

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

WC Docket No. 09-197

Telecommunications Carriers Eligible to
Receive Universal Service Support

Petition for Limited Designation as an Eligible
Telecommunications Carrier in the States of
Alabama, Connecticut, Delaware, New
Hampshire, North Carolina, New York,
Tennessee, the Commonwealth of Virginia,
Florida and the District of Columbia

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

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SUMMARY

Airvoice Wireless, LLC (“Airvoice”) is seeking limited designation as an Eligible Telecommunications Carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, Florida and the District of Columbia (collectively the “Non-Jurisdictional States”) pursuant to Section 214(e)(6)¹ of the Communications Act of 1934, as amended (the “Act”), solely for purposes of offering Lifeline services supported by the Universal Service Fund's (“USF”) Low-Income program. Airvoice is a Mobile Virtual Network Operator (“MVNO”) that purchases wireless service on a wholesale basis from AT&T. The Commission may issue ETC designations for entities not subject to the jurisdiction of a state commission, and the Non-Jurisdictional States have each 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 necessary authority to designate Airvoice as an ETC in the Non-Jurisdictional States.

Airvoice meets all of the necessary requirements under Section 214(e) (1) for the limited ETC designation requested herein except that it does not own its facilities. Section 214(e)(1)(A) of the Act requires an ETC to offer USF-supported services over its own facilities or a combination of its own facilities and the resale of another carrier's services. Airvoice was granted forbearance from enforcement of this requirement by the Commission on January 31, 2012.² Through its contracts with underlying carriers, Airvoice 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

¹ See 47 U.S.C. § 214(e)(6).

² See *Lifeline and Link Up Reform and Modernization*, 27 FCC Rcd 6656 (2012).

Commission's rules.³ Airvoice respectfully requests that the Commission promptly approve the instant request for limited ETC designation to enable Airvoice to rapidly provide Lifeline services to qualifying customers in the Non-Jurisdictional States.

Designating Airvoice 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 or intermittent employment. Airvoice's prepaid service offerings are ideally suited to provide these customers, who are among the intended beneficiaries of USF support, with reliable wireless services. Airvoice's ETC designation will specifically serve the public interest because of: (1) the aggressive pricing plans that Airvoice will provide (see Exhibit A), (2) additional products and services to be offered to the public, and (3) Airvoice's unique distribution channels via relationships with small retail stores in low-income neighborhoods that will permit customers to obtain service, phones, and refill minutes without traveling outside their neighborhoods or using a computer. Airvoice will also distribute services through the Internet and community outreach programs.

ETC designation for Lifeline service is consistent with precedent and will serve the public interest, and should be granted without delay.

³ See 47 C.F.R. § 54.101(a).

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I. INTRODUCTION

Airvoice Wireless, LLC (“Airvoice” 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 (“Commission” or “FCC”), hereby requests limited designation as an eligible telecommunications carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, Florida and the District of Columbia (collectively the “Non-

Jurisdictional States”).⁴ Airvoice 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 High-Cost program.

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 New Hampshire Public Utilities Commission, the North Carolina Utilities Commission, the New York Public Service Commission, the Tennessee Regulatory Authority, the Florida Public Service Commission, the Public Service Commission of the District of Columbia, and the Virginia State Corporation Commission (collectively, the “State Commissions”) lack jurisdiction to consider Airvoice's request for designation as an ETC, the Commission, under Section 214(e)(6) of the Act, has the necessary jurisdictional authority to consider and grant this request.⁵ As more fully described below, Airvoice satisfies the requirements for designation as an ETC in the Non-Jurisdictional States 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 Airvoice’s request therefore will promote the public interest by providing customers in the Non-Jurisdictional States with high quality wireless services through innovative distribution channels.

II. BACKGROUND

A. Airvoice Overview

Airvoice provides prepaid nationwide wireless telecommunications services to consumers by using the AT&T wireless network. AT&T’s a nationwide carrier that provides wholesale capacity on its wireless network to wireless resellers like Airvoice. Pursuant to an

⁴ See 47 U.S.C. §214 (e) (6) and 47 C.F.R. § 54.201.

⁵ See 47 U.S.C. §214 (e) (6).

existing Mobile Virtual Network Operator (“MVNO”) agreement, Airvoice obtains from AT&T the network infrastructure and wireless transmission facilities that allow Airvoice to operate as a MVNO, in the same fashion as TracFone and Virgin Mobile, who have both been granted ETC status by the Commission.⁶ Once granted its ETC designation, Airvoice will bundle voice and text services with an approved and compliant Airvoice handset selections, mobile applications, ETC certification materials, marketing materials, web interface, and customer service to provide services to Lifeline qualifying end-user customers.

Prepaid wireless services that are easy to use are attractive to lower-income consumers, providing them with access to emergency services and a reliable means of communication that can be used both at home and while traveling. By providing wireless plans and quality customer service to consumers who are otherwise unable to afford them, or were previously ignored by traditional carriers, Airvoice will expand the availability of wireless services to many more consumers.

Airvoice will offer simple prepaid calling plans, a variety of additional features, basic easy-to-use handsets, upgraded full feature handsets and high-quality customer service.

Airvoice has established itself as a leader in the non-Lifeline prepaid market and intends to be a leader in the Lifeline prepaid marketplace by offering Lifeline consumers the same exceptional value that it offers to its non-Lifeline customers. Attached hereto as Exhibit A is a table of

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.

Airvoice's rate plans showing that Airvoice will provide customers with 250 free minutes and a free handset, or a purchased upgraded handset in its Lifeline service offering. In addition to free voice services, Lifeline customers will have access to features at no additional charge, including voice mail, Caller I.D. and call waiting services. Airvoice will also offer texting service as a component of minutes available for use. In the future, Airvoice intends to offer supplemental data access plans. Airvoice anticipates that as the marketplace changes it will modify minute and pricing plans, but will remain committed to offering its customers the most competitive and reliable service available.

Though Airvoice's Lifeline service offering will be the default plan for Lifeline customers, subscribers will have the option to apply the Lifeline discount toward any service plan currently offered by Airvoice. As demonstrated in Exhibit A, Airvoice's Lifeline service offering will provide feature-rich mobile connectivity for qualifying subscribers *at no cost to the subscriber*, as well as a variety of rate plans that are comparable in minutes and features to those available to non-Lifeline and post-paid wireless subscribers. Airvoice's Lifeline offerings for qualifying customers will be an attractive alternative for those who need the mobility, security, and convenience of a wireless phone, but are unable to qualify for a post-paid wireless subscription or who cannot afford a traditional prepaid wireless plan.

Low-income consumers will further benefit from Airvoice's unique distribution network that allows customers access to Airvoice phones and services at local stores in neighborhoods where many Lifeline-eligible customers reside, over the telephone through Airvoice customer service and automated IVR, or through the Internet. Airvoice has existing relationships with over 5,000 neighborhood retailers across the United States. This innovative distribution model is more practical and convenient for potential Lifeline customers because it allows customers to

obtain phones, service, and minutes without the expense and trouble of traveling to retail locations outside their neighborhoods or the need to have Internet access. Airvoice's distribution system will therefore advance the Commission's goals of increasing awareness of, and participation in, the Lifeline program.

B. Lifeline Program

Universal service has been a fundamental component of U.S. telecommunications policy since adoption of the Act 78 years ago. Section 254 of the Act describes the Commission's commitment to the concept of universal service, particularly for low-income consumers. Additionally, 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 The Low-Income program was designed to assist low-income individuals obtain quality telecommunications services through the Lifeline and Link-Up programs. Lifeline support helps defray the monthly costs of telecommunications services for lower-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 the low Lifeline participation rate as one area for

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 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.

improvement.⁹ Commission concerns regarding the underutilization of the Lifeline program has existed since its inception. According to the most recent estimates issued by the USAC in 2010, only five (5) states had more than 50 percent of eligible low-income households subscribe to the program, while almost half the states had a participation rate of less than 20 percent.¹⁰ To increase awareness of the program, the Commission has expanded the qualifying criteria and adopted broader outreach guidelines which require carriers to improve their advertising efforts regarding the availability of Lifeline services. Through these actions, the Commission has sought to increase Lifeline participation because “improved participation in the Lifeline program...would increase telephone subscribership and/or make rates more affordable for low-income households.”¹¹

III. THE COMMISSION HAS AUTHORITY TO PERFORM THE ETC DESIGNATION

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support.”¹² The Act reserves the authority to designate entities as ETCs to state public utility commissions (“PUCs”). Pursuant to Section 214(e) (6), however, the Commission may designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission.”¹³ The Commission has established that a carrier must demonstrate that it “is not subject to the jurisdiction of a state commission” before it may

⁹ See *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Red 8302, 8305 f1 (2004) (“*Lifeline Order*”). According to the Commission’s own statistics, only one-third of households eligible for Lifeline assistance actually participated in the program just a few years ago. *Id.*

¹⁰ Information available at: <http://www.usac.org/li/about/getting-started/participation-rate.aspx>.

¹¹ *Lifeline Order*, 19 FCC Red at 8312 (2004).

¹² 47 U.S.C. § 254(e).

¹³ 47 C.F.R. § 214(e) (6).

consider an application for ETC designation.¹⁴ 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.”¹⁵

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 letter is attached as Exhibit B.

b) The Department of Public Utility Control of Connecticut has affirmatively responded several times over the last two years stating that: “The department does not regulate or license mobile carrier services' rates and charges . . .” Therefore, a carrier should apply to the Federal Communications Commission for purposes of being designated an ETC. Attached in Exhibit C is a docketed letter dated December 9, 2011 indicating this fact.

c) The Delaware Public Service Commission has provided an order clarifying that it lacks jurisdiction to entertain Airvoice’s ETC petition. The order is attached as Exhibit D.

d) The District of Columbia Public Service Commission has provided a letter and order clarifying that it lacks jurisdiction to entertain Airvoice’s ETC petition. The order is attached as Exhibit E.

e) The New Hampshire Public Utilities Commission has provided an order clarifying that it lacks jurisdiction to entertain Airvoice’s ETC petition. The New Hampshire statute RSA 362:6 is attached as Exhibit F.

¹⁴ *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).

¹⁵ *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 (2000).

f) The New York Public Service Commission has stated in Section 5: Jurisdiction, Powers, and Duties of Public Service Commission, under (6)(a) the New York Public Service Commission 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 the provisions of this chapter shall cease to the extent found necessary to protect the public interest.”

The docketed letter is attached as Exhibit G.

g) 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 and letter is attached as Exhibit H.

h) 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 Exhibit I.

i) The Virginia State 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 Letter and Order is attached as Exhibit J.

j) The Florida Public Service Commission has concluded that it lacks jurisdiction of CMRS and ETC status. The Florida Public Service Commission Order Docket No. 364.001 is attached as Exhibit K.

As such, for each of the Non-Jurisdictional States, Airvoice requests that the Commission exercise its authority under Section 214(e) (6) and determine that Airvoice is “a common carrier providing telephone exchange service and exchange access that is not subject to Jurisdiction of a State commission.”¹⁶ Accordingly, the Commission is authorized to designate Airvoice as an ETC.

IV. AIRVOICE REQUESTS ETC DESIGNATION IN THE NON-JURISDICTIONAL STATES FOR PARTICIPATION IN THE LIFELINE PROGRAM

A. Airvoice Requests ETC Designation in Service Areas of the Non-Jurisdictional States.

Airvoice requests ETC designation of service areas in Alabama, Connecticut, Delaware, District of Columbia, New Hampshire, North Carolina, New York, Tennessee, Florida and Virginia (Airvoice’s service area is defined as the area served by the facilities-based carrier from whom it obtains wholesale service: AT&T). Airvoice understands that its requested service areas may overlap 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. Airvoice’s Limited ETC Designation Request to participate in the Lifeline Program

Airvoice requests ETC designation in the Non-Jurisdictional States for the sole purpose of participating in the Lifeline program. Airvoice does not seek eligibility to receive support from the Link-up program or the High-Cost support program. 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 low-income customers in the Non-Jurisdictional States. As discussed above,

¹⁶ 47 U.S.C. § 214(e) (6).

Airvoice's Lifeline service offerings will include many features specifically designed for qualifying low-income customers, many of whom currently lack appealing and affordable options for wireless services and are unable to subscribe to wireless services.

C. The Limited Designation Request is Consistent with Recent Precedent

Airvoice's request for designation to participate in the Lifeline program is consistent with the Commission's recent decisions conditionally designating i-Wireless, LLC and Cricket Communications, Inc. as ETCs in several states.¹⁷ As noted in the *i-Wireless Order*, 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.¹⁸

Airvoice requests that the Commission move expeditiously to process this Petition so that it can begin providing qualifying low-income customers with affordable USF-supported wireless services. Designation of prepaid wireless providers like Airvoice as ETCs is a significant step towards ensuring that all low-income customers share in the many benefits associated with access to affordable wireless telecommunications services. Designation of ETC status to prepaid wireless carriers like Airvoice should help to close the increasing gap for wireless services provided to low-income customers.

V. AIRVOICE 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 and that they will offer all of the services supported by universal service either through using their own facilities or a combination

¹⁷ See *Telecommunications Carriers Eligible for Universal Service Support*, 27 FCC Rcd 6263 (2012) (“*i-Wireless Order*”).

¹⁸ *Id.* at 6271.

of their own facilities, and the resale of another carrier's services. Additionally, applicants must commit to advertising the availability and rates of such services.¹⁹ The following details demonstrate how Airvoice satisfies each of these requirements.

A. Airvoice is a Common Carrier

CMRS resellers like Airvoice are treated as common carriers for regulatory purposes.²⁰

B. Airvoice Will Provide Supported Services

As described above, Airvoice purchases wireless network services on a wholesale basis from AT&T via an MVNO agreement. On October 11, 2011, Airvoice filed a Petition for Forbearance from application of Section 214(e) (1) (A) of the Act that requires ETCs to offer USF-supported services either using their own facilities or a combination of their own facilities and the resale of another carrier's services. In an Order effective January 31, 2012, the FCC granted Airvoice's petition for forbearance for purposes of participating in the Lifeline program.²¹ In the *Airvoice Forbearance Order*, the FCC concluded that forbearance from the facilities-based provision would benefit customers, given the importance of public safety and in light of the fact that a Lifeline ETC is generally a low-income customer's only connection to the public switched telephone network.²² The Commission further explained that "requiring a Lifeline provider to own the facilities it uses to offer service does not necessarily further the statutory goal of the low-income program."²³ Therefore, Airvoice is eligible to be designated as an ETC for purposes of participation in the USF Lifeline program. The FCC also required

¹⁹ See 47 U.S.C. § 214(e) (1) and 47 C.F.R. § 54.201(d) (2).

²⁰ See *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).

²¹ See *Lifeline and Link Up Reform and Modernization*, 27 FCC Rcd 6656 (2012) (*Airvoice Forbearance Order*) (attached hereto as Exhibit L).

²² *Id.*

²³ *Id.* at 6815.

Airvoice to submit a compliance plan describing the measures it would take to implement each of the conditions listed in the Forbearance order. In accordance with the *Airvoice Forbearance Order*, Airvoice filed its compliance plan with the FCC on February 25, 2012, followed by an amended version filed on July 3, 2012. In that compliance plan, Airvoice described how it would comply with each of the FCC's stated conditions. A copy of the Airvoice compliance plan, as amended, is attached to this Petition as Exhibit M. Airvoice commits to providing Lifeline service in the Non-Jurisdictional States in accordance with the compliance plan.

C. Airvoice Offers All of the Required Services and Functionalities

Through its wholesale arrangements with AT&T, Airvoice 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. Airvoice will provide these services and functionalities to qualifying Alabama, Connecticut, Delaware, District of Columbia, New Hampshire, North Carolina, New York, Tennessee, Florida and Virginia customers.

1. Voice Grade Access to the Public Switched Telephone Network

Airvoice provides voice grade access to the public switched telephone network (“PSTN”) through the purchase of wholesale CMRS services from AT&T. Bandwidth for this voice-grade access is at minimum between 300 and 3,000 MHz as required by the Commission's rules.²⁴

2. Local Usage

As part of the voice grade access to the PSTN, an ETC must provide minutes of use for local service provided at no additional charge to end-users. The Commission has determined that a carrier satisfies the local usage requirements when it offers customers rate plans containing varying amounts of local usage. Airvoice offers a variety of rate plans that provide its customers

²⁴ See 47 C.F.R. § 54.101(a) (1).

with local usage capabilities in the form of monthly plans, unlimited plans, or prepaid pay-per-use plans.

3. Access to Emergency Services

Airvoice provides nationwide access to 911 and E911 emergency services for all of its customers. Airvoice also complies with the Commission's regulations governing the deployment and availability of enhanced 911 compatible handsets.

4. Toll Limitation for Qualifying Low-Income Consumers

Toll limitation allows customers to block the completion of outgoing long distance calls to prevent them from incurring significant long distance charges and risking disconnection. As described above, Airvoice provides its wireless service on a prepaid basis, is not offered on a distance-sensitive basis, and minutes are not charged separately for local or domestic long distance services. Customers must specifically authorize access for international services for which additional charges may apply. This scenario is similar to how Virgin Mobile provides service, which as the Commission found in the *Virgin Mobile Order*, “the prepaid nature of service offering works as an effective toll control.”²⁵ The nature of Airvoice’s service, therefore, removes any concerns that low-income customers will incur charges for long distance calls.

D. Advertising of Supported Services

Airvoice will 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 regulations.²⁶ The Company will advertise its services in a manner designed to reach those likely to qualify for Lifeline services. Airvoice will utilize media that will include advertisements via newspapers, direct mail, event representation, radio, and the Internet, as well

²⁵ See *Virgin Mobile Order*, 24 FCC Red 3381, 3394 (2009).

²⁶ See 47 C.F.R. § 54.201.

as marketing and signage within its retail distribution network. These advertising campaigns will be specifically targeted to reach low-income customers and promote the availability of cost-effective wireless services to this neglected consumer segment.

Airvoice will supplement these methods of communication to specifically advertise and promote the availability of its Lifeline service offerings to qualifying customers throughout the Non-Jurisdictional States. Airvoice intends to distribute brochures at various state and local social service agencies and intends to partner with nonprofit assistance organizations as well as attend local events and activities to distribute information and register clients.

E. The Five-year Plan is not Applicable to this Application.

Airvoice is a common carrier seeking designation as an ETC in order to provide supported services only under subpart E, Universal Service Support for Low-Income Consumers, of Part 54 of the Code of Federal Regulations and does not need to submit a five-year plan.²⁷

F. Airvoice is Able to Remain Functional in Emergency Situations

Airvoice resells the services of its underlying national wireless network carrier, AT&T. The Company is relying on its underlying national carrier's ability to remain functional in emergency situations, including the ability to ensure functionality without an external power source by maintaining a reasonable amount of back-up power; reroute traffic around damaged facilities; and manage traffic spikes resulting from emergency situations to comply with the requirement that Airvoice demonstrate its ability to remain functional in emergency situations.²⁸

²⁷ See 47 C.F.R. § 54.202(a)(1)(ii).

²⁸ See 47 C.F.R. § 54.202(a)(2).

G. Airvoice is Committed to Consumer Protection and Service Quality Standards.

Airvoice, a wireless carrier, commits to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.²⁹

H. Airvoice is Financially and Technically Capable.

Airvoice is financially and technically capable of providing the Lifeline service in compliance with subpart E of Part 47 of the Code of Federal Regulations.³⁰ As an established wireless provider, Airvoice is financially capable of supporting its current business and will not rely singularly on the revenue generated by its Lifeline wireless service. In addition, Airvoice's current wireless business will help to support its Lifeline service. Together this combination will insure no interruption of service to Lifeline and retail customers.

VI. DESIGNATION OF AIRVOICE AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST

A. Goals of the Communications Act

One of the principal goals of the Act, is "to secure lower prices and higher quality services for consumers and encourage the rapid deployment of new telecommunications technologies" to all citizens, regardless of geographic location or income.³¹ Designation of Airvoice as an ETC in the Non-Jurisdictional States will promote the public interest by providing low-income consumers in those states with more affordable and higher quality wireless services. Designating Airvoice as an ETC in the Non-Jurisdictional States will enable it to expand the availability of affordable telecommunications services to qualifying consumers, leading to lower prices and increased choice.

²⁹ See 47 C.F.R. § 54.202(a)(3).

³⁰ See 47 C.F.R. § 54.202(a)(4).

³¹ *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

The instant request for limited ETC designation of Airvoice must be weighed in reference to 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. With this in mind, designating Airvoice as an ETC would significantly benefit low-income consumers eligible for Lifeline services in the Non-Jurisdictional States who are the intended beneficiaries of universal service. Airvoice's Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all of Airvoice's customers.

Most importantly, Airvoice's Lifeline service will provide low-income residents with the convenience and security offered by wireless services. ETC designation in the Non-Jurisdictional States would enable Airvoice to offer appealing and affordable service offerings to low-income customers to ensure that they are able to use wireless services on a consistent and uninterrupted basis. Prepaid wireless services have become essential for low-income customers providing them with access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies, or dependents. Providing Airvoice with the authority necessary to offer discounted Lifeline services to those most in need of critical wireless service definitely promotes the public interest.

ETC designation in the Non-Jurisdictional States would enable Airvoice to provide all of the public benefits cited by the Commission in its analysis in the *TracFone*, *Virgin Mobile* and *i-Wireless Orders*. Namely, Airvoice would provide "increased consumer choice, high-quality

service offerings, and mobility,”³² as well as the safety and security of effective 911 and E911 services.³³

B. The Benefits of Competitive Choice

The benefit 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.³⁴ Designation of Airvoice 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 Airvoice as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.³⁵ Designation of Airvoice 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

Airvoice’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. The secondary role of Lifeline support with respect to overall USF expenditures is well documented. Limited designation of Airvoice as an ETC in the Non-Jurisdictional States raises no concerns and any incremental increases in Lifeline expenditures are far outweighed by the significant

³² See *Virgin Mobile Order*, 24 FCC Rcd at 3395(2009); *TracFone ETC Order*, 23 FCC Rcd at 6212 (2008), *i-Wireless Order*, 27 FCC Rcd at 6271 (2012).

³³ *Id.*

³⁴ See, e.g., *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

³⁵ See 47 U.S.C. §254(b) (1).

public interest benefits of expanding the availability of affordable wireless services to low-income consumers.

VII. ANTI-DRUG ABUSE CERTIFICATION

Airvoice 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.

VIII. CONCLUSION

As discussed above, designation of Airvoice 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, Airvoice respectfully requests that the Commission designate Airvoice as an ETC in the Non-Jurisdictional States.

Respectfully submitted,

AIRVOICE WIRELESS, LLC

_____/S/_____

Glenn S. Richards
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037
(202) 663-8215

Its Attorney

August 6, 2012

A. IX. VERIFICATION

VERIFICATION

I hereby verify that I have read the foregoing Airvoice Wireless, LLC's Petition for Limited ETC Designation in the Non-Jurisdiction States; and that to the best of my knowledge, information and belief the information stated therein is true and accurate.

Airvoice Wireless, LLC

By: _____

Title: Member - Manager

Date: August 6, 2012

Exhibit A

Airvoice Rate Plans

250 Minute Plan - No Rollover

Minutes or SMS	250
Nationwide Calling	Included
Long Distance	Included
Caller ID	Included
Call Waiting	Included
3 Way Calling	Included
Call Forwarding	Included
Text Messaging	Included

ADDITIONAL AIRTIME

\$10 FEEL SAFE REFILL PIN

Minutes or SMS	100
Voice Calls	\$0.10 per Minute
Text Messaging	\$0.10 per Message
Multimedia Messaging (MMS)*	\$0.10 per Message
Data/Web*	\$0.33 per MB
International SMS	\$0.20 per Outgoing Message
International MMS*	\$0.20 per Outgoing Message
International Calling	Rates vary per Country

\$20 FEEL SAFE REFILL PIN (\$5.00 Bonus Added) - \$25.00 worth of Funds

Minutes or SMS	250
Voice Calls	\$0.10 per Minute
Text Messaging	\$0.10 per Message
Multimedia Messaging (MMS)*	\$0.10 per Message
Data/Web*	\$0.33 per MB
International SMS	\$0.20 per Outgoing Message
International MMS*	\$0.20 per Outgoing Message
International Calling	Rates vary per Country

*Compatible Phone required using MMS & Data Features

Exhibit B



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

May 16, 2012

LUCY BAXLEY, PRESIDENT
TWINKLE ANDRESS CAVANAUGH, ASSOCIATE COMMISSIONER
TERRY L. DUNN, ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

Mr. Jose L. Solana
(Regulatory Representative for
Airvoice Wireless, LLC)
General Solutions Associates, LLC
1595 Peachtree Parkway, Suite 204-337
Atlanta, Georgia 30041

Re: Request for Letter Clarifying Jurisdiction over Wireless CETC Petitions

Dear Mr. Solana:

I am in receipt of your letter of April 6, 2012, wherein you sought clarification that the Alabama Public Service Commission (the "APSC") does not assert jurisdiction over the designation of Commercial Mobile Radio Service ("CMRS") providers as Competitive Eligible Telecommunications Carriers ("CETCs") in Alabama. More specifically, you requested an affirmative statement from the APSC that it does not designate CMRS providers as CETCs in Alabama so that such statement could accompany the petition your client, Airvoice Wireless, LLC, d/b/a Feel Safe Wireless ("Airvoice") intends to file with the Federal Communications Commission (the "FCC") seeking CETC status in Alabama. You represented that Airvoice is indeed a CMRS provider as well as a mobile virtual network operator.

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 addressed by the APSC in a Declaratory Ruling issued on March 2, 2000, in Docket 26414. The APSC concluded in said Declaratory Ruling 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. (See the attached copy of the APSC's March 2, 2000, Declaratory Ruling in Docket 26414)

Given the conclusion discussed immediately above, it seems rather clear that the APSC has no jurisdiction to take action on the petition of Airvoice for CETC status in this jurisdiction to provide Lifeline Service to eligible low income individuals. Airvoice must instead pursue its CETC designation request with the FCC as provided by 47 USC §214(e)(6).

Exhibit C



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

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

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

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

A handwritten signature in black ink, appearing to read "K. Santopietro".

Kimberley J. Santopietro
Executive Secretary

Exhibit D

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

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

ORDER NO. 6736

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

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

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

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

federal Lifeline discounts on the federal list of supported services.² And even though in "default" States, Lifeline is almost an exclusively federal program, VZ-DE has, since 1997, filed at the State level, tariff provisions setting forth its Lifeline offerings.³

3. In 2004, the FCC changed some of the "eligibility" rules describing which subscribers may participate in the federal Lifeline/Link-Up program.⁴ In particular, the 2004 amendments added additional programs to the list of "eligible" programs where participation confers federal default Lifeline/Link-Up eligibility.⁵ The 2004 amendments also introduced an additional eligibility criteria premised on the subscriber's household income.⁶ Eligible telecommunications carriers, such as VZ-DE, were given one year to implement this new, additional income-based eligibility criteria.⁷

4. To implement these changes prescribed by the FCC, VZ-DE initially filed revisions to the Lifeline and Link-Up portions of its

²See PSC Order No. 4680 (Dec. 17, 1997) ("ETC" designation for VZ-DE). See also PSC Dckt. No. 97-023T (initial Lifeline tariff filing by VZ-DE).

³From December 2000 through December 2003, VZ-DE offered, under its state tariff, an "expanded" Lifeline program for Delaware. The discounts under such program exceeded the Tiers 1 & 2 levels normally available in a default State. VZ-DE offered this expanded program to fulfill a condition imposed by the FCC in approving the Bell Atlantic-GTE merger. See PSC Order No. 6317 (Dec. 9, 2003) (explaining content and cause of this expanded Lifeline offering). Whether Delaware remained a "default State" during this period when VZ-DE subsidized the deeper discounts is an issue that need now be explored or resolved. This "expanded" program ended in December 2003.

⁴In the Matter of Lifeline and Link-Up, Report and Order and Further NPRM, 19 FCC Rcd. 8302 (FCC 2004) ("Lifeline Order").

⁵47 C.F.R. §§ 54.409(b) (Lifeline eligibility criteria in "default" State); 54.415(b) (Link-Up eligibility criteria in "default" State).

⁶47 C.F.R. §§ 54.409(b), 54.410 (Lifeline); 54.415(b), 54.416 (Link-Up).

⁷47 C.F.R. §§ 54.410(a) (ii), 54.416.

State tariff. These changes incorporated into the State tariff provisions the expanded list of "eligibility-conferring" programs.⁸ At the same time, the Commission Staff began discussions with VZ-DE to determine whether, under the applicable federal default rules, it was appropriate for VZ-DE to continue to include in its State tariff Lifeline provisions language that conditioned Lifeline eligibility on the subscriber foregoing the ability to purchase many optional or vertical services.⁹ Eventually, VZ-DE revised its State tariff Lifeline provisions to delete the questioned restrictions.¹⁰ Then in June 2005, VZ-DE filed another Tariff revision to reflect its implementation of the household-income criteria for eligibility for Lifeline and Link-Up discounts.¹¹ Finally, on September 9, 2005, VZ-DE submitted another set of revised tariff sheets reflecting further textual revisions, as originally suggested by Staff. In part, these final changes sought to make the State tariff's description of how VZ-DE would administer its Lifeline/Link-Up program to more closely parallel the governing federal default rules.¹²

⁸See PSC Dckt. No. 04-017T (filed July 26, 2004; eff. July 27, 2004).

⁹That restriction - limiting Lifeline subscribers to a small group of designated vertical services - had been a continual part of VZ-DE's state-tariffed Lifeline offerings since 1997. In its Lifeline Order, the FCC expressed its belief that "any restriction on the purchase of vertical services may discourage qualified consumers from enrolling and may serve as a barrier to participation in the [Lifeline] program. Lifeline Order at ¶ 53.

¹⁰See PSC Dckt. No. 05-008T (filed April 8, 2005; eff. April 16, 2005).

¹¹See PSC Dckt. No. 05-016T (filed June 17, 2005; eff. June 22, 2005).

¹²See PSC Dckt. No. 05-016T, amended tariff sheets filed on September 9, 2005 but with effective date of June 22, 2005).

5. The Commission enters this Order not so much to "approve" the various Lifeline filings made by VZ-DE but to recount the course of the filings made since the FCC changed its federal Lifeline/Link-Up program in 2004. Indeed, given that Delaware is a "default" State, VZ-DE's Lifeline/Link-Up offerings are governed more by the federal default rules than by any "approved" State tariff provision. Any State tariff provision that might conflict with a federal default rule would necessarily have to yield. However, the Commission will accept the Lifeline and Link-Up tariff filings lodged by VZ-DE. The Commission believes that VZ-DE's last submission (in September 2005) sets forth a Lifeline and Link-Up offering that is consistent with the federal default rules. However, the filing and acceptance of the State tariff provisions should not be seen as foreclosing any later challenge that VZ-DE's program falls short of the federal directives.

Now, therefore, **IT IS ORDERED:**

1. That, as explained in the body of this Order, the Commission accepts the tariff filings made by Verizon Delaware Inc., to implement its responsibilities to provide federal Lifeline and Link-Up in this "federal default" jurisdiction. In particular, the Commission now accepts the tariff revision filing made September 9, 2005 pertaining to the following leaves in P.S.C.-Del.-No. 1:

Section 20D, Fourteenth Revised Sheet 1 (Link-Up);
Section 20D, Fifth Revised Sheet 2 (Link-Up); and
Section 20E, Eighth Revised Sheet 2 (Lifeline).

Exhibit E



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

May 1, 2012

Via First Class Mail

Jose L. Solana
Regulatory Representative
Airvoice Wireless, LLC
1595 Peachtree Parkway, Suite 204-337
Atlanta, GA 30041

Dear Mr. Solana:

Thank you for your April 6, 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,

A handwritten signature in black ink that reads "Richard A. Beverly".

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 March 13, 2012.

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Exhibit F

**New Hampshire Statutes
PUBLIC UTILITIES**

**CHAPTER 362
DEFINITION OF TERMS; UTILITIES EXEMPTED**

Section 362:6

362:6 Cellular Mobile Radio Communications Exempt. – The term "public utility" shall not include any individual, partnership, corporation, company, association, or joint stock association, including any trustee, administrator, executor, receiver, assignee, or other personal representative who provides, purchases or sells cellular mobile radio communication services. Such services shall not be subject to the jurisdiction of the public utilities commission pursuant to this title.

Source. 1988, 49:2, eff. May 30, 1988.

Exhibit G

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
www.dps.state.ny.us

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

October 28, 2010

TO WHOM IT MAY CONCERN:

Re: Boomerang Wireless CMRS Jurisdiction

We have received a letter from Boomerang Wireless, LLC d/b/a Ready Mobile (Boomerang Wireless), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier 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 reinstated under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by Boomerang Wireless that it provides wireless service in New York over its own facilities and Sprint's network, the company would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

Very truly yours,
Maureen J. McCauley
Maureen J. McCauley
Assistant Counsel

A handwritten signature in black ink that reads 'Maureen J. McCauley'. The signature is written in a cursive style and is positioned above the typed name and title.

Exhibit H



State of North Carolina Utilities Commission

4325 Mail Service Center
Raleigh, NC 27699-4325

COMMISSIONERS
EDWARD S. FINLEY, JR., CHAIRMAN
WILLIAM T. CULPEPPER, III
BRYAN E. BEATTY

April 27, 2012

COMMISSIONERS
SUSAN W. RASON
TONOLA D. BROWN-BLAND
LUCY T. ALLEN

Mr. Jose L. Salana
Regulatory Representative
Airvoice Wireless, LLC
1595 Peachtree Parkway
Suite 204-337
Atlanta, Georgia 30041

Dear Mr. Salana:

Your letter of April 6, 2012, to the North Carolina Utilities Commission (the Commission) has been referred to me for response. In the letter, you state that Airvoice Wireless, LLC, d/b/a FeelSafe Wireless (Airvoice), is a Commercial Mobile Radio Service (CMRS) provider and a mobile network operator seeking designation as a competitive eligible telecommunications carrier (ETC) in North Carolina in order to participate in the Federal Communications Commission's (FCC's) Lifeline support program for qualifying low-income individuals. Further, you state that it is your understanding that North Carolina does not assert jurisdiction to designate CMRS providers as ETCs in the state, and that such carriers wishing such designation in North Carolina must present their applications to the FCC. Further, you state that it is your understanding that, in order to petition the FCC for ETC designation in a state, the FCC requires an affirmative statement from the state declaring that it does not designate CMRS providers as ETCs. By your letter, you are requesting the Commission to provide Airvoice with such a statement.

In response to your request, I am attaching a copy of the Commission's Order Granting Petition issued on August 28, 2003, in Docket No. P-100, Sub 133c, in the Matter of Designation of Carriers Eligible for Universal Carrier Support. In that docket, the Commission issued the following policy statement in response to a petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS providers ETC status for the purposes of receiving federal universal service support:

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

430 North Salisbury Street • Raleigh, North Carolina 27603
Telephone No: (919) 733-4249
Facsimile No: (919) 733-7300
www.ncuc.net

class may be designated as ETCs. ... [T]he [North Carolina Utilities] Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC.

The above-cited policy is generally applicable to any CMRS provider seeking ETC designation in North Carolina in order to participate in the FCC's Lifeline support program for qualifying low-income individuals.

If this letter and the decision cited above do not sufficiently articulate the Commission's policy that it lacks jurisdiction to designate CMRS providers as ETCs in order for those carriers to participate in the FCC's Lifeline universal assistance program, you may secure a more formal statement of the Commission's position on this issue by filing a petition with the Commission seeking an affirmative declaratory ruling that the Commission lacks such jurisdiction.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Watson', written in a cursive style.

Sam Watson
General Counsel

LSW:bjh

Attachment

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(23j). 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

Exhibit I

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 J

COMMONWEALTH OF VIRGINIA



WILLIAM IRBY
DIRECTOR

KATHLEEN A. CUMMINGS
DEPUTY DIRECTOR

P.O. BOX 1197
RICHMOND, VA
23218-1197

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STATE CORPORATION COMMISSION
DIVISION OF COMMUNICATIONS

April 17, 2012

Mr. Jose L. Solana
Regulatory Representative for Airvoice Wireless, LLC
GSAssociates
1595 Peachtree Parkway, Suite 204-337
Atlanta, Georgia 30041

Dear Mr. Solana:

This is in response to your April 6, 2012 letter to the Secretary of the State Corporation Commission on behalf of Airvoice Wireless LLC, d/b/a FeelSafe Wireless (Airvoice) requesting clarification of the Virginia State Corporation Commission's jurisdiction over the designation of wireless Eligible Telecommunications Carriers ("ETC") in Virginia.

Only one wireless carrier, Virginia Cellular LLC, has sought designation as an ETC in Virginia. In that instance (Case No. PUC-2001-00263), by order dated April 9, 2002, the Commission determined, pursuant to Section 214 (e) (6) of the Telecommunications Act of 1996, that Virginia Cellular LLC should apply to the Federal Communications Commission for ETC designation because the "...Commission had not asserted jurisdiction over CMRS carriers..." A copy of this order is enclosed.

Very truly yours,

Handwritten signature of William Irby in cursive script.

William Irby

WI/tj

Enclosure

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 9, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

Ex Parte, in re: Implementation
of Requirements of § 214(e) of the
Telecommunications Act of 1996

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC010263

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

ORDER

On September 15, 1997, the State Corporation Commission ("Commission") established the docket in Case No. PUC970135 to consider the requests of local exchange carriers ("LECs") to be designated as eligible telecommunications carriers ("ETC designation") to receive universal service support pursuant to § 214(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., ("Act") and associated Federal Regulations.¹ The Commission's exercise of its jurisdiction under § 214(e)(2) of the Act has been to establish a simple and streamlined process for telecommunications carriers to certify their eligibility with a minimum of regulatory burden placed upon each applicant.

¹ 47 C.F.R. § 54.201-207.

All Virginia carriers receiving an ETC designation have merely been required to file an affidavit which, among other matters, certifies that all requirements of the Act for designation are met.²

Until the above-captioned Application was filed in Case No. PUC010263 by Virginia Cellular LLC ("Virginia Cellular" or "Applicant") for ETC designation, these proceedings have been uncontested. This is the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.³ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association ("VTIA") 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, 2002.⁴

The comments of NTELOS and VTIA both contest the sufficiency of the Application and claim Virginia Cellular has

² See Order issued November 21, 1997, in Case No. PUC970135, pp. 2-4 ("November 21, 1997, Order"). Also, the annual certification procedure to comply with 47 C.F.R. §§ 54.313 and 314 has been reduced to filing a form affidavit approved by the Commission in a Preliminary Order, issued August 29, 2001, in Case No. PUC010172.

³ 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.

⁴ On March 4, 2002, Virginia Cellular filed a Consent Motion requesting until March 6, 2002, to file Reply Comments. There being no objection, we now grant the Consent Motion.

failed to demonstrate how the public interest will be served.⁵ NTELOS and VTIA each allude in their comments to other expected applications for ETC designation by wireless and CLEC carriers to follow this case of first impression. For that reason, we are asked by VTIA and NTELOS to convene a hearing and establish certain standards for the provisioning of the nine services specified in 47 C.F.R. § 54.101.⁶ Each applicant is required to provide these nine services to be eligible for ETC designation.

VTIA further comments that "[i]t is not clear how the designation of Virginia Cellular as an ETC will affect the distribution of Universal Funds to the existing carriers in any given rural exchange area." Virginia Cellular replies that this "macroeconomic concern" need not be addressed with this Application. Rather, the Federal Communications Commission ("FCC") and the Federal State Joint Board on Universal Service

⁵ § 214(e)(2) of the Act requires that an ETC designation in areas served by a rural telephone company be based upon a finding that the designation is in the public interest. The Commission did recognize in its November 21, 1997, Order that any carrier seeking ETC designation in a rural area would have the burden of proving that such designation is in the public interest if challenged. Virginia Cellular is seeking ETC designation in the service territories of the following rural telephone companies: Shenandoah Telephone Company ("Shenandoah"), Clifton Forge Waynesboro Telephone Company ("NTELOS"), New Hope Telephone Company, North River Cooperative, Highland Telephone Cooperative, and Mountain Grove-Williamsville Telephone Company ("MGW").

⁶ The nine services required to be offered include: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation for qualifying low-income consumers. Also, the services must be advertised in appropriate media sources. See In Re: Federal-State Joint Board of Universal Service, Report and Order, CC Docket No. 96-45, ¶ 145 (May 8, 1997) ("Universal Service Report & Order").

are reported by Virginia Cellular to be conducting ongoing proceedings to ensure the solvency of the high-cost support fund.⁷ Presumably, VTIA views any public interest served by Virginia Cellular's ETC designation to depend upon whether there would be a consequent diminution of universal service funds.

Virginia Cellular cites the authority of § 214(e)(6) of the Act for this Commission to send Applicant to the FCC for ETC designation if this Commission declines to act on its Application.⁸ In its Reply Comments, Virginia Cellular reports that the "FCC has been actively processing ETC applications on behalf of states which have declined to exercise jurisdiction [over CMRS carriers]. Its internal processing time has been six months, and it has met that timeline in almost all of its proceedings [and] . . . most, if not all of the issues raised by the commenters have been previously addressed by the FCC in its prior orders involving applications for ETC status."⁹

The Commission finds that § 214(e)(6) of the Act is applicable to Virginia Cellular's Application as this Commission has not asserted jurisdiction over CMRS carriers and that the

⁷ Reply Comments at p. 5.

⁸ Pursuant to § 332(c)(3), 47 U.S.C. § 332(c)(3), state regulation of the entry of or the rates charged by any commercial mobile service or any private mobile service is preempted. The Commission has deregulated all Virginia radio common carriers and cellular mobile radio communications carriers. See Final Order issued October 23, 1995, Case No. PUC950062.

⁹ Reply Comments at p. 3.

Applicant should apply to the FCC for ETC designation." The Applicant points out that if Virginia Cellular is designated as an ETC carrier, then the Commission must redefine the service areas of NTELOS and Shenandoah, pursuant to 47 C.F.R.

§ 54.207(c).¹¹ The Applicant has indicated a willingness to propose a plan to redefine these companies' service areas and may submit such a plan with its application to the FCC for ETC designation.

If necessary, this Commission will participate with the FCC and Federal-State Joint Board in redefining the service areas of NTELOS and Shenandoah for "the purpose of determining universal service obligations and support mechanisms." (47 C.F.R.

§ 54.207(a))¹² Although the FCC will make the final determination on Virginia Cellular's requests, we need to leave this docket open in case there is additional action we must take with respect to defining the service areas of NTELOS and Shenandoah.¹³

¹⁰ The action is similar to that taken by the Commission in Case No. PUC010172 in its August 29, 2001, Order that required cooperatives to certify directly with the FCC.

¹¹ The Commission believes that the service area of MGW does not necessarily need to be redefined if Virginia Cellular is designated as an ETC in that territory. However, if the FCC determines otherwise, the Commission will consider additional action if necessary.

¹² Pursuant to 47 C.F.R. § 54.207(c), if the Applicant proposes to redefine these two companies' service areas, the FCC's procedures require the Commission's agreement on the definitions.

¹³ At this juncture, it is unclear whether the Commission will need to address the redefinitions once disaggregation plans are filed at the FCC pursuant to 47 C.F.R. § 54.315(a).

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that Virginia Cellular should request the FCC to grant the requested ETC designation, pursuant to 47 U.S.C. § 214(e)(6).

Accordingly, IT IS ORDERED THAT Case No. PUC010263 will remain open for further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all LECs certified in the Commonwealth of Virginia, as set out in Appendix A of this Order; David A. LaFuria, Esquire, Lukas Nace Gutierrez & Sachs, 1111 Nineteenth Street, N.W., Suite 1200, Washington, D.C. 20036; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; William F. Caton, Acting Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554; and the Commission's Office of General Counsel and Division of Communications.

Exhibit K

Florida Statutes

Chapter 364- Telecommunications Companies

364.011 Exemptions from commission jurisdiction.--- The following services are exempt from oversight by the commission, except to the extent delineated in this chapter:

- (1) Intrastate interexchange telecommunications services.
- (2) Broadband services, regardless of the provider, platform, or protocol.
- (3) VoIP
- (4) Wireless telecommunications, including commercial mobile radio service providers.
- (5) Basic service.
- (6) Nonbasic services or comparable services offered by any telecommunications company.

History.—s. 11, ch. 2005-132; s. 3, ch. 2011-36.

Exhibit L

Federal Communications Commission

FCC 12-11

522. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), 10, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 160, 214, 254, the petition for forbearance filed by AIRVOICE WIRELESS, LLC IS GRANTED to the extent discussed herein and conditioned on fulfillment of the obligations set forth in this order.

523. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), 10, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 160, 214, 254, we forbear from applying section 214(e)(1)(A) of the Communications Act, 47 U.S.C. § 214(e)(1)(A), and section 54.201(d)(1) and (i) of the Commission's rules, 47 C.F.R. § 54.201(d)(1), (i), to American Broadband & Telecommunications, Millennium 2000, Inc., North American Local, LLC, Total Call Mobile, Inc. and Airvoice Wireless, LLC to the extent discussed herein and conditioned on fulfillment of the obligations set forth in this order.

524. IT IS FURTHER ORDERED that the Petition of Qwest, Inc. regarding self-certification of subscribers on Tribal lands, filed April 5, 2008, is GRANTED.

525. IT IS FURTHER ORDERED that the Petition of AMERICAN PUBLIC COMMUNICATIONS COUNCIL seeking a rulemaking regarding payphone service eligibility for Lifeline support, filed December 6, 2010, is DENIED.

526. IT IS FURTHER ORDERED that the Petition of AMERICAN PUBLIC COMMUNICATIONS COUNCIL for interim relief seeking to allow ETCs to receive Lifeline support for services provided to payphones, filed December 6, 2010, is DENIED.

527. IT IS FURTHER ORDERED that the Commission SHALL SEND a copy of this Report and Order and Further Notice of Proposed Rulemaking to Congress and to the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

528. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Report and Order and Further Notice of Proposed Rulemaking, including the Final Regulatory Flexibility Analysis and the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

Exhibit M (Compliance Plan)

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

In the Matter of the)	
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
Airvoice Wireless, LLC Petition)	WC Docket No. 11-42
for Forbearance from 47 U.S.C. § 214(e)(1)(A))	

AIRVOICE WIRELESS, LLC’S AMENDED COMPLIANCE PLAN

On March 2, 2012 Airvoice Wireless, LLC (“Airvoice” or “Company”) submitted its Compliance Plan to the Commission.¹ In the Compliance Plan, Airvoice detailed the measures it will take to implement the conditions imposed by the FCC in its Forbearance Order, released on February 6, 2012.² By this filing, Airvoice hereby further amends the Compliance Plan, providing additional information and/or clarifications. Airvoice respectfully requests expeditious approval of this plan so that it may, following designation as an ETC, provide critical Lifeline services to qualified low income customers.

BACKGROUND

The Commission’s *Order* granted Airvoice’s request for forbearance from the Section 214(e)(1)(A) requirement that a carrier designated as an ETC for purposes of federal universal service support provide services, at least in part, over its own facilities, stating Airvoice may,

¹ Airvoice filed an Amended Compliance Plan on May 16, 2012.

² *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*, Report and Order and Further Notice of Proposed Rulemaking (February 6, 2012) (“*Order*”).

after meeting certain obligations set forth in the *Order*, seek ETC designation to offer discounted services to qualified low-income consumers through the universal service Lifeline program.³

The Commission's grant of forbearance is subject to the following conditions: (a) Airvoice providing its Lifeline customers with 911 and Enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes; (b) Airvoice providing its Lifeline customers with E911-compliant handsets and replacing, at no additional charge to the customer, noncompliant handsets of existing customers who obtain Lifeline-supported service; (c) Airvoice complying with conditions (a) and (b) as of the date it provides Lifeline service; and (d) Airvoice filing and the Commission approving a compliance plan that details how Airvoice will comply with obligations in the *Order*, including procedures Airvoice will follow when enrolling Lifeline subscribers and requesting reimbursement; providing marketing and other materials that will be used for the initial and ongoing customer certifications, as described in Appendix C of the *Order*; as well as other steps to safeguard against waste, fraud and abuse in the Lifeline program; describes how and where Airvoice offers the service; and, a describes Airvoice's Lifeline service plans.

A. COMPLIANCE PLAN

Airvoice Wireless commits to comply with conditions that the Commission has set forth in the *Order*, the requirements described in this Compliance Plan, and any and all laws and regulations that govern the Lifeline-supported prepaid wireless service. Airvoice, offering its

³ *Id.*

wireless services under the brand designation of “Feel Safe Wireless”, does not have a holding company, operating company or any affiliates.⁴

Airvoice has been providing prepaid wireless services since 1999 and is one of the largest prepaid wireless providers in the United States. Since 1999, Airvoice has provided services to more than one million consumers. The Company is privately held, has been profitable since inception, has no outstanding debt and is financially capable of providing Lifeline service in accordance with the Commission’s rules. Airvoice, which maintains its headquarters and customer service center⁵ in Bloomfield Hills, Michigan, has approximately 5000 retail agents throughout the United States. Its key management has been with the company since 1999 and has significant technical and managerial experience providing prepaid wireless services to consumers.⁶ The Company operates as an MVNO and, thus, also relies on the technical expertise of its underlying carrier, AT&T. Currently, Airvoice provides services to more than 150,000 prepaid (non-Lifeline) customers in more than 20 states, with its largest markets in California, Indiana, Michigan, Pennsylvania and Texas.⁷

I. Access to 911 and E911 Services

Airvoice will provide all of its Lifeline subscribers with access to emergency calling services at the time the Lifeline service is initiated. Such 911 and E911 access will be available from Airvoice handsets regardless of the status of the subscriber account or the airtime balance associated with the handset. The Company’s current practice provides access to 911 and E911

⁴ Order at ¶ 390.

⁵ The customer service center is staffed with account and technical support representatives between the hours of 10 a.m. and 10 p.m. (EST). .

⁶ Order at ¶¶ 387-388.

⁷ Order at ¶ 379.

service to the extent that these services have been deployed by its underlying carrier, AT&T. Under current practice, access to such emergency services is still made available to subscribers whether their account is active, suspended, terminated, or has reached the minimum required airtime balance.

II. E911-Compliant Handsets

Airvoice will ensure that all handsets shipped to Lifeline service subscribers will be E911-compliant. All of the Company's mobile devices are 911 and E911-compliant. In the event that an existing subscriber has a noncompliant handset, the Company will immediately replace such device with an E911-compliant handset at no additional charge to the subscriber.

III. Certification of Lifeline Customers' Eligibility

A. Policy

Airvoice will comply with all certification and verification requirements for Lifeline eligibility by states where it is designated as an ETC. In states where there are no state imposed requirements, Airvoice will comply with the certification and verification procedures in effect in that state as reflected on the website of the Universal Service Administration Company. For any states which do not mandate Lifeline support and/or which do not have established rules of procedure in place, Airvoice will certify at the outset and will verify annually consumers' Lifeline eligibility in accordance with the Commission's requirements.

B. Certification Procedures

Airvoice will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting Airvoice in person or via telephone, facsimile, or the Internet. At this time, approximately 80% of Airvoice's new customers apply for the benefit in person. Airvoice anticipates that 95% of its Lifeline customers will apply for

the benefit in person. The Application Form, attached as Exhibit A, is the same for each form of contact.

Airvoice's application form for its wireless service will identify that it is a "Lifeline" application. The application will indicate that Lifeline service is a government benefit, nontransferable and limited to one line per household (as defined therein). The Lifeline application form will require the provision of certain customer information, including, name, date of birth, last four digits of social security number or Tribal government identification number, permanent or temporary residential address (no P.O. boxes), billing address if different from the residential, telephone number and e-mail address (if available). The application form will list each of the qualifying federal and state programs and the applicant will be required to attest, with a checkmark, any program(s) in which they participate and provide proof of program participation.⁸ Alternatively, the applicant may elect to certify under penalty of perjury that their household income does not exceed the relevant threshold (e.g., 135% of the Federal Poverty Guidelines ("FPG") for federal default states). This election will require applicants to indicate the number of individuals in their household and provide proof of income-based eligibility.⁹

In addition, the Lifeline application form will include a certification section where the applicant must certify and sign under penalty of perjury that, among other statements, 1) the

⁸ Program eligibility may be demonstrated through the provision of "(1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) 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 (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program." In certain states, program eligibility may be confirmed through query of available databases. *Order* at ¶ 101.

⁹ *Id.* Income eligibility may be demonstrated through the provision of "prior year's state or federal tax return, Tribal tax return, current income statement from employer, paycheck stub, Social Security or Veterans Administration statement of benefits, retirement/pension statement of benefits, 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 documentation containing income information."

applicant’s representations are true and correct, 2) the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law, 3) the applicant participates in one or more of the eligible federal and state programs or has an income below the FPG, 4) their household will receive Lifeline-supported service only from Airvoice¹⁰, 5) that the applicant will be required to recertify eligibility annually and 6) the applicant understands, and consents to, that certain applicant information will be provided to the Lifeline benefit administrator. Penalties for perjury will be clearly-stated on the certification form, as required by the *Order*. Airvoice’s Lifeline application will include, among others, the following certifications:

The information contained in my application is true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in my being barred from the program.

Initial
Here

I am a current recipient of the program indicated above, or have an annual income at or below 135% of the Federal Poverty Guidelines, and I have provided the documentation of eligibility.

Initial
Here

I certify that no other member of my household is receiving a Lifeline supported service from any other landline or wireless company such as Assurance, Safelink or Reachout Wireless.

Initial
Here

I understand that my Feel Safe Lifeline service is non-transferrable. I may not transfer my service to any individual, including another eligible low-income consumer.

Initial
Here

¹⁰ In situations where there are multiple households sharing an address, the applicant must complete a separate document which includes “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.” *Order* at ¶ 78.

I acknowledge, and consent to, that certain information including my name, date of birth, last four digits of my social security number or Tribal government identification number, temporary, permanent and billing address, telephone number and e-mail address will be provided to Lifeline administrator.

Initial
Here

Applicant's Signature: _____ Date: _____

Certification is good for up to one (1) year from the date of signing. This certification must be updated annually to avoid program termination.

Consumers will be signed up in person through retail agents or directed, via company literature, collateral or advertising, to a toll-free telephone number and to Airvoice's website. The website will contain a link to information regarding the Company's Lifeline service plans, including a detailed description of the benefit and the program and income eligibility criteria. Airvoice will have direct contact with all customers applying for Lifeline service, either in person through its employees, agents or representatives, via the Company's website, via the telephone (including facsimile) or mail. Airvoice will provide Lifeline-specific training to all personnel, whether employees, agents or representatives at authorized locations, that interacts with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services.

In retail settings, consumers will interact with one or more of Airvoice's Lifeline trained agents or representatives (collectively the "AAR"). The AAR will provide the applicant with printed information describing Airvoice's Lifeline program, including eligibility requirements and enrollment instructions. The AAR will also verbally explain the Lifeline benefit (a non-transferable government benefit, limited to one-per-household) and the qualification (income or program based), documentation (i.e. government issued identification, address, three months of pay stubs, tax returns, benefit statements etc.) and certification requirements (i.e. penalty of

perjury, one-per-household etc.) of the program. Once the AAR has determined that the applicant is a candidate for Lifeline service, the applicant will be asked to provide one form of government issued identification (driver's license, identification card, or passport)¹¹ and to complete the Lifeline application.¹² The AAR will review the application and all supporting documentation. The AAR will confirm if the applicant or any other individual at the stated address, as confirmed and sanitized by the Melissa Data program, is currently receiving Lifeline service from Airvoice. The applicant's address is also crosschecked against any other providers serviced by CGM, LLC.¹³ The AAR will also review any available federal or state databases to determine if the applicant is receiving a Lifeline benefit from another provider. If the applicant is not currently receiving a Lifeline benefit, the application will be approved, a customer account will be created immediately (via BeQuick), and the applicant will be provided with a handset. The ACSR will guide the customer through the activation of the handset and completion of the initial outgoing call. In the event the applicant does not qualify, the ACSR will explain the reason for denial of service.

Customers who do not complete the application process in person must return the signed application and copies of supporting documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-

¹¹ A copy of the identification will be retained by Airvoice if the applicant is approved for service.

¹² Airvoice employs two real time software programs during the application process. Specifically, Airvoice utilizes the Melissa Data program to validate the residential address provided by the applicant. <http://www.melissadata.com/> (retrieved May 15, 2012). The BeQuick Fusion program allows Airvoice to crosscheck for duplicates within Airvoice's existing customer database and to establish customer accounts in real time. <http://www.bqsoft.com/2012/05/1455/> (retrieved May 15, 2012). Additionally, Airvoice has engaged CGM, LLC, a software firm servicing telecom providers. <http://www.cgmlc.net/> (retrieved May 15, 2012).

¹³ Additionally, Airvoice has engaged CGM, LLC, a software firm servicing the billing needs of telecom providers. <http://www.cgmlc.net/> (retrieved May 15, 2012).

7006, and any applicable state laws and may verify signatures via interactive voice response systems. Processing of consumers' applications, including review of all application forms, crosschecking all databases and relevant documentation, will be performed under Airvoice's supervision by personnel experienced in the administration of the Lifeline program. Airvoice will ensure that all required documentation is taken care of properly by using, when available, state-specific compliance checklists. Once the application has been approved, a handset will be mailed, requiring a signature upon delivery, to the applicant at their residential address. The applicant must contact Airvoice customer service in order to confirm receipt of the handset. Customer service will assist in the activation of the handset and completion of the initial outgoing call.

The application process for applying for a Lifeline benefit via telephone is similar to the retail setting described above. Applicants will be informed by an Airvoice customer service ("ACSR") representative of the qualification, documentation and certification requirements for the Lifeline benefit and may be directed to the Company's website for additional information. The ACSR will employ a script similar to that provided hereto as Exhibit B. The ACSR will determine, based on the applicant's responses and a crosscheck of all databases, if they qualify for the Lifeline benefit. If the applicant qualifies for the Lifeline benefit, they will be obligated to provide (via facsimile or U.S. mail) copies of the supporting documentation prior to final approval for service.¹⁴ Upon final approval, a handset will be mailed, requiring a signature upon delivery, to the applicant at their residential address. The applicant must contact Airvoice customer service in order to confirm receipt of the handset. Customer service will assist in the

¹⁴ In the future, the conversation between the ACSR and the applicant, specifically the applicant's responses to the certification statements, may, in some instances, may be recorded, through the use of an interactive voice response system ("IVR"), as supporting documentation.

activation of the handset and completion of the initial outgoing call. In the event the applicant does not qualify, the ACSR will explain the reason for denial of service.

The online application process requires an applicant to review the qualification, documentation and certification requirements as they move through progressive screens on the Company's website. The website will provide in clearly written and easily distinguishable language all the requisite information defined in the *Order*, including but not limited to, that Lifeline is a non-transferable government benefit, limited to one-per-household, with household clearly defined, requires supporting documentation and ongoing recertification obligations and is subject to penalties and imprisonment for fraud. Hereto, the applicant will be required to submit copies of supporting documentation to the Company prior to the receipt of a handset and provision of service. Once the applicant's application has been approved, a handset will be mailed, requiring a signature upon delivery, to the applicant at their residential address. The applicant must contact Airvoice customer service in order to confirm receipt of the handset. Customer service will assist in the activation of the handset and completion of the initial outgoing call. In the event the applicant does not qualify, Airvoice will notify the applicant in writing regarding the reason for denial of service.

Airvoice 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 Airvoice customers from engaging in such abuse of the program, inadvertently or intentionally. As indicated above, and prior to initiating service for a customer, the Company will confirm the identity, residential address and program eligibility of each applicant. Prior to requesting a subsidy, Airvoice will process and validate Airvoice's subsidy data and confirm that each consumer's handset has been activated and is in use to prevent: (1)

Duplicate Same-Month Lifeline Subsidies (“Double Dip,” i.e., any household that is already receiving a Lifeline subsidy from Airvoice will be automatically prevented from receiving a second lifeline subsidy in that same month); and (2) Inactive lines receiving subsidy (i.e., systems compare all subsidy requests to underlying network status to ensure that subsidies are requested only for active lines).

Notwithstanding the foregoing with respect to program or income eligibility, for states that require Airvoice to enroll subscribers identified by the state or as eligible in a state or federal database, Airvoice may continue to rely on the state or federal identification or database. Where Airvoice can access a state or federal database to make determinations about customer eligibility, the Company is not required to obtain further documentation but will note in its records what data was relied upon to confirm the customer’s eligibility for Lifeline and the date it reviewed such data. Where a state agency or third-party administrator is responsible for the initial determination of eligibility, Airvoice will rely on the state identification or database.

C. Annual Verification Procedures

As required by the Commission’s *Order*, Airvoice will require every consumer enrolled in the Lifeline program to verify on an annual basis that they 1) continue to be eligible for Lifeline service, 2) only receive Lifeline service from Airvoice, and 3) to the best of his or her knowledge, no one else at the subscriber’s household is receiving a Lifeline supported service.¹⁵ Airvoice will re-certify the eligibility of its Lifeline subscriber base (if any) as of June 1, 2012 by the end of 2012 and report those results to USAC by January 31, 2013. Airvoice will notify each

¹⁵ Airvoice customer service representatives are available, toll free, to respond to any questions (including recertification and status changes) and requests for de-enrollment. Additionally, de-enrollment may be requested in person at any of Airvoice’s retail agent locations.

participating Lifeline consumer prior to their service anniversary date that they must confirm their continued eligibility in accordance with the applicable requirements. This notification will be mailed via the U.S. Postal Service to the address the subscriber has on record with Airvoice. Airvoice will also notify customers in advance of their anniversary date via a free text message. The mailed notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact Airvoice to complete the verification. Customers will have 30 days to complete the form, certify under penalty of perjury that they continue to be eligible for Lifeline service, receive Lifeline service only from Airvoice, and return the form to Airvoice by mail. Anyone who does not respond to the mailing, certifying their continued eligibility, will be removed from the Lifeline program. Certification may also be obtained through an IVR system or a text message. In states where a state agency or third party has implemented a database that carriers may query to re-certify eligibility, the Company will query the database and maintain a record of what data was used to re-certify eligibility and the date of re-certification.

Currently, customers will be required to complete the verification process by mail; however, Airvoice may offer additional options, such as web-based methods, in the future. Such verification will be required in order for the consumer to continue to receive free Lifeline service or to purchase prepaid airtime from the Company at the discounted rate only available to those customers who are enrolled in its Lifeline program. The Company will notify subscribers in writing of service termination for not responding to the annual certification within 30 days. Anyone who does not respond has 30 days to demonstrate that his or her Lifeline service should

not be terminated; or will otherwise be de-enrolled within five days following the 30-day recertification period.¹⁶

IV. Additional Measures to Prevent Waste, Fraud, and Abuse

A. Non-usage Policy

Airvoice will implement a non-usage policy whereby it will identify Lifeline customers that have not used the Company's Lifeline service for 60 days, and cease to claim Lifeline reimbursements for such customers if they do not use their service within a 30-day grace period following the initial 60-day non-usage period. Specifically, if no usage appears on an Airvoice Lifeline customer's account during any continuous 60-day period, Airvoice will promptly notify the customer that the customer is no longer eligible for Airvoice Lifeline service subject to a 30-day grace period. During the 30-day grace period, the customer's account will remain active, but Airvoice will engage in outreach efforts to determine whether the customer desires to retain the Company's Lifeline service. If the customer's account does not show any customer-specific activity during the grace period (such as making or receiving a voice call, sending a text message and/or adding money to the account), Airvoice will deactivate Lifeline services for that customer.¹⁷ In addition, Airvoice will not seek to recover a Federal Universal Service Fund subsidy for the minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497 unless the customer reinitiates service.

¹⁶ As indicated in Section IV (C), Airvoice will update the requisite databases within one day of de-enrollment. Additionally, the Company will provide de-enrollment information (in month-to-month detail) to the Commission on an annual basis. *Order* at ¶ 206.

¹⁷ *Id.*

B. Customer Education with Respect to Duplicates

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

- a) Call Center Scripts – Airvoice will emphasize the “one Lifeline phone per household” restriction through its interaction with the potential customer at the call center. (See Exhibit B)
- b) Marketing, Advertising and Website Content – Airvoice, in its marketing materials, will reinforce the limitation of one Lifeline phone per household. The following statement will appear in conspicuous place in bold font in an offsetting color, minimum 10 point font, to ensure it is not overlooked. (See Exhibit C – sample marketing materials).

Note: LIMIT ONE LIFELINE PHONE PER HOUSEHOLD (Either Wireline or Wireless Service).

This statement will also appear on the company’s website during the customer information/education cycle. At the point on its website when a customer inputs his/her zip code to verify that Airvoice offers service in their area, Airvoice would display the above message in the section where the website explains the service.

C. Cooperation with state and federal regulators

Airvoice has and will continue to cooperate with federal and state regulators to prevent waste, fraud and abuse, including:

- Providing state commissions (PUC), the FCC or USAC upon request with data that will enable that state, the FCC or USAC to determine whether some consumers are enrolled in more than one Lifeline program. Specifically, Airvoice agrees to make available state-specific customer data, including name and address, upon request to each state PUC where it operates, the FCC or USAC for the purpose of permitting the PUC, FCC or USAC to determine whether an existing Lifeline customer receives Lifeline service from another carrier, and will participate in such a duplicate resolution process, provided that costs for participation are reasonable or defrayed through the universal service contribution mechanisms;
- Promptly investigate any notification that it receives from a state PUC, the FCC or USAC that one of its customers already receives Lifeline service from another carrier;
- Immediately deactivate a customer's Lifeline service and no longer report that customer on USAC Form 497 if Airvoice's investigation, a state, the FCC or USAC concludes that the customer receives Lifeline services from another carrier in violation of the Commission's regulations and that Airvoice's Lifeline service should be discontinued such as a de-enrollment notification pursuant to the FCC's June 17, 2011 Report and *Order* (Section III, B.).
- Airvoice agrees to comply with all certification requirements when submitting for reimbursements from USAC.¹⁸

V. Lifeline Rate Plans

Airvoice offers the following rate plan, which is free to eligible Lifeline subscribers.¹⁹

¹⁸ See, for example, *Order* at ¶¶ 125-128.

250 Free Minutes and a Free Phone: This plan includes a phone plus 250 free voice minutes.

Unused minutes expire at the end of the last day of their cycle. The account is then automatically replenished with the next month's 250 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes billed at \$.10 per minute. This plan includes nationwide coverage, voice mail, call waiting, three way calling, call forwarding and Caller ID. There is no additional charge for toll calls. Calls to 911 and Airvoice customer care are free. Lifeline customers also have the option, for an additional fee, to purchase the text and data plans that are available to all Airvoice customers.

VI. Geographic Service Area

Airvoice expects to apply for ETC status in the following states and to provide service to Lifeline eligible residents: Michigan, Wisconsin, Texas, Pennsylvania, California and the 10 Federal Jurisdiction States.

¹⁹ Order at ¶ 390.

CONCLUSION

Airvoice submits that this amended Compliance Plan fully satisfies the conditions set forth in the Commission's *Order* granting forbearance to the Company. The aforementioned policies and procedures are in place to safeguard against misuse of the Company's Lifeline services, as well as to prevent waste, fraud, and abuse of the Lifeline program. Airvoice's procedures also ensure public safety by ensuring access to 911 and E911 services. Consequently, Airvoice respectfully requests that the Commission expeditiously approve this Compliance Plan so that Airvoice may begin providing the benefits of much-needed Lifeline service to qualifying low-income consumers.

Respectfully submitted,

AIRVOICE WIRELESS, LLC

_____/s/_____

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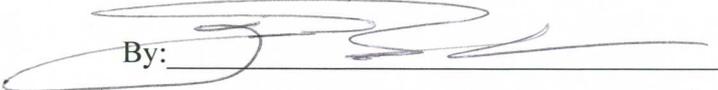
Its Counsel

July 3, 2012

VERIFICATION

I hereby verify that I have read the foregoing Airvoice Wireless, LLC Amended Compliance Plan; and that to the best of my knowledge, information and belief the information stated therein is true and accurate.

Airvoice Wireless, LLC

By: 

Title: MEMBER / MANAGER

Exhibit A

LIFELINE APPLICATION

FEEL SAFE WIRELESS LIFELINE APPLICATION



This signed authorization is required in order to enroll you in the Lifeline Program in your state. This authorization is only for the purpose of verifying your participation in these programs and will not be used for any other purpose. Service requests will not be processed until this form has been received and verified by our Company.

Things to know about the Lifeline Program:

1. Lifeline is a Federal Benefit.
2. Lifeline Service is available for only one line per household. A household cannot receive benefits from multiple providers.
3. A household is defined, for purposes of the Lifeline Program, as any individual or group of individuals who live together at the same address and share income and expenses.

Applicant Information:

First Name: _____ MI: _____ Last Name: _____ Date of Birth: Month (DOB) _____ Day _____ Year _____

Social Security Number (SSN – last four digits only) Or Tribal ID #: _____ Contact Telephone Number: _____

Residence Address (No P.O. Boxes, Must be your principal address): This address is Permanent Temporary Multi-Household

_____ Apt/Floor/Other _____ City: _____ State _____ Zip Code: _____

Billing Address (May Contain a P.O. Box)

_____ Apt/Floor/Other _____ City: _____ State: _____ Zip Code: _____

I hereby certify that I participate in at least one of the following programs: (Check all that apply)

- _____ Supplemental Nutrition Assistance Program (SNAP)
- _____ Supplemental Security Income (SSI)
- _____ Federal Public Housing Assistance
- _____ Low-Income Home Energy Assistance Program (LIHEAP)
- _____ National School Lunch Program
- _____ Temporary Assistance for Needy Families (TANF)
- _____ Medicaid

_____ I certify that my household income is at or below 135% of the Federal
(Initial Here) Poverty Guidelines (FPG). There are _____ individuals in my household.

You must provide documented proof of your participation in the above programs or your income.

I certify, under penalty of perjury: (Initial by Each Certification)

- _____ 1. The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
- _____ 2. I am a current recipient of the program checked above, or have an annual household income at or below 135% of the FPG.
- _____ 3. I have provided documentation of eligibility if required to do so.
- _____ 4. I understand that I and my household can only have one Lifeline supported telephone service. Feel Safe Wireless has explained the one-per household requirement. I understand that violation of the one-per household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline Program, and could result in criminal prosecution by the United States Government.
- _____ 5. I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline supported service from any other land line or wireless company such as Assurance, Safelink or Reachout Wireless.
- _____ 6. I understand my Feel Safe Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.
- _____ 7. I understand that if my service goes unused for sixty (60) days, my service will be suspended and subject to a thirty (30) day period during which I may use the service or contact Feel Safe Wireless to confirm that I want to continue receiving their service.
- _____ 8. I will notify Feel Safe Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify my company if:
 - a. I cease to participate in the above federal or state program, or my annual household income exceeds 135% of the Federal Poverty Guidelines.
 - b. I am receiving more than one Lifeline supported service
 - c. I no longer satisfy the criteria for receiving Lifeline support
- _____ 9.) I will notify Feel Safe Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Feel Safe Wireless every ninety (90) days. If I fail to respond to Feel Safe Wirelesses' address verification attempts within thirty (30) days, my Feel Safe Wireless Lifeline service may be terminated.
- _____ 10. Feel Safe Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it will result in the termination of my Feel Safe Wireless Lifeline service.
- _____ 11. I acknowledge, and consent to, that certain information, including my name, DOB, last four digits of SSN or Tribal government identification number, address, telephone number and e-mail will be provided to the Lifeline Administrator for purposes of determining duplicate services.

FOR OFFICE USE ONLY:

Company Representative: _____

Documentation Verified: _____

Representative Signature: _____

Date: _____

Is this a multi-family dwelling? _____

Applicants Signature _____

Date _____

Exhibit B

CALL CENTER SCRIPTS

1. Thank you for calling Airvoice Wireless, how may we assist you today?
2. I will be able to assist you in the enrollment process. I will need to ask you some questions to get started. Is that ok?
3. Is there anyone currently residing in the home that is receiving Lifeline benefits for wireless or home phone service from any other companies such as Assurance, Safelink or Reachout Wireless? Is this individual part of your household [explain definition of “household”¹⁹]?

If no, proceed to #4.

If yes, Lifeline service is only available to one person per residence. If you would like to receive Lifeline service from Airvoice Wireless, please contact your current Lifeline provider and cancel the service. Once you cancel that service, please contact us to set up your Airvoice Wireless service. Or you must separately certify, in writing (use USAC form), that those individuals do not contribute income to your household OR share your household expenses.

4. Now sir/ma'am in order to receive the Airvoice Wireless Lifeline service, you must be enrolled in select government assistance programs. Are you currently participating in any government assistance programs? If, so, which one? Or is your income 135% below the Federal Poverty Guide Lines? If yes, proceed to #5.
5. Participating in the [**insert program here**] program enables you to receive the Airvoice Wireless Lifeline service. The Airvoice Wireless Lifeline service will provide you with a free wireless phone and 250 monthly voice minutes.
6. (*Enrollment Representative takes customer's information and checks against database, prior to entering the enrollment process*)
 - May I please have your first name?
 - Middle Initial (optional)
 - May I please have your last name?
 - May I please have your mailing address? (must be residential, not PO Box)

¹⁹ A “household” is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. *Order* at ¶74.

- Is your billing address the same? If not, please provide your billing address.
- May I please have your contact phone number, if available?
- May I please have your email address?
- What are the last 4 digits of your social security number or your Tribal government identification card number? This is required to check the status on your application and for security verification purposes.
- What is your date of birth? This is also required for verification purposes.
- What is the government assistance program from which you receive assistance?
Proceed to #7.

7. Now that we have verified all of your information, we can complete your enrollment. In order to do so:

(At this point the Enrollment Representative will ask self-certification questions in 3 parts to ensure the customer understands)

8. DO YOU CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF HIS OR HER KNOWLEDGE AND THAT NO OTHER MEMBER IN YOUR HOUSEHOLD CURRENTLY RECEIVES LIFELINE ASSISTANCE?

- Customer must answer YES to continue.

9. DO YOU UNDERSTAND THAT YOU MAY BE REQUIRED TO VERIFY YOUR CONTINUED ELIGIBILITY FOR AIRVOICE WIRELESS SERVICE AT ANY TIME? FAILURE TO VERIFY ELIGIBILITY WILL RESULT IN TERMINATION OF AIRVOICE WIRELESS SERVICE. IN THE FUTURE, IF YOU ARE NO LONGER ELIGIBLE TO RECEIVE BENEFITS FROM AT LEAST ONE OF THE QUALIFYING STATE OR FEDERAL ASSISTANCE PROGRAMS OR YOUR INCOME EXCEEDS MORE THAN 135% OF THE FEDERAL POVERTY GUIDELINES, AS PREVIOUSLY EXPLAINED TO YOU, YOU WILL NOTIFY AIRVOICE WIRELESS WITHIN THIRTY (30) DAYS.

- Customer must answer YES to continue

10. DO YOU UNDERSTAND THAT IF APPROVED FOR LIFELINE SERVICE, YOUR PERSONAL INFORMATION, INCLUDING NAME, DATE OF BIRTH, LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER OR TRIBAL IDENTIFICATION CARD NUMBER, ADDRESS, WILL BE PROVIDED TO THE LIFELINE PROGRAM ADMINISTRATOR FOR PURPOSES OF DETERMINING DUPLICATE SERVICES.

- Customer must answer YES to continue

11. DO YOU ACKNOWLEDGE THAT PROVIDING FALSE OR FRAUDULENT DOCUMENTATION IN ORDER TO RECEIVE ASSISTANCE IS PUNISHABLE BY LAW AND THE PENALTIES OF PERJURY INCLUDE MONETARY FINES AND POTENTIAL IMPRISONMENT

- Customer must say YES to continue

If at any point, the customer says “No” to the self-certification questions, the Enrollment representative will explain that the customer does not qualify for the Airvoice Wireless Lifeline program.

Exhibit C

MARKETING MATERIALS

Additional Airtime

FEEL SAFE
REFILL PIN
\$10

Minutes or SMS	100
Voice Calls	\$0.10 per Minute
Text Messaging	\$0.10 per Message
Multimedia Messaging (MMS)*	\$0.10 per Message
Data/Web*	\$0.33 per MB
International SMS	\$0.20 per Outgoing Message
International MMS*	\$0.20 per Outgoing Message
International Calling	Rates vary per Country

FEEL SAFE
REFILL PIN
\$20

(\$5 BONUS ADDED)
\$25 worth of funds

Minutes or SMS	250
Voice Calls	\$0.10 per Minute
Text Messaging	\$0.10 per Message
Multimedia Messaging (MMS)*	\$0.10 per Message
Data/Web*	\$0.33 per MB
International SMS	\$0.20 per Outgoing Message
International MMS*	\$0.20 per Outgoing Message
International Calling	Rates vary per Country

* Compatible Phone required to use MMS and Data Features

Qualifying for FEEL SAFE WIRELESS is Easy! Just make sure you meet the following eligibility requirements and you will be able to receive your FREE FEEL SAFE WIRELESS phone with 250 FREE MONTHLY voice minutes:

1. Limit one Lifeline phone per household (either wireline or wireless service).
2. FEEL SAFE WIRELESS Lifeline benefits are available to consumers who use any of the following government assistance programs or have an income that is at or below 135% of the Federal Poverty Guidelines (FPG).

Food Stamps
Medicaid
Federal Public Housing Assistance- Section 8
National School Free Lunch Program
Bureau of Indian Affairs Programs
Supplemental Social Security- SSI
Temporary Assistance to Needy Families- TANF
Low Income Home Energy Assistance Program- LIHEAP

Proof of Participation or Household Income is required to get service. In order to maintain your Lifeline Service, you must verify your enrollment information annually.

3. 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. Lifeline Service is Non-Transferable.

Note: Programs vary by state. Please visit FeelSafeWireless.com for complete details.

In order to maintain your Lifeline Service, you must verify your enrollment information annually.

AVAILABLE FEATURES

- 911/E911 Access
- Voicemail Account
- Caller ID
- Call Waiting
- 3 Way Calling
- Text Messaging
- Call Forwarding
- Free Calls to Customer Service



**FEELSAFE
WIRELESS**

Brought to you by 
AIRVOICE
wireless

**FREE
PHONE
with 250
FREE
minutes every
month**

LIMIT ONE LIFELINE
PHONE PER HOUSEHOLD
Either Wireline or Wireless Service

On The Most Reliable GSM Network
1-877-247-7799
FeelSafeWireless.com

How to Use Your Features

Customer Service

Dial 611 SEND from your mobile phone or 1-877-247-7799 from any other phone to get connected to Customer Service

411 Dialing

Dial 1800FREE411 at anytime to get directory assistance services for regular airtime charges! Simply dial the toll-free number, say where you are and what you are looking for, and get connected. It's that simple!

To Set Up your Voicemail

1. From wireless phone, dial your cellular number or press and hold the "1" key.
2. The system will ask you to enter your personal pass code (think of any easy number to remember for a pass code and enter it when prompted).
3. The system will prompt you to record your own personal greeting or select a standard greeting.

To Listen to your Messages

1. Dial your wireless phone number from your wireless phone or any other touch-tone phone or press and hold the "1" key.
2. Press * to interrupt the greeting.
3. Enter your pass code
4. The system will automatically play the new voice messages

Call Waiting

Call waiting allows you to answer a second call while another call is in progress. To use Call Waiting:

1. Press SEND to answer the second call
2. To alternate between calls, continue to press SEND

Caller ID

Caller ID shows you the phone number of most incoming calls. If you don't want to answer your wireless phone and you have voicemail, you can let the incoming call roll to your Voicemail Box. Caller ID works whenever your phone is powered on. It even works when Call Waiting alerts you of an incoming call.

Three-Way Calling

This service lets another person join a call to make a three-way conversation. To setup Three-Way Calling:

1. Dial the 10 digit phone number of the third party, while the original party is on the phone.
2. Press SEND, which dials the third party and puts your original call on hold.
3. To establish the three-way call, press SEND again after the third party answers.
4. If the third party is busy or does not answer, press SEND once to disconnect the third party.
5. To disconnect from the third party in a three-way call, press SEND once.
6. To disconnect from the original party in the three-way call, the original party must hang up.
Airtime charges will apply for all calls when using this feature.

Call Forwarding

With Call Forwarding, all your incoming calls will be forwarded to the phone number you specify.

To Activate Call Forwarding:

1. Scroll through the menu and select Settings
2. Scroll down and select Call Settings or Call Manager
3. Scroll Down and select Forward Calls
4. Select Voice Calls
5. Select Always Forward
6. Select Activate
7. Enter the 10 digit number to forward all calls to and select OK
8. Call Forwarding will remain active until you deactivate the feature

To Deactivate Call Forwarding:

1. Scroll through the menu and select Settings
2. Scroll down and select Call Settings or Call Manager
3. Scroll Down and select Forward Calls
4. Select Voice Calls
5. Select Always Forward
6. Select Cancel
7. Select OK

Text Messaging (SMS)

Text Messaging (SMS) allows you to send or receive short alphanumeric messages (up to 150 characters in length) using your wireless phone. Text messaging service also includes e-mail and web-based messaging. Your unique e-mail address is your 10 digit wireless number@txt.att.net For Example: If your number is (555)123-4567, your e-mail address is 5551234567@txt.att.net

Multimedia Messaging (MMS)*

Multimedia Messaging allows you to send or receive messages that include media such as pictures, videos or sounds using your wireless phone. Use of this feature requires an MMS compatible phone as well as the appropriate MMS feature on your Feel Safe Wireless account. You can exchange Multimedia messages with any compatible phone by addressing the message to your recipient's 10-digit mobile number. You can also send Multimedia Messages to email addresses. Multimedia messages sent to non-MMS capable phones will be delivered as a text message instructing the recipient on how to view the message online.

Mobile Web (Data)*

The Mobile Web or Data provides you with Internet Access on your mobile device. Use of this feature requires a Data compatible phone as well as the appropriate Data Feature on your Feel Safe Wireless account. Please note, although you may attempt to view any webpage using your mobile phone, not all websites are formatted for mobile devices. You may experience delays as well as the inability to access certain websites when using the internet on your mobile phone.

*A \$10 or \$20 Feel Safe Wireless Refill card and a Compatible handset are required to use these features.

Feel Safe Wireless Terms of Service

1) Service Availability: Service is available only if you are within the Feel Safe Wireless GSM coverage area. Service may be interrupted due to system capacity limitations and system repairs or modifications. Service is subject to limitation or interruption caused by weather, terrain, obstructions such as trees or buildings and other conditions. Feel Safe Wireless is not responsible for time lost or days lost for interruption of service caused by above mentioned. There will be no credits or refunds issued for any reason. 2) Use of Device: Only Certified & Approved Unlocked 850/1900 MHz GSM phones are compatible with Feel Safe Wireless service. 3) Right to Terminate Service: We reserve the right to cancel, interrupt or restrict service to your number, without notice if we suspect fraudulent, illegal or abusive activity, abnormally high amounts of usage, failure to maintain an appropriate account balance for applicable charges, for harassing our employees and/or harassing other Airvoice customers. Some examples of fraudulent activity include Traffic Pumping and Spam Messaging. We reserve the right to cancel accounts for fraudulent activity based on voice calls, SMS, MMS and data usage. 4) Release of information: Feel Safe Wireless may release information about your account when we believe release is appropriate to comply with the law (i.e. subpoena, court order, E911 information, etc.). There will be no call histories released to customers for any reason. 5) PUK Codes: Please contact our US based customer service at 1-877-247-7799 if your phone asks for a PUK code. Do not attempt guessing any codes because it will disable your SIM card 6) Phone Codes: If your phone is asking for ANY codes you are not aware of, do not attempt guessing any codes because it may disable your SIM card. You will need a new Non-Active Feel Safe Wireless SIM card if you disable your SIM card. 7) Account Information: Any person that is able to verify your mobile number, SIM card number and/or account information is authorized by you to make changes to your account. 8) Ability to change services: You will have the ability to change from one Feel Safe Wireless rate plan to another upon request if proper verification is provided. Please contact our US based customer service at 1-877-247-7799. 9) Cancellation Policy: Cancellation requests should be put in writing, faxed to (248) 239-0182. You will lose any remaining airtime on your account. Feel Safe Wireless will not provide a refund or credit for any remaining airtime lost. 10) Porting Policy: You are able to port your number out of Feel Safe Wireless to other carriers. Feel Safe Wireless does not guarantee that number transfers to or from our company will be successful. If you request to port your number out to another company, that is considered a request by you to us to terminate all of the services associated with that number. Your remaining airtime will be forfeited and you will not receive a credit for the remaining balance. Feel Safe Wireless will not release your wireless number to another carrier without proper verification. If you are attempting to change service providers, you will need to verify your four-digit pin as well as your Feel Safe Wireless SIM card number, which is your account number, in order to transfer your account. Your account must be in an active status in order to port out. 11) Charges: You will be billed regular airtime charges for calls made to 800, 866, 877, 888 and all other toll free calls. Domestic long distance calls will be billed at regular airtime charges. Calls to international numbers will be billed at a higher rate (call customer service for rates). For all calls, the length of the call will be measured during the time that you are connected to our system, which is approximately from the time you press "SEND" or other key to begin a call until approximately the time you press "END" key to terminate the call. Airtime usage on each call is deducted in full minute increments, with partial minutes of use rounded up to the next full minute. Unanswered calls lasting 30 seconds or more will be charged standard airtime and rounded up to the nearest minute. Features such as call waiting, 3-way calling, call forwarding and voicemail will incur applicable airtime charges. 12) Account Balance: All calls will be automatically deducted from your account balance. Balances are not transferable or refundable. Airtime cannot be moved from one phone number to another phone number. You should take reasonable efforts to safeguard your phone and Refill airtime cards. Refill Airtime expires "X" amount of days after a refill card is added to your account whether you use the airtime or not. 13) Use of Service/Rates: International rates vary and are subject to change without notice. It is always best to contact customer service for up to date rates and available countries. You cannot use our service to place calls to numbers that begin with 500, 700, 855, 900 or 976. You cannot use the service to place operator assisted calls such as third party billed, and collect calls. If you are unable to successfully place a call out, attempt dialing with 1 + the area code + the 7-digit number. It is highly recommended that you power cycle your phone at least once per day to help re-register our phone within the Network. 14) Disputes: All disputes must be submitted within 30 days. Feel Safe Wireless is not responsible for disputes that occurred more than 30 days from the date of the dispute. 15) Multimedia Messaging: Multimedia Messaging service is an optional feature available to Feel Safe Wireless customers if a Feel Safe Wireless Refill card is added. This service will only work if used with a compatible handset and proper Feel Safe Wireless MMS configuration settings. Customers without MMS capable handsets will not receive credit for inability to send/receive multimedia messages. You should verify that your phone is MMS compatible before using this feature. Any Multimedia Message you attempt to send or receive will deduct 20 cents from your account balance, whether it is successfully delivered or not. You may attempt to download ringtones and games via Multimedia messaging. Feel Safe Wireless is not responsible if you are unable to download, or save ringtones, games, or other multimedia content to your wireless device. You will still be charged a multimedia message if you receive an MMS, but are not able to save the content to your phone. Feel Safe Wireless will not issue any credits for this reason. You will have the ability to

National Coverage Map

Our coverage area may expand.

Please contact customer service at 1-877-247-7799 or visit www.FeelSafeWireless.com for the most up to date coverage area information.



Prepaid Coverage Legend

- National Prepaid Coverage
- No Service Available

Important Information About the Coverage Map

This map shows approximately where our wireless coverage is available. Cellular service may be affected by such things as terrain, weather, foliage, building structures and your equipment. The map does not guarantee service availability.

send and receive MMS messages as a combination of text, photos, animations, video or sound on compatible handsets. Not all MMS handsets support all features of the service. MMS customers cannot send and receive messages in MMS format with other mobile customers who do not have an MMS compatible handset and/or are not activated. If a Feel Safe Wireless MMS message is sent to a mobile handset that cannot receive the message in MMS format, the recipient will need to have an SMS compatible handset and Service to receive this message. The recipient can access the message via the website for up to 7 days before deletion. Please note, you will still be charged an MMS message even if the recipient does not have MMS. There may be a delay between when a message is sent and when it is received. Feel Safe Wireless accepts no liability for any loss or damage as a result or a delay in receiving a message, a message not being secure or non delivery of a sent message. Recipients of your sent message must be within the coverage of their participating supplier's mobile network to receive a Multimedia message. If a recipient's phone is turned off, or out of their coverage area, the multimedia message is still considered sent, and you will still be charged 20 cents for the message. 16) Mobile Web/Data: Mobile Web or Data service is an optional feature available to Feel Safe Wireless customers if a Feel Safe Wireless Refill Card is added. This service will only work on compatible handsets that offer a web browser and handsets that are properly configured with Feel Safe Wireless data settings. It is your responsibility to ensure that your device is data capable. Data is measured and billed per KB, at \$0.000325/KB. There are 1024 KB in one MB of data. Using one full MB of data will result in a \$0.33 data charge. A data session consists from the time you access the internet via the mobile device until you terminate the session. Multiple sessions can be initiated within a 24 hour period; each will be charged per KB you use, and billed as separate events. You are responsible for ending each data session. If you fail to end a session, the internet will still be considered connected on your device, and your account bill still be charged \$0.000325/KB. Failure to log off of the internet will result in depletion of your airtime. Feel Safe Wireless will NOT issue credits for this reason. You may attempt to download ringtones and games via the Mobile Web. Feel Safe Wireless is not responsible if you are unable to download, or save ringtones, games or other multimedia content to your wireless devices. You will still be charged for data used when attempting to load certain websites, especially those that are not formatted for wireless devices, or contain high graphic content. Feel Safe Wireless is not responsible for slow loading time when using data services, and will not issue credits for this reason.

* All Information is subject to change at any time with or without notification. Because of frequent network upgrades, sometimes rates and other information may change. It is best to call our U.S. based customer service at 1-877-247-7799 or visit our website www.FeelSafeWireless.com for up to date information.

FEELSAFE WIRELESS

Brought to you by



AIRVOICE
wireless



FREE PHONE!

LIMIT ONE LIFELINE PHONE PER HOUSEHOLD
(Either Wireline or Wireless Service)

250 FREE

minutes every month

AVAILABLE FEATURES

- 911/E911 Access
- Voicemail Account
- Caller ID
- Call Waiting
- 3 Way Calling
- Text Messaging
- Call Forwarding
- Free Calls to Customer Service

On The Most Reliable GSM Network

1-877-247-7799
FeelSafeWireless.com

QUALIFYING for FEEL SAFE

WIRELESS is Easy! Just make sure you meet the following eligibility requirements:

1. Limit one Lifeline phone per household (either wireline or wireless service).
2. FEEL SAFE WIRELESS Lifeline benefits are available to consumers who use any of the following government assistance programs or have an income that is at or below 135% of the Federal Poverty Guidelines (FPG).

Food Stamps

Medicaid

Federal Public Housing Assistance- Section 8

National School Free Lunch Program

Bureau of Indian Affairs Programs

Supplemental Social Security- SSI

Temporary Assistance to Needy Families- TANF

Low Income Home Energy Assistance Program- LIHEAP

Proof of Participation or Household Income is required to get service. In order to maintain your Lifeline Service, you must verify your enrollment information annually.

3. 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. Lifeline Service is Non-Transferable.



Prepaid Coverage Legend

- National Prepaid Coverage
- No Service Available

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Exhibit D

LIFELINE SERVICE PLAN

Airvoice offers the following rate plan, which is free to eligible Lifeline subscribers.

250 Free Minutes and a Free Phone: This plan includes a phone plus 250 free voice minutes. Unused minutes expire at the end of the last day of their cycle. The account is then automatically replenished with the next month's 250 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes billed at \$.10 per minute. This plan includes nationwide coverage, voice mail, call waiting, three way calling, call forwarding and Caller ID. Calls to 911 and Airvoice customer care are free. Lifeline customers also have the option, for an additional fee, to purchase the text and data plans that are available to all Airvoice customers.