

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

In the Matter of)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	
)	WC Docket No. 09-197
NTCH, INC.)	
)	
Amended Petition for Designation as an)	
Eligible Telecommunications Carrier in the)	
States of North Carolina and Tennessee)	

**AMENDED PETITION OF NTCH, INC. FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATES OF
NORTH CAROLINA AND TENNESSEE**

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July 13, 2012

Summary

NTCH, Inc., on behalf of itself and its affiliated operating entities in North Carolina (WGH Communications, Inc.) and Tennessee (NTCH-West Tenn, Inc.) (collectively, "NTCH"), respectfully submits this Amended Petition for Designation as an Eligible Telecommunications Carrier ("ETC") in the States of North Carolina and Tennessee for the limited purpose of offering Lifeline services. NTCH is a facilities-based wireless service provider that offers mobile voice and broadband service. NTCH submitted its original petition on March 5, 2010, concurrently with a petition for forbearance from the statutory requirement to serve the entire study area of a rural telephone company or seek redefinition of that study area. NTCH was granted forbearance and its subsequent compliance plan approved. NTCH now submits this amended petition to ensure compliance with the new rules governing the ETC designation process that were adopted January 31, 2012.

Designating NTCH as a Lifeline-only ETC would serve the public interest generally and benefit low income consumers in particular. Such designation would increase consumer choice of both carriers and service plans. NTCH's service plan is of particular value to low income consumers, because it offers unlimited minutes, fixed low monthly charges, and no credit check, deposit, or long-term commitment. Therefore, NTCH provides a vital service to many Americans who might not otherwise be able afford or qualify for service provided by other wireless carriers, thereby encouraging participation in the Lifeline program. Accordingly, NTCH respectfully requests that the Federal Communications Commission ("FCC" or "Commission") grant this Petition expeditiously, so that low income consumers in the requested service areas can receive these benefits without delay.

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¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. § 54.201 *et seq.*

³ *Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42, FCC 12-11 (rel. Feb. 6, 2012) (“Lifeline Order”).

NTCH is a facilities-based wireless service provider that offers mobile voice and broadband service. As shown herein, NTCH meets each of the statutory and regulatory requirements for ETC designation except for the definition of “service area” contained in 47 U.S.C. §214(e)(5) and 47 C.F.R. § 54.207(b), from which it has received forbearance from the Commission.⁴ NTCH accordingly submitted a compliance plan, a copy of which is attached hereto as Exhibit A, to demonstrate how it will comply with the conditions of the forbearance order. This compliance plan was approved June 11, 2012.⁵

Designating NTCH as a Lifeline-only ETC would serve the public interest generally and benefit low income consumers in particular. Such designation would increase consumer choice of both carriers and service plans. NTCH’s service plan is of particular value to low income consumers, because it offers unlimited minutes, fixed low monthly charges, and no credit check, deposit, or long-term commitment. Therefore, NTCH provides a vital service to many Americans who might not otherwise be able afford or qualify for service provided by other wireless carriers, thereby encouraging participation in the Lifeline program. Accordingly, NTCH respectfully requests that the Federal Communications Commission (“FCC” or “Commission”) grant this Petition expeditiously, so that low income consumers in the requested service areas can receive these benefits without delay.

⁴ *NTCH, Inc. and Cricket Communications, Inc.*, Order, 26 FCC Rcd 13723 (2011).

⁵ *Wireline Competition Bureau Approves the Compliance Plan of NTCH, Inc.*, Docket No. 09-197, Public Notice, DA 12-913 (rel. June 11, 2012).

I. BACKGROUND

A. NTCH

NTCH, under the brand name ClearTalk,⁶ provides wireless voice service on a no-contract, low-cost basis. NTCH's basic voice service is currently less than \$30 per month, with unlimited local anytime minutes, no credit check, no deposit, and no annual contract. It provides this service using a U.S.-developed, cutting-edge 3G network, which uses a third less power than traditional installations and delivers enhanced signal strength and coverage. Through this innovative network system, NTCH is able to increase reliability as well as capacity to those who need it most. This technology is adaptable and easily upgraded as the industry develops. NTCH owns and operates the backhaul component of this network and contracts with a third party for distribution of the base station to end user segment of the service.

The key advantages to NTCH's network technology are: 1) user experience is the same for all users, as compared to individual networks with different requirements patched together; 2) last mile service technology is mobile and middle mile service is based on a technology that can reach out to last mile users almost anywhere, anytime; 3) installations have small, split architecture that is highly energy efficient; and 4) base stations use "software-defined radio" that allows different air interfaces to work through a single radio. These radios are available to extend the networks of the large carriers into these rural areas and are also ready for the next generation 4G standards.⁷

⁶ "ClearTalk" is the only brand name currently used by NTCH. In addition to WGH Communications, Inc. and NTCH-West Tenn, Inc., the other NTCH affiliates that are ETCs or have pending ETC designation petitions are NTCH-Colorado, Inc. and PTA-FLA, Inc. (South Carolina).

⁷ For more detailed technical information, see Exhibit B.

NTCH has been building mobile networks in underserved areas of the country since 1999. In the past eleven years, NTCH has built wireless networks in 17 different markets and constructed or acquired over 400 telecommunication sites. Its markets include or have included Colorado (Grand Junction), Idaho (Pocatello, Twin Falls, Idaho Falls), Tennessee (Jackson, Dyersburg), Alabama (Florence), Arizona (Yuma), California (El Centro), Florida (Jacksonville), Texas and South Carolina (Columbia, Spartanburg, Greenville). In just the last three years, NTCH has built over 250 communication sites and is today one of the largest tower owners in the United States. Its network has expanded not only through the growth of its own network but through roaming agreements with larger carriers. NTCH currently has approximately 140 operating sites. In the future, NTCH will continue to identify and reach out to unserved and underserved markets, where affordable service can provide much-needed voice options for consumers.

B. Requirements for the Designation of Eligible Telecommunications Carriers

Section 254(e) of the Communications Act of 1934 (the “Act”) provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal support.”⁸ As a CMRS carrier, NTCH is treated as a common carrier for regulatory purposes.⁹ If a common carrier is not subject to state commission jurisdiction, the Commission is authorized to designate a carrier as an ETC.¹⁰ The Commission may, in the case of any area served by a rural telephone company, and shall, in the case of all other areas,

⁸ 47 U.S.C. § 254(e).

⁹ *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, Second Report and Order, 9 FCC Rcd 1411, ¶¶ 37, 102 (1994); 47 U.S.C. § 332(c)(1)(A).

¹⁰ 47 U.S.C. § 214(e)(6).

designate more than one common carrier as an ETC, provided the requesting carrier otherwise satisfies the requirements of Section 214(e)(1).¹¹

To satisfy the requirements of Section 254(e) of the Act, a petition for ETC designation must contain the following: (1) a certification and brief statement of supporting facts that the petitioner is not subject to the jurisdiction of a state commission; (2) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to Section 254(c) of the Act; (3) a certification that the petitioner offers or intends to offer the supported service using its own facilities or a combination of its own facilities and resale of another carrier's services;¹² (4) a description of how the petitioner will advertise the availability of such services and the charges therefor using media of general distribution; and (5) if the petitioner is not a rural telephone company, a detailed description of the geographic service area for which it requests ETC designation from the Commission.¹³

The Commission has imposed additional requirements on ETC applicants in Section 54.202 of the Commission's rules.¹⁴ Under this section, an Lifeline ETC applicant must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; (3) demonstrate that it will satisfy applicable consumer protection and service quality standards; (4) demonstrate that it is financially and technically capable of providing Lifeline service; and (5) submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers. NTCH satisfies each of these requirements, as set out individually below.

¹¹ *Id.*

¹² For these and other required certifications, see Certification of Glenn Ishihara (attached).

¹³ 47 U.S.C. § 214(e); *see also* 47 C.F.R. § 54.201(d); *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 47 C.F.R. § 54.202; *see also* Lifeline Order, *supra* note 3, Appendix A.

C. Scope of NTCH's Designation Request

NTCH seeks ETC designation only for the purpose of participating in the Universal Service Fund ("USF")'s Lifeline Program, in the requested service areas set out Section E, *infra*.

II. NTCH SATISFIES THE STATUTORY AND REGULATORY REQUIREMENTS FOR DESIGNATION AS AN ETC

NTCH satisfies each of the statutory and regulatory requirements set forth in the Act and the Commission's rules:

A. NTCH Is Not Subject to the Jurisdiction of a State Commission in the Requested Service Areas.

Submitted with this Petition at Exhibit D are affirmative statements from the relevant state commissions of North Carolina and Tennessee that those commissions lack jurisdiction to perform ETC designations of providers of mobile wireless service. See also Certification of Glenn Ishihara, attached.

B. NTCH Will Offer All Services Designated for Support by the Commission.

Section 54.101 of the Commission's rules provides that voice telephony services shall be supported by federal universal service support mechanisms.¹⁵ Eligible voice telephony services must provide: (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service provided at no additional charge to end users; (3) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 to the extent locally implemented; and (4) in some cases, toll limitation services to qualifying low income consumers.¹⁶

Voice grade access to the public switched network or its functional equivalent. NTCH provides "voice grade access to the public switched network" as a standalone service as required

¹⁵ 47 C.F.R. § 54.101(a).

¹⁶ *Id.*

by Section 54.101(a) of the Commission's rules. Specifically, it provides its customers the ability to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming call, at a bandwidth of a minimum of 300 to 3,000 hertz.

Minutes of use for local service provided at no additional charge to end users. NTCH offers unlimited minutes of use of local exchange service at no additional charge to end users as part of its service plan.

Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 to the extent locally implemented. NTCH provides its voice customers with access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in its service area has implemented 911 or enhanced 911 systems. It provides automatic numbering information ("ANI") and automatic location information ("ALI") to any public service access point ("PSAP") in its service areas that is capable of receiving such information.

Toll limitation services to qualifying low income consumers. "Toll blocking" allows consumers to block outgoing toll calls from their phone, and "toll control" allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle. Under new Section 54.401(a)(2), toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.¹⁷ NTCH's flat monthly charge for unlimited minutes does not distinguish between toll and non-toll calls. The need to block or limit calls to protect against

¹⁷ 47 C.F.R. § 54.401(a)(2).

unexpected, higher charges is thus necessarily moot.¹⁸ In fact, NTCH's plan is better for customers than prepaid plans, because customers are not blocked from making calls due to the number of minutes they have used.

C. NTCH Will Offer the Supported Service Using Its Own Facilities.

NTCH will offer the supported services using its own network infrastructure, including the same equipment and facilities that it uses to serve its existing customers. NTCH, Inc. is the licensee of call signs KNLF462 for BTA120 (Dyersburg-Union City, TN) and KNLF464 for BTA211 (Jackson, TN BTA); it provides facilities-based service in those areas through a wholly owned subsidiary, NTCH-West Tenn, Inc. Another NTCH subsidiary, WGH Communications, is the licensee of call sign WQGD556 for CMA570 (Chatham, NC BTA), WQGD590 for BEA022 (Fayetteville, NC BTA), and WQGD600 for BEA041 (Greenville-Spartanburg-Anderson, SC-NC BTA).

D. NTCH Will Advertise the Availability of Such Services and the Charges Therefor Using Media of General Distribution.

NTCH will advertise the availability of the supported services and the charges therefor using media of general distribution, in a manner designed to inform the general public within its designated service areas. Specifically, it will employ a combination of media channels, such as broadcast and paper media, outdoor advertising, direct marketing, and online advertising in a manner reasonably designed to reach those likely to qualify for the service.¹⁹ In keeping with the Lifeline Across American Working Group outreach guidelines, NTCH will include a reference about discounted telephone programs on the home page of its website, with a link to comprehensive information about the program.²⁰

¹⁸ Lifeline Order, *supra* note 3, ¶ 229.

¹⁹ 47 U.S.C. §54.405(b), as amended by the Lifeline Order, *supra* note 3.

²⁰ Lifeline Order, *supra* note 3, ¶ 280.

In addition, in accordance with the Lifeline Order and the terms of its forbearance, NTCH's Lifeline marketing materials will explain in clear, easily understood language that: (1) the offering is a Lifeline-supported service; (2) the service is non-transferable; (3) only eligible consumers may enroll in the program; (4) what documentation is necessary for enrollment; and (5) the program is limited to one discount per household, consisting of either wireline or wireless service.²¹ NTCH's marketing materials will additionally explain that Lifeline is a government assistance program and 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.

Finally, NTCH will also disclose the company name under which it does business (ClearTalk) and the details of its Lifeline service offerings in any Lifeline-related marketing and advertising.

E. NTCH Requests Lifeline-only ETC Designation for Its Service Area.

NTCH requests Lifeline-only ETC designation for its service areas within the states of North Carolina and Tennessee; specifically, for the following counties:

State	Counties
North Carolina	Chatham, Lee, Moore, Scotland, Hoke, Cumberland, Robeson, Bladen, Bradley, Polk
Tennessee	Wayne, Hardin, McNairy, Chester, Decatur, Henderson, Madison, Crockett, Gibson, Carroll, Dyer, Lake, Obion, Weakley

Exhibit C contains a map showing NTCH's current coverage area in Tennessee. NTCH has acquired FCC licenses WQGD556, WQGD590, and WQGD600 to serve the requested

²¹ Lifeline Order, *supra* note 3, ¶ 275; 47 U.S.C. §54.405(c).

service areas in North Carolina but has not yet begun to provide phone service in those areas. Exhibit C also includes a list of wire center (CLLI) codes within NTCH's requested service area in North Carolina and a list of study area codes within NTCH's requested service area in Tennessee.

F. NTCH Will Satisfy the Applicable Additional Eligibility Requirements of § 54.202.

NTCH hereby certifies that will comply with the service requirements applicable to the support that it receives. As discussed in Section B, *supra*, and certified in the attached Certification of Glenn Ishihara, NTCH will provide "voice telephony service" as specified in Section 54.101 of the Commission's rules, including each of the services and functionalities described in Section 54.101. At this time, the Commission has declined to impose additional minimum federal service requirements, such as a minimum amount of local access minutes.²² In any case, NTCH's service plan includes unlimited local calling. Because NTCH seeks only Lifeline support, it is not required to submit a network improvement plan.²³

NTCH has the ability to remain functional in emergency situations. NTCH is committed to maintaining essential telecommunications service in times of emergency. To this end, NTCH maintains generator backup for the switch and battery back-up for its cellular towers to provide a reasonable amount of backup power to ensure functionality without an external power source. It also has fail-over trunks that are able to reroute traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations.

NTCH satisfies applicable consumer protection and service quality standards. NTCH will comply with all applicable state and federal consumer protection and service quality standards. NTCH has also adopted the CTIA Consumer Code for Wireless Service.

²² Lifeline Order, *supra* note 3, ¶ 50.

²³ Lifeline Order, *supra* note 3, ¶ 386.

NTCH is financially and technically capable of providing Lifeline service. NTCH has been in business since 1999. It has offered services to non-Lifeline consumers since 2000, and in Tennessee since 2001. Company-wide, it currently serves over 16,000 customers. NTCH owns and operates a nationwide, cutting edge tower network, using “software-defined” base stations as described above and in Exhibit B. NTCH does not intend to rely exclusively on USF disbursements to operate, as the robust growth of its existing operations clearly demonstrates. NTCH’s revenues primarily derive from its customer base and not from subsidies. NTCH has not been subject to enforcement action or ETC revocation proceedings in any state.

NTCH will submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers. NTCH offers an all-inclusive wireless voice basic service plan that will be available to Lifeline subscribers as well as the general public. It includes unlimited local and long distance calling with nationwide coverage. NTCH’s service plan is described at http://www.clearwalkwireless.net/Plans_and_Prices.html and at Exhibit E. The plan includes:

- Unlimited calling (voice)
- Unlimited text messaging
- Unlimited long distance
- Caller ID
- Voicemail

NTCH does not offer any separate Lifeline-only service plans but will deduct the Lifeline discount from its existing service plans. In no case will a Lifeline customer be offered less than 250 minutes/per month as part of their service plan.

Service Initiation Deposits. NTCH does not collect service initiation deposits and will not do so for Lifeline accounts.

Number Portability Charges. NTCH does not charge a number portability fee, and will not do so for Lifeline accounts.

Lifeline Certification and Eligibility. NTCH will certify and verify consumer eligibility to participate in the Lifeline program, as well as taking non-duplication measures, in accordance with the Commission's rules and NTCH's compliance plan. Though not required by the current or newly-adopted rules, it is our understanding that ETC designations will not be processed unless they include, in addition to the items required by the new rulemaking, information detailing how the petitioner intends to comply with the new rules. Accordingly, at Exhibits F and A, respectively, we include a sample certification statement and a copy of NTCH's compliance plan.²⁴ The commitments made therein are hereby incorporated by reference. NTCH also reserves the right to use any sample certification form provided by a state public utilities commission, USAC, or the Commission. Finally, at Exhibit G, we describe in detail how NTCH will implement the new Lifeline rules during customer intake, employee training, and as a matter of ongoing compliance.

G. ETC Designation of NTCH Will Promote the Public Interest.

Prior to designating an ETC pursuant to section 214(e)(6) of the Act, the Commission must determine whether such designation is in the public interest.²⁵ In determining the public interest, the Commission has historically considered the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering.

²⁴ The template certification form remains subject to minor changes but is substantially the form NTCH will use with its Lifeline service application, in full compliance with the Commission's rules and its compliance plan.

²⁵ 47 U.S.C. § 214(e)(6); 47 C.F.R. § 54.202(b).

Designation of NTCH as an ETC serves the public interest, as it would provide an option for those consumers who would otherwise be left behind by other carriers. These consumers would receive the benefits of mobility, easy-to-budget fixed monthly payment, high quality and reliable service, and connectivity where landline services are not available. In particular, low income consumers will benefit from NTCH's service plan, which provides unlimited voice service at a fixed low rate without the need for a credit check, deposit, or long-term contract, which often prevent consumers from qualifying for service from other providers. This plan not only enables consumers to receive service for which they might not otherwise qualify, it provides the ongoing benefit of being able to plan and budget according to a fixed monthly fee, with no fear of high over limit charges or early termination fees. Furthermore, NTCH provides the option of mobile, on-the-person service, which promotes safety and convenience for all, but is especially important for certain groups, such as the elderly. Finally, NTCH offers low income customers the same high-quality and reliable service that it offers across the board on its innovative 3G network. Designating NTCH as an ETC would improve its ability to reach these Americans and continue to expand its network of affordable, quality service into areas that need it most.

NTCH's goals include more than just providing a simple alternative to other wireless carriers, but to be a beneficial part of the communities it serves. Past examples of community involvement include: (1) funding the use of an unused Hospital Wing in Jackson, TN to allow it house victims of Katrina; (2) reinventing a neglected telecom building with a larger than life aquatic whale mural, making it a local landmark in Jacksonville Beach, FL; (3) renovating a historic burned-out theatre building in downtown Pocatello, Idaho, preserving the historic Bannock Indian Chiefs mosaic entrance; and many similar projects. NTCH has also committed to programs to provide service, free of charge, to returning veterans and rewarding high

achieving students with phone or broadband internet service. This approach is also one of the key reasons why NTCH seeks to participate in the broadband Pilot Program for areas or demographics with low broadband adoption.

NTCH's business philosophy is not that of a typical corporation. Customers talk with a representative that lives in the area served, not an outsourced service. Because its representatives also use its phone service, they understand better the urgency and importance of assisting NTCH's customers with any questions or concerns. Even NTCH's vehicles, salary structure, and benefit packages are unique, enabling NTCH to not only pass the savings on to customers but also to put money back into the communities it serves. NTCH supports environmentally sustainable practices and uses as little as 18% of the energy in providing the same service as its larger competitors do at the same locations.

For all these reasons, designation of NTCH as an ETC would unquestionably be in the public interest.

III. ANTI-DRUG ABUSE CERTIFICATION

NTCH 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, 21 U.S.C. § 862. See Certification of Glenn Ishihara, attached.

IV. CONCLUSION

As NTCH has shown herein, grant of this Petition for Lifeline-only ETC designation is consistent with the Act, Commission rules, and the public interest. Accordingly, NTCH respectfully requests that the Commission grant this Petition expeditiously.

Respectfully submitted,

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July 13, 2012

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EXHIBIT A
COMPLIANCE PLAN

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

In the Matter of)	
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b))	
)	

NTCH, INC. COMPLIANCE PLAN

NTCH, Inc. and its affiliated entities (collectively, "NTCH") submit this amended Compliance Plan in satisfaction of Condition 11 of the Commission's order granting its Petition for Forbearance (the "NTCH Order").¹ In the NTCH Order, the Commission forbore from enforcing the requirement that NTCH's service area conform to the service area of any rural telephone company serving the same area, for the limited purpose of designation as a Lifeline-only eligible telecommunications carrier ("ETC").

The Commission found that NTCH's request satisfied each prong of the forbearance standard of section 10 of the Communications Act of 1930 and that forbearance was therefore required.² Nonetheless, it imposed conditions on NTCH designed to reduce the risk of fraud, waste, and abuse in the Lifeline program.³ These conditions have now been codified and applied to *all* ETCs by the Lifeline Order adopted January 31, 2012, which includes not only the NTCH

¹ *Telecommunications Carriers Eligible for Universal Service Support, NTCH, Inc. and Cricket Communications, Inc.*, Order, Docket 09-197, FCC 11-137 (rel. Sept. 16, 2011), ¶ 15(11).

² NTCH Order, *supra* note 1, ¶¶ 8-14.

³ NTCH Order, *supra* note 1, ¶ 15.

Order obligations but goes even further to establish a comprehensive system to safeguard against fraud, waste and abuse in the Lifeline program.⁴

NTCH's compliance plan is hereby amended to take into account provisions of the Lifeline Order. Specifically, we clarify that NTCH will meet Condition (3) of the NTCH Order by submitting subscriber data to USAC to populate the national duplicates database established by the Lifeline Order or to the relevant state public utilities commission in states that opt out of the national database by demonstrating an equivalent in-state duplicates database. NTCH also amends its compliance plan to take into account that, in implementing the Lifeline Order, certain states, the Commission, or USAC, may develop template subscriber certification forms (both initial and annual) for use by carriers when signing up customers. This would be of particular concern in states that verify eligibility themselves, rather than leave it to carriers, and could therefore collect standardized certification forms as part of that process. In keeping with the system established by the Lifeline Order, under Conditions (1) and (2), NTCH intends to use either a company-specific certification form, or, as appropriate, a Commission-, state-, or USAC-provided subscriber certification form that complies with all the requirements of the Lifeline Order.

NTCH will comply with all conditions of its forbearance order as well as all other ETC obligations set out in the Commission's rules and Lifeline Order, when effective.

NTCH's complete compliance plan, including these revisions, is set out below.

I. Conditions of Forbearance

⁴ *Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42, FCC 12-11 (rel. Feb. 6, 2012) ("Lifeline Order").

The Commission conditioned its grant of forbearance to NTCH by:

- (1) requiring each eligible Lifeline consumer to self-certify under penalty of perjury at the time of enrollment and annually thereafter until a national duplicates database is in place that he or she is the head of household, receives Lifeline-supported service only from NTCH, and does not receive Lifeline from any other provider;
- (2) requiring each eligible Lifeline consumer at the time of enrollment to initial on the certification form that to the best of his or her knowledge that he or she is not receiving Lifeline-supported service from any other Lifeline provider, and listing as examples the brand names of at least the leading wireline and leading two wireless Lifeline providers in the area to ensure the consumer understands what is meant by “Lifeline-supported service”;
- (3) requiring NTCH to make available state-specific subscriber data, including name and address of Lifeline subscribers, to the Universal Service Administrative Company (USAC) and to each state public utilities commission where it operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;
- (4) requiring NTCH to assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- (5) requiring NTCH to establish safeguards to prevent their subscribers from receiving multiple Lifeline subsidies at the same address and safeguards to prevent individual subscribers from receiving more than one Lifeline discount;
- (6) requiring NTCH to implement a non-usage policy, if applicable, in all states where NTCH provides Lifeline services to subscribers at no monthly charge⁵, requiring NTCH to identify its subscribers that have not used its Lifeline service for 60 days and not seek support for such subscribers if they do not actively use its Lifeline service during a 30-day grace period;
- (7) requiring NTCH to deal directly with the subscriber to certify and verify the subscriber’s Lifeline eligibility;
- (8) requiring NTCH to explain in prominent, plain, easily comprehensible language to all new and potential subscribers that no consumer is permitted to receive more than one Lifeline subsidy;
- (9) requiring NTCH to ensure that all marketing materials for the service make clear that it is a Lifeline-supported service;

⁵ This obligation does not apply if NTCH requires subscribers to pay a monthly fee for the service.

- (10) requiring NTCH to immediately de-enroll any subscriber whom NTCH knows is receiving Lifeline-supported service from another ETC or knows is no longer eligible; and
- (11) requiring NTCH to submit to the Wireline Competition Bureau a compliance plan outlining the measures the carrier will take to implement the obligations contained in this order within 30 days of the effective date of this order.

III. Certification of Lifeline Customers' Eligibility

A. Policy

NTCH will comply with all eligibility certification and verification requirements for Lifeline eligibility established by states where it is designated as an ETC, as well as with the nationwide requirements set out in the Lifeline Order.

B. Certification Procedures

NTCH will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to NTCH employees or agents (collectively, "NTCH personnel"). These procedures are designed to ensure that NTCH customers do not, either intentionally or inadvertently, abuse the Lifeline program.

Marketing and pre-enrollment safeguards. As a safeguard to prevent subscribers from receiving multiple Lifeline subsidies at the same address and preventing individual subscribers from receiving more than one Lifeline discount,⁶ NTCH will make available at each NTCH retail location, and otherwise upon customer request, printed materials describing NTCH's Lifeline program, including eligibility requirements and instructions for enrollment. Similar information will be available on NTCH's website. These materials will explain in prominent, plain, and easily comprehensible language that the offering is a Lifeline-supported service;⁷ that only eligible consumers may enroll in the program; what documentation is necessary for enrollment;

⁶ NTCH Order, *supra* note 1, ¶ 15(5).

⁷ NTCH Order, *supra* note 1, ¶ 15(9).

and that the program is limited to one benefit per household, consisting of either wireline or wireless service.⁸ NTCH will also explain that Lifeline is a government benefit program, and 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.⁹

Eligibility verification. At enrollment, NTCH will deal directly with all subscribers to certify and verify subscribers' Lifeline eligibility, either in person through its employees, agents, or representatives or via the telephone (including facsimile or interactive voice response systems), website, or mail.¹⁰ All personnel who interact with existing or potential Lifeline subscribers will be trained to advise Lifeline applicants on whether or not they are eligible to participate, based on state-specific eligibility criteria, including income and program-based criteria. At the time of enrollment, either in the certification form or separately, NTCH will provide the applicant as examples of Lifeline service the brand names of at least the leading wireline and leading two wireless Lifeline providers in the area to ensure the consumer understands what is meant by "Lifeline-supported service."¹¹ NTCH personnel will be trained to answer any questions subscribers may have regarding eligibility.

In processing Lifeline applications, NTCH personnel will review any required documentation to determine whether it satisfies eligibility requirements. Alternatively, if a national or state eligibility or income database is available, NTCH will determine a prospective

⁸ NTCH Order, *supra* note 1, ¶ 15(8); Lifeline Order, *supra* note 4, ¶ 275.

⁹ NTCH Order, *supra* note 1, ¶ 15(5); Lifeline Order, *supra* note 4, ¶ 275.

¹⁰ NTCH Order, *supra* note 1, ¶ 15(7); Lifeline Order, *supra* note 4, ¶ 111.

¹¹ NTCH Order, *supra* note 1, ¶ 15(2).

subscriber's eligibility by accessing the database.¹² In addition, NTCH will require customers to make certifications concerning their eligibility for Lifeline when initially enrolling in the Lifeline program, including obtaining a signed certification from the customer (see "Lifeline Certification," below). If NTCH personnel determine that an applicant is not eligible, NTCH will deny the application and inform the applicant of the reason for denial. If NTCH personnel are not able to ascertain an applicant's eligibility, they will refer the matter to supervisory personnel.

Non-duplication. All NTCH marketing materials will state in clear, easily understood language that the Lifeline subsidy is limited to one benefit per household, consisting of either wireline or wireless service.¹³ In addition, NTCH's certification form will explain in plain, easily comprehensible language that Lifeline service is available for only one line per household;¹⁴

Upon receiving an application for Lifeline support, NTCH will check the national duplicates database, when available, to determine whether an individual at the applicant's residential address is currently receiving Lifeline-supported service.¹⁵ NTCH will also search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at that residential address.¹⁶ If NTCH or an applicant determines that he or she already receives Lifeline support from another carrier, NTCH will notify the applicant that he or she is not permitted by law to participate in NTCH's Lifeline services and will cease further processing

¹² Lifeline Order, *supra* note 4, ¶ 100.

¹³ NTCH Order, *supra* note 1, ¶ 15(5), (8); Lifeline Order, *supra* note 4, ¶ 275.

¹⁴ NTCH Order, *supra* note 1, ¶ 15(8); Lifeline Order, *supra* note 4, ¶ 120-21.

¹⁵ Lifeline Order, *supra* note 4, ¶ 78.

¹⁶ NTCH Order, *supra* note 1, ¶ 15(5); Lifeline Order, *supra* note 4, ¶ 78.

of the application until the issue is resolved.¹⁷ Prior to requesting a subsidy, NTCH will process and validate its subsidy data to prevent duplicative same-month Lifeline subsidies (i.e., “double-dipping”). Any household that is already receiving a Lifeline subsidy from NTCH will not receive a second Lifeline subsidy in that same month.¹⁸

Lifeline Certification form. To prevent duplication and ensure eligibility as outlined above, NTCH will have each Lifeline applicant complete a Lifeline Certification at the time of enrollment.¹⁹ The Lifeline Certification form will:

- a. Require the applicant to provide his or her name and primary residential address, as well as other identifying information, to enable NTCH to check for instances of duplicative support²⁰ and make state-specific subscriber data available to the USAC or the relevant state commission;²¹
- b. Clearly state that the service plan being applied for is Lifeline-supported.²²
- c. Explain, in prominent, plain, and easily comprehensible language, that Lifeline service is available for only one line per household;²³
- d. Require the Lifeline applicant to self-certify under penalty of perjury that he or she is the head of household, receives Lifeline-supported service only from NTCH, and does not receive Lifeline-supported service from any other provider;²⁴
- e. Require the Lifeline applicant to agree to notify NTCH if the applicant adds Lifeline on another phone (wireline or wireless) so that NTCH may discontinue his or her Lifeline credit;²⁵
- f. Require the Lifeline applicant to certify that he or she either participates in a qualifying state or federal program or meets the income qualifications to establish eligibility for Lifeline, has provided documentation of eligibility, if required to do

¹⁷ NTCH Order, *supra* note 1, ¶ 15(5).

¹⁸ NTCH Order, *supra* note 1, ¶ 15(4),(5),(10).

¹⁹ NTCH Order, *supra* note 1, ¶ 15(5); Lifeline Order, *supra* note 4, Appendix C.

²⁰ NTCH Order, *supra* note 1, ¶ 15(5).

²¹ NTCH Order, *supra* note 1, ¶ 15(3),(4).

²² NTCH Order, *supra* note 1, ¶ 15(9).

²³ NTCH Order, *supra* note 1, ¶ 15(8); Lifeline Order, *supra* note 4, ¶ 120-21.

²⁴ NTCH Order, *supra* note 1, ¶ 15(1),(2).

²⁵ Lifeline Order, *supra* note 4, Appendix C.

so; and agreeing to notify NTCH should he or she cease to participate in such program;²⁶

- g. Require the Lifeline applicant to acknowledge that he or she may be required to verify continued eligibility for Lifeline credit and that failure to do so will result in termination of Lifeline benefits;²⁷
- h. Require the Lifeline applicant to authorize NTCH to access any records required to verify the statements contained in the Lifeline Certification, to confirm eligibility, and to release any subscriber records required for administration of the Lifeline program, including to state or federal authorities;
- i. Require the Lifeline applicant to acknowledge that completion of the application does not constitute immediate approval for Lifeline benefits and that it may take up to 60 days for the credit to appear in the applicant's account;
- j. Include a certification section where the applicant must attest and sign under penalty of perjury that the representations above are true and correct.

4. Annual Recertification Procedures

Until the national duplicates database is in place, NTCH will require every consumer enrolled in its Lifeline program to verify annually that he or she is the head of his or her household and receives Lifeline service only from NTCH.²⁸ To do so, NTCH will notify each participating Lifeline consumer prior to their service anniversary date that they must confirm their continued eligibility in accordance with the applicable requirements. This notification may be mailed via the U.S. Postal Service to the address on record with NTCH, via an interactive voice response system, facsimile, or sent via SMS text message to the customer's NTCH telephone number.²⁹ The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact NTCH. Customers will have 60 days (30 days after effectiveness of the Lifeline Order) to certify under penalty of perjury that they are the head of household and receive Lifeline service only from NTCH, either

²⁶ NTCH Order, *supra* note 1, ¶ 15(7); Lifeline Order, *supra* note 4, Appendix C.

²⁷ Lifeline Order, *supra* note 4, Appendix C.

²⁸ NTCH Order, *supra* note 1, ¶ 15(1).

²⁹ Lifeline Order, *supra* note 4, ¶ 111.

by mail, reply text message, or a comparable process (such as through NTCH's website).

Anyone who does not respond to the mailing and certify their continued eligibility will be removed from NTCH's Lifeline program.³⁰

5. Non-Usage Policy

Because NTCH does not offer a Lifeline service at no monthly charge, condition (6), requiring a "non-usage" policy, does not apply to NTCH.³¹

6. Cooperation with state and federal regulators

NTCH will cooperate with federal and state regulators to prevent fraud, waste, and abuse in the Lifeline program by:

- a. Making available state-specific subscriber data, including names and addresses of Lifeline subscribers, to USAC for the national duplicates database, or, in states that opt out of the national database by demonstrating an equivalent in-state duplicates database, to the relevant state public utilities commission, for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;³²
- a. Assisting the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;³³
- b. Promptly investigating any notification that it receives from a state commission, the FCC, or USAC that one of its customers already receives Lifeline service from another carrier;³⁴ and
- c. Immediately deactivating a customer's Lifeline service, and no longer reporting that customer on its USAC Form 497, if NTCH's investigation, the FCC, or USAC concludes that the customer receives Lifeline services from

³⁰ NTCH Order, *supra* note 1, ¶ 15(10).

³¹ NTCH Order, *supra* note 1, ¶ 15(6), n.3.

³² NTCH Order, *supra* note 1, ¶ 15(3); Lifeline Order, *supra* note 4, ¶ 85.

³³ NTCH Order, *supra* note 1, ¶ 15(4).

³⁴ NTCH Order, *supra* note 1, ¶ 15(4).

another carrier and that the customer's Lifeline service from NTCH should be discontinued to resolve the duplication.³⁵

7. De-enrollment

NTCH will de-enroll any subscriber whom NTCH knows is receiving Lifeline-supported service from another ETC or knows is no longer eligible.³⁶ This information may be received from: (1) subscriber failure to reply to annual verification notices; (2) subscriber notification of a change in eligibility status; (3) subscriber notification of duplicative enrollment; (3) state or federal regulator notification of ineligibility or duplicative enrollment; or (4) NTCH's investigation or database checks as described herein.

NTCH submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's Order granting NTCH forbearance. Accordingly, NTCH respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,

NTCH, Inc.

By: /s/ Donald J. Evans
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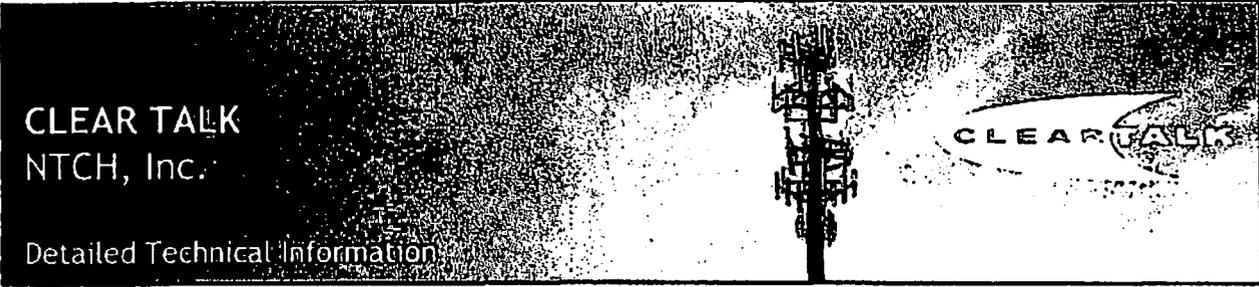
Its Counsel

March 2, 2012

³⁵ NTCH Order, *supra* note 1, ¶ 15(4),(10).

³⁶ NTCH Order, *supra* note 1, ¶ 15(10).

EXHIBIT B
TECHNICAL INFORMATION

The image shows a dark, textured background. On the left, the text 'CLEAR TALK' is written in a large, bold, sans-serif font, with 'NTCH, Inc.' below it in a smaller font. Below that, the text 'Detailed Technical Information' is written in a smaller font. On the right side, there is a silhouette of a tower with multiple antennas. To the right of the tower, the 'CLEAR TALK' logo is repeated in a stylized, circular format.

CLEAR TALK
NTCH, Inc.

Detailed Technical Information

DESIGN OVERVIEW

CLEAR TALK incorporates the very latest cutting-edge IP and wireless technology to enable delivery of best-in-class broadband and voice services. Our systems are designed using state-of-the art software provided by Pitney Bowes, Map Info Professional and Stimulus Telecom Data Pack (2000 Census data per NOFA) and Celplan Technologies (Reston,VA) in agreement with well established industry standards.

3G NETWORK

Connectivity on this network begins with a netbook computer and USB or PCMCIA access device (laptop/desktop computers), or a Smartphone with multiple features that include internet access. These devices communicate from fixed or mobile locations at less than 0.6 watts power over our 10 MHz of licensed AWS (1700-2100MHz) spectrum with antenna structure/cell sites that will utilize existing Tower space or locate on new Towers. The air interface standard is CDMA and specifically EVDO Rev. A for data. The antenna structures each have a base station for receiving and transmitting to these devices and microwave radios for delivering and receiving the accumulated traffic going through the base stations. The microwave network will operate primarily on licensed 18 GHz frequencies. The traffic aggregated at base stations and sent along the microwave network will be connected to a middle mile fiber provider for transport back to our hub locations. From this point the network traffic will travel on fiber through intermediate hub points where it will be further aggregated to eventually reach our switch core and internet access.

One of the key advantages of this technology is that user experience is the same for all the users when compared to individual networks stitched together with different requirements. Because of this, standardized training can be developed and each user can then become an effective teacher, thus increasing adoption. Our own internally developed software application platform will allow us to create interactive learning platforms and adapt our service to the needs of our customers and network.

The second big advantage is that the last mile service technology is mobile and the middle mile service is based on a technology that can reach out to the last mile high bandwidth users almost anywhere. This means normal users can access the internet on industry standard devices anywhere and anytime.

Next, there is the efficiency of the installation at the site with small, split architecture deployment. With our proposed technology solution, the amplifiers in an innovative way, are moved out of the cabinet and co-located with the antenna where they are connected using a short jumper and cooled by passive heat dispersal fins built into the enclosure. The microwave backhaul architecture, which uses all outdoor radios, is very similar. When connected with the latest high gain antennas this network uses a third less power and delivers a signal that we have shown in our Grand Junction, CO market to extend coverage by up to 5 miles (vs. traditional installation) at the same frequencies.

The last and one of the most important advantages is that these base stations incorporate the very latest

technology and utilize "Software Defined Radios" that allow different air interfaces to work through a single radio. Accordingly, these radios are available to extend the networks of the large carriers into these rural areas and are also ready for the next generation 4G standards (speeds up to 50 Mbps) without a base station replacement, by installing a new card into an existing slot and a software load (very cost effective upgrade- 1/5 the traditional path of hardware upgrade). All these will be tied back to a central location where other carriers can interconnect with this network.

In the same way described above this network can be implemented to deploy the 700 MHz public safety network that has been planned with the same card and software upgrade using a different set of amps and tower top antennas to accommodate this frequency. The backhaul network is obviously built to service this last mile network but will service multiple users.

BASE STATION / BROADBAND SOLUTION

Integrating the very latest (US owned and developed) EVDO Rev. A technology and cutting-edge engineering, Huawei's CDMA/EVDO Rev. A network offers robust, reliable, and technologically proven solutions with interoperability that is smoothly scalable, future proof, internationally applicable, and is supported by an integrated management system. This broadband system will allow NTCH, INC. (CLEAR TALK) to provide end-to-end fixed and mobile broadband solutions in the proposed service area. The Huawei EVDO Rev. A solution enables mass broadband access for fixed / portable / mobile broadband services such as high speed Internet access, corporate access, VoIP service and more.

Huawei Broadband products are based on an all IP platform bringing ultra high reliability and capacity. The system is comprised of a MSC-Pooled Soft Switch (CSoftX), Base Station Controller (BSC), Packet Data Serving Node (PDSN), Unified Media Gateway (UMG) Operations and Maintenance Controller (M2000) and the Base Stations (BTS).

The DBS3900 is a distributed base station that consists of a Base Band Unit (BBU) and one or more Remote Radio Units (RRUs). The BBU and the RRU are connected through optical fibers to assure low cable loss and high tolerance to noise. The DBS3900 features compact size, light weight, easy installation, and flexible coverage. The Remote Radio Unit (RRU) can be wall or pole-mounted, allowing for superior coverage capability when placed at the tower top.

The SoftSwitch Core Reduces investment, simplifies network architecture, and is scalable, flexible and future-oriented. This will allow CLEAR TALK to provide new services promptly and easily to All-IP Layered Architectures.

UMG: UMG8900 Media Gateway supports interworking between different bearer modes and conversion of service stream formats.

PDSN (Packet Data Serving Node) this equipment serves as the network exit point for data content to the internet.

M2000, Huawei's state of the art Maintenance and Operations center software and scalable platform, brings user friendly GUI interface and troubleshooting capability for seamless operation.

The Huawei EVDO Rev. A wireless broadband solution ensures users can access affordable and stable broadband Internet services, in areas that existing wired networks fail to cover. Additionally, this solution is fully portable using mobile applications, thus providing the same high quality service as wired counterparts.

MICROWAVE NETWORK

The microwave backhaul portion of the network is implemented in the design of a redundant ring topology, which provides a high degree of reliability through path redundancy. This high capacity backbone ring will provide a highly secure, highly scalable, self-healing network that is ideal for delivering exceptional broadband, voice and IP-based video services.

In a ring configuration, each node on a network is served by two independent microwave paths. The advantage of this scheme lies in the fact that if the performance of any single link is disabled or degraded, the traffic serving the node will be automatically re-routed over an available path, thus providing an exceptionally high degree of reliability and availability.

The proposed microwave solution is the TrangoLINK-Apex, manufactured in the United States by Trango Systems, Inc. TrangoLINK-Apex is an IP point-to-point digital radio frequency (RF) microwave system designed for network operators and service providers. The TrangoLINK Apex wireless digital system is capable of delivering symmetrical bandwidth connections up to 370+ Mbps full duplex on a single RF channel. The microwave backhaul network will operate primarily at 18 GHz. The Apex system offers complete carrier class functionality in compact, all outdoor design.

FEATURES AND BENEFITS OF TRANGOLINK-APEX SYSTEM

- Native Ethernet
- GigE
- Direct Fiber Connection
- Hitless Adaptive Modulation – the system automatically adjusts modulation to protect priority • traffic over the link affected by fading. The modulation is adaptable from QPSK to 256 QAM.
- 50 mS mesh / ring redundancy switchover (Rapid Port Shutdown feature)
- Trango radios feature comprehensive remote management interfaces including Telnet, SSH, HTTPS/HTTP, and SNMP built right into the radio, providing complete control over to the operator on its wireless network.

Distance, fresnel zone and multi-path signals ultimately decide the exact frequency, power and dish size that will be required for each link. Every link will be uniquely designed with a path calculation with no less than 99.999% uptime. QoS technologies will be heavily implemented to guarantee that voice and latency sensitive data is delivered in a timely basis.

IP NETWORK DESIGN

Underlying IP Networks will be designed using load balancing and fail-over redundancy techniques for maximum reliability. All IP Networks will be monitored via SNMP to ensure availability. Security of the networks will be provided via Firewalls and VPN devices to ensure encrypted access.

MONITORING AND MAINTENANCE

As stated, monitoring of all the base stations and the core network will be done via Huawei's M2000 software. Monitoring of IP networks and the microwave backhaul equipment will be done via SNMP. CLEAR TALK will employ on site and field staff for 24/7 monitoring and maintenance of these networks.

EXHIBIT C

MAP OF NTCH'S CURRENT COVERAGE AREAS IN TENNESSEE

AND ILEC STUDY AREA/CLLI CODES

Current Cities List EXTENDED COVERAGE



MEMPHIS, TN
 KNOXVILLE, TN
 FAYETTEVILLE, AR
 FORT SMITH, AR
 JONESBORO, AR
 PINE BLUFF, AR
 PHOENIX, AR
 TUSCON, AZ
 BAKERSFIELD, CA
 FRESNO, CA
 LOS ANGELES, CA
 MODESTO/MERCED, CA
 SACRAMENTO, CA
 SAN DIEGO, CA
 SAN FRANCISCO, CA
 VISALIA, CA
 COLORADO SPRINGS, CO
 DENVER, CO
 FORT COLLINS/GREELEY, CO
 PUEBLO, CO
 DAYTONA, FL
 GAINESVILLE, FL
 JACKSONVILLE, FL
 LAKELAND, FL
 MELBOURNE, FL
 MIAMI, FL
 Ocala, FL
 ORLANDO, FL
 SARASOTA, FL
 TAMPA, FL
 ATLANTA, GA
 COLUMBUS, GA
 MACON, GA
 SAVANNAH, GA
 BOISE, ID
 WICHITA, KS

NASHVILLE, TN
 CHATTANOOGA, TN
 LEXINGTON, KY
 LOUISVILLE, KY
 DETROIT, MI
 KANSAS CITY, MO
 BURLINGTON, NC
 CHARLOTTE, NC
 RALEIGH, DURHAM, NC
 LINCOLN, NE
 OMAHA, NE
 ALBUQUERQUE, NM
 LAS CRUCES, NM
 SANTA FE, NM
 RENO, NV
 BUFFALO, NY
 ROCHESTER, NY
 SYRACUSE, NY
 CINCINNATI, OH
 DAYTON, OH
 TULSA, OK
 EUGENE, OR
 PORTLAND, OR
 SALEM, OR
 PITTSBURGH, PA
 CHARLESTON, SC
 AUSTIN, TX
 BRYAN, TX
 DALLAS, TX
 EAGLE PASS, TX
 EL PASO, TX
 HOUSTON, TX
 SAN ANTONIO, TX
 TEMPLE, TX
 SALT LAKE CITY, UT
 SPOKANE, WA



WIRELESS INTERNET ZONE
 Requires a ClearTalk Wireless Internet Aircard



NASHVILLE AREA
 and MORE EXTENDED COVERAGE CITIES

VOICE & TEXT COVERAGE AREA

Coverage and active features within coverage subject to availability, new and refurbished models available, warranty terms vary, terms and use conditions apply, ask for details. Web site contains all terms and conditions, details and more at www.cleartalkwireless.net

NORTH CAROLINA:

CLLI CODES:

ABBGNCXA
ABRDNCXA
ACMENCMA
APEXNCCE
ATSNNCMA
BISCNCXA
BLBONCXA
BNNTNCXA
BONLNCXA
BRWYNCXA
CARYNCCE
CKTNNCXA
CLMBNCXA
CLRGNCXA
CNDRNCXA
COHRNCXA
CPHLNCRO
CRTHNCXA
CYCKNCXA
DRHMNCXE
DUNNNCXA
EZTWNCXA
FAMTNCMA
FQVRNCXA
FYVLNCXA
FYVLNCXB
FYVLNCXD
FYVLNCXF
FYVLNCXG
GBSNNCMA
GLDSNCXA
GRCKNCXA
GRLDNCXA
HGHFNCXA
HNVLNCCH
HRLSNCXA
KLLYNCXA
LBRTNCXA
LKLRNCCE

LMTNNCMA
LRBGNCMA
LRHLNCXA
LSBNNCXA
MXTNNCXA
OLIVNCXA
PKTNNCXA
PMBRNCCE
PNBLNCXA
PNHRNCXA
PTBONCXA
RAFDNCXA
RBNSNCXA
RCHMNCMA
RDSPNCXA
RTTNNCCE
RWLDNCMA
SALDNCXA
SEGVNCXA
SLCYNCXA
SNFRNCXA
SORVNCXA
SPNSNCXA
STPLNCXA
TRYNNCXA
VASSNCXA
WENDNCXB
WGRMNCXA
WHOKNCXA
WHPNNCXA

TENNESSEE:

STUDY AREAS:

Bellsouth Telecommunications, Inc. d/b/a South Central Bell	295185
West Tennessee Telephone Company, Inc.	290583
Crockett Telephone Company, Inc.	290561
Citizens Communications Company d/b/a Frontier Communications of Tennessee	290582 294336
West Kentucky Rural Telephone Cooperative, Inc.	290598
Tennessee Telephone Company	290575
Century Telephone of Adamsville, Inc.	290552 290557

EXHIBIT D

**STATEMENTS OF NON-JURISDICTION FROM THE STATE COMMISSIONS OF
NORTH CAROLINA AND TENNESSEE**

**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 from the definition of "public utility." See, G.S. 62-3(23)). 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)), 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, Deputy Clerk

pb082503.01

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

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

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.

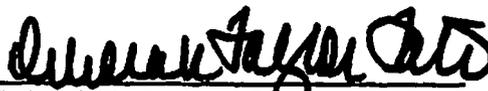
As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation 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.")

EXHIBIT E

BASIC TELEPHONY SERVICE PLAN



CLEAR TALK wireless

NO ONE BEATS THE VALUE OF CLEAR TALK WIRELESS!



only \$29.95 PER MONTH



Taxes and standard fees are in addition to the basic plan rate(s)

EXHIBIT F

SAMPLE CUSTOMER CERTIFICATION FORM

ClearTalk Lifeline Discount

Application

[State]

Lifeline is a federal government assistance program that provides eligible individuals a monthly discount on their phone bill. Under ClearTalk's Lifeline Discount plan, eligible customers will receive a \$10 discount each month on their ClearTalk wireless phone bill.

Important Information about Lifeline:

- You may qualify for a Lifeline discount if you receive low income benefits under certain state or federal assistance programs or if your total household income is below 135% of the federal poverty guidelines.
- Only one Lifeline service is available per household. A household is defined, for the 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 is not permitted to receive Lifeline benefits from multiple providers.
- The ClearTalk Lifeline Discount only applies to ClearTalk's wireless phone service; it is not currently available for our Wireless 3G Internet Service.

Applicant Information:

First Name: _____ MI: _____ Last Name: _____

Residence Street Address (No P.O. boxes, must be your principal address):

_____ Apt #: _____

City: _____ State: _____ ZIP Code: _____

This address [] is [] is not occupied by multiple households. If occupied by multiple households, please certify by initialing:

_____ I share an address with other adults who do not contribute income to my household or share in my household's expenses.

Billing Address (can be P.O. box) (if different):

_____ Apt #: _____

City: _____ State: _____ ZIP Code: _____

This address is Permanent ____ Temporary ____.

(If temporary, you will be required to verify the address every 90 days.)

Applicant Eligibility:

You may qualify for the ClearTalk Lifeline Credit in one of two ways. First, you may qualify if you or another person in your household is enrolled in at least one of the public assistance programs listed below. Alternatively, you may qualify if your household’s total gross income is at or below the income limits listed below. In either case, proof of program enrollment or income is required. ClearTalk will not retain this documentation; it is for review purposes only.

Method 1: Program-Based Eligibility	Method 2: Income-Based Eligibility (for 2012)
<p><u>Step 1—Check name of qualifying program:</u></p> <p><input type="checkbox"/> Medicaid</p> <p><input type="checkbox"/> SNAP/Food Stamps (Supplemental Nutrition Assistance Program)</p> <p><input type="checkbox"/> SSI (Supplemental Security Income)</p> <p><input type="checkbox"/> Section 8 (Federal Public Housing Assistance)</p> <p><input type="checkbox"/> LIHEAP (Low-Income Home Energy Assistance Program)</p> <p><input type="checkbox"/> NSLP (National School Lunch Program; free lunch program only)</p> <p><input type="checkbox"/> TANF (Temporary Assistance for Needy Families)</p> <p><u>Step 2—Provide one of the following documents:</u></p> <p><input type="checkbox"/> Benefit card or documentation from qualifying program</p> <p><input type="checkbox"/> Notice or letter of participation in a qualifying program</p> <p><input type="checkbox"/> Official document demonstrating that the Lifeline applicant, or one of the applicant’s dependents or household members, benefits from a qualifying program</p> <p><input type="checkbox"/> Statement of benefits (current or prior year) from the qualifying program</p>	<p><u>Step 1—Check annual income amount:</u></p> <p><input type="checkbox"/> One person household: Less than \$15,080</p> <p><input type="checkbox"/> Two person household: Less than \$20,426</p> <p><input type="checkbox"/> Three person household: Less than \$25,722</p> <p><input type="checkbox"/> Four person household: Less than \$31,118</p> <p><input type="checkbox"/> Five person household: Less than \$36,464</p> <p><input type="checkbox"/> Six person household: Less than \$41,810</p> <p><input type="checkbox"/> Seven person household: Less than \$52,502</p> <p><input type="checkbox"/> Eight person household: Less than \$52,502</p> <p><input type="checkbox"/> More than eight person household: Less than \$52,502 plus \$5,346 for each additional household member.</p> <p>For more information on the federal poverty guidelines, see http://aspe.hhs.gov/poverty/.</p> <p><u>Step 2—Provide one of the following documents:</u></p> <p><input type="checkbox"/> Pay stubs (3 consecutive months within the previous 12 months)</p> <p><input type="checkbox"/> Current income statement or W-2 from an employer</p> <p><input type="checkbox"/> Income tax return (state or federal)</p> <p><input type="checkbox"/> Unemployment/Workers’ Compensation statement of benefits</p> <p><input type="checkbox"/> Social Security, Veterans Administration, or retirement/pension statement of benefits</p> <p><input type="checkbox"/> Any other legal document that shows current income (such as divorce decree or child support documents)</p> <p>NOTE: if documentation does not cover a whole year, provide three consecutive months’ worth of the same document.</p>

Applicant Certification

Please acknowledge your agreement by initialing every line below and signing the application:

_____ I understand that completion of this application does not constitute immediate approval for the ClearTalk Lifeline Discount. It may take up to 30 days for the credit to appear on my account.

_____ I authorize ClearTalk to access any records required to verify my statements herein and to confirm my eligibility for the ClearTalk Lifeline Discount. I also authorize ClearTalk to release any records as required for the administration of the ClearTalk Lifeline Discount program (such as to the Universal Service Administrative Company).

_____ I receive Lifeline-supported service only from ClearTalk and to the best of my knowledge no one else in my household receives a Lifeline-supported service. An example of a landline Lifeline provider would be [insert brand name] and an example of another wireless Lifeline provider would be [insert brand name].

_____ I understand that violation of the one-per-household limitation constitutes a violation of the rules and will result in de-enrollment from the program.

_____ I understand that the ClearTalk Lifeline Discount is only available for one residential phone line per household (either landline or wireless but not both). 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.

_____ I will notify ClearTalk within 30 days if I no longer meet the criteria for receiving Lifeline (*i.e.* cease to participate in a qualifying program, exceed the qualifying household income threshold, receive more than one Lifeline-supported service, or a member of my household receives another Lifeline service.) I understand this notification requirement and that I may be subject to penalties if I fail to follow this requirement.

_____ If I move, I will provide my new address to ClearTalk within 30 days. Additionally, if I have provided a temporary address, I will verify my temporary residential address every 90 days.

_____ I understand that I may not transfer my ClearTalk Lifeline Discount to any other person, including another eligible low-income consumer.

_____ I understand that I may be required to re-certify my continued eligibility for the ClearTalk Lifeline Credit at any time and that failure to do so will result in de-enrollment and termination of the ClearTalk Lifeline Discount.

_____ I understand that Lifeline is a federal benefit and willfully making false statement or providing false or fraudulent documents to obtain the benefit is punishable by law and can result in fines, imprisonment, de-enrollment, or being barred from the program.

By signing below, I certify under penalty of perjury that all the information contained in this application is true and correct and that I meet the income-based or program-based eligibility criteria for the ClearTalk Lifeline Discount.

APPLICANT SIGNATURE _____
Date of Signature _____ Date of Birth _____
Last 4 Digits of Social Security Number _____

FOR CLERTALK OFFICE USE ONLY (all fields must be completed):

Subscriber Last Name	_____
MDN	_____
Account Number	_____
New Customer	_____ Yes _____ No
Activation Date	_____
Verification of State/Federal Picture ID	_____ Yes _____ No
Date Application Submitted to ClearTalk	_____

Document(s) used to verify eligibility:

Method 1:

- _____ Medicaid
- _____ SNAP/Food Stamps (Supplemental Nutrition Assistance Program)
- _____ SSI (Supplemental Security Income)
- _____ Section 8 (Federal Public Housing Assistance)
- _____ LIHEAP (Low-Income Home Energy Assistance Program)
- _____ NSLP (National School Lunch Program; free lunch program only)
- _____ TANF (Temporary Assistance for Needy Families)

Method 2:

- _____ Pay stubs (3 consecutive months within the previous 12 months)
- _____ Current income statement or W-2 from an employer
- _____ Income tax return (state or federal)
- _____ Unemployment/Workers' Compensation statement of benefits
- _____ Social Security, Veterans Administration, or retirement/pension statement of benefits
- _____ Any other legal document that shows current income (such as divorce decree or child support documents)

I hereby attest that the supporting documentation was presented and verified.

Company Representative (please print)	_____
Signature	_____
Title	_____
Date	_____

EXHIBIT G
ENROLLMENT
EMPLOYEE TRAINING
RECERTIFICATION

1. LIFELINE CUSTOMER ENROLLMENT PROCESS

NTCH will implement procedures to ensure compliance with the Commission's rules during every step of the Lifeline customer enrollment process, as follows. First, as set out in NTCH's Compliance Plan, marketing and pre-enrollment safeguards will provide potential customers with essential information describing NTCH's Lifeline service. This information may also be provided in the ClearTalk Lifeline Discount Application form (in substantially the form included in Exhibit F hereto) either in person, electronically, or through the mail. New Lifeline customers will be enrolled only by NTCH employees and agents (collectively, "employees"), at NTCH's retail locations. At this time, Lifeline customers will not be enrolled online or by phone.

Customers who wish to enroll in NTCH's Lifeline service will be asked to bring any required documentation to a retail location to meet with a Lifeline-trained NTCH employee (see "Employee Training," below). Customers may fill in the ClearTalk Lifeline Discount Application in advance, although NTCH employees will still go over each requirement in person at the point of sale. The NTCH employee will review the Application with the customer on a section-by-section basis and answer any questions about the Lifeline program that customer may have. If an employee is not able to answer a question, he or she will refer the issue to NTCH management personnel for resolution. In the course of the Lifeline interview, the sales agent will inquire whether the prospective customer has subscribed to telecommunications services offered by at least two other leading Lifeline service brands in the market, identified by name.

After reviewing the Application, customers will initial the Application where indicated to confirm understanding of the Lifeline rules and compliance with those rules. Customers will also present any required documentation. As a final step, NTCH employees will complete a "ClearTalk Office Use Only" portion of the Application to record that the necessary

documentation has been reviewed and specify what documentation was presented. This will permit later confirmation of the basis for the Lifeline eligibility determination. The ClearTalk Lifeline Discount Application will be kept on file after enrollment. Any documents used to verify eligibility will be returned to the customer after review.

2. EMPLOYEE TRAINING

NTCH will conduct a robust employee Lifeline training program, including instruction on communicating the rules of the Lifeline program to customers as well as ensuring internal compliance with all applicable requirements. No NTCH employee will process a Lifeline application until he or she has first completed NTCH's Lifeline training program and demonstrated understanding of the material to the program instructor. NTCH will also require that employees of its sales agents have undergone either NTCH's training program or a program at least as rigorous.

NTCH's Lifeline training curriculum will include comprehensive coverage of the FCC's customer eligibility rules, including an overview of the qualifying public assistance programs and the income eligibility cutoffs. NTCH employees will become thoroughly familiar with the ClearTalk Lifeline Discount Application form (included at Exhibit F) and will use it as a reference during training, marketing, and customer enrollment. NTCH will not use a script for Lifeline enrollment; rather, employees will use the ClearTalk Lifeline Discount Application as a guideline for describing the program to new or potential customers. Employees will verbally review each section of the ClearTalk Lifeline Discount Application form with customers as part of the enrollment process to ensure that each essential aspect of the plan is covered. The Application form will thus serve as a checklist for the sales agent to be sure that each

eligibility element has been explained, considered and confirmed before the process is completed.

In addition to ensuring appropriate completion of the customer portion of the ClearTalk Lifeline Discount Application, NTCH employees will learn how to fill out the “ClearTalk Office Use Only” section to ensure that the necessary documentation has been reviewed and Lifeline eligibility confirmed. Employees will become familiar with the procedures for filing the ClearTalk Lifeline Discount Application in NTCH’s internal record-keeping system for future review of customer non-duplication, eligibility verification, address updates, and other administrative and program compliance purposes. Customers will be provided with a copy of the ClearTalk Lifeline Discount Application upon enrollment in the program for their records.

Employee training will include fielding simulated questions from applicants. To further ensure that the information has been understood and retained, a test will be conducted at the end of the training period.

NTCH has already begun planning and organizing the training program with the object of having its personnel fully trained and prepared to begin offering Lifeline service in compliance with the Commission’s rules immediately after the ETC designation is granted.

3. RECERTIFICATION

NTCH is committed to full future compliance with the Commission’s rules and procedures. Toward that end, NTCH will examine how best to re-certify the continued eligibility of its customers by contacting them in one of the ways permitted by the Rules: in person, in writing, by phone, by text message, by email, or otherwise through the Internet. NTCH intends to re-certify customer eligibility through federal or state eligibility databases when they become available. If an eligibility database is used, NTCH will record the database check, including

which database was used and what date it was accessed. Otherwise, customers will be able to recertify continued eligibility for Lifeline support in one of several ways: in person, through online or text message Q&A's, or by phone, mail, or fax.

Finally, NTCH will follow the required procedures for de-enrolling any customers who do not respond to its eligibility verification surveys.

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

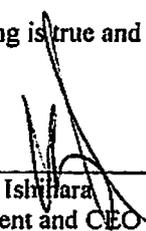
In the Matter of)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	
)	WC Docket No. 09-197
NTCH, INC.)	
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier in the)	
States of North Carolina and Tennessee)	

Certification

The undersigned, Glenn Ishihara, does hereby certify, on behalf of NTCH, Inc., WGH Communications, Inc. and NTCH-West Tenn, Inc. (collectively, "NTCH"), as follows:

1. I serve as President and CEO of NTCH, Inc.
2. This Certification is submitted in support of the Amended Petition of NTCH for Designation as an Eligible Telecommunications Carrier in the States of North Carolina and Tennessee.
3. I certify that NTCH is not subject to the jurisdiction of the North Carolina Utilities Commission or the Tennessee Regulatory Authority.
4. I certify that NTCH offers, or intends to offer, all of the services designated for support by the Commission pursuant to section 254(c), either using its own facilities or a combination of its facilities and resale of another carrier's services.
5. I certify that in NTCH advertises, or will advertise, the availability of the supported services and the charges therefor using media of general distribution.
6. I certify that NTCH will comply with the service requirements applicable to the support that it receives.
7. I certify that, to the best of my knowledge, NTCH, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of NTCH as specified in section 1.2002(b) of the Commission's rules, is not subject to a denial of federal benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

8. I have reviewed the Amended Petition and the facts stated therein, of which I have personal knowledge, are true and correct to the best of my knowledge and belief.
9. I certify under penalty of perjury that the foregoing is true and correct.



Glenn Ishihara
President and CEO of NTCH, Inc.

July 13, 2012