criteria and adopted broader outreach guidelines, requiring carriers to better advertise the availability of Lifeline services. Through these actions, the Commission has sought to increase Lifeline participation because "When consumers are able to only intermittently remain on the network, they are not fully connected to society and the economy...The Commission has found that the low-income program 'provide[s] the best source of assistance for individuals to obtain and retain universal service, and, therefore, help maintain and improve telephone subscribership' and fulfill our obligations under Section 254 of the Act."[10]

C. Proposed Lifeline Offering

Linkup intends to be a leader in the prepaid marketplace by offering consumers exceptional value and competitive amounts of voice usage at all price points. Attached hereto as Attachment A is a table of the Company's rate plans, showing that Linkup will provide customers the choice

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high cost areas…have access to telecommunications [services] …" 47 U.S.C. § 254(b)(3) (emphasis added).

[8] 47 C.F.R. §§ 54.400 and 54.401.

[9] *See Lifeline and Link Up Reform Order* at ¶¶ 27-30; *See also Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302, 8305 ¶ 1 (2004)("*Lifeline Order*").

[10] *See Lifeline and Link-Up Reform Order* at ¶ 16.

of one of the following two (2) Lifeline Plans:

1. Lifeline Plan 1: 250 Minutes. Under Lifeline Plan 1, eligible customers enjoy 250 anytime minutes. These minutes do not rollover and text messaging is not included.
2. Lifeline Plan 2: 100 Minutes. Under Lifeline Plan 2, eligible customers enjoy 100 anytime minutes that rollover for ninety (90) days. Text messaging is at the rate of one-third of one minute (3 texts = 1 minute).

Customers have the capability of purchasing additional bundles of minutes in denominations as low as $5, $13.50, $25, and $30.[11] Additional airtime can be purchased by calling Customer Service, at no decrement in minutes, or by contacting Customer Service via the Company's website www.mylinkuptelecom.com. In addition to free voice services, all of Linkup's Lifeline plans will include a free handset and the following Custom Calling features at no additional charge: Caller ID, Call Waiting, and Voicemail. Linkup does not impose burdensome credit checks or long-term service contracts on its prepaid customers. Customers are not bound by a local calling area requirement; all Linkup plans come with domestic long distance at no extra per minute charge and exceptional nationwide digital coverage on the Nationwide Sprint Spectrum Network. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Calls to Linkup Customer Service are also free.

III. THE COMMISSION HAS AUTHORITY TO PERFORM THE ETC DESIGNATION

Pursuant to Section 214(e)(6), the Commission may designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the

[11] $5 = 75 minutes; $13.50 = 250 minutes; $25 = 500 minutes; and $30 = 1000 minutes.

jurisdiction of a state commission."[12] The Commission has established that a carrier must demonstrate that it "is not subject to the jurisdiction of a state commission" before it may consider an application for ETC designation.[13] The Commission also has stated that any carrier seeking ETC designation from it must provide the Commission with an "affirmative statement" from the state PUC that it lacks jurisdiction to perform the ETC designation."[14]

None of the states for which Linkup requests ETC designation from the FCC has exercised their jurisdiction to designate the Company as an ETC:

a) The Alabama Public Service Commission has concluded that it "has no jurisdiction to take action" on ETC petitions, and that "wireless providers seeking ETC status should pursue their ETC designation request with the FCC." A copy of the Alabama Public Service Commission's order is attached as Attachment B.

b) The Connecticut Department of Public Utility Control has provided letters clarifying that it lacks jurisdiction to designate CETC status as it does not regulate or license mobile carrier services' rates and charges. A sample of such a letter is attached as Attachment C.

c) The Delaware Public Service Commission has provided previous letters clarifying that it confirms Delaware is a "default" state and, therefore, it is the FCC, and not Delaware, that determines carriers' eligibility to receive the federally-subsidized price reductions. A sample of such letter is attached as Attachment D.

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[12] *See* 47 U.S.C. § 214(e)(6).

[13] *See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997).

[14] *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 ¶ 113 (2000).

d) The District of Columbia Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain ETC petitions of wireless carriers. The letter is attached as Attachment E.

e) The Florida Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain the Company's ETC petition. The letter is attached as Attachment F.

f) The New Hampshire Public Utilities Commission has provided a letter clarifying that it declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC. The letter is attached as Attachment G.

g) The New York Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain the Company's ETC petition. The letter is attached as Attachment H.

h) The North Carolina Utilities Commission has concluded that "the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC." A copy of the North Carolina Utilities Commission's Order is attached as Attachment I.

i) The Tennessee Regulatory Authority has concluded that its statutory "lack of jurisdiction over CMRS providers" precludes it from processing ETC petitions. A copy of the Tennessee Regulatory Authority's order is attached as Attachment J.

j) The Virginia Corporation Commission has concluded that "§ 214(e)6) of the Act is applicable" to wireless ETC petitions "because [the Virginia Commission] has not asserted jurisdiction over CMRS carriers," and that wireless ETC applicants "should apply to the Federal Communications Commission." A copy of the Virginia Commission's Order is attached as Attachment K.

Accordingly, for each of the Non-Jurisdiction States, Linkup is "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of

a State commission."[15] As such, the Commission is authorized to designate Linkup as an Eligible Telecommunications Carrier.

IV. LINKUP REQUESTS ETC DESIGNATION IN ITS SERVICE AREAS IN THE NON-JURISDICTIONAL STATES FOR PARTICIPATION IN THE LIFELINE PROGRAM

A. Linkup Requests ETC Designation in its Existing Service Area

Consistent with prior orders granting other MVNOs ETC status,[16] Linkup requests ETC designation for its entire service area in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia (i.e., the area served by the facilities-based carriers from whom it obtains wholesale service), but excluding any Tribal Areas.[17] Linkup understands that its service area overlaps with several rural carriers' service areas but maintains that the public interest factors described below justify its designation in these service areas, especially since it only seeks ETC designation for purposes of participation in the Lifeline program.

B. Linkup's Limited ETC Designation Request Only Seeks Authority to Participate in the Lifeline Program

Consistent with the scope of forbearance granted by the Commission, Linkup requests ETC designation in the Non-Jurisdictional States for the sole purpose of participating in the Lifeline program. Linkup does not seek eligibility to receive support from the Link-Up program or High Cost support program. As demonstrated herein, the instant request to participate in the Lifeline program is consistent with the Commission's requirements for ETC designation, and would promote the goals of universal service by offering the many benefits of supported services to

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[15] 47 U.S.C. § 214(e)(6).
[16] *See TracFone ETC Order* and *Virgin Mobile Order*, *supra* note 5.
[17] See Attachment L for a chart reflecting the service areas of the non-rural and rural telephone companies that Linkup's authorized service area covers in the Non-Jurisdictional States.

low-income customers in the Non-Jurisdictional States. As discussed above, Linkup's Lifeline offerings will include many features specifically designed for qualifying low-income customers, who currently lack appealing and affordable options for wireless services, many of whom are therefore unable to subscribe to wireless services.

C. The Limited Designation Request is Consistent with Recent Precedent

Linkup's request for designation to participate in the Lifeline program is consistent with the Commission's recent decisions conditionally designating TracFone Wireless and Virgin Mobile as ETCs in several states.[18] In its decisions, the Commission determined that the requests of TracFone and Virgin Mobile satisfied all of the eligibility requirements and that designation would serve the public interest.[19] The Commission specifically noted in the *TracFone* and *Virgin Mobile Orders* that designation of prepaid wireless providers as ETCs will provide a variety of benefits to low-income consumers, including increased consumer choice, high-quality service offerings and mobile access to emergency services on wireless devices.[20]

Linkup requests that the Commission expeditiously process its pending ETC applications so that it can quickly join TracFone and Virgin Mobile in providing qualifying low-income customers with affordable USF-supported Lifeline wireless services. Designation of prepaid wireless providers such as TracFone, Virgin Mobile and Linkup as ETCs is a significant step towards ensuring that all customers, particularly low-income customers, share in the many benefits associated with access to affordable wireless telecommunications services. During an economic downturn, many existing wireless customers have to forego wireless services because

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[18] *See supra* note 5.

[19] *See TracFone ETC Order*, 23 FCC Rcd at 6212-13 ¶ 15*; Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38.

[20] *See Id.*

they can no longer afford them. Designation of ETC status to prepaid wireless carriers like TracFone, Virgin Mobile and Linkup helps to close the widening gap for wireless services and provide low-income customers with the significant advantages associated with access to wireless services. The Commission has found that voice service has "become crucial to full participation in our society and economy, which are increasingly dependent upon the rapid exchange of information."[21] As noted in a study sponsored by the Massachusetts Institute of Technology's Legatum Center for Development and Entrepreneurship and New Millennium Research Council, low-income customers receive significant economic and social benefits from wireless services, including enhanced productivity, increased economic opportunity, and broader access to emergency and safety services.[22]

V. LINKUP SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC

Section 214(e)(1) of the Act and Section 54.201(d) of the Commission's rules provide that applicants for ETC designation must be common carriers that will offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, except where the Commission has forborne from the "own facilities" requirement. Applicants also must commit to advertise the availability and rates of such services.[23] As detailed below, Linkup satisfies each of the above-listed requirements.

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[21] See *Lifeline and Link Up Reform Order* at ¶ 12.

[22] Nicholas P. Sullivan, New Millennium Research, *Cell Phones Provide Significant Economic Gains for Low-Income American Households: A Review of Literature and Data from Two New Surveys,* (April 2008), available at http://newmillenniumresearch.org/archive/Sullivan_Report_032608.pdf.

[23] *See* 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

A. Linkup is a Common Carrier

CMRS resellers like Linkup are common carriers.[24]

B. Linkup Will Provide the Supported Services Consistent With the Commission's Grant of Forbearance from Section 214's Facilities Requirements

Although Section 214 requires ETCs to provide services using their facilities, at least in part, the Commission has forborne from that requirement with respect to carriers such as Linkup. In the *Lifeline and Link Up Reform Order,* the Commission granted forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:[25]

> (1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) 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; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and
>
> (2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary."

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[24] *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services,* GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory "mobile services" category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(1)(A) ("mobile services" providers are common carriers); *see also PCIA Petition for Forbearance for Broadband PCS,* WT Docket No. 98-100, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 16857, 16911 ¶ 111 (1998) ("We concluded [in the *Second Report and Order*] that CMRS also includes the following common carrier services: cellular service, … all mobile telephone services *and resellers of such services*.") (emphasis added).

[25] *See Lifeline and Link Up Reform Order* at ¶¶ 368, 373 and 379.

Linkup will avail itself of the FCC's grant of blanket forbearance.[26] In accordance with the *Lifeline and Link Up Reform Order*, Linkup filed its Compliance Plan with the FCC April 6, 2012. A copy of its Compliance Plan is attached to this Petition as Attachment M. Linkup commits to providing Lifeline service in the Non-Jurisdictional States in accordance with its Compliance Plan, as approved.

C. Linkup Offers All of the Required Services and Functionalities

Through its arrangements with Sprint, Linkup is able to provide all of the services and functionalities supported by the universal service program under Section 54.101 of the Commission's rules in the Non-Jurisdictional States. Linkup will make these services and functionalities available to qualifying consumers with service addresses in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia.

1. Voice Grade Access to the Public Switched Telephone Network

Linkup provides voice grade access to the public switched telephone network ("PSTN") through the purchase of wholesale CMRS services from Sprint.

2. Local Usage

As part of the voice grade access to the PSTN, an ETC must provide minutes of use for local service at no additional charge to end-users. The FCC has not specified a minimum

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[26] Although the Company qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 214(e)(1)(A), the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state, particularly for purposes of state universal service funding under state program rules and requirements. The Company will follow the requirements of the Commission's Lifeline rules and its Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income fund.

amount of local usage that an ETC must offer.[27] Linkup offers a variety of rate plans that include minutes of use for, among other things, local service.

3. Access to Emergency Services

Linkup provides nationwide access to 911 and E911 emergency services for all of its customers to the extent the local government in its service area has implemented 911 or E911 systems. In accordance with its forbearance, Linkup will provide access to 911 and E911 services regardless of activation status and availability of minutes, and will provide only E911-compliant handsets to its Lifeline customers.

4. Toll Limitation for Qualifying Low-Income Consumers

In its *Lifeline and Link Up Reform Order,* the FCC stated that toll limitation would no longer be deemed a supported service.[28] "ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls."[29] Nonetheless, Linkup's offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. Linkup's service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same. Linkup will not seek reimbursement for toll limitation service.

D. Advertising of Supported Services

Linkup will broadly advertise the availability and rates for the services described above using media of general distribution as required by Section 54.201(d)(2) of the Commission's

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[27] *See e.g., In the Matter of Federal-State Joint Board on Universal Service*, Recommended Decision 15 FCC Rcd 7331 (2002).
[28] *See Lifeline and Link Up Reform Order* at ¶ 367.
[29] *See Lifeline and Link Up Reform Order* at ¶ 49.

regulations,[30] and in accordance with the requirements set forth in the *Lifeline and Link Up Reform Order.*[31] The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline services, using media of general distribution that may include advertisements via newspapers, radio and the internet. These advertising campaigns will be specifically targeted to reach low-income customers, promoting the availability of cost-effective wireless services to this neglected consumer segment.

In addition, Linkup will utilize its network of retail partners to help promote the availability of its Lifeline plans, especially those retail outlets that are frequented by low-income consumers. Linkup will provide signage to be displayed where Linkup products are sold, and with printed materials describing Linkup's Lifeline program. Linkup expects to be able to market and inform consumers of the availability of Lifeline service in a manner that will result in significantly higher participation in the Lifeline program by qualified consumers than has been the case in the past.

Linkup will supplement these methods of communication to specifically advertise and promote the availability of its Lifeline offerings to qualifying customers throughout the Non-Jurisdictional States. Linkup intends to distribute flyers and brochures at various state and local social service agencies, as well as nonprofit assistance organizations, in order to inform customers of the availability of its Lifeline services.

E. Service Commitment Throughout the Proposed Designated Service Area

Linkup will provide service in the Non-Jurisdictional States by reselling service which it obtains from its underlying facilities-based provider. The underlying provider's network is

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[30] *See* 47 C.F.R. § 54.201.

[31] *See Lifeline and Link Up Reform Order* at Section VII.F.

operational and largely built out. Thus, Linkup will be able to commence offering its Lifeline service to all locations served by its underlying carrier very soon after receiving approval from the Commission. Linkup commits to comply with the service requirements applicable to the support that it receives.[32]

F. Five-Year Network Improvement Plan

As set forth in the *Lifeline and Link Up Reform Order*, a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC.[33]

G. Ability to Remain Functional in Emergency Situations

In accordance with 47 C.F.R. §54.202(a)(2), Linkup has the ability to remain functional in emergency situations. As described herein, Linkup purchases wireless network services from Sprint, a large, national carrier that is itself subject to various regulatory requirements to remain functional in emergencies. Through Sprint, Linkup provides to its customers the same ability to remain functional in emergency situations as currently provided by Sprint to its own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, the ability to reroute traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations. Furthermore, the Company is subject to its own 911 requirements in 47 C.F.R. 20.18(m), and has committed to specific 911 and E911-related requirements – including with respect to E911 handsets – in its Compliance Plan.

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[32] *See Lifeline and Link Up Reform Order* at page 208, revised § 54.202(a)(1)(i).
[33] *See Lifeline and Link Up Reform Order* at ¶ 386.

H. Commitment to Consumer Protection and Service Quality

Under FCC guidelines, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.[34] The Company commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards. Linkup commits to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

I. Linkup is Financially and Technically Capable

Linkup is financially and technically capable of providing Lifeline-supported services.[35] Linkup has been in business for 3 years and provides service to both Lifeline and non-Lifeline customers. Linkup currently offers its wireless Lifeline service in Maryland and West Virginia and its wireline Lifeline service in Kentucky and North Carolina. Linkup has not been subject to enforcement action or ETC revocation proceedings in any state. Linkup is financially able to provide Lifeline-supported services; the Company does not – and does not intend to – rely exclusively on universal service support to operate. The Company will continue to rely on its successful business model and service offerings to sustain and grow its business, independent of USF disbursements that provide discounts for qualifying Lifeline subscribers. Furthermore, the senior management of Linkup has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.[36] Linkup will be providing resold wireless service, and therefore will also rely upon the managerial and technical expertise of its underlying carrier.

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[34] *See* 47 C.F.R. § 54.202(a)(3).
[35] *See Lifeline and Link Up Reform Order* at ¶ 387.
[36] See Attachment M, Exhibit D for key management resumes.

VI. LINKUP WILL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE LIFELINE AND LINK-UP REFORM ORDER

Linkup will comply with all conditions set forth in the *Lifeline and Link Up Reform Order,* the provisions of its Compliance Plan, as approved, and all laws and regulations governing its provision of Lifeline-supported prepaid wireless service to customers throughout the United States.[37]

A. Consumer Eligibility and Enrollment

Linkup will certify and verify consumer eligibility for Lifeline in accordance with its Compliance Plan, as approved, which outlines how the Company will comply with the requirements set forth in the *Lifeline and Link Up Reform Order.* In instances where a state agency or third-party administrator is responsible for the initial determination and annual recertification of consumer eligibility, Linkup will rely on the state identification or database.[38] In instances where Linkup is responsible for the initial determination and annual recertification of consumer eligibility, the Company will follow the procedures set forth below.

1. One-Per-Household

Linkup understands that Lifeline is limited to a single subscription per household, and that the Commission has defined household as "any individual or group of individuals who are living together at the same address as one economic unit."[39] Upon receiving an application for Lifeline support, Linkup will check the duplicates database, once in place, to determine whether an individual at the applicant's residential address is currently receiving Lifeline-supported

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[37] To the extent that future changes in federal regulations render the commitments herein invalid, the Company reserves the right to modify its operations in accordance with federal regulations in effect at that time.

[38] *See Lifeline and Link Up Reform Order* at ¶ 98.

[39] *See Lifeline and Link Up Reform Order* at ¶ 74.

service. Linkup will also search its own internal database of active customers, real-time, pre-sale, to ensure that it does not already provide Lifeline-supported service to someone at that residential address. If Linkup determines that an individual at the applicant's address is currently receiving Lifeline-supported service, Linkup will take an additional step to ensure that the applicant and the current subscriber are part of different households. To enable applicants to make this demonstration, Linkup will require applicants to complete and submit to the Company USAC's one-per-household template, which will contain 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; and (4) the penalty for a consumer's failure to make the required one-per-household certification (i.e., de-enrollment).[40] Linkup will deny the Lifeline application of any individual residing at the same address as a current Lifeline subscriber who is part of the same household, and will advise the applicant of the basis for the denial.

On its certification forms, a draft sample of which is attached,[41] Linkup will obtain a consumer's permanent residential address (which cannot be a P.O. Box or General Delivery address), unless they only have a temporary address, and a billing address for the service, if different (which may include a P.O Box or General Delivery address).[42] Linkup will inquire on

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[40] *See Lifeline and Link Up Reform Order* at ¶ 78.
[41] See Attachment M, Exhibit A. The draft form remains subject to change, but substantially reflects the content of the Company's application.
[42] *See Lifeline and Link Up Reform Order* at ¶ 85.

its certification forms whether or not the applicant's address is a temporary one.[43] Linkup will notify the consumer that if they have a temporary address, the Company may contact the consumer every 90 days, by phone or text, to verify that he or she continues to rely on that address, and that if the consumer fails to respond within 30 days of Linkup's attempt to verify the temporary address, he or she will be de-enrolled from the Lifeline program.[44]

Also on its certification forms, Linkup will explain that if the subscriber moves, they must provide their new address to the Company within 30 days of moving.[45] If the subscriber has moved, Linkup will update the duplicates database, once in place, with the information within 10 business days of receipt of the information.[46]

As detailed below, Linkup's certification form will clearly explain the one-per-household requirement and all consumers must certify that they receive Lifeline support for a single subscription per household.

2. Initial and Annual Certification

Consumers will be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to the Company website, which will provide information regarding the Company's Lifeline service plans, including a detailed description of the program and state-specific eligibility criteria. Linkup's application form will identify that it is a "Lifeline" application. Linkup will provide Lifeline-specific training to all personnel, whether

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[43] *See Lifeline and Link Up Reform Order* at ¶ 89.
[44] *See id.* If and when this 90-day recertification of temporary addresses requirement is approved, the Company will attempt to verify a temporary address every 90 days and will de-enroll any Lifeline customer who fails to respond to the Company's attempts within 30 days. However, as of the date of filing of this Compliance Plan, this requirement has not been approved. In fact, on April 13, 2012, the Office of Management and Budget (OMB) invoked the Paperwork Reduction Act (PRA) to prevent this requirement from going into effect.
[45] *See Lifeline and Link Up Reform Order* at ¶ 85.
[46] *See id.*

employees, agents or representatives, that interact with actual or prospective consumers with respect to obtaining, changing or terminating Lifeline services.

Linkup's initial and annual certification forms will conform to the list of requirements provided in the *Lifeline and Link Up Reform Order,* Appendix C and C.F.R. § 54.410(d), as amended.[47] The Company's Lifeline certification forms, a draft sample of which is provided in Attachment M as Exhibit A, will require each prospective subscriber to provide the following information:

> (i) The subscriber's full name;
> (ii) The subscriber's full residential address;
> (iii) Whether the subscriber's residential address is permanent or temporary;
> (iv) The subscriber's billing address, if different from the subscriber's residential address;
> (v) The subscriber's date of birth;
> (vi) The last four digits of the subscriber's social security number, or the subscriber's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a social security number;
> (vii) If the subscriber is seeking to qualify for Lifeline under the program-based criteria, as set forth in § 54.409, the name of the qualifying assistance program from which the subscriber, his or her dependents, or his or her household receives benefits; and
> (viii) If the subscriber is seeking to qualify for Lifeline under the income-based criterion, as set forth in § 54.409, the number of individuals in his or her household.

The certification forms will also explain in clear, easily understandable language that:

> (i) Lifeline is a federal benefit;
> (ii) Lifeline service is available for only one line per household;
> (iii) 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;
> (iv) households are not permitted to receive benefits from multiple providers;
> (v) that violation of the one-per-household requirement would constitute a violation of the Commission's rules and would result in the consumer's de-enrollment from the program, and potentially, prosecution by the United States government; and
> (vi) a Lifeline subscriber may not transfer his or her service to any other individual, including another eligible low-income consumer.

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[47] *See Lifeline and Link Up Reform Order* at pp. 227-29.

Linkup will require all consumers, at sign up and annually thereafter, to certify under penalty of perjury that:

> (i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;
> (ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.
> (iii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);
> (iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;
> (v) If the subscriber provided a temporary residential address, he or she will be required to verify his or her temporary residential address every 90 days;
> (vi) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
> (vii) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,
> (viii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
> (ix) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).

Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility requirements. Consumers who do not complete the application process in person must return the signed application and support documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures, including Interactive Voice Response (IVR) recordings, that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC

7001-7006.[48]

The Company will primarily enroll Lifeline applicants in person at community events. When a prospective customer applies at an event, Company employees, agents or representatives ("personnel") will ask to see a government issued ID and will validate the address via a USPS/Melissa Database and simultaneously input the name/address combination into CGM, LLC's aggregate duplicate database (see section III.D below) to confirm that the applicant is not already receiving a Lifeline subsidy from Linkup or any other CGM client. In cases where an eligibility database exists, personnel will contact the Company's internal group dedicated to verifying eligibility who will query the database and either approve or deny the applicant. In states where eligibility databases are not available, the applicant is required to provide proof of participation in one of the Lifeline eligible programs or proof that their annual household income is at or below 135% of the federal poverty guidelines. Linkup's Lifeline application contains an "Office Use Only" section, which must be completely filled out and signed by Company personnel in order to record information about the specific documentation reviewed as part of the eligibility verification process. Eligibility documents are returned to the customer after review.

Finally, Linkup personnel will verbally explain the certifications to consumers before they initial the required disclosures and sign the application. Once the Lifeline application is complete, it is scanned into the Company's database. Upon successful completion of the certification process, the customer is allowed to choose a service plan and receive their free phone in person. In instances where eligibility databases cannot be accessed in real-time, Linkup will mail the phone to the customer once verification of eligibility is complete. Phones are not pre-activated when sent to the

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[48] *See Lifeline and Link Up Reform Order* at ¶ 168.

customer. The customer must activate his/her account personally by contacting the Company upon receipt of the phone.

Linkup may also enroll customers at retail stores, in which case the protocol for signing up customers closely resembles the process at an event. Company employees, agents or representatives are able to access necessary databases (USPS/Melissa, duplicates database, eligibility databases) to verify eligibility, and, when required, can personally review eligibility based on proof of income or program participation. Company personnel are able to verbally review the required disclosures with applicants and obtain the completed application form in person. Phones are delivered upon successful completion of the certification process, as detailed above.

With respect to those enrolling via the phone, Company personnel are able to verbally explain the Lifeline program and its eligibility requirements, including required information and disclosures, as well as collect and input electronically the application form information and obtain the applicant's signature via IVR. The Company then has the information needed to qualify the applicant by accessing necessary databases (USPS/Melissa, duplicates database, eligibility databases). Upon receipt of copies of the applicant's proof documentation, if applicable, and government-issued ID, Linkup is able to complete the eligibility verification process and deliver phones to eligible customers by mail, as detailed above.

When enrolling via the Internet, prospective customers will be able to fill out an application form online and sign electronically. Linkup will highlight the certifications that are required, for example, by requiring consumers to acknowledge each certification before moving on to the next field.[49] The Company will qualify the applicant by accessing necessary databases

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[49] *See Order* at ¶ 123.

(USPS/Melissa, duplicates database, eligibility databases). Upon receipt of copies of the applicant's proof documentation, if applicable, and government-issued ID, Linkup is able to complete the eligibility verification process and deliver phones to eligible customers by mail, as detailed above.

Linkup will determine eligibility utilizing the income and program criteria currently utilized by federal default states (47 C.F.R. § 54.409(a),(b)), as well as any additional state-specific criteria. Prior to enrolling a new subscriber, Linkup will check the eligibility of low-income consumers first by accessing state or federal social services electronic eligibility databases, where available.[50] If a database is used to establish eligibility, Linkup will not require documentation of the consumer's participation in a qualifying federal program; instead, Linkup or its representative will note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline.[51] However, in states where there is no state administrator, the state commission or other state agency is not making eligibility determinations, and there is no automated means for Linkup to check electronic databases for eligibility, Linkup will review documentation to determine eligibility for new subscribers until such time as a qualifying eligibility database is available.[52] Linkup will require acceptable documentation both for income eligibility and for program eligibility. The Company will not retain copies of the documentation but rather will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility.[53] Linkup understands that it may permit agents or representatives to review documentation of consumer program eligibility for Lifeline, and in such cases Linkup remains liable for ensuring the agent or

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[50] *See Lifeline and Link Up Reform Order* at ¶ 97.
[51] *See Lifeline and Link Up Reform Order* at ¶ 98.
[52] *See Lifeline and Link Up Reform Order* at ¶ 99.
[53] *See Lifeline and Link Up Reform Order* at ¶ 101.

representative's compliance with the Lifeline program rules.[54]

Linkup provides employees, agents, and representatives with training designed to give them an understanding of Lifeline program requirements and permit them to review customer documentation and determine whether it is sufficient to establish a customer's eligibility to participate in the Lifeline program under the Commission's rules. No Company employee, agent, or representative may accept a Lifeline application unless he or she has first completed this training program and demonstrated an understanding of the underlying material. Among other things, the Lifeline program training discusses the Company's Lifeline application form (see Attachment M, Exhibit A) on a section-by-section basis. The training explains what sections of the form must be completed by the customer and reviews the form disclosures in detail, to facilitate an employee's ability to explain each item contained therein and answer any customer questions.

3. Annual Re-Certification

Linkup understands that it must re-certify the eligibility of its entire Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013, and the Company may elect to perform this re-certification on a rolling basis throughout the year.[55] By December 31, 2012, Linkup will re-certify the continued eligibility of all of its subscribers by contacting them—either in person, in writing, by phone, by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.[56] The re-certification 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. Linkup will obtain a signed certification from the subscriber that meets the certification requirements of 47 C.F.R. §

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[54] *See Lifeline and Link Up Reform Order* at ¶ 110.
[55] *See Lifeline and Link Up Reform Order* at ¶ 130.
[56] *See id.*

54.410(d), as amended, as detailed in section VI.A.2 above. The Company will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. Linkup understands that such certifications may be obtained through a written format, an IVR system, or a text message, and will use one or more of such options for its certifications.[57]

Alternatively, where a database containing consumer eligibility data is available, Linkup (or state agency or third-party, where applicable) will instead query the database by the end of 2012 and maintain a record of what specific data was used to re-certify eligibility and the date of re-certification. If a subscriber's address cannot be verified through the state data, Linkup will contact the subscriber every year during the annual certification process to obtain a valid address.[58] After 2012, Linkup will continue to annually certify the continued eligibility of its entire subscriber base, either by accessing a qualifying database, or by electing to have USAC administer the self-certification process on the Company's behalf.[59]

Linkup will certify its compliance with Commission rules on an annual Lifeline eligible telecommunications carrier certification form and when submitting FCC Forms 497 to USAC for reimbursement. As part of Linkup's submission of re-certification data pursuant to 47 C.F.R. § 54.416, an officer of the Company will certify annually to USAC:

> (1) that the Company has procedures in place to review consumers' documentation of income-and program-based eligibility. In instances where the Company confirms consumer eligibility by relying on official program eligibility data, such as a state or federal database, an officer of the Company will attest to what data the Company

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[57] *See Lifeline and Link Up Reform Order* at ¶ 132.
[58] *See Lifeline and Link Up Reform Order* at ¶ 131.
[59] *See Lifeline and Link Up Reform Order* at ¶ 133.

uses to confirm consumer eligibility in each state, and

(2) that the Company is in compliance with all federal Lifeline certification procedures.[60]

B. Other Reforms to Eliminate Waste, Fraud and Abuse

Linkup shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein and in its Compliance Plan, with the belief that the procedures it will implement will prevent Company customers from engaging in such abuse of the program, inadvertently or intentionally.

Linkup has implemented enrollment procedures designed to prevent subsidies for duplicate, ineligible, or inactive subscribers. The Company contracts with a third party Lifeline service bureau, currently CGM, LLC of Roswell, Georgia, to edit all subsidy request data. CGM will process and validate the Company's subsidy data to prevent: (1) Duplicate Same-Month Lifeline Subsidies (Double Dip): any name/address that is already receiving a lifeline subsidy from the Company will be automatically prevented from receiving a second lifeline subsidy in that same month; and (2) Inactive lines receiving subsidy: CGM's systems compare all subsidy requests to underlying network status to ensure that subsidies are requested only for active lines. Through the processes described herein, Linkup ensures that it does not over-request from support funds.

As detailed in section III.C.2, Linkup first validates each applicant's identity via a government issued ID card, passport, etc. Additionally, as mentioned above, Linkup requires the applicant to provide their date of birth (DOB) and last four digits of their social security number (SSN). Requiring DOB and SSN ensures that neither the applicant nor the Company representative

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[60] *See Lifeline and Link Up Reform Order* at ¶ 126-27.

can forge certification forms based on false names and addresses. Once the applicant's identity is confirmed, Linkup verifies that the applicant is eligible to receive the Lifeline subsidy. To do this, Linkup checks any available eligibility database. If one is not available, the applicant is required to provide proof of eligibility. This prevents ineligible applicants from receiving the subsidy.

Linkup verifies the address of the applicant first via the applicant's government issued ID, then validates the address via a USPS/Melissa Database to ensure the address is correct. Simultaneously, the name/address combination is dipped into CGM's aggregate duplicate database to confirm that the applicant is not already receiving a Lifeline subsidy from Linkup or any other CGM client. This is done through an API connection between the Company's provisioning platform and CGM. This then prompts the representative to detail the one-per-household rule with the applicant.

1. National Lifeline Accountability Database

Linkup will participate in the National Lifeline Accountability Database, once it is established. As required by the *Lifeline and Link Up Reform Order,* Linkup will provide to the database subscriber name, address, phone number, the last four digits of Social Security number, date of birth, Lifeline service initiation and de-enrollment date (when applicable), and amount of federal Lifeline support being sought for that subscriber.[61] Linkup will provide the information listed above for existing subscribers within 60 days of Commission notice that the database is capable of accepting subscriber information.[62]

Furthermore, on its certification form, Linkup will obtain acknowledgement and consent from each of its subscribers that is written in clear, easily understandable language that the

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[61] *See Lifeline and Link Up Reform Order* at ¶ 189.
[62] *See Lifeline and Link Up Reform Order* at ¶ 190.

subscriber's name, telephone number, and address will be divulged to USAC (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit.[63]

Within 30 days following Commission notice that the database is capable of accepting queries, Linkup will query the database to check to see if a prospective subscriber is already receiving service from another ETC at a residential address prior to seeking reimbursement from the Fund.[64]

2. Subscriber Usage

Linkup will not seek reimbursement from the USF for new subscribers until they have personally activated the service, either by initiation and/or actual use of the service by the subscriber. Furthermore, Linkup will not seek reimbursement from the USF for inactive subscribers who have not used the service for a consecutive 60-day period.[65] Linkup will notify its subscribers at service initiation, via the certification form and via script that is reviewed with every customer, about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time.[66] An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from the Company to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than the Company, its representative, or agent; or affirmatively responds to a direct contact from the Company confirming that he or she wants to

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[63] *See Lifeline and Link Up Reform Order* Appendix C.
[64] *See Lifeline and Link Up Reform Order* at ¶ 203.
[65] *See Lifeline and Link Up Reform Order* at ¶ 257.
[66] *See id.*

continue.[67] Linkup utilizes tracking software to notify the customer if the customer has not used their service for more than 30 or 60 consecutive days. Furthermore, a third party contractor validates the Company's subsidy data to prevent a subsidy request for customers that are inactive under the Company's non-usage policy.[68] After notification, if the customer fails to use the phone, it is automatically de-enrolled pursuant to the procedures outlined in section VI.C below. Linkup will continue to comply with applicable public safety, including transmitting 911 calls to the appropriate PSAP even if the Company is no longer providing Lifeline service to a consumer.[69]

3. Marketing & Outreach

Linkup will implement the measures outlined herein to help ensure that only eligible consumers enroll in the program and that those consumers are fully informed of the limitations of the program, so as to prevent duplicative or otherwise ineligible service as well as other forms of waste, fraud, and abuse. Linkup will explain in clear, easily understood language substantially the following disclosures in all marketing materials related to the supported service:[70] (1) the offering is a Lifeline-supported service; (2) only eligible consumers may enroll in the program; (3) the program is limited to one benefit per household, consisting of either wireline or wireless service; and (4) Lifeline is a government benefit program. Linkup's website and printed collateral will also explain the documentation necessary for enrollment, and the details of

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[67] *See Lifeline and Link Up Reform Order* at ¶ 261.
[68] CGM, LLC is currently the Company's third party contractor.
[69] *See Lifeline and Link Up Reform Order* at ¶ 262. 911 transmission will actually be performed by the Company's underlying facilities-based CMRS provider.
[70] See Attachment M, Exhibit B for sample advertisements. The Company understands the term "marketing materials" includes materials in all media, including but not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the Lifeline-supported service offering, including application and certification forms. *See Lifeline and Link Up Reform Order* at ¶ 275.

Linkup's plans. Such collateral and website information, as well as its application, will make clear that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.[71] For broadcast advertisements and outdoor signs, and any other situation in which inclusion of documentation information and warnings against willful false statements are not practicable, Linkup will include the URL link for its website where disclosures will be listed. Additionally, Linkup will disclose the company name under which it does business.[72]

4. Audits

The *Lifeline and Link Up Reform Order* requires ETCs that draw $5 million or more in the aggregate on an annual basis from the low-income program, as determined on a holding company basis taking into account all operating companies and affiliates, to hire an independent licensed certified public accounting firm to conduct a biennial audit according to government accounting standards to assess the ETC's overall compliance with the program's requirements.[73] Linkup will comply with this requirement if and when it is approved, including applicable rules regarding the dissemination of audit findings to the Commission, USAC, and relevant state and Tribal governments within 30 days upon issuance.[74]

C. De-Enrollment

Linkup will de-enroll consumers from the Company's Lifeline program in the following instances, according to C.F.R. § 54.405(e):

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[71] *See Lifeline and Link Up Reform Order* at ¶ 275.
[72] *See id.*
[73] *See Lifeline and Link Up Reform Order* at ¶ 291.
[74] *See Lifeline and Link Up Reform Order* at ¶ 294. As of the date of filing of this Application, the audit requirement has not been approved. In fact, on April 13, 2012, the OMB invoked the PRA to prevent this audit requirement from going into effect.

Ineligibility. Any subscriber who indicates that he or she is receiving more than one Lifeline-supported service per household, or neglects to make the required one-per-household certification on his or her certification form, will be de-enrolled from Lifeline pursuant to the process for resolving duplicative Lifeline subscriptions described in section 54.405(e)(2).[75] If a customer does not respond to the Company's annual verification survey within 30 days, or if Linkup has reasonable basis to believe that the subscriber no longer meets the Lifeline-qualifying criteria (including instances where a subscriber informs the Company or the state that he or she is ineligible for Lifeline), Linkup will provide a written notice of impending service termination to the subscriber and then give the subscriber 30 days after the date of the letter to demonstrate that his or her Lifeline service should not be terminated.[76] Similarly, Linkup will de-enroll a subscriber if they fail to respond to the Company's attempt to verify a temporary address within 30 days.[77]

Duplicative Support. Subject to USAC's Duplicate Resolution Process and anticipated Duplicate Scrubbing Process,[78] Linkup will de-enroll a subscriber within 5 business days if the Company is informed by USAC that the subscriber is receiving Lifeline service from another ETC or that more than one member of a subscriber's household is receiving Lifeline service.

Non-Usage. Linkup will de-enroll any subscriber that has not used the Company's Lifeline service for 60 consecutive days, as discussed in section VI.B.2 above. Linkup will provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in

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[75] *See Lifeline and Link Up Reform Order* at ¶ 122.
[76] *See id*. In states that have dispute resolution procedures applicable to Lifeline termination, the Company will comply with the state requirements.
[77] *See Lifeline and Link Up Reform Order* at ¶ 89.
[78] *See Lifeline and Link Up Reform Order* at ¶ 214-16.

service termination for non-usage; such notice may be initiated after 30-days of non-usage. Linkup will update the national database, once in place, within one business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.[79]

D. Additional Rule Amendments

1. Terms and Conditions of Service

Linkup's Lifeline terms and conditions of service are provided in Attachment M as Exhibit C. These terms and conditions are subject to change as needed, and the most current version may be found at www.mylinkuptelecom.com. The terms and conditions of Linkup's retail plans, as generally available to the public and to which a Lifeline customer can apply their Lifeline discount, can be found at the same website (www.mylinkuptelecom.com).

2. Reporting Requirements

Linkup will report all information required by section 54.422, including as it may heretofore be amended. This includes the names of the Company's holding company, operating companies and affiliates, and any branding ("doing-business-as company" or brand designation), and provide to the Commission and USAC general information regarding the terms and conditions of the Lifeline plans for voice telephony service offered specifically for low income consumers through the program offered 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.[80]

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[79] *See Lifeline and Link Up Reform Order* at ¶ 257.

[80] *See Lifeline and Link Up Reform Order* at ¶ 296, 390. Section 153 of the Act defines "affiliate" as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

3. Reimbursement from USAC

In seeking reimbursement for Lifeline, Linkup will comply with the requirements of C.F.R. § 54.407, as revised by the *Lifeline and Link Up Reform Order*.[81] Linkup will certify when seeking reimbursement that the Company has obtained a valid certification form for each consumer for whom the Company seeks Lifeline reimbursement,[82] and the Company will seek reimbursement for actual lines served, not projected lines.[83]

VII. DESIGNATION OF LINKUP AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is "to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies" to all citizens, regardless of geographic location or income.[84] There is no question that limited designation of Linkup as an ETC in the Non-Jurisdictional States will promote the public interest by providing low-income consumers in the Non-Jurisdictional States with more affordable and higher quality wireless services. Many low-income consumers have yet to reap the full benefits of the wireless marketplace. Whether because of financial constraints, poor credit or intermittent employment, these consumers often lack access to the benefits that wireless services bring to other consumers.[85] Designating Linkup as an ETC in the Non-Jurisdictional States will enable it

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[81] *See id* page 221.
[82] *See id* at ¶ 128.
[83] *See id* at ¶ 302.
[84] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.
[85] *See supra* note 20.

to expand the availability of affordable telecommunications services to qualifying consumers, leading to lower prices and increased choice.[86]

The instant request for limited ETC designation must be examined in light of the Act's goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers—particularly low-income consumers—receive affordable and comparable telecommunications services. Given this context, designating Linkup as an ETC would significantly benefit low-income consumers eligible for Lifeline services in the Non-Jurisdictional States—the intended beneficiaries of universal service. The Company's participation in the Lifeline program also undoubtedly would increase opportunities for the company to serve these customers with appealing and affordable service offerings.

A. Advantages of Linkup's Service Offering

The public interest benefits 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 at flexible and affordable amounts in the event that included usage has been exhausted, 911 service and, where available, E911 service in accordance with current FCC requirements. Linkup's Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all Company customers. Linkup's Lifeline rate plans will not only allow feature-rich

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[86] *See TracFone ETC Order*, 23 FCC Rcd at 6212 ¶ 15*; Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38; *Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934*, CC Docket No. 96-61, Second Report and Order, 11 FCC Rcd 20730, 20760 ¶ 52 (1996).

mobile connectivity for qualifying subscribers at no cost to the subscriber, but also will bring a variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers – but at low Lifeline rates and without the burden of credit checks, contracts, or activation fees.

Most importantly, Linkup's Lifeline service will provide low-income residents with the convenience and security offered by wireless services—even if their financial position deteriorates. ETC designation in the Non-Jurisdictional States would enable Linkup to offer appealing and affordable service offerings to low-income customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Without question, prepaid wireless services have become essential for low-income customers, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents. Providing Linkup with the authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

In sum, ETC designation in the Non-Jurisdictional States would enable Linkup to provide all of the public benefits cited by the Commission in its analysis in the *TracFone* and *Virgin Mobile Orders*. Namely, Linkup would provide "increased consumer choice, high-quality service offerings, and mobility,"[87] as well as the safety and security of effective 911 and E911 services.[88]

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[87] *See Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38*; TracFone ETC Order*, 23 FCC Rcd at 6212 ¶ 15.
[88] *See Virgin Mobile Order*, 24 FCC Rcd at 3391 ¶ 23.

B. The Benefits of Competitive Choice

The benefits to consumers of being able to choose from among a variety of telecommunications service providers have been acknowledged by the FCC for more than three decades.[89] Designation of Linkup as an ETC will promote competition and innovation, and spur other carriers to target low-income consumers with service offerings tailored to their needs and to improve their existing networks to remain competitive, resulting in improved services to consumers. Designation of Linkup as an ETC will help assure that quality services are available at "just, reasonable, and affordable rates" as envisioned in the Act.[90] Designation of Linkup as an ETC would offer Lifeline-eligible consumers an additional choice of providers for accessing telecommunications services, representing a significant step towards ensuring that all low-income consumers share in the many benefits associated with access to wireless services.

C. Impact on the Universal Service Fund

Linkup's request for designation as an ETC solely for Lifeline purposes would not unduly burden the USF or otherwise reduce the amount of funding available to other ETCs. Linkup will only increase the amount of USF Lifeline funding in situations where it obtains Lifeline customers not enrolled in another ETC's Lifeline program. By implementing the safeguards set forth in the *Lifeline and Link Up Reform Order*, Linkup will minimize the likelihood that its customers are not eligible or are receiving duplicative support either individually or within their household. Significantly, the Company's designation as an ETC will not increase the number of persons eligible for Lifeline support. Linkup's ability to increase the Lifeline participation rate of qualified low-income individuals will further the goal of Congress to provide all individuals

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[89] *See, e.g., Specialized Common Carrier Services,* 29 FCC Rcd 870 (1971).
[90] *See* 47 U.S.C. § 254(b)(1).

with affordable access to telecommunications service, and thus any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers. According to the FCC, "the additional choice and service options of another wireless reseller offering a service for low-income consumers represents a significant benefit for consumers and is in the public interest," and "A new entrant should incent existing wireless reseller ETCs to offer better service and terms to their customers, which provides additional evidence that forbearance in the context of the Lifeline program outweighs the potential costs."[91]

VIII. ANTI-DRUG ABUSE CERTIFICATION

Linkup certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

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[91] *See Petition of i-wireless, LLC for Forbearance from 47 U.S.C § 214(e)(1)(A)*, Order, FCC 10-117 (rel. June 25, 2010) at ¶ 19.

IX. CONCLUSION

As discussed above, designation of Linkup as an ETC in the Non-Jurisdictional States accords with the requirements of Section 214(e)(6) of the Act and is in the public interest.

For all of the foregoing reasons, Linkup respectfully requests that the Commission designate Linkup as an ETC in the Non-Jurisdictional States.

Respectfully submitted,

/s/ LANCE STEINHART

Lance J.M. Steinhart
Lance J.M. Steinhart, P.C.
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005
(770) 232-9200 (Phone)
(770) 232-9208 (Fax)
E-Mail: lsteinhart@telecomcounsel.com

Attorney for Linkup Telecom, Inc.

May 22, 2012

Attachment A

Proposed Lifeline Rates

Lifeline Plan1
250 Anytime Minutes
Net cost to Lifeline customer - $0 (free)

- No rollover
- No Texting
- Free handset
- Free calls to 911 emergency services
- Free calls to Customer Service
- Free domestic long distance
- Caller ID, Call Waiting, and Voicemail included

Lifeline Plan 2
100 Anytime Minutes
Net cost to Lifeline customer - $0 (free)

- 90 days rollover
- 3 texts per 1 minute of voice
- Free handset
- Free calls to 911 emergency services
- Free calls to Customer Service
- Free domestic long distance
- Caller ID, Call Waiting, and Voicemail included

Additional Minutes

75 Anytime Additional Minutes	$5.00
250 Anytime Additional Minutes	$13.50
500 Anytime Additional Minutes	$25.00
1000 Anytime Additional Minutes	$30.00

Attachment B

Affirmative Statement of the Alabama Public Service Commission

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

Attachment C

Affirmative Statement of the Connecticut Department of Public Utility Control

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

December 9, 2011
In reply, please refer to:
UR:PAP

Lance J.M. Steinhart, Esquire
1720 Windward Concourse
Suite 150
Atlanta, Georgia 30005

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

Dear Mr. Steinhart:

The Public Utilities Regulatory Authority (Authority), formerly known as the Department of Public Utility Control, acknowledges receipt of your October 18, 2011 letter filed on behalf of Q Link Wireless LLC (QLink) seeking clarification as to whether the Authority asserts jurisdiction to designate competitive eligible telecommunications carriers (CETC) in Connecticut. According to your letter, QLink seeks designation as a CETC in Connecticut and believes that the Authority does not assert jurisdiction to designate CETCs in the state and that carriers must apply to the Federal Communications Commission for certification.

The Authority has reviewed your request and notes that it has approved requests for CETC status from wireline-based carriers. However, in the instant case, QLink is a mobile virtual network operator. The Authority does not regulate or license mobile carrier services' rates and charges and therefore, it is not subject to the Authority's jurisdiction for the purposes of designating CETC status.

Sincerely,

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
PUBLIC UTILITIES REGULATORY AUTHORITY

Kimberley J. Santopietro
Executive Secretary

Ten Franklin Square • New Britain, Connecticut 06051 • Phone: 860-827-1553 • Fax: 860-827-2613
Email: dpuc.executivesecretary@po.state.ct.us • Internet: www.state.ct.us/dpuc
Affirmative Action/Equal Opportunity Employer

Attachment D

Affirmative Statement of the Delaware Public Service Commission

STATE OF DELAWARE
THE PUBLIC SERVICE COMMISSION
861 SILVER LAKE BOULEVARD, SUITE 100
CANNON BUILDING
DOVER, DELAWARE 19904

October 21, 2011

VIA ELECTRONIC MAIL

Lance J.M. Steinhart, P.C.
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005

RE: Delaware's Status as a Default State for the Federal Lifeline/Link-Up Program

Dear Mr. Steinhart:

I received your letter on behalf of Q Link Wireless LLC requesting clarification on Delaware's competitive eligible telecommunication carrier process. This is to confirm that Delaware is a "default" state and, therefore, it is the FCC, and not Delaware, that determines eligibility to receive the federally-subsidized price reductions. I am attaching the October 11, 2005 Order in PSC Docket No. 05-016T that discusses this issue in a Verizon Delaware, Inc. docket.

I will attach these documents to an email so that you will receive them expeditiously. If you would also like hard copies of the documents by mail let me know by e-mail and I will forward them to you.

Very truly yours,

William F. O'Brien
Executive Director

Attachment E

Affirmative Statement of the District of Columbia Public Service Commission

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.dcpsc.org

February 29, 2012

Via First Class & Electronic Mail

Lance J.M. Steinhart
Lance J.M. Steinhart, P.C., Attorney at Law
1725 Windward Concourse, Suite 150
Alpharetta, GA 30005

Dear Mr. Steinhart:

Thank you for your February 23, 2012 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

Welcome to the online source for the District of Columbia Official Code

DC ST § 34-2006
Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness
Division V. Local Business Affairs
Title 34. Public Utilities.
Subtitle V. Telecommunications.
Chapter 20. Telecommunications Competition.
➡§ 34-2006. Exemptions.

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

(c) This chapter shall not:

(1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;

(2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;

(3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or

(4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Effect of Amendments

D.C. Law 17-165 added subsec. (c).

Legislative History of Laws

For legislative history of D.C. Law 11-154, see Historical and Statutory Notes following § 34-2001.

For Law 17-165, see notes following § 34-403.

References in Text

The federal Telecommunications Act of 1996, referred to in (b), is Pub. L. 104-104, which is codified throughout Title 47 of the United States Code.

DC CODE § 34-2006

Current through January 11, 2012

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END OF DOCUMENT

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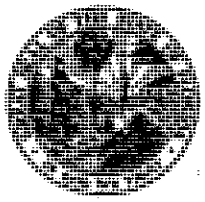
Attachment F

Affirmative Statement of the Florida Public Service Commission

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

March 27, 2012

Mr. Lance J.M. Steinhart, P.C.
Attorney at Law
1725 Windward Concourse
Suite 150
Alpharetta, Georgia 30005

Re: Undocketed – Linkup Telecom, Inc.'s ETC Designation

Dear Mr. Steinhart:

We have received your March 22, 2012 letter requesting a statement that the revisions to Chapter 364, Florida Statutes, modified the Florida Public Service Commission's jurisdiction to designate Linkup Telecom, Inc. (Linkup), a Commercial Mobile Radio Service (CMRS) Provider and Mobile Virtual Network Operator (MVNO), as an ETC.

This letter acknowledges that, effective July 1, 2011, revisions to Chapter 364, Florida Statutes, modified the Commission's jurisdiction to grant ETC designations to wireless telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, for the proposition that the Federal Communications Commission, rather than this Commission, is the appropriate agency to consider Linkup Telecom, Inc.'s bid for ETC status.

Sincerely,

S. Curtis Kiser

S. Curtis Kiser
General Counsel

cc: Beth W. Salak, Director, Division of Regulatory Analysis
Robert J. Casey, Public Utilities Supervisor, Division of Regulatory Analysis
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel
Ann Cole, Commission Clerk, Office of Commission Clerk

Attachment G

Affirmative Statement of the New Hampshire Public Utilities Commission

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland

THE STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

March 28, 2011

RE: ETC Certification in New Hampshire

The federal Universal Service Fund (USF) was created by the Federal Communications Commission (FCC) to promote the availability of quality services at just and reasonable rates to all consumers including low-income customers and those in high cost areas and to increase nationwide access to advanced services in schools, libraries and rural health care facilities. To qualify for universal service funding a carrier must first be certified as an Eligible Telecommunications Carrier (ETC) by the state public utilities commission or, if the state does not assert this authority, by the FCC. *See* 47 U.S.C. §214 (e).

The New Hampshire Public Utilities Commission maintains authority to determine whether landline telecommunications carriers qualify as ETCs. Pursuant to New Hampshire RSA 362:6, the Commission has no jurisdiction over mobile radio communications services. Consequently, the state declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC.

Sincerely,

F. Anne Ross
General Counsel
New Hampshire Public Utilities Commission

Attachment H

Affirmative Statement of the New York Public Service Commission

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.ny.gov

PUBLIC SERVICE COMMISSION

GARRY A. BROWN
Chairman
PATRICIA L. ACAMPORA
MAUREEN F. HARRIS
ROBERT E. CURRY JR.
JAMES L. LAROCCA
Commissioners

PETER McGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

March 29, 2012

VIA EMAIL AND US MAIL
Lance J.M. Steinhart, P.C.
1725 Windward Concourse
Suite 150
Alpharetta, Georgia 30005

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions/ Linkup Telecom, Inc.

Dear Mr. Steinhart:

As you requested in your letter dated March 22, 2012, enclosed is a letter providing an affirmative statement, required by the FCC, that the New York State Public Service Commission does not assert jurisdiction over wireless providers seeking Competitive Eligible Telecommunications Carrier designation.

Very truly yours,

Maureen J. McCauley

Maureen J. McCauley
Assistant Counsel

Enc.

cc: Hon. Jaclyn A. Brilling, Secretary

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.ny.gov

PUBLIC SERVICE COMMISSION

GARRY A. BROWN
Chairman
PATRICIA L. ACAMPORA
MAUREEN F. HARRIS
ROBERT E. CURRY JR.
JAMES L. LAROCCA
Commissioners

PETER McGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

March 29, 2012

TO WHOM IT MAY CONCERN:

Re: Linkup Telecom, Inc. CMRS Jurisdiction

We have received a letter from Linkup Telecom, Inc. (Linkup), a mobile virtual network operator (MVNO), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over MVNOs for the purpose of making determinations regarding Competitive Eligible Telecommunications Carrier (CETC) designations under section 214(e)(6) of 47 U.S.C. In response to this request, please be advised that section 5(6)(a) of the New York State Public Service Law provides that:

> Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstituted under section 5(6)(a) of the Public Service Law. Consequently, based on the representation by Linkup that it provides wireless service, it would not be subject to New York State Public Service Commission jurisdiction for the purpose of making a CETC designation.

Very truly yours,

Maureen J. McCauley

Maureen J. McCauley
Assistant Counsel

Attachment I

Affirmative Statement of the North Carolina Public Utilities Commission

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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

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

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

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

WHEREUPON, the Commission reaches the following

CONCLUSIONS

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

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

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

pb082503.01

Attachment J

Affirmative Statement of the Tennessee Regulatory Authority

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:	)	
	)	
APPLICATION OF ADVANTAGE CELLULAR SYSTEMS, INC. TO BE DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER	)	**DOCKET NO. 02-01245**
	)	
	)	

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("*Application*") filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application,* Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application.* Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.[1]

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

> The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.[2]

---

[1] This finding is not inconsistent with the Authority's decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

[2] 47 U.S.C. §214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

> In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."[3] Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."[4]

The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* is dismissed for lack of subject matter jurisdiction.

Sara Kyle, Chairman

Deborah Taylor Tate, Director

Pat Miller, Director

[3] *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 96-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking,* 15 F.C.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

[4] *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

Attachment K

Affirmative Statement of the Virginia Corporation Commission

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

DOCUMENT CONTROL

AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.[1] Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

[1] Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").[2]

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.[3]

Section 214(e)(5) of the Act states:

> SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.[4] The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."[5]

---

[2] CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia.*

[3] See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: http://www.state.va.us/scc/caseinfo.htm.

[4] The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

[5] The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW. We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.[6] However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: http://www.state.va.us/scc/caseinfo.htm.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

---

[6] See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

(3) On or before June 1, 2004, interested parties may file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered to any person who filed comments or requests for hearing.

(4) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each local exchange telephone company licensed to do business in Virginia, as shown on Attachment A hereto; David A. LaFuria, Esquire, Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19th Street, N.W., Suite 1200, Washington, D.C. 20036; Thomas Buckley, Attorney-Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554; Virginia Telecommunications Industry Association, c/o Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; L. Ronald Smith, President and General Manager, Shenandoah Telephone Company, P.O. Box 105, Williamsville, Virginia 24487; Lori Warren, Director of Regulatory Affairs, MGW Telephone Company, P.O. Box 459, Edinburg, Virginia 22824-0459; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.

Attachment L

Coverage Area

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
AL	250282	BLOUNTSVILLE TEL CO	R
AL	250283	BRINDLEE MOUNTAIN	R
AL	250284	BUTLER TEL CO	R
AL	250285	CASTLEBERRY TEL CO	R
AL	250286	NATIONAL OF ALABAMA	R
AL	250290	FARMERS TELECOM COOP	R
AL	250295	GRACEBA TOTAL COMM	R
AL	250298	GULF TEL CO - AL	R
AL	250299	HAYNEVILLE TEL CO	R
AL	250300	HOPPER TELECOMM. CO.	R
AL	250301	FRONTIER-LAMAR CNTY	R
AL	250302	WINDSTREAM AL	R
AL	250304	MILLRY TEL CO	R
AL	250305	MON-CRE TEL COOP	R
AL	250306	FRONTIER COMM.-AL	R
AL	250307	MOUNDVILLE TEL CO	R
AL	250308	NEW HOPE TEL COOP	R
AL	250311	OAKMAN TEL CO (TDS)	R
AL	250312	OTELCO TELEPHONE LLC	R
AL	250314	PEOPLES TEL CO	R
AL	250315	PINE BELT TEL CO	R
AL	250316	RAGLAND TEL CO	R
AL	250317	ROANOKE TEL CO	R
AL	250318	FRONTIER COMM-SOUTH	R
AL	250322	UNION SPRINGS TEL CO	R
AL	255181	SO CENTRAL BELL-AL	N
AL	259788	CENTURYTEL-AL-SOUTH	N
AL	259789	CENTURYTEL-AL-NORTH	N
CT	132454	THE WOODBURY TEL CO	R
CT	135200	SOUTHERN NEW ENGLAND	N
DC	575020	VERIZON WA, DC INC.	N
DE	565010	VERIZON DELAWARE INC	N
FL	210291	GTC, INC.	R
FL	210318	FRONTIER COMM-SOUTH	R
FL	210328	VERIZON FLORIDA	N
FL	210329	GTC, INC.	R
FL	210330	SMART CITY TEL LLC	R
FL	210331	ITS TELECOMM. SYS.	R
FL	210335	NORTHEAST FLORIDA	R
FL	210336	WINDSTREAM FL	R
FL	210338	QUINCY TEL CO-FL DIV	R
FL	210339	GTC, INC.	R
FL	210341	EMBARQ FLORIDA INC. FKA SPRINT	R
NC	230468	ATLANTIC MEMBERSHIP	R

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
NC	230469	BARNARDSVILLE TEL CO	R
NC	230470	CAROLINA TEL & TEL	R
NC	230471	CENTEL OF NC	R
NC	230473	CITIZENS TEL CO	R
NC	230474	CONCORD TEL CO	R
NC	230476	WINDSTREAM NC	R
NC	230478	ELLERBE TEL CO	R
NC	230479	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	N
NC	230483	LEXCOM TELEPHONE CO.	R
NC	230485	MEBTEL, INC.	R
NC	230491	N.ST. DBA N. ST.COMM	R
NC	230494	PINEVILLE TEL CO	R
NC	230495	RANDOLPH TEL CO	R
NC	230496	RANDOLPH MEMBERSHIP	R
NC	230497	PIEDMONT MEMBERSHIP	R
NC	230498	SALUDA MOUNTAIN TEL	R
NC	230500	SERVICE TEL CO	R
NC	230501	SKYLINE MEMBERSHIP	R
NC	230502	STAR MEMBERSHIP CORP	R
NC	230503	SURRY MEMBERSHIP	R
NC	230505	TRI COUNTY TEL MEMBR	R
NC	230509	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	N
NC	230510	WILKES MEMBERSHIP	R
NC	230511	YADKIN VALLEY TEL	R
NC	230864	VERIZON SOUTH INC. DBA NORTH CAROLINA	N
NC	235193	SOUTHERN BELL-NC	N
NH	120038	BRETTON WOODS TEL CO	R
NH	120039	GRANITE STATE TEL	R
NH	120042	DIXVILLE TEL CO	R
NH	120043	DUNBARTON TEL CO	R
NH	120045	KEARSARGE TEL CO	R
NH	120047	MERRIMACK COUNTY TEL	R
NH	120049	UNION TEL CO	R
NH	120050	WILTON TEL CO - NH	R
NH	123321	MCTA, INC.	R
NH	125113	NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC	N
NY	150071	ARMSTRONG TEL CO-NY	R
NY	150072	FRONTIER-AUSABLE VAL	R
NY	150073	BERKSHIRE TEL CORP	R
NY	150076	CASSADAGA TEL CORP	R
NY	150077	CHAMPLAIN TEL CO	R
NY	150078	CHAUTAUQUA & ERIE	R
NY	150079	CHAZY & WESTPORT	R
NY	150081	CITIZENS HAMMOND NY	R

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
NY	150084	TACONIC TEL CORP	R
NY	150085	CROWN POINT TEL CORP	R
NY	150088	DELHI TEL CO	R
NY	150089	DEPOSIT TEL CO	R
NY	150091	DUNKIRK & FREDONIA	R
NY	150092	EDWARDS TEL CO	R
NY	150093	EMPIRE TEL CORP	R
NY	150095	FISHERS ISLAND TEL	R
NY	150097	GERMANTOWN TEL CO	R
NY	150099	HANCOCK TEL CO	R
NY	150100	FRONTIER COMM OF NY	R
NY	150104	MARGARETVILLE TEL CO	R
NY	150105	MIDDLEBURGH TEL CO	R
NY	150106	WINDSTREAM NY-FULTON	R
NY	150107	NEWPORT TEL CO	R
NY	150108	NICHOLVILLE TEL CO	R
NY	150109	WINDSTREAM-JAMESTOWN	R
NY	150110	OGDEN TEL DBA FRNTER	R
NY	150111	ONEIDA COUNTY RURAL	R
NY	150112	ONTARIO TEL CO, INC.	R
NY	150113	WINDSTREAM RED JACKT	R
NY	150114	ORISKANY FALLS TEL	R
NY	150116	PATTERSONVILLE TEL	R
NY	150118	PORT BYRON TEL CO	R
NY	150121	FRONTIER-ROCHESTER	N
NY	150121	FRONTIER-ROCHESTER	R
NY	150122	FRONTIER-SENECA GORH	R
NY	150125	STATE TEL CO	R
NY	150128	FRONTIER-SYLVAN LAKE	R
NY	150129	TOWNSHIP TEL CO	R
NY	150131	TRUMANSBURG TEL CO.	R
NY	150133	VERNON TEL CO	R
NY	150135	WARWICK VALLEY-NY	R
NY	154532	CITIZENS-FRONTIER-NY	R
NY	154533	CITIZENS-FRONTIER-NY	R
NY	154534	CITIZENS-FRONTIER-NY	R
NY	155130	VERIZON NEW YORK	N
TN	290280	ARDMORE TEL CO	R
TN	290552	CENTURYTEL-ADAMSVILL	R
TN	290553	BEN LOMAND RURAL	R
TN	290554	BLEDSOE TEL COOP	R
TN	290557	CENTURY-CLAIBORNE	R
TN	290559	CONCORD TEL EXCHANGE	R
TN	290561	CROCKETT TEL CO	R

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
TN	290562	DEKALB TEL COOP	R
TN	290565	HIGHLAND TEL COOP-TN	R
TN	290566	HUMPHREY'S COUNTY	R
TN	290567	UNITED INTER-MT-TN	R
TN	290570	LORETTO TEL CO	R
TN	290571	MILLINGTON TEL CO	R
TN	290573	NORTH CENTRAL COOP	R
TN	290574	CENTURYTEL-OOLTEWAH	R
TN	290575	TENNESSEE TEL CO	R
TN	290576	PEOPLES TEL CO	R
TN	290578	TELLICO TEL CO	R
TN	290579	TWIN LAKES TEL COOP	R
TN	290580	CTZENS-FRNTR-VOL ST	R
TN	290581	UTC OF TN	R
TN	290583	WEST TENNESSEE TEL	R
TN	290584	YORKVILLE TEL COOP	R
TN	290598	WEST KENTUCKY RURAL TELEPHONE	R
TN	294336	CITIZENS-FRONTIER-TN	R
TN	295185	SO. CENTRAL BELL -TN	N
VA	190217	AMELIA TEL CORP	R
VA	190219	BUGGS ISLAND COOP	R
VA	190220	BURKE'S GARDEN TEL	R
VA	190225	CITIZENS TEL COOP	R
VA	190226	NTELOS, INC.	R
VA	190233	VERIZON S-VA(CONTEL)	N
VA	190237	HIGHLAND TEL COOP	R
VA	190238	MGW TEL. CO. INC.	R
VA	190239	NEW HOPE TEL COOP	R
VA	190243	PEMBROKE TEL COOP	R
VA	190244	PEOPLES MUTUAL TEL	R
VA	190248	SCOTT COUNTY COOP	R
VA	190249	ROANOKE & BOTETOURT	R
VA	190250	SHENANDOAH TEL CO	R
VA	190253	VIRGINIA TEL CO	R
VA	190254	CENTEL OF VIRGINIA	R
VA	190479	VERIZON SOUTH-VA	R
VA	190567	UNITED INTER-MT-VA	R
VA	193029	NEW CASTLE TEL. CO.	R
VA	195040	VERIZON VIRGINIA INC	N
VA	197251	SHENANDOAH TELEPHONE COMPANY - NR	R

Attachment M

Linkup Telecom, Inc.'s Compliance Plan

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the	)	
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Blanket Forbearance Compliance Plan	)	

LINKUP TELECOM, INC.'S COMPLIANCE PLAN

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Attorney for Linkup Telecom, Inc.

April 6, 2012

TABLE OF CONTENTS

I. INTRODUCTION 1

II. BACKGROUND 2

III. LINKUP WILL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE ORDER 2

- A. Access to 911 and E911 Services 2
- B. E911-Compliant Handsets 3
- C. Consumer Eligibility and Enrollment 3
  - 1. One-Per-Household 3
  - 2. Initial and Annual Certification 5
  - 3. Annual Re-Certification 10
- D. Other Reforms to Eliminate Waste, Fraud and Abuse 12
  - 1. National Lifeline Accountability Database 13
  - 2. Subscriber Usage 14
  - 3. Marketing & Outreach 15
  - 4. Audits 16
- E. De-Enrollment 16
- F. Additional Rule Amendments 18
  - 1. Terms and Conditions of Service 18
  - 2. Reporting Requirements 18
  - 3. Reimbursement from USAC 18
  - 4. Section 54.202 Certifications 19

IV. COMPANY INFORMATION 19

- A. Names and Identifiers 19
- B. Financial and Technical Capability 19
- C. Lifeline Offering 20

V. CONCLUSION 22

TABLE OF EXHIBITS

Exhibit

Sample Lifeline Certification Form ..... A

Sample Advertisements ..... B

Lifeline Terms and Conditions C

Key Management Resumes ..... D

Proposed Lifeline Rate Plans ..... E

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the	)	
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Blanket Forbearance Compliance Plan	)	

LINKUP TELECOM, INC.'S COMPLIANCE PLAN

I. INTRODUCTION

Linkup Telecom, Inc. ("Linkup" or the "Company") is a prepaid wireless telecommunications carrier seeking designation as an Eligible Telecommunications Carrier ("ETC") solely for the purpose of participating in the Lifeline program. Although Section 214(e)(1)(A) of the Act requires an ETC to offer USF-supported services to some extent over its own facilities, the Federal Communications Commission ("FCC" or "Commission") has forborne from that requirement for carriers that are, or seek to become, Lifeline-only ETCs.[1] Linkup will avail itself of the FCC's conditional grant of forbearance and, by its attorney, hereby files its Compliance Plan outlining the measures it will take to implement the conditions of forbearance outlined in the *Order*.[2] Given the economic environment that is forcing many low-income customers to forego wireless service, Linkup respectfully requests expeditious approval of this plan so that the Company may quickly deploy much-needed Lifeline services to qualified low-income customers.

---

[1] *In the Matter of 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 (rel. Feb. 6, 2012) *("Order").*

[2] Although the Company qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 214(e)(1)(A), the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state, particularly for purposes of state universal service funding under state program rules and requirements.

II. BACKGROUND

In the *Order,* the Commission granted forbearance from the "own-facilities" requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:[3]

> (1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) 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; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and
>
> (2) the carrier must file, and the Bureau must approve, a compliance plan that: (a) outlines the measures the carrier will take to implement the obligations contained in this Order, including but not limited to the procedures the ETC follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Fund, materials related to initial and ongoing certifications and sample marketing materials, as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary; and (b) provides a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier's various Lifeline service plan offerings, including subscriber rates, number of minutes included and types of plans available.

III. LINKUP WILL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE ORDER

Linkup will comply with all conditions set forth in the *Order*, the provision of this Compliance Plan, and all laws and regulations governing its provision of Lifeline-supported prepaid wireless service to customers throughout the United States.

A. Access to 911 and E911 Services

In the *Order,* the Commission requires Linkup to provide its Lifeline customers with access to 911 and E911 services, regardless of activation status and availability of minutes.[4] The Commission and consumers are hereby assured that all Linkup customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and

[3] *See Order* at ¶¶ 368, 373 and 379.
[4] *See Order* at ¶ 373.

E911 access will be available from Linkup handsets even if the account associated with the handset has no minutes remaining.

B. E911-Compliant Handsets

The Commission also conditioned its grant of forbearance determination on Linkup providing only E911-compliant handsets to its Lifeline customers.[5] Linkup will ensure that all handsets used in connection with the Company's Lifeline service offering are E911-compliant. In the event that an existing Linkup customer does not have an E911-compliant handset, the Company will replace it with a new 911/E911-compliant handset at no charge to the customer. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well.

C. Consumer Eligibility and Enrollment

Linkup will certify and verify consumer eligibility for Lifeline in accordance with the requirements set forth in the *Order*. In instances where a state agency or third-party administrator is responsible for the initial determination and annual recertification of consumer eligibility, Linkup will rely on the state identification or database.[6] In instances where Linkup is responsible for the initial determination and annual recertification of consumer eligibility, the Company will follow the procedures set forth below.

1. One-Per-Household

Linkup understands that Lifeline is limited to a single subscription per household, and that the Commission has defined household as "any individual or group of individuals who are living together at the same address as one economic unit."[7] Upon receiving an application for Lifeline support, Linkup will check the duplicates database, once in place, to determine whether

[5] *See id*.
[6] *See Order* at ¶ 98.
[7] *See Order* at ¶ 74.

an individual at the applicant's residential address is currently receiving Lifeline-supported service. Linkup will also search its own internal database of active customers, real-time, pre-sale, to ensure that it does not already provide Lifeline-supported service to someone at that residential address. If Linkup determines that an individual at the applicant's address is currently receiving Lifeline-supported service, Linkup will take an additional step to ensure that the applicant and the current subscriber are part of different households. To enable applicants to make this demonstration, Linkup will require applicants to complete and submit to the Company USAC's one-per-household template, which will contain 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; and (4) the penalty for a consumer's failure to make the required one-per-household certification (i.e., de-enrollment).[8] Linkup will deny the Lifeline application of any individual residing at the same address as a current Lifeline subscriber who is part of the same household, and will advise the applicant of the basis for the denial.

On its certification forms, a draft sample of which is attached,[9] Linkup will obtain a consumer's permanent residential address (which cannot be a P.O. Box or General Delivery address), unless they only have a temporary address, and a billing address for the service, if different (which may include a P.O Box or General Delivery address).[10] Linkup will inquire on

[8] *See Order* at ¶ 78.
[9] *See* Exhibit A. The draft form remains subject to change, but substantially reflects the content of the Company's application.
[10] *See Order* at ¶ 85.

its certification forms whether or not the applicant's address is a temporary one.[11] If it is, Linkup will notify the consumer that the Company will contact the consumer every 90 days, by phone or text, to verify that he or she continues to rely on that address, and that if the consumer fails to respond within 30 days of Linkup's attempt to verify the temporary address, he or she will be de-enrolled from the Lifeline program. Also on its certification forms, Linkup will explain that if the subscriber moves, they must provide their new address to the Company within 30 days of moving.[12] If the subscriber has moved, Linkup will update the duplicates database, once in place, with the information within 10 business days of receipt of the information.[13]

As detailed below, Linkup's certification form will clearly explain the one-per-household requirement and all consumers must certify that they receive Lifeline support for a single subscription per household.

2. Initial and Annual Certification

Consumers will be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to the Company website, which will provide information regarding the Company's Lifeline service plans, including a detailed description of the program and state-specific eligibility criteria. Linkup's application form will identify that it is a "Lifeline" application. Linkup will provide Lifeline-specific training to all personnel, whether employees, agents or representatives, that interact with actual or prospective consumers with respect to obtaining, changing or terminating Lifeline services.

Linkup's initial and annual certification forms will conform to the list of requirements provided in the *Order,* Appendix C and with C.F.R. § 54.410(d), as amended. Linkup's Lifeline certification forms, a draft sample of which is attached as Exhibit A, will require each

[11] *See Order* at ¶ 89.
[12] *See Order* at ¶ 85.
[13] *See id.*

prospective subscriber to provide the following information:

(i) The subscriber's full name;
(ii) The subscriber's full residential address;
(iii) Whether the subscriber's residential address is permanent or temporary;
(iv) The subscriber's billing address, if different from the subscriber's residential address;
(v) The subscriber's date of birth;
(vi) The last four digits of the subscriber's social security number, or the subscriber's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a social security number;
(vii) If the subscriber is seeking to qualify for Lifeline under the program-based criteria, as set forth in § 54.409, the name of the qualifying assistance program from which the subscriber, his or her dependents, or his or her household receives benefits; and
(viii) If the subscriber is seeking to qualify for Lifeline under the income-based criterion, as set forth in § 54.409, the number of individuals in his or her household.

The certification forms will also explain in clear, easily understandable language that:

(i) Lifeline is a federal benefit;
(ii) Lifeline service is available for only one line per household;
(iii) 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;
(iv) households are not permitted to receive benefits from multiple providers;
(v) that violation of the one-per-household requirement would constitute a violation of the Commission's rules and would result in the consumer's de-enrollment from the program, and potentially, prosecution by the United States government; and
(vi) a Lifeline subscriber may not transfer his or her service to any other individual, including another eligible low-income consumer.

Linkup will require all consumers, at sign up and annually thereafter, to certify under penalty of perjury that:

(i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;
(ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.
(iii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);
(iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;
(v) If the subscriber provided a temporary residential address, he or she will be required

to verify his or her temporary residential address every 90 days;
(vi) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
(vii) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,
(viii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
(ix) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).

Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility requirements. Consumers who do not complete the application process in person must return the signed application and support documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures, including Interactive Voice Response (IVR) recordings, that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006.[14]

The Company will primarily enroll Lifeline applicants in person at a retail store. When a prospective customer applies in store, Company personnel will ask to see a government issued ID and will validate the address via a USPS/Melissa Database and simultaneously input the name/address combination into CGM, LLC's aggregate duplicate database (see section III.D below) to confirm that the applicant is not already receiving a Lifeline subsidy from Linkup or any other CGM client. In cases where an eligibility database exists, store personnel will contact the Company's internal group dedicated to verifying eligibility who will query the database and either approve or deny the applicant. In states where eligibility databases are not available, the applicant is required to provide proof of participation in one of the Lifeline eligible programs or proof that their

[14] *See Order* at ¶ 168.

annual household income is at or below 135% of the federal poverty guidelines. Linkup's Lifeline application contains an "Office Use Only" section, which must be completely filled out and signed by Company personnel in order to record information about the specific documentation reviewed as part of the eligibility verification process. Eligibility documents are returned to the customer after review. Finally, Linkup personnel will verbally explain the certifications to consumers before they initial the required disclosures and sign the application. Once the Lifeline application is complete, it is scanned into the Company's database. Upon successful completion of the certification process, the customer is allowed to choose a service plan and receive their free phone in store. In instances where eligibility databases cannot be accessed in real-time, Linkup will mail the phone to the customer once verification of eligibility is complete. The customer's account is then activated upon the customer's personal initiation or actual use of the phone.

Linkup may also enroll customers at community events, in which case the protocol for signing up customers closely resembles the process in store. Company employees, agents or representatives are able to access necessary databases (USPS/Melissa, duplicates database, eligibility databases) to verify eligibility, and, when required, can personally review eligibility based on proof of income or program participation. Company personnel is able to verbally review the required disclosures with applicants and obtain the completed application form in person. Phones are delivered upon successful completion of the certification process, as detailed above.

With respect to those enrolling via the phone, Company personnel is able to verbally explain the Lifeline program and its eligibility requirements, including required information and disclosures, as well as collect and input electronically the application form information and obtain the applicant's signature via IVR. The Company then has the information needed to qualify the applicant by accessing necessary databases (USPS/Melissa, duplicates database, eligibility

databases). Upon receipt of copies of the applicant's proof documentation, if applicable, and government-issued ID, Linkup is able to complete the eligibility verification process and deliver phones to eligible customers by mail.

When enrolling via the Internet, prospective customers will be able to fill out an application form online and sign electronically. Linkup will highlight the certifications that are required, for example, by requiring consumers to acknowledge each certification before moving on to the next field.[15] The Company will qualify the applicant by accessing necessary databases (USPS/Melissa, duplicates database, eligibility databases). Upon receipt of copies of the applicant's proof documentation, if applicable, and government-issued ID, Linkup is able to complete the eligibility verification process and deliver phones to eligible customers by mail.

Linkup will determine eligibility utilizing the income and program criteria currently utilized by federal default states (47 C.F.R. § 54.409(a),(b)), as well as any additional state-specific criteria. Prior to enrolling a new subscriber, Linkup will check the eligibility of low-income consumers first by accessing state or federal social services electronic eligibility databases, where available.[16] If a database is used to establish eligibility, Linkup will not require documentation of the consumer's participation in a qualifying federal program; instead, Linkup or its representative will note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline.[17] However, in states where there is no state administrator, the state commission or other state agency is not making eligibility determinations, and there is no automated means for Linkup to check electronic databases for eligibility, Linkup will review documentation to determine eligibility for new subscribers until such time as a qualifying

[15] *See Order* at ¶ 123.
[16] *See Order* at ¶ 97.
[17] *See Order* at ¶ 98.

eligibility database is available.[18] Linkup will require acceptable documentation both for income eligibility and for program eligibility. The Company will not retain copies of the documentation but rather will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility.[19] Linkup understands that it may permit agents or representatives to review documentation of consumer program eligibility for Lifeline, and in such cases Linkup remains liable for ensuring the agent or representative's compliance with the Lifeline program rules.[20]

Linkup provides employees, agents, and representatives with training designed to give them an understanding of Lifeline program requirements and permit them to review customer documentation and determine whether it is sufficient to establish a customer's eligibility to participate in the Lifeline program under the Commission's rules. No Company employee, agent, or representative may accept a Lifeline application unless he or she has first completed this training program and demonstrated an understanding of the underlying material. Among other things, the Lifeline program training discusses the Company's Lifeline application form (see Exhibit A) on a section-by-section basis. The training explains what sections of the form must be completed by the customer and reviews the form disclosures in detail, to facilitate an employee's ability to explain each item contained therein and answer any customer questions.

3. Annual Re-Certification

Linkup understands that it must re-certify the eligibility of its entire Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013, and the Company may elect to perform this re-certification on a rolling basis throughout the

[18] *See Order* at ¶ 99.
[19] *See Order* at ¶ 101.
[20] *See Order* at ¶ 110.

year.[21] By December 31, 2012, Linkup will re-certify the continued eligibility of all of its subscribers by contacting them—either in person, in writing, by phone, by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.[22] The re-certification 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. Linkup will obtain a signed certification from the subscriber that meets the certification requirements of 47 C.F.R. § 54.410(d), as amended, as detailed in section C.2 above. The Company will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. Linkup understands that such certifications may be obtained through a written format, an IVR system, or a text message, and will use one or more of such options for its certifications.[23]

Alternatively, where a database containing consumer eligibility data is available, Linkup (or state agency or third-party, where applicable) will instead query the database by the end of 2012 and maintain a record of what specific data was used to re-certify eligibility and the date of re-certification. If a subscriber's address cannot be verified through the state data, Linkup will contact the subscriber every year during the annual certification process to obtain a valid address.[24] After 2012, Linkup will continue to annually certify the continued eligibility of its entire subscriber base, either by accessing a qualifying database, or by electing to have USAC administer the self-certification process on the Company's behalf.[25]

Linkup will certify its compliance with Commission rules on an annual Lifeline eligible telecommunications carrier certification form and when submitting FCC Forms 497 to USAC for

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[21] *See Order* at ¶ 130.
[22] *See id.*
[23] *See Order* at ¶ 132.
[24] *See Order* at ¶ 131.
[25] *See Order* at ¶ 133.

reimbursement. As part of Linkup's submission of re-certification data pursuant to 47 C.F.R. § 54.416, an officer of the Company will certify annually to USAC:

(1) that the Company has procedures in place to review consumers' documentation of income-and program-based eligibility. In instances where the Company confirms consumer eligibility by relying on official program eligibility data, such as a state or federal database, an officer of the Company will attest to what data the Company uses to confirm consumer eligibility in each state, and

(2) that the Company is in compliance with all federal Lifeline certification procedures.[26]

D. Other Reforms to Eliminate Waste, Fraud and Abuse

Linkup shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that the procedures it will implement will prevent Company customers from engaging in such abuse of the program, inadvertently or intentionally.

Linkup has implemented enrollment procedures designed to prevent subsidies for duplicate, ineligible, or inactive subscribers. The Company contracts with a third party Lifeline service bureau, currently CGM, LLC of Roswell, Georgia, to edit all subsidy request data. CGM will process and validate the Company's subsidy data to prevent: (1) Duplicate Same-Month Lifeline Subsidies (Double Dip): any name/address that is already receiving a lifeline subsidy from the Company will be automatically prevented from receiving a second lifeline subsidy in that same month; and (2) Inactive lines receiving subsidy: CGM's systems compare all subsidy requests to underlying network status to ensure that subsidies are requested only for active lines. Through the processes described herein, Linkup ensures that it does not over-request from support funds.

[26] *See Order* at ¶ 126-27.

As detailed in section III.C.2, Linkup first validates each applicant's identity via a government issued ID card, passport, etc. Additionally, as mentioned above, Linkup requires the applicant to provide their date of birth (DOB) and last four digits of their social security number (SSN). Requiring DOB and SSN ensures that neither the applicant nor the Company representative can forge certification forms based on false names and addresses. Once the applicant's identity is confirmed, Linkup verifies that the applicant is eligible to receive the Lifeline subsidy. To do this, Linkup checks any available eligibility database. If one is not available, the applicant is required to provide proof of income or program participation. This prevents ineligible applicants from receiving the subsidy.

Linkup verifies the address of the applicant first via the applicant's government issued ID, and then validates the address via a USPS/Melissa Database to ensure the address is correct. Simultaneously, the name/address combination is dipped into CGM's aggregate duplicate database to confirm that the applicant is not already receiving a Lifeline subsidy from Linkup or any other CGM client. This is done through an API connection between the Company's provisioning platform and CGM. This then prompts the representative to detail the one-per-household rule with the applicant.

1. National Lifeline Accountability Database

Linkup will participate in the National Lifeline Accountability Database, once it is established. As required by the *Order,* Linkup will provide to the database subscriber name, address, phone number, the last four digits of Social Security number, date of birth, Lifeline service initiation and de-enrollment date (when applicable), and amount of federal Lifeline support being sought for that subscriber.[27] Linkup will provide the information listed above for existing subscribers within 60 days of Commission notice that the database is capable of accepting

[27] *See Order* at ¶ 189.

subscriber information.[28]

Furthermore, on its certification form, Linkup will obtain acknowledgement and consent from each of its subscribers that is written in clear, easily understandable language that the subscriber's name, telephone number, and address will be divulged to USAC (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit.[29]

Within 30 days following Commission notice that the database is capable of accepting queries, Linkup will query the database to check to see if a prospective subscriber is already receiving service from another ETC at a residential address prior to seeking reimbursement from the Fund.[30]

2. Subscriber Usage

Linkup will not seek reimbursement from the USF for new subscribers until they have personally activated the service, either by initiation and/or actual use of the service by the subscriber. Furthermore, Linkup will not seek reimbursement from the USF for inactive subscribers who have not used the service for a consecutive 60-day period.[31] Linkup will notify its subscribers at service initiation about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time.[32] An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from the Company to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than the Company, its representative,

[28] *See Order* at ¶ 190.
[29] *See Order,* Appendix C.
[30] *See Order* at ¶ 203.
[31] *See Order* at ¶ 257.
[32] *See id.*

or agent; or affirmatively responds to a direct contact from the Company confirming that he or she wants to continue.[33] Furthermore, a third party contractor validates the Company's subsidy data to prevent a subsidy request for customers that are inactive under the Company's non-usage policy.[34] After notification, if the customer fails to use the phone, it is automatically de-enrolled pursuant to the procedures outlined in section E below. Linkup will continue to comply with applicable public safety, including transmitting 911 calls to the appropriate PSAP even if the Company is no longer providing Lifeline service to a consumer.[35]

3. Marketing & Outreach

Linkup will implement the measures outlined herein to help ensure that only eligible consumers enroll in the program and that those consumers are fully informed of the limitations of the program, so as to prevent duplicative or otherwise ineligible service as well as other forms of waste, fraud, and abuse. Linkup will explain in clear, easily understood language the following disclosures in all marketing materials related to the supported service:[36] (1) the offering is a Lifeline-supported service; (2) only eligible consumers may enroll in the program; (3) the program is limited to one benefit per household, consisting of either wireline or wireless service; and (4) Lifeline is a government benefit program. Linkup's website and printed collateral will explain the documentation necessary for enrollment, and the details of Linkup's plans. Such collateral and website information, as well as its application, will make clear that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or

[33] *See Order* at ¶ 261.
[34] CGM, LLC is currently the Company's third party contractor.
[35] *See Order* at ¶ 262. 911 transmissions will actually be performed by the Company's underlying facilities-based CMRS provider.
[36] See Exhibit B for sample advertisements. The Company understands the term "marketing materials" includes materials in all media, including but not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the Lifeline-supported service offering, including application and certification forms. *See Order* at ¶ 275.

can be barred from the program.[37] For broadcast advertisements and outdoor signs, and any other situation in which inclusion of documentation information and warnings against willful false statements are not practicable, Linkup will include the URL link for its website where disclosures will be listed. Additionally, Linkup will disclose the company name under which it does business.[38]

4. Audits

If Linkup draws $5 million or more in the aggregate on an annual basis from the low-income program, as determined on a holding company basis taking into account all operating companies and affiliates, the Company will hire an independent licensed certified public accounting firm to conduct a biennial audit according to government accounting standards to assess Linkup's overall compliance with the program's requirements.[39] Linkup will comply with applicable rules regarding the dissemination of audit findings to the Commission, USAC, and relevant state and Tribal governments within 30 days upon issuance.[40]

E. De-Enrollment

Linkup will de-enroll consumers from the Company's Lifeline program in the following instances, according to C.F.R. § 54.405(e):

Ineligibility. Any subscriber who indicates that he or she is receiving more than one Lifeline-supported service per household, or neglects to make the required one-per-household certification on his or her certification form, will be de-enrolled from Lifeline pursuant to the process for resolving duplicative Lifeline subscriptions described in section 54.405(e)(2).[41]

If a customer does not respond to the Company's annual verification survey within 30 days, or if

[37] *See Order* at ¶ 275.
[38] *See id.*
[39] *See Order* at ¶ 291.
[40] *See Order* at ¶ 294.
[41] *See Order* at ¶ 122.

Linkup has reasonable basis to believe that the subscriber no longer meets the Lifeline-qualifying criteria (including instances where a subscriber informs the Company or the state that he or she is ineligible for Lifeline), Linkup will provide a written notice of impending service termination to the subscriber and then give the subscriber 30 days after the date of the letter to demonstrate that his or her Lifeline service should not be terminated.[42] Similarly, Linkup will de-enroll a subscriber if they fail to respond to the Company's attempt to verify a temporary address within 30 days.[43]

Duplicative Support. Subject to USAC's Duplicate Resolution Process and anticipated Duplicate Scrubbing Process,[44] Linkup will de-enroll a subscriber within 5 business days if the Company is informed by USAC that the subscriber is receiving Lifeline service from another ETC or that more than one member of a subscriber's household is receiving Lifeline service.

Non-Usage. Linkup will de-enroll any subscriber that has not used the Company's Lifeline service for 60 consecutive days, as discussed in section IV.B above. Linkup will provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage; such notice may be initiated after 30-days of non-usage. Linkup will update the national database, once in place, within one business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.[45]

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[42] *See id*. In states that have dispute resolution procedures applicable to Lifeline termination, the Company will comply with the state requirements.
[43] *See Order* at ¶ 89.
[44] *See Order* at ¶ 214-16.
[45] *See Order* at ¶ 257.

F. Additional Rule Amendments

1. Terms and Conditions of Service

Linkup has attached as Exhibit C its Lifeline terms and conditions of service. The Company's Lifeline offering is summarized in section IV.C below. These terms and conditions are subject to change as needed, and the most current version may be found at www.mylinkuptelecom.com.

2. Reporting Requirements

Linkup will report all information required by section 54.422, including as it may heretofore be amended. This includes the names of the Company's holding company, operating companies and affiliates, and any branding ("doing-business-as company" or brand designation), and provide to the Commission and USAC general information regarding the terms and conditions of the Lifeline plans for voice telephony service offered specifically for low income consumers through the program offered 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.[46]

3. Reimbursement from USAC

In seeking reimbursement for Lifeline, Linkup will comply with the requirements of C.F.R § 54.407, as revised by the *Order*.[47] Linkup will certify when seeking reimbursement that the Company has obtained a valid certification form for each consumer for whom the Company seeks Lifeline reimbursement,[48] and the Company will seek reimbursement for actual lines

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[46] *See Order* at ¶ 296, 390. Section 153 of the Communications Act defines "affiliate" as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.
[47] *See Order* page 221.
[48] *See Order* at ¶ 128.

served, not projected lines.[49]

4. Section 54.202 Certifications

Linkup certifies the following in accordance with newly amended C.F.R. § 54.202: (1) Linkup will comply with the service requirements applicable to the support that it receives; (2) Linkup is able to remain functional in emergency situations; (3) Linkup will satisfy applicable consumer protection and service quality standards.

IV. COMPANY INFORMATION

Linkup is Florida Corporation. Linkup will provide prepaid wireless telecommunications services to consumers by using the network of its underlying carrier(s), currently Sprint Spectrum L.P. ("Sprint"). Sprint is a nationwide carrier that provides wholesale capacity on its wireless network to resellers like Linkup. Linkup will obtain from Sprint the network infrastructure and transmission facilities to allow Linkup to operate as a Mobile Virtual Network Operator ("MVNO").

A. Names and Identifiers

The Company's legal name is LINKUP TELECOM, INC. Linkup does not have any holding companies or operating companies. The Company identifies itself as Linkup Telecom on its marketing and advertising materials.

B. Financial and Technical Capability

Linkup is financially and technically capable of providing Lifeline-supported services.[50] Linkup has been in business for 3 years and provides service to both Lifeline and non-Lifeline customers. Linkup has not been subject to enforcement action or ETC revocation proceedings in any state. The Company will continue to rely on its successful business model and service offerings

[49] *See Order* at ¶ 302.
[50] *See Order* at ¶ 387.

to sustain and grow its business, independent of USF disbursements that provide discounts for qualifying Lifeline subscribers. Furthermore, the senior management of Linkup has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.[51] Linkup will be providing resold wireless service, and therefore will also rely upon the managerial and technical expertise of its underlying carrier.

C. Lifeline Offering

Linkup will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carrier, currently Sprint. Linkup currently offers its wireline Lifeline service in Kentucky and North Carolina and its wireless Lifeline service in Maryland and West Virginia. As summarized in Exhibit E attached hereto, the Company's Lifeline offering will provide customers with the option the option to choose between two (2) Lifeline Plans[52] that best meets their needs:

1. Lifeline Plan 1: 250 Minutes. Under Lifeline Plan 1, eligible customers enjoy 250 anytime minutes. These minutes do not rollover and text messaging is not included.
2. Lifeline Plan 2: 100 Minutes. Under Lifeline Plan 2, eligible customers enjoy 100 anytime minutes that rollover for ninety (90) days. Text messaging is at the rate of one-third of one minute (3 texts = 1 minute).

Customers have the capability of purchasing additional bundles of minutes in denominations as low as $5, $13.50, $25, and $30.[53] Additional airtime can be purchased by calling Customer Service, at no decrement in minutes, or by contacting Customer Service via the Company's website www.mylinkuptelecom.com. In addition to free voice services, all of

[51] See Exhibit D for key management resumes.
[52] Linkup's Lifeline Plans may vary from state to state in accordance with state requirements or Tribal offerings; the two Lifeline plans outlined in this compliance plan are the offerings available in most states. Please see the Company's website (www.mylinkuptelecom.com) for more detailed information regarding plans available in each state.
[53] $5 = 75 minutes; $13.50 = 250 minutes; $25 = 500 minutes; and $30 = 1000 minutes.

Linkup's Lifeline plans will include a free handset and the following Custom Calling features: Caller ID, Call Waiting, and Voicemail. Linkup does not impose burdensome credit checks or long-term service contracts on its prepaid customers. Customers are not bound by a local calling area requirement; all Linkup plans come with domestic long distance at no extra per minute charge and exceptional nationwide digital coverage on the Nationwide Sprint Spectrum Network. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Calls to Linkup Customer Service are also free. The terms and conditions of the Company's plans are attached as Exhibit C and can also be found at www.mylinkuptelecom.com.

V. CONCLUSION

Linkup submits that its Compliance Plan fully satisfies the conditions of forbearance set forth in the Commission's *Order*. Implementation of the procedures described herein will promote public safety and should ensure that Lifeline customers have access to 911 and E911 services while safeguarding against misuse of the Company's Lifeline services. Accordingly, Linkup respectfully requests that the Commission expeditiously approve its Compliance Plan so that the Company may begin providing the benefits of much-needed Lifeline service to qualifying low-income consumers as quickly as possible.

Respectfully submitted,

Linkup Telecom, Inc.

/s/ Lance J.M. Steinhart

Lance J.M. Steinhart
Lance J.M. Steinhart, P.C.
1725 Windward Concourse
Suite 150
Alpharetta, Georgia 30005
(770) 232-9200

Its Counsel

Dated April 6, 2012

Exhibit A

Sample Lifeline Certification Form

MD

Wireless Lifeline Service Application and Certification

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in Linkup Telecom's (the Company) Lifeline service program in your state. This Certification is only for the purpose of verifying your eligibility for Lifeline service and will not be used for any other purpose. Service requests will not be processed until this Form has been received and verified by Company.

One Lifeline service per household disclosures: Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Lifeline benefits are limited to a single line of service per household. 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. A household may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Note that not all Lifeline services are currently marketed under the name Lifeline. Lifeline is a non-transferable benefit and you may not transfer your benefit to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and potentially prosecution by the United States Government.

❑ **By checking this box, I hereby certify that I have read and understood the disclosures listed above and that, to the best of my knowledge, my household is not already receiving a Lifeline service benefit.**

Customer Application Information:

First Name Middle Initial	Last Name	Date of Birth (MM/DD/YY)
		/ /

Residential Address w/ street name & Apt Number **(PO Box cannot be accepted)**	**City / State / Zip Code**
Billing Address (if different from Residential Address) **(P.O. Box IS sufficient)**	**City / State / Zip Code**
❑ Residential Address is **Permanent** **(Must Choose One)** ❑ Residential Address is **Temporary**	❑ Service Is New (Choose One) ❑ Service Is Conversion

Social Security Number or Tribal Number	Home Telephone / Contact Number	Email Address
- -	( ) -	

Would you like to receive texts or emails from our company about new service offerings or promotions?

❑ **Yes** ☐ **No** This information will be for company use only, & will not be shared with a third party company or organization.

ELIGIBILITY REQUIREMENTS: **Number of persons in Household** _____

Do you or any member of your household currently receive Lifeline assistance at the above address? ☐ **YES** ☐ **NO**

I hereby certify that I currently participate in at least one the following public assistance programs (Check One):

- ❑ Supplemental Nutrition Assistance Program (SNAP)
- ❑ Federal Public Housing HUD/Section 8 (FPHA)
- ❑ Medicaid (not Medicare)
- ❑ Supplemental Security Income (SSI)
- ❑ Temporary Assistance for Needy Families (TANF)
- ❑ Low Income Home Energy Assistance Program (LIHEAP)
- ❑ National School Lunch Program's free lunch programs
- ❑ Income at or below 135% of Federal Poverty Guidelines

ADDITIONAL CERTIFICATIONS: **I hereby certify, under penalty of perjury, that:**

- ❑ I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- ❑ I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I

no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement

- ❑ I am not listed as a dependent on another person's tax return (unless over the age of 60)
- ❑ The address listed below is my primary residence, not a second home or business
- ❑ If I move to a new address, I will provide that new address to the Company within 30 days
- ❑ If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 days
- ❑ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law
- ❑ I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de-enrollment and the termination of my Lifeline benefits
- ❑ The information contained in this certification form is true and correct to the best of my knowledge

Multiple households sharing and address:

- ❑ I hereby certify that I reside at an address occupied by multiple households, including adults who do not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form.

Activation and usage requirement disclosures: This service is a prepaid service and you must personally activate it by calling. To keep your account active, you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes from Company, answering an in-bound call from someone other than Company, or by responding to a direct contact from Company confirming that you want to continue receiving Lifeline service from Company. If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 911 calls and calls to the Company's customer care center) subject to a 30 day cure period during which you may use the service (as described above) or contact the Company to confirm that you want to continue receiving Lifeline service from Company.

- ❑ **I hereby certify that I have read and understood the disclosures listed above regarding activation and usage requirements.**

Authorizations:

- ❑ I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to release any records required for the administration of the Lifeline program (e.g., name, telephone number and address), including to the Universal Service Administrative Company, to be used in a Lifeline eligibility database and to ensure the proper administration of the Lifeline program. Failure to consent will result in denial of service.

Applicant's Signature:	**Date:**

For Agent Use Only (check only 1 eligibility category and only 1 box under that category; do not copy or retain documentation):

Documents Acceptable Proof for Income-Eligibility:

- ☐ The prior year's state, federal, or Tribal 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 or Tribal 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.

Documents Acceptable Proof for Program-Eligibility:

- ☐ The current or prior year's statement of benefits from a qualifying state, federal or Tribal program;
- ☐ A notice letter of participation in a qualifying state, federal or Tribal program;
- ☐ Program participation documents (e.g., the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid participation card (or copy thereof)); or
- ☐ Another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program

Household Size	135% Income Requirement	Household Size	135% Income Requirement
1	$ 15,080	5	$ 36,464
2	$ 20,426	6	$ 41,810
3	$ 25,772	7	$ 47,156
4	$ 31,118	8	$ 52,502

Each additional person Add $5,346

Applicant Account Number	Rep/Agent Signature

Exhibit B

Sample Advertisements

NO CONTRACT - NO CREDIT CHECK - NO FEES

FREE CELL PHONE & 250 FREE MINUTES!

Your package plan comes with 250 anytime minutes that update each month on the customer activation date, as well as VOICEMAIL, CALLER ID and CALL WAITING at no additional cost.

Receive a free cell phone and 250 free minutes if you qualify for the Lifeline government assistance program. You are eligible if you receive any of the following Assistance:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income (SSI)
- Low-Income Home Energy Assistance Program (LIHEAP)
- National School Free Lunch Program
- Temporary Assistance to Needy Families (TANF)
- Federal Public Housing Assistance or Section 8
- Temporary Cash Assistance (TCA)
- Medical Assistance (MA)
- Public Assistance to Adults (PAA)
- Temporary Disability Assistance Program (TDAP)
- Maryland Energy Assistance Program (MEAP)
- Electric Universal Service Program (EUSP)

Income at or below 135% of Federal Poverty Guidelines * * * * Proof of Income or Program Participation Required

Lifeline Service is limited to one benefit per household. You may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both.

Lifeline is a government assistance program that is only available for one phone per household by law. Consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Only eligible consumers may enroll in the program.

Lifeline service is non-transferable.

Service available in Maryland

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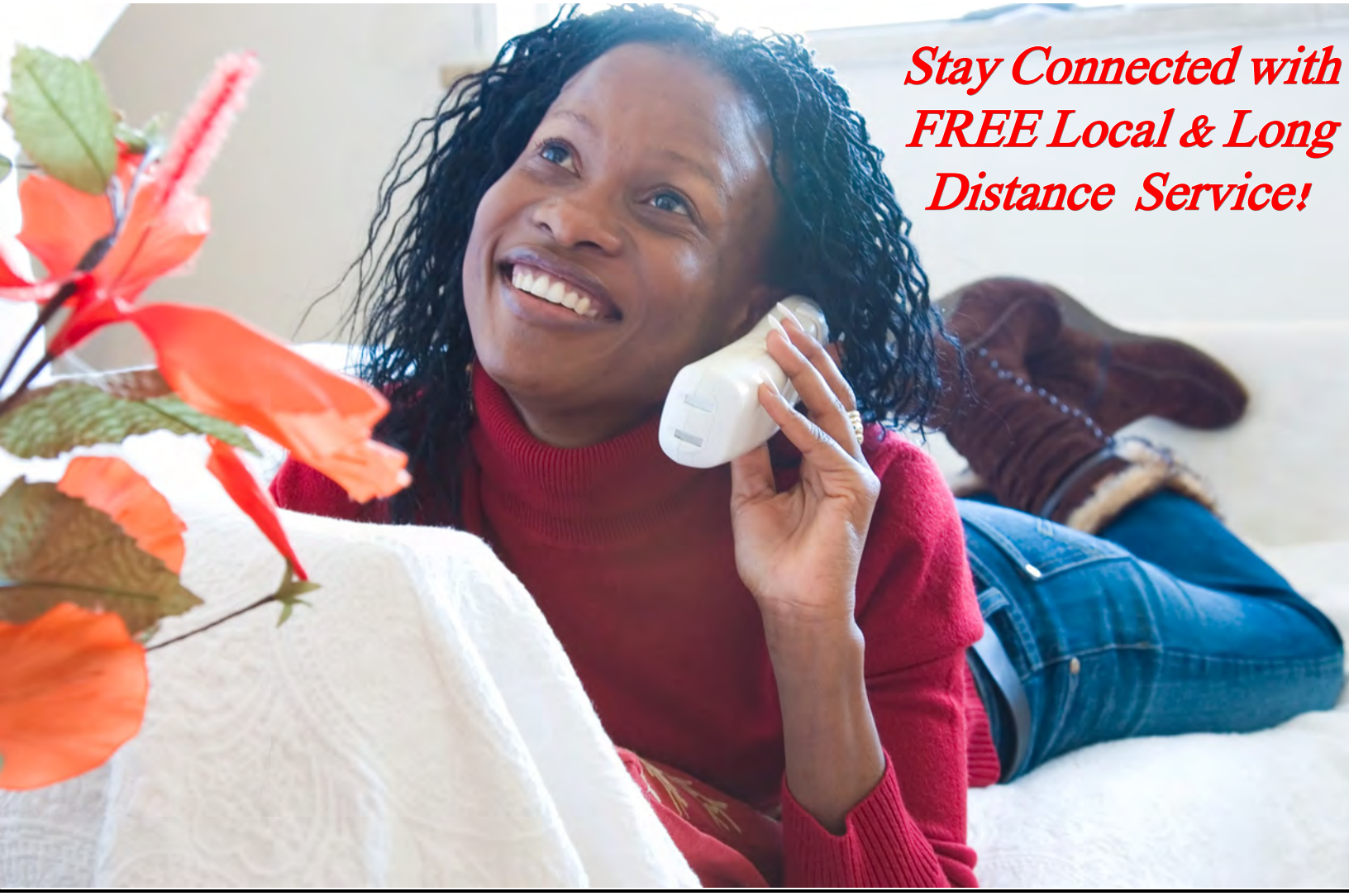
Stay Connected with
FREE Local & Long
Distance Service!

Receive 1 month of **FREE** Phone Service with free Activation and Unlimited Local & Long distance service! No Deposit, No Credit Check. Additional plans are available. You are eligible if you participate in any of the following Public Assistance Programs:

- **Supplemental Nutrition Assistance Program (SNAP)**
- **Medicaid (not Medicare)**
- **Supplemental Security Income (SSI)**
- **Federal Public Housing (FPHA/Sect. 8)**
- **Temporary Assistance for Needy Families (TANF)**
- **Low Income Home Energy Assistance Program (LIHEAP)**
- **Income at or below 135% of Federal Poverty Guidelines**
- **Proof of income or program participation is required**

Lifeline Service is limited to one benefit per household. You may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both.

Lifeline is a government assistance program that is only available for one phone per household by law. Consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Only eligible consumers may enroll in the program.

Service Plan Prices

Basic Service . . . . . $36.50 (Plus Tax)

Premier Package . . . . . $38.50 (Plus Tax)

Includes caller ID with name, call waiting and call waiting ID

Complete Package. . . . . $48.50 (Plus Tax)
Includes caller ID with name, call waiting, call waiting ID, *69, 3-way & call forwarding

Lifeline Basic Service . . . . . .$23.00 (Plus Tax)

Lifeline Premier Package . . . . . .$25.00 (Plus Tax)
Includes caller ID with name, call waiting and caller ID

Lifeline Complete Package . . . . . .$35.00 (Plus Tax)
Includes caller ID with name, call waiting, call waiting ID, *69, 3-way & call forwarding

Lifeline service is non-transferable.

FREE Cell Phone & Minutes

NO CONTRACTS • NO CREDIT CHECK • NO FEES

You may qualify if you participate in programs like Food Stamps and Medicaid . For additional eligibility programs and to get your

Link Up Telecom, Inc. • 877-583-0956 •
www.MyLinkupTelecom.com

FREE Cell Phone & Minutes

NO CONTRACTS • NO CREDIT CHECK • NO FEES

Receive a free cell phone and 250 free minutes if you qualify for the Lifeline government assistance program. You are eligible if you participate in any of the following Public Assistance Programs.

- Federal Public Housing Assistance / Section 8
- Supplemental Nutrition Assistance Program (SNAP)
- Temporary Disability Assistance Program (TDAP)
- Low Income Home Energy Assistance Program (LIHEAP)
- Temporary Disability Assistance Program (TDAP)
- Maryland Energy Assistance Program (MEAP)
- Temporary Assistance for Needy Families (TANF)
- Income at or below 135% of Federal Poverty Guidelines
- Temporary Cash Assistance (TCA)
- Medicaid (not Medicare)
- Medical Assistance (MA)
- Public Assistance to Adults (PAA)
- Supplemental Security Income (SSI)
- National School Lunch (free program only)
- Electric Universal Service Program (EUSP)

Proof of income or program participation is required

Your package plan comes with 250 anytime minutes that update each month on the customer activation date, as well as VOICEMAIL, CALLER ID and CALL WAITING at no additional cost. Check your minutes anytime or add additional minutes by calling our customer service number or 611.

Lifeline Service is limited to one benefit per household. You may not receive multiple Lifeline discounts, you may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both.

Lifeline is a government assistance program that is only available for one phone per household by law. Consumers who will fully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Only eligible consumers may enroll in the program. Lifeline service is non-transferable.

The eligible telecommunications carrier is Affordable Home Phone Service d.b.a. Affordable Wireless. Service is currently available in the state of Maryland.

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Exhibit C

Lifeline Terms and Conditions

Please read these Terms and Conditions of Service carefully. These Terms and Conditions of Service are a legally binding agreement between you and Linkup Telecom, Inc. They contain important information about your legal rights, and require that certain disputes be resolved through Arbitration instead of a court trial. Linkup Telecom, Inc. reserves the right to change or modify any of these Terms and Conditions of Service at any time and at its sole discretion. Any changes or modifications to these Terms and Conditions of Service will be binding upon you once posted on the Linkup Telecom, Inc. website found at www.mylinkuptelecom.com.

By purchasing or activating your Linkup Telecom, Inc. ("Linkup Telecom") handset or using any Linkup Telecom ("Service"), customer ("You") acknowledges and agrees to the following terms and conditions:

1. **ACTIVATING AND USING YOUR LINKUP TELECOM COMMUNICATIONS SERVICE/TELEPHONE NUMBER.**
   A Linkup Telecom handset should arrive to you in an activated or "hotlined" status. Activation may require a call to 611 to complete full activation. A Linkup Telecom telephone number is assigned to your Linkup Telecom handset when you receive it, however, you will acquire no proprietary interest in any number assigned to you. This number is "owned" by the underlying carrier and ownership will remain with the underlying carrier during time of service. This number can be ported to any carrier of choice as long as number remains active throughout the completion of the port. Should number be disconnected for any reason it is immediately released to the underlying carrier network and is unable to be re-attained by Linkup Telecom, even upon customer request and immediate reactivation by the company. The wireless telecommunications networks used to transmit calls for the Service are owned and operated by various licensed commercial mobile radio service providers ("Carriers"), not Linkup Telecom. Your handset can only be used through Linkup Telecom, and cannot be activated with any other wireless or cellular service, except where allowable by law. Linkup Telecom services are provided at Linkup Telecom's discretion.

2. **AIRTIME RATES**
   Linkup Telecom airtime is issued in unit increments. Units are deducted from the Linkup Telecom handset in the following manner all calls are charged at a rate of one (1) unit per minute. All other phone models, calls are charged at a rate of one (1) unit per minute.

3. **TEXT MESSAGING**
   The current rates to send or receive a text message to another person's phone using your Linkup Telecom are three (3) texts per one voice minute. Linkup Telecom reserves the right to amend this rate by updating these terms and conditions and posting them on Linkup Telecom website.

   Please note that Linkup Telecom services do not generally participate in Premium SMS services or campaigns. Premium SMS refers to activities that usually involve sending a text message to a designated "short code" or buying or attempting to buy SMS services from anyone other than Linkup Telecom. Premium SMS campaigns include activities such as casting a vote, expressing your opinion, playing a game, subscribing to a service, or interactive television programs. You should not attempt to participate in Premium SMS campaigns, unless it is a Linkup Telecom authorized campaign. Any text message you send to a "short code" will in all likelihood not go through. Any charges you may incur as a result of any attempts to participate in Premium PSMS services or campaigns (not authorized by Linkup Telecom), whether you incur charges as deductions from your handset or from your credit card, are not refundable.

4. **INTERNATIONAL CALLS**
   Currently, the International call feature is blocked by Linkup Telecom and their underlying carrier. In the event you successfully access an International Long Distance number, additional charges will incur at the following rates:

Guam, Puerto Rico & US Virgin Islands	$0.10
Canada	$0.10
Mexico	$1.45
All other countries (except Guam, Puerto Rico & US Virgin Islands)	$1.28

   Any charges you incur as a result of attempts to access this feature from an Linkup Telecom handset is non-refundable. Airtime deductions for international calls begin the moment the International Long Distance ("ILD") access number is dialed and may apply to dropped calls, misdialed numbers and busy destination numbers. When making international calls, you may experience connection failures more frequently than calls made within the United States. Linkup Telecom will not credit airtime minutes deducted for unsuccessful calls. You will not be able to make or receive calls on your Linkup Telecom handset when you are located outside of the United States, Puerto Rico or the U.S. Virgin Islands.

5. **ADDING ADDITIONAL AIRTIME**
   Your Linkup Telecom handset will only operate when you have airtime minutes/units available on the handset. (This does not apply to 911 calls. These calls will go through on any handset regardless of activity and the availability of airtime minutes.) Each prepaid airtime package comes with a number of minutes and a service period that begins to run from the day you add

airtime to your handset. Linkup Telecom airtime minutes added to your wireless phone will expire with active service and Usage during a consecutive thirty (30) day period.

6. AIRTIME PLANS

From time to time, Linkup Telecom may offer various plans. Currently, Linkup Telecom Value Plans which allows you to automatically purchase certain airtime denominations on a regular monthly basis. All airtime plans are governed by these Terms and Conditions and the applicable airtime plan's Terms and Conditions which are also available at www.mylinkuptelecom.com.

7. ROLLOVER

The monthly minute packages will rollover month to month for ninety (90) days. Minutes will expire on the ninety-first (91st) day. Minutes purchased as additional airtime packages will be good for thirty (30) days from the date of purchase, expiring on the 31st day unless newly purchased minutes are added before expiration. Minutes purchased as additional airtime packages, with a 30 day expiration, will be used before any rollover minutes are used, so that minutes that will expire first are used first. Rollover policy is subject to change.

Additional minutes offered by Linkup Telecom can be purchased as follows:

PLAN	MINUTES	CUSTOMER COST	AUTOMATIC ROLLOVER
1	250	**FREE** (Every Month)	No Rollover-No Texting
2	100	**FREE** (Every Month)	90-days
PURCHASE ADDITIONAL MINUTES AT THE FOLLOWING RATE			
	250	**$ 13.50**	No Rollover
	500	**$ 25.00**	No Rollover
	1,000	**$30.00**	No Rollover

In the event of any modification that increases the charges, you will receive 30 days' notice prior to being charged the new rate. Additional minute purchases may not be combined with any other discount or promotion.

8. ADDITONAL SURCHARGES

Currently, call forwarding and roaming features are blocked by Linkup Telecom and their underlying carrier. If you successfully access these features (not authorized by Linkup Telecom), you will incur additional charges at the following rates:

Call Forwarding	$0.05 per call
Roaming	$0.25 per minute

Any charges you may incur as a result of any attempts to access these features from your Linkup Telecom handset are non-refundable.

9. AIRTIME USAGE

Airtime minutes will be deducted for all time during which your Linkup Telecom service is connected to, or using, the wireless system of any Carrier. Use of a wireless system typically begins when you press the "send", "call" or other button to initiate or answer a call and does not end until you press the "end" button or the call is otherwise terminated. Airtime minutes are deducted for all incoming and outgoing calls, including calls to toll free numbers, and calls to access your voice mail (airtime minutes will be deducted for each call separately). Airtime for Three-Way calls may be deducted at twice the incremental rate. Airtime minutes are NOT deducted for calls to 911, 611, or the 800# for Linkup Telecom Customer Service. For outbound calls, you may be charged airtime for incomplete and/or busy-no answer calls. (Although this is unlikely to occur, Linkup Telecom is not able to dispute these charges and cannot refund for deducted minutes on an incomplete or busy no-answer call.) Airtime minutes are deducted in full unit increments; partial minutes are rounded up to the next minute. Airtime minutes will also be deducted for use of other services such as text messaging. Airtime minutes are deducted for all text messages sent and incoming text. No credit is given for dropped calls.

10. EMERGENCY CALLS

If you are in an area where your Linkup Telecom handset is searching for a wireless signal or there is no wireless signal or wireless service, it is highly probable that a call to 911 will not go through. Do not rely solely on your Linkup Telecom handset in an emergency situation. In an emergency, locate the nearest landline phone and call for help.

11. UNAUTHORIZED USAGE; TAMPERING

The Linkup Telecom handset is exclusively for use by you, the end consumer, with the prepaid wireless service available solely in the United States, Puerto Rico and the U.S. Virgin Islands. Any other use of your Linkup Telecom handset, including without limitation, any resale, unlocking and/or re-flashing of the handset is unauthorized and constitutes a violation of your agreement with Linkup Telecom. You agree not to unlock, re-flash, tamper with or alter your Linkup Telecom handset or its software, enter unauthorized PIN numbers, engage in any other unauthorized or illegal use of your Linkup Telecom handset or the Service, or assist others in such acts, or to sell and/or export Linkup Telecom handsets outside of the United States. These acts violate Linkup Telecom rights and state and federal laws. Improper, illegal or unauthorized use of your Linkup Telecom handset is a violation of this agreement and may result in immediate discontinuation of Service and legal action. Linkup Telecom will prosecute violators to the full extent of the law. You agree that any violation of this agreement through your improper, illegal or unauthorized use shall entitle Linkup Telecom to recover liquidated damages from you in an amount not less than $5,000 per handset purchased, sold, acquired or used in violation of this agreement.

12. LIMITATIONS OF SERVICE AND USE OF EQUIPMENT

Service is subject to transmission limitations caused by certain equipment and compatibility issues, atmospheric, topographical and other conditions. Further, Service may be temporarily refused, limited, interrupted or curtailed due to system capacity limitations, technology migration or limitations imposed by the Carrier, or because of equipment modifications, upgrades, repairs or relocations or other similar activities necessary or proper for the operation or improvement of the Carrier's radio telephone system. At any time, Linkup Telecom reserves the right to substitute and/or replace any Linkup Telecom equipment (including handsets) with other Linkup Telecom equipment including handsets of comparable quality. Some functions and features referenced in the Manufacturer's manual for a particular handset may not be available on your Linkup Telecom handset and does not warrant or guarantee availability of network or of any Services at any specific time or geographic location or that the Services will be provided without interruption. Neither Linkup Telecom nor any Carrier shall have any liability for Service failures, outages or limitations of Service.

13. PHONE FEATURES, FUNCTIONALITY AND SPECIFICATIONS

Certain mobile phone features may not be available throughout the entire network or their functionality may be limited. All plan rates, features, functionality and other product specifications are subject to change without notice or obligation. Model and color of phones may vary. All talk and standby times are quoted in Digital Mode and are approximate.

14. WARRANTY

A new and/or reconditioned Linkup Telecom handset and accessories are covered by a limited 90-day warranty. **Exclusions and Conditions** This warranty does not cover damage or failure caused by abuse or misuse of the phone or accessories. Linkup Telecom does not provide refunds. All applicable implied warranties, including the implied warranties of merchantability and fitness for a particular purpose, are limited to the duration of this limited warranty, unless otherwise provided by law. Your warranty excludes all incidental or consequential damages, unless otherwise provided by law. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

15. DISCLAIMER OF WARRANTIES

EXCEPT FOR ANY WRITTEN WARRANTY THAT MAY BE PROVIDED WITH A DEVICE YOU PURCHASE FROM US AND THE LIMITED WARRANTY SET FORTH IN THESE TERMS AND CONDITIONS, AND TO THE EXTENT PERMITTED BY LAW, THE SERVICES AND DEVICES ARE PROVIDED ON AN "AS IS" AND "WITH ALL FAULTS" BASIS AND WITHOUT WARRANTIES OF ANY KIND. WE MAKE NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE CONCERNING YOUR SERVICE OR YOUR DEVICE. WE CANNOT PROMISE UNINTERRUPTED OR ERROR-FREE SERVICE AND DO NOT AUTHORIZE ANYONE TO MAKE ANY WARRANTIES ON OUR BEHALF. WE DO NOT GUARANTEE THAT YOUR COMMUNICATIONS WILL BE PRIVATE OR SECURE; IT IS ILLEGAL FOR UNAUTHORIZED PEOPLE TO INTERCEPT YOUR COMMUNICATIONS, BUT SUCH INTERCEPTIONS CAN OCCUR.

16. OUR RIGHT TO TERMINATE YOUR SERVICE

You agree not to use your Phone for any purpose that is not allowed by this agreement or that is illegal. WE CAN, WITHOUT NOTICE, LIMIT, SUSPEND, OR END YOUR SERVICE FOR VIOLATING THIS PROVISION OR FOR ANY OTHER GOOD CAUSE, including, but not limited to, if You: (a) violate any of the terms and conditions of service; (b) lie to us or attempt to defraud us; (c) threaten or commit violence against any of our employees or customer service representatives; (d) use vulgar and/or inappropriate language when interacting with our representatives; (e) steal from us; (f) harass our representatives; (g) interfere with our operations; (h) engage in abusive messaging, emailing or calling; (i) modify

your device from its manufacturer's default specification; or (j) use the service in a way that adversely affects our network or the service available to our other customers. We reserve the right to, without notice, limit, suspend or end your service for any other operational or governmental reason. In addition to permanently terminating your Service, criminal offenses (i.e., threatening violence, etc.) will be reported to the appropriate legal authorities for prosecution. In regards to a Lifeline subsidized service, should it be determined that eligibility of the program no longer exists, service may be moved to a Non-Lifeline plan, requiring monthly payment for the same or similar minute package.

17. OUR RIGHT TO TERMINATE LIFELINE SERVICE

Linkup Telecom reserves the right to terminate service if it is determined that eligibility was awarded based off of inaccurate or fraudulent information, if the subscriber is non-responsive to requests for information, including requests for proof of eligibility, or if company determines a need to eliminate possible fraud/waste/and abuse of the Lifeline program. Service with no usage for longer than 60 days will lead to attempts to notify the customer through text, letter, or calls to the customer. If customer remains unresponsive to company attempts at contact, service will be moved to a non-lifeline plan, requiring monthly payment, and Linkup Telecom reserves the right to disconnect the service in its entirety.

18. LIMITATION OF LIABILITY

Linkup Telecom will not be liable to you for any indirect, special, incidental, consequential, exemplary or punitive damages of any kind, including lost profits (regardless of whether it has been notified such loss may occur) by reason of any act or omission in its provision of equipment and Services. Linkup Telecom will not be liable for any act or omission of any other company furnishing a part of our Services or any equipment or for any damages that result from any Service or equipment provided by or manufactured by third parties.

19. INDEMNIFICATION

You agree to indemnify and hold harmless Linkup Telecom from any and all liabilities, penalties, claims, causes of action, and demands brought by third parties (including the costs, expenses, and attorneys' fees on account thereof resulting from your use of a Linkup Telecom handset Linkup Telecom services whether based in contract, regardless of the form of action.

20. BINDING ARBITRATION

PLEASE READ THIS SECTION CAREFULLY AS IT AFFECTS RIGHTS THAT YOU MAY OTHERWISE HAVE. IT PROVIDES FOR RESOLUTION OF ALL DISPUTES AND CLAIMS (INCLUDING ONES THAT ALREADY ARE THE SUBJECT OF LITIGATION) EXCEPT FOR CLAIMS CONCERNING THE UNAUTHORIZED SALE, EXPORT, ALTERATION AND/OR TAMPERING OF YOUR LINKUP TELECOM DEVICE, ITS SOFTWARE, THE SERVICE AND/OR PIN NUMBERS, THROUGH ARBITRATION INSTEAD OF SUING IN COURT IN THE EVENT THE PARTIES ARE UNABLE TO RESOLVE A DISPUTE OR CLAIM. ARBITRATION IS BINDING AND SUBJECT TO ONLY A VERY LIMITED REVIEW BY A COURT. THIS ARBITRATION CLAUSE SHALL SURVIVE TERMINATION OF LINKUP TELECOM'S AGREEMENT WITH YOU. This provision is intended to encompass all disputes or claims arising out of your relationship with Linkup Telecom, arising out of or relating to the Service or any equipment used in connection with the Service (whether based in contract, tort, statute, fraud, misrepresentation or any other legal theory). Nothing contained in this arbitration provision shall preclude Linkup Telecom from bringing claims concerning the unauthorized sale, export, alteration, and/or tampering of your Linkup Telecom device, the Service and/or PIN numbers in state or federal court. References to you and Linkup Telecom include our respective subsidiaries, affiliates, predecessors in interest, successors, and assigns. All claims will be resolved by binding arbitration where permitted by law. You must first present any claim or dispute to Linkup Telecom by contacting Customer Care to allow an opportunity to resolve the dispute prior to initiating arbitration. You and Linkup Telecom agree that use of the Service evidences a transaction in interstate commerce and this arbitration provision will be interpreted and enforced in accordance with the Federal Arbitration Act and federal arbitration law. All issues are for the arbitrator to decide, including the scope of this arbitration clause, but the arbitrator is bound by the terms of this agreement. You and Linkup Telecom agree that any arbitration will be conducted on an individual basis and not on a consolidated, class wide or representative basis. Further, you agree that the arbitrator may not consolidate proceedings or more than one person's claims, and may not otherwise preside over any form of a representative or class proceeding. If the preclusion of consolidated, class wide or representative proceedings is found to be unenforceable, then this entire arbitration clause shall be null and void. All fees and expenses of arbitration will be divided between you and Linkup Telecom. Each party will bear the expenses of its own counsel, experts, witnesses, and preparation and presentation of evidence. If for any reason this arbitration provision is deemed inapplicable or invalid, or to the extent this arbitration provision allows for litigation of disputes in court, you waive to the fullest extent permitted by law, (i) the right to a trial by jury and (ii) any claims for punitive or exemplary damages. Unless Linkup Telecom and you agree otherwise, the location of any arbitration shall be Ocala, Florida. Except where prohibited by law, Linkup Telecom and you agree that no arbitrator has the authority to award punitive damages or any other damages not measured by the prevailing party's actual damages. Neither you nor Linkup Telecom shall disclose the existence, contents, or results of any arbitration except to the extent required by law. Judgment on the award rendered may be entered by any court having jurisdiction thereof.

21. PRIVACY POLICY

Linkup Telecom will not provide your number to any Third Party advertising agency except where authorized by the customer. Linkup Telecom will provide your number, and any other pertinent information requested, to any law enforcement agency or officer upon request or subpoena, and to the FCC and/or USAC where Lifeline Services are in use. Linkup Telecom takes CPNI very seriously and takes multiple steps to avoid any perceived violation of Customer Proprietary Information. To view the Linkup Telecom Privacy Policy reference Linkup Telecom' website found at www.mylinkuptelecom.com.

Exhibit D

Key Management Resumes

Robert L. Williams Jr. – Personal Bio

Robert L. Williams Jr. is a successful business leader both in the corporate world as well as in various entrepreneurial endeavors. Robert graduated from Purdue University with a BS in Interdisciplinary Engineering and began his corporate career with ASC Services (a spin-off of Illinois Bell, now ATT&T) as a Project Manager/Design Engineer. In a pursuit of higher management opportunities, Robert left ASC Services and took a management position with Ford Motor Company. While working for Ford, Robert received a Masters of Science degree in Manufacturing/Operations Management from Kettering University. For the next several years Robert held positions as a Business Process Consultant (VWR International, a Merck company) and as an Enterprise Continuous Improvement Consultant (United Airlines). Robert held a key senior role as Director of Operations for British Petroleum's global shared business service center that involved strategic planning, cost reduction management, project management, marketing, and staff development for over 130 employees.

Robert's entrepreneurial achievements include founding a real estate investment group that managed and funded several real estate development projects, building a property maintenance business that served several residential and commercial clients throughout the state of Illinois, and founding a marketing company that focuses on supporting low-income programs through the distribution of goods and services. Most recently, in 2012, Robert acquired LinkUp Telecom, Inc. and is currently developing the corporate culture and infrastructure. He is involved with the company's day-to-day operations and his responsibilities include: business planning, acquisition of new capitol, and oversees marketing, accounting, and HR departments to ensure efficient and effective use of all resources.

Robert holds certifications as a Lean Six Sigma Master Black Belt and a Project Management Professional.

Exhibit E

Proposed Lifeline Rate Plans

Lifeline Plan1
250 Anytime Minutes
Net cost to Lifeline customer - $0 (free)

- No rollover
- No Texting
- Free handset
- Free calls to 911 emergency services
- Free calls to Customer Service
- Free domestic long distance
- Caller ID, Call Waiting, and Voicemail included

Lifeline Plan 2
100 Anytime Minutes
Net cost to Lifeline customer - $0 (free)

- 90 days rollover
- 3 texts per 1 minute of voice
- Free handset
- Free calls to 911 emergency services
- Free calls to Customer Service
- Free domestic long distance
- Caller ID, Call Waiting, and Voicemail included

Additional Minutes

75 Anytime Additional Minutes	$5.00
250 Anytime Additional Minutes	$13.50
500 Anytime Additional Minutes	$25.00
1000 Anytime Additional Minutes	$30.00