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

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

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

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SUMMARY

ICON Telecom, Inc. (“ICON”) is seeking limited designation as an Eligible Telecommunications Carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia (collectively the “Non-Jurisdictional States”) pursuant to Section 214(e)(6) of the Communications Act, solely for purposes of offering services supported by the Universal Service Fund’s (“USF”) Lifeline program. ICON is a Mobile Virtual Network Operator (“MVNO”) that purchases wireless service on a wholesale basis from Verizon. Each Non-Jurisdictional State has provided an affirmative statement that it does not exercise jurisdiction over wireless providers for purposes of ETC designation. Accordingly, pursuant to Section 214(e)(6), the Commission has the authority to designate ICON as an ETC in the Non-Jurisdictional States.

ICON meets all of the requirements under Section 214(e)(1) for the limited ETC designation requested herein except for providing service, at least in part, using its own facilities. However, the Commission granted forbearance from enforcement of this facilities requirement to carriers seeking Lifeline-only ETC designation in its Lifeline and Link-Up Reform Order released February 6, 2012.¹ Through its contracts with underlying carriers, ICON has the ability to offer all of the services and functionalities supported by the USF and set forth in Section 54.101(a) of the Commission’s rules. ICON therefore respectfully requests that the Commission

¹ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline and Link Up Reform Order*”).

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

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

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

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I. INTRODUCTION

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

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

² See 47 U.S.C. § 214(e)(6).

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

⁴ See supra note 1.

II. BACKGROUND

A. Company Overview

ICON is an Oklahoma corporation.⁵ ICON will provide prepaid wireless telecommunications services to consumers by using the Verizon Wireless (“Verizon”) network on a wholesale basis. Verizon is a nationwide carrier that provides wholesale capacity on its wireless network to wireless resellers like ICON. Pursuant to an existing direct agreement with Verizon, ICON obtains the network infrastructure, including wireless transmission facilities, to allow ICON to operate as a Mobile Virtual Network Operator (“MVNO”), similar to TracFone and Virgin Mobile, both of whom have been granted ETC status by the Commission.⁶ ICON will purchase services from Verizon on a wholesale basis for mobile calling and text messaging, package those services into ICON’s own service plans and pricing, and bundle those service with ICON’s handset selection, mobile applications, marketing materials, web interface, and customer service to produce finished wireless service offerings to sell to end-user customers.

⁵ The Company does not have any holding companies, operating companies or affiliates. ICON provides both wireline local exchange telecommunications services and wireless telecommunications services, and intends to market its wireless Lifeline service using the d/b/a “ICON Wireless.”

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.

Affordable and easy to use prepaid wireless services are attractive to low-income and lower-volume consumers, providing them with access to emergency services and a reliable means of communication that can be used both at home and while traveling to remain in touch with friends and family and for contacting prospective employers. By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or were previously ignored by traditional carriers, ICON will expand the availability of wireless services to many more low-income consumers, which is one of the principal objectives of Congress' universal service program as codified in Section 254 of the Act, 47 U.S.C. § 254.

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

B. Lifeline Program

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

have access to telecommunications services at affordable and reasonably comparable rates.⁷ As part of those universal service support programs, Lifeline support helps defray the monthly costs of telecommunications services for low-income consumers by providing them with discounts off the monthly cost of telephone service, with additional discounts available for individuals living on tribal lands.⁸

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

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.

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

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

C. Proposed Lifeline Offering

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

Plan A – 68 minutes per month. Minutes rollover for up to 12 months and may be used for text messaging (3 texts per 1 minute of voice).

Plan B – 125 minute per month. Minutes rollover for up to 3 months and may be used for text messaging (1 text per 1 minute of voice).

Plan C – 250 minutes per month. Minutes do not rollover, but may be used for text messaging (1 text per 1 minute of voice).

The Company's Lifeline plans will include a free handset and the following Custom Calling features: Caller ID, Call Waiting, and Voicemail. Additional airtime can be purchased by calling Customer Service, at no decrement in minutes, or by contacting Customer Service via the Company's website.¹¹ Customers are not bound by a local calling area requirement; all ICON plans come with domestic long distance at no extra per minute charge and exceptional nationwide digital coverage on the Verizon Wireless Network. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Calls to ICON Customer Service are also free.

¹¹ Additional airtime rates may vary, but would currently be available at the following rates: \$5 = 35 minutes; \$10 = 75 minutes; \$20 = 160 minutes; \$30 = 270 minutes; and \$50 = 700 minutes.

III. THE COMMISSION HAS AUTHORITY TO PERFORM THE ETC DESIGNATION

Pursuant to Section 214(e)(6), the Commission may designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission.”¹² The Commission has established that a carrier must demonstrate that it “is not subject to the jurisdiction of a state commission” before it may consider an application for ETC designation.¹³ The Commission also has stated that any carrier seeking ETC designation from it must provide the Commission with an “affirmative statement” from the state PUC that it lacks jurisdiction to perform the ETC designation.”¹⁴

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

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

b) The Connecticut Department of Public Utility Control has provided letters clarifying that it lacks jurisdiction to entertain a wireless carrier’s ETC petition. A sample letter is attached as Attachment C.

¹² See 47 U.S.C. § 214(e)(6).

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

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

c) The Delaware Public Service Commission has provided letters clarifying that it lacks jurisdiction to entertain a wireless carrier's ETC petition. A sample letter is attached as Attachment D.

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

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

f) The New Hampshire Public Utilities Commission has provided a letter clarifying that it lacks jurisdiction to entertain a wireless carrier's ETC petition. The letter is attached as Attachment G.

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

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

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

j) The Virginia Corporation Commission has concluded that "§ 214(e)6 of the Act is applicable" to wireless ETC petitions "because [the Virginia Commission] has not asserted

jurisdiction over CMRS carriers,” and that wireless ETC applicants “should apply to the Federal Communications Commission.” A copy of the Virginia Commission’s Order is attached as Attachment K.

Accordingly, for each of the Non-Jurisdiction States, ICON is “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”¹⁵ As such, the Commission is authorized to designate ICON as an Eligible Telecommunications Carrier.

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

A. ICON Requests ETC Designation in its Existing Service Area

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

¹⁵ 47 U.S.C. § 214(e)(6).

¹⁶ See *TracFone ETC Order* and *Virgin Mobile Order*, *supra* note 6.

¹⁷ See Attachment L for chart reflecting the service areas of the non-rural and rural telephone companies that ICON’s authorized service area covers in the Non-Jurisdictional States.

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

Consistent with the scope of forbearance granted by the Commission, ICON requests ETC designation in the Non-Jurisdictional States for the sole purpose of participating in the Lifeline program. ICON does not seek eligibility to receive support from the Link-Up program or High Cost support program. As demonstrated herein, the instant request to participate in the Lifeline program is consistent with the Commission's requirements for ETC designation, and would promote the goals of universal service by offering the many benefits of supported services to low-income customers in the Non-Jurisdictional States. As discussed above, ICON's Lifeline offerings will include many features specifically designed for qualifying low-income customers, who currently lack appealing and affordable options for wireless services, many of whom are therefore unable to subscribe to wireless services.

C. The Limited Designation Request is Consistent with Recent Precedent

ICON's request for designation to participate in the Lifeline program is consistent with the Commission's recent decisions conditionally designating TracFone Wireless and Virgin Mobile as ETCs in several states.¹⁸ In its decisions, the Commission determined that the requests of TracFone and Virgin Mobile satisfied all of the eligibility requirements and that designation would serve the public interest.¹⁹ The Commission specifically noted in the *TracFone* and *Virgin Mobile Orders* that designation of prepaid wireless providers as ETCs will

¹⁸ See *supra* note 6.

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

provide a variety of benefits to low-income consumers, including increased consumer choice, high-quality service offerings and mobile access to emergency services on wireless devices.²⁰

ICON requests that the Commission expeditiously process its pending ETC applications so that it can quickly join TracFone and Virgin Mobile in providing qualifying low-income customers with affordable USF-supported Lifeline wireless services. Designation of prepaid wireless providers such as TracFone, Virgin Mobile and ICON as ETCs is a significant step towards ensuring that all customers, particularly low-income customers, share in the many benefits associated with access to affordable wireless telecommunications services. During an economic downturn, many existing wireless customers have to forego wireless services because they can no longer afford them. Designation of ETC status to prepaid wireless carriers like TracFone, Virgin Mobile and ICON helps to close the widening gap for wireless services and provide low-income customers with the significant advantages associated with access to wireless services. The Commission has found that voice service has “become crucial to full participation in our society and economy, which are increasingly dependent upon the rapid exchange of information.”²¹ As noted in a study sponsored by the Massachusetts Institute of Technology’s Legatum Center for Development and Entrepreneurship and New Millennium Research Council, low-income customers receive significant economic and social benefits from wireless services, including enhanced productivity, increased economic opportunity, and broader access to emergency and safety services.²²

²⁰ *See Id.*

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

²² Nicholas P. Sullivan, New Millennium Research, *Cell Phones Provide Significant Economic Gains for Low-Income American Households: A Review of Literature and Data from Two New* (continued on next page)

V. **ICON SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC**

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

A. **ICON is a Common Carrier**

CMRS resellers like ICON are common carriers.²⁴

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

Although Section 214 requires ETCs to provide services using their facilities, at least in part, the Commission has forbore from that requirement with respect to carriers such as ICON. In the *Lifeline and Link Up Reform Order*, the Commission granted forbearance from the "own-

Surveys, (April 2008), available at http://newmillenniumresearch.org/archive/Sullivan_Report_032608.pdf.

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

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

facilities” requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:²⁵

(1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and

(2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier’s service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.”

ICON will avail itself of the FCC’s grant of blanket forbearance.²⁶ In accordance with the *Lifeline and Link Up Reform Order*, ICON filed its Compliance Plan with the FCC originally on June 19, 2012, and filed a revised version on August 22, 2012. A copy of its revised Compliance Plan is attached to this Petition as Attachment M. ICON commits to providing Lifeline service in the Non-Jurisdictional States in accordance with the Compliance Plan.²⁷

C. ICON Offers All of the Required Services and Functionalities

Through its wholesale arrangements with Verizon, ICON is able to provide all of the services and functionalities supported by the universal service program under Section 54.101 of

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

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

²⁷ To the extent that future changes in federal regulations render the commitments made in the Compliance Plan invalid, the Company reserves the right to modify its operations in accordance with federal regulations in effect at that time.

the Commission's rules in the Non-Jurisdictional States. ICON will make these services and functionalities available to qualifying consumers with service addresses in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia.

1. Voice Grade Access to the Public Switched Telephone Network

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

2. Local Usage

As part of the voice grade access to the PSTN, an ETC must provide minutes of use for local service at no additional charge to end-users. The FCC has not specified a minimum amount of local usage that an ETC must offer.²⁸ ICON offers a variety of rate plans that include minutes of use for, among other things, local service.

3. Access to Emergency Services

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

²⁸ See e.g., *In the Matter of Federal-State Joint Board on Universal Service*, Recommended Decision 15 FCC Rcd 7331 (2002).

4. Toll Limitation for Qualifying Low-Income Consumers

In its *Lifeline and Link Up Reform Order*, the FCC stated that toll limitation would no longer be deemed a supported service.²⁹ “ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.”³⁰ Nonetheless, ICON’s offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. ICON’s service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same. ICON will not seek reimbursement for toll limitation service.

D. Advertising of Supported Services

ICON will broadly advertise the availability and rates for the services described above using media of general distribution as required by Section 54.201(d)(2) of the Commission’s regulations,³¹ and in accordance with the requirements set forth in the *Lifeline and Link Up Reform Order*.³² The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline services, using media of general distribution that may include advertisements via community events and the internet. These advertising campaigns will be specifically targeted to reach low-income customers, promoting the availability of cost-effective wireless services to this neglected consumer segment.

In addition, ICON will utilize its network of retail partners to help promote the availability of its Lifeline plans, especially those retail outlets that are frequented by low-income

²⁹ See *Lifeline and Link Up Reform Order* at ¶ 367.

³⁰ See *Lifeline and Link Up Reform Order* at ¶ 49.

³¹ See 47 C.F.R. § 54.201.

³² See *Lifeline and Link Up Reform Order* at Section VII.F.

consumers. ICON will provide retail vendors with signage to be displayed where ICON products are sold, and with printed materials describing ICON's Lifeline program. ICON will supplement these methods of communication to specifically advertise and promote the availability of its Lifeline offerings to qualifying customers throughout the Non-Jurisdictional States. ICON may distribute brochures at various state and local social service agencies, and may partner with nonprofit assistance organizations in order to inform customers of the availability of its Lifeline services.

E. Service Commitment Throughout the Proposed Designated Service Area

ICON will provide service in the Non-Jurisdictional States by reselling service which it obtains from its underlying facilities-based provider. The underlying provider's network is operational and largely built out. Thus, ICON will be able to commence offering its Lifeline service to all locations served by its underlying carrier very soon after receiving approval from the Commission. ICON commits to comply with the service requirements applicable to the support that it receives.³³

F. Five-Year Network Improvement Plan

As set forth in the *Lifeline and Link Up Reform Order*, a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC.³⁴

G. Ability to Remain Functional in Emergency Situations

In accordance with 47 C.F.R. §54.202(a)(2), ICON has the ability to remain functional in emergency situations. As described herein, ICON purchases wireless network services on a

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

³⁴ See *Lifeline and Link Up Reform Order* at ¶ 386.

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

H. Commitment to Consumer Protection and Service Quality

Under FCC guidelines, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.³⁵ The Company commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards. ICON commits to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

I. ICON is Financially and Technically Capable

ICON is financially and technically capable of providing Lifeline-supported services.³⁶ ICON has been in business since 2001 as a provider of wireline local exchange telecommunications service and added wireless telecommunications service to its platform in 2011. ICON is currently designated as an ETC in Oklahoma, both on a wireline and wireless basis, and the Company provides service to both Lifeline and non-Lifeline customers. ICON has not been subject to

³⁵ See 47 C.F.R. § 54.202(a)(3).

³⁶ See *Lifeline and Link Up Reform Order* at ¶ 387.

enforcement action or ETC revocation proceedings in any state. ICON is financially able to provide Lifeline-supported services and will not rely exclusively on USF disbursements to operate. The Company will continue to rely on its successful business model and service offerings to sustain and grow its business, independent of USF disbursements that provide discounts for qualifying Lifeline subscribers.³⁷ Furthermore, the senior management of ICON has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.³⁸ ICON will be providing resold wireless service, and therefore will also rely upon the managerial and technical expertise of its underlying carrier.

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

A. Consumer Eligibility and Enrollment

ICON will certify and verify consumer eligibility for Lifeline in accordance with its Compliance Plan, which outlines how the Company will comply with the requirements set forth in the *Lifeline and Link Up Reform Order*. In instances where a state agency or third-party administrator is responsible for the initial determination and annual recertification of consumer eligibility, ICON will rely on the state identification or database.³⁹ In instances where ICON is responsible for the initial determination and annual recertification of consumer eligibility, the Company will follow the procedures set forth below.

1. One-Per-Household

ICON understands that Lifeline is limited to a single subscription per household, and that

³⁷ See Attachment M, Exhibit D for the Company's balance sheet. The confidential, unredacted version of Exhibit D was filed with the Company's Compliance Plan on June 19, 2012 and is incorporated herein by reference.

³⁸ See Attachment M, Exhibit E for key management resumes.

³⁹ See *Lifeline and Link Up Reform Order* at ¶ 98.

the Commission has defined household as “any individual or group of individuals who are living together at the same address as one economic unit.”⁴⁰ Upon receiving an application for Lifeline support, ICON will check the National Lifeline Accountability Database (“NLAD”), once in place, to determine whether an individual at the applicant’s residential address is currently receiving Lifeline-supported service. ICON will also search its own internal database of active customers, real-time, pre-sale, to ensure that it does not already provide Lifeline-supported service to someone at that residential address. If ICON determines that an individual at the applicant’s address is currently receiving Lifeline-supported service, ICON will take an additional step to ensure that the applicant and the current subscriber are part of different households. To enable applicants to make this demonstration, ICON will require applicants to complete and submit to the Company USAC’s one-per-household template, which will contain the following: (1) an explanation of the Commission’s one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant’s household and share in the household’s expenses or benefit from the applicant’s income; and (4) the penalty for a consumer’s failure to make the required one-per-household certification (i.e., de-enrollment).⁴¹ ICON will deny the Lifeline application of any individual residing at the same address as a current Lifeline subscriber who is part of the same household, and will advise the applicant of the basis for the denial.

⁴⁰ See *Lifeline and Link Up Reform Order* at ¶ 74.

⁴¹ See *Lifeline and Link Up Reform Order* at ¶ 78.

On its certification forms, a draft sample of which is attached,⁴² ICON will obtain a consumer's permanent residential address (which cannot be a P.O. Box or General Delivery address), unless they only have a temporary address, and a billing address for the service, if different (which may include a P.O. Box or General Delivery address).⁴³ ICON will inquire on its certification forms whether or not the applicant's address is a temporary one.⁴⁴ If and when the 90-day verification rules become effective, ICON will notify the consumer that if they have a temporary address, the Company will contact the consumer every 90 days, by phone or text, to verify that he or she continues to rely on that address, and that if the consumer fails to respond within 30 days of ICON's attempt to verify the temporary address, he or she will be de-enrolled from the Lifeline program.⁴⁵ Also on its certification forms, ICON will explain that if the subscriber moves, they must provide their new address to the Company within 30 days of moving.⁴⁶ If the subscriber has moved, ICON will update the NLAD, once in place, with the information within 10 business days of receipt of the information.⁴⁷

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

2. Initial and Annual Certification

Consumers will be signed up in person or directed, via company literature, collateral or

⁴² See Attachment M, Exhibit A. The draft form remains subject to change, but substantially reflects the content of the Company's application.

⁴³ See *Lifeline and Link Up Reform Order* at ¶ 85.

⁴⁴ See *Lifeline and Link Up Reform Order* at ¶ 89.

⁴⁵ See *id.* As of the date of filing of this Petition, this requirement has not been approved pursuant to the Paperwork Reduction Act.

⁴⁶ See *Lifeline and Link Up Reform Order* at ¶ 85.

⁴⁷ See *id.*

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

ICON's initial and annual certification forms will conform to the list of requirements provided in the *Lifeline and Link Up Reform Order*, Appendix C and C.F.R. § 54.410(d), as amended.⁴⁸ The Company's Lifeline certification forms, a draft sample of which is provided in Attachment M as Exhibit A, will require each prospective subscriber to provide the following information:

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

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

- (i) Lifeline is a federal benefit;
- (ii) Lifeline service is available for only one line per household;
- (iii) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and

⁴⁸ See *Lifeline and Link Up Reform Order* at pp. 227-29.

expenses;

(iv) households are not permitted to receive benefits from multiple providers;

(v) that violation of the one-per-household requirement would constitute a violation of the Commission's rules and would result in the consumer's de-enrollment from the program, and potentially, prosecution by the United States government; and

(vi) a Lifeline subscriber may not transfer his or her service to any other individual, including another eligible low-income consumer.

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

(i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;

(ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.

(iii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);

(iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;

(v) If the subscriber provided a temporary residential address, he or she will be required to verify his or her temporary residential address every 90 days;

(vi) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;

(vii) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,

(viii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and

(ix) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).

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

meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006.⁴⁹

Enrollment in person. The Company anticipates that 100% of its Lifeline enrollment will take place in person at Company events.⁵⁰ For events, the Company sets up trailers in low-income neighborhoods, where several Company employees, agents or representatives (“personnel”) are equipped with computers or tablets to assist customers in filling out an electronic application form. In an effort to save time for both the Company and potential subscribers, personnel are also available to educate prospects waiting in line on the Lifeline program and its requirements, including what constitutes eligibility and what documentation is necessary for enrollment, as well as clearly communicate the one-per-household requirement and the penalties that may result from providing false or fraudulent information. The Company utilizes a mixture of agents and employees for each event, and the employees both train the agents ahead of time and oversee the agents during events.

When a prospective customer applies at an event, Company personnel will ask to see a government issued ID and will validate the address via a USPS/Melissa Database and simultaneously check the name/address combination against the Company’s internal database to confirm that the applicant is not already receiving a Lifeline subsidy from ICON.⁵¹ If the customer indicates on the application form that their address is a multi-household residence, personnel will require the applicant to complete USAC’s one-per-household template as well. In cases where an eligibility database exists, personnel will query the database to determine eligibility. In states where

⁴⁹ See *Lifeline and Link Up Reform Order* at ¶ 168.

⁵⁰ If in the future the Company elects to enroll customers at retail locations, the protocol for signing up customers will mirror the enrollment process described above for events.

⁵¹ ICON will also query the NLAD at this point, when it becomes available.

eligibility databases are not available, the applicant is required to provide proof of participation in one of the Lifeline eligible programs or proof that their annual household income is at or below 135% of the federal poverty guidelines. ICON's Lifeline application contains an "Office Use Only" section, which must be completely filled out and signed by Company personnel in order to record a description about the specific documentation reviewed as part of the eligibility verification process, including type of documentation (i.e. Food Stamps) and a unique identifier (last 3 digits of document ID). Eligibility documents are returned to the customer after review. Finally, ICON personnel will verbally review all certifications and disclosures with the applicant before they sign the application form, making sure the applicant verbally acknowledges each required certification before moving on to the next. Upon successful completion of the certification process, the customer is allowed to choose a service plan and receive their free phone in person. The customer's account is then activated upon the customer's personal initiation or actual use of the phone. In instances where eligibility databases cannot be accessed in real-time, ICON will mail the phone to eligible customers once verification of eligibility is complete and customers will be instructed to call the Company when they receive the phone in order to activate their account; this activation call will capture the customer's name and unique identifier (i.e. last four digits of SSN) in order to verify that the person activating the phone is the intended recipient.

ICON will determine eligibility utilizing the income and program criteria currently utilized by federal default states (47 C.F.R. § 54.409(a),(b)), as well as any additional state-specific criteria. Prior to enrolling a new subscriber, ICON will check the eligibility of low-income consumers first by accessing state or federal social services electronic eligibility databases, where

available.⁵² If a database is used to establish eligibility, ICON will not require documentation of the consumer's participation in a qualifying federal program; instead, ICON or its representative will note in its records a description of what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline.⁵³ However, in states where there is no state administrator, the state commission or other state agency is not making eligibility determinations, and there is no automated means for ICON to check electronic databases for eligibility, ICON will review documentation to determine eligibility for new subscribers until such time as a qualifying eligibility database is available.⁵⁴ ICON will require acceptable documentation both for income eligibility and for program eligibility. The Company will not retain copies of the documentation but rather will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility.⁵⁵ ICON understands that it may permit agents or representatives to review documentation of consumer program eligibility for Lifeline, and in such cases ICON remains liable for ensuring the agent or representative's compliance with the Lifeline program rules.⁵⁶

ICON will provide employees, agents, and representatives with training designed to give them an understanding of Lifeline program requirements and permit them to review customer documentation and determine whether it is sufficient to establish a customer's eligibility to participate in the Lifeline program under the Commission's rules. No Company employee, agent, or representative may accept a Lifeline application unless he or she has first completed this training

⁵² See *Lifeline and Link Up Reform Order* at ¶ 97.

⁵³ See *Lifeline and Link Up Reform Order* at ¶ 98.

⁵⁴ See *Lifeline and Link Up Reform Order* at ¶ 99.

⁵⁵ See *Lifeline and Link Up Reform Order* at ¶ 101.

⁵⁶ See *Lifeline and Link Up Reform Order* at ¶ 110.

program and demonstrated an understanding of the underlying material. Among other things, the Lifeline program training will discuss the Company's Lifeline application form (see Attachment M, Exhibit A) on a section-by-section basis. The training will explain what sections of the form must be completed by the customer and will review the form disclosures in detail, to facilitate the ability of personnel to explain each item contained therein and answer any customer questions.

3. Annual Re-Certification

ICON understands that it must re-certify the eligibility of its entire Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013, and the Company may elect to perform this re-certification on a rolling basis throughout the year.⁵⁷ By December 31, 2012, ICON will re-certify the continued eligibility of all of its subscribers by contacting them—either in person, in writing, by phone, by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.⁵⁸ The re-certification notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company. ICON will obtain a signed certification from the subscriber that meets the certification requirements of 47 C.F.R. § 54.410(d), as amended, as detailed in section VI.A.2 above. The Company will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. ICON understands that such certifications may be obtained through a written format, an IVR system, or a text message, and will use one or more of such options for its certifications.⁵⁹

⁵⁷ See *Lifeline and Link Up Reform Order* at ¶ 130.

⁵⁸ See *id.*

⁵⁹ See *Lifeline and Link Up Reform Order* at ¶ 132.

Alternatively, where a database containing consumer eligibility data is available, ICON (or state agency or third-party, where applicable) will instead query the database by the end of 2012 and maintain a record of what specific data was used to re-certify eligibility and the date of re-certification. If a subscriber's address cannot be verified through the state data, ICON will contact the subscriber every year during the annual certification process to obtain a valid address.⁶⁰ After 2012, ICON will continue to annually certify the continued eligibility of its entire subscriber base, either by accessing a qualifying database, or by electing to have USAC administer the self-certification process on the Company's behalf.⁶¹

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

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

(2) that the Company is in compliance with all federal Lifeline certification procedures.⁶²

⁶⁰ See *Lifeline and Link Up Reform Order* at ¶ 131.

⁶¹ See *Lifeline and Link Up Reform Order* at ¶ 133.

⁶² See *Lifeline and Link Up Reform Order* at ¶ 126-27.

B. Other Reforms to Eliminate Waste, Fraud and Abuse

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

ICON has implemented enrollment procedures designed to prevent subsidies for duplicate, ineligible, or inactive subscribers. The Company also has a Compliance Manager who ensures (1) the Company does not request a subsidy for customers that are inactive according to the Company's non-usage policy and (2) any name/address that is already receiving a lifeline subsidy from the Company is prevented from receiving a second lifeline subsidy in that same month. Through the processes described herein, ICON ensures that it does not over-request from support funds.

As detailed in section IV.A.2, ICON details the one-per-household rule with the applicant, and validates each applicant's identity via a government issued ID card, passport, etc. ICON validates the applicant's address via a USPS/Melissa Database to ensure the address is correct. Simultaneously, the name/address combination is dipped into the Company's internal database to confirm that the applicant is not already receiving a Lifeline subsidy from ICON; ICON will check the NLAD as well, once it is available. Additionally, as mentioned above, ICON requires the applicant to provide their date of birth (DOB) and last four digits of their social security number (SSN). Requiring DOB and SSN ensures that neither the applicant nor the Company representative can forge certification forms based on false names and addresses. Once the applicant's identity is confirmed, ICON verifies that the applicant is eligible to receive the Lifeline subsidy. To do this, ICON checks any available eligibility database. If one is not available, the applicant is required to provide proof of eligibility. This prevents ineligible applicants from receiving the subsidy.

1. National Lifeline Accountability Database

ICON will participate in the NLAD, once it is established. As required by the *Lifeline and Link Up Reform Order*, ICON will provide to the NLAD subscriber name, address, phone number, the last four digits of Social Security number, date of birth, Lifeline service initiation and de-enrollment date (when applicable), and amount of federal Lifeline support being sought for that subscriber.⁶³ ICON will provide the information listed above for existing subscribers within 60 days of Commission notice that the NLAD is capable of accepting subscriber information.⁶⁴

Furthermore, on its certification form, ICON will obtain acknowledgement and consent from each of its subscribers that is written in clear, easily understandable language that the subscriber's name, telephone number, and address will be divulged to USAC (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit.⁶⁵

Within 30 days following Commission notice that the NLAD is capable of accepting queries, ICON will query the NLAD to check to see if a prospective subscriber is already receiving service from another ETC at a residential address prior to seeking reimbursement from the Fund.⁶⁶

2. Subscriber Usage

ICON will not seek reimbursement from the USF for new subscribers until they have personally activated the service, either by initiation and/or actual use of the service by the subscriber. Furthermore, ICON will not seek reimbursement from the USF for inactive

⁶³ See *Lifeline and Link Up Reform Order* at ¶ 189.

⁶⁴ See *Lifeline and Link Up Reform Order* at ¶ 190.

⁶⁵ See *Lifeline and Link Up Reform Order* Appendix C.

⁶⁶ See *Lifeline and Link Up Reform Order* at ¶ 203.

subscribers who have not used the service for a consecutive 60-day period.⁶⁷ ICON will notify its subscribers at service initiation about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time.⁶⁸ An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from the Company to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than the Company, its representative, or agent; or affirmatively responds to a direct contact from the Company confirming that he or she wants to continue.⁶⁹ ICON will notify the customer if the customer has not used their service for more than 30 or 60 consecutive days. Furthermore, the Company has a Compliance Manager who ensures that the Company does not request a subsidy for customers that are inactive under the Company's non-usage policy. After notification, if the customer fails to use the phone, it is automatically de-enrolled pursuant to the procedures outlined in section VI.C below. ICON will continue to comply with applicable public safety, including transmitting 911 calls to the appropriate PSAP even if the Company is no longer providing Lifeline service to a consumer.⁷⁰

3. Marketing & Outreach

ICON will implement the measures outlined herein to help ensure that only eligible consumers enroll in the program and that those consumers are fully informed of the limitations of the program, so as to prevent duplicative or otherwise ineligible service as well as other forms

⁶⁷ See *Lifeline and Link Up Reform Order* at ¶ 257.

⁶⁸ See *id.*

⁶⁹ See *Lifeline and Link Up Reform Order* at ¶ 261.

⁷⁰ See *Lifeline and Link Up Reform Order* at ¶ 262. 911 transmission will actually be performed by the Company's underlying facilities-based CMRS provider.

of waste, fraud, and abuse. ICON will explain in clear, easily understood language substantially the following disclosures in all marketing materials related to the supported service:⁷¹ (1) the offering is a Lifeline-supported service; (2) only eligible consumers may enroll in the program; (3) the program is limited to one benefit per household, consisting of either wireline or wireless service; and (4) Lifeline is a government benefit program. ICON's website and printed collateral will also explain the documentation necessary for enrollment, and the details of ICON's plans. Such collateral and website information, as well as its application, will make clear that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.⁷² For broadcast advertisements and outdoor signs, and any other situation in which inclusion of documentation information and warnings against willful false statements are not practicable, ICON will include the URL link for its website where disclosures will be listed (www.icon.net). Additionally, ICON will disclose the company name under which it does business.⁷³

4. Audits

The *Lifeline and Link Up Reform Order* requires ETCs that draw \$5 million or more in the aggregate on an annual basis from the low-income program, as determined on a holding company basis taking into account all operating companies and affiliates, to hire an independent licensed certified public accounting firm to conduct a biennial audit according to government

⁷¹ See Attachment M, Exhibit B for a sample advertisement. The Company understands the term "marketing materials" includes materials in all media, including but not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the Lifeline-supported service offering, including application and certification forms. See *Lifeline and Link Up Reform Order* at ¶ 275.

⁷² See *Lifeline and Link Up Reform Order* at ¶ 275.

⁷³ See *id.*

accounting standards to assess the ETC's overall compliance with the program's requirements.⁷⁴ ICON will comply with this requirement if and when it is approved, including applicable rules regarding the dissemination of audit findings to the Commission, USAC, and relevant state and Tribal governments within 30 days upon issuance.⁷⁵

C. De-Enrollment

If at any time an ICON Lifeline customer wishes to de-enroll from the Company's Lifeline program, Company customer service representatives will handle such elective de-enrollment requests. ICON Lifeline customers simply call the Company, via 611 or the toll-free customer service number, and they can speak to a live operator to de-enroll from ICON's Lifeline program. ICON will de-enroll consumers from the Company's Lifeline program in the following instances, according to C.F.R. § 54.405(e):

Ineligibility. Any subscriber who indicates that he or she is receiving more than one Lifeline-supported service per household, or neglects to make the required one-per-household certification on his or her certification form, will be de-enrolled from Lifeline pursuant to the process for resolving duplicative Lifeline subscriptions described in section 54.405(e)(2).⁷⁶

If a customer does not respond to the Company's annual verification survey within 30 days, or if ICON has reasonable basis to believe that the subscriber no longer meets the Lifeline-qualifying criteria (including instances where a subscriber informs the Company or the state that he or she is ineligible for Lifeline), ICON will provide a written notice of impending service termination to the subscriber and then give the subscriber 30 days after the date of the letter to demonstrate that

⁷⁴ See *Lifeline and Link Up Reform Order* at ¶ 291.

⁷⁵ See *Lifeline and Link Up Reform Order* at ¶ 294. As of the date of filing of this Petition, the audit requirement has not been approved pursuant to the Paperwork Reduction Act.

⁷⁶ See *Lifeline and Link Up Reform Order* at ¶ 122.

his or her Lifeline service should not be terminated.⁷⁷ Similarly, ICON will de-enroll a subscriber if they fail to respond to the Company's attempt to verify a temporary address within 30 days.⁷⁸

Duplicative Support. Subject to USAC's Duplicate Resolution Process and anticipated Duplicate Scrubbing Process,⁷⁹ ICON will de-enroll a subscriber within 5 business days if the Company is informed by USAC that the subscriber is receiving Lifeline service from another ETC or that more than one member of a subscriber's household is receiving Lifeline service.

Non-Usage. With regards to customers with which ICON does not have an ongoing billing relationship, ICON will de-enroll any subscriber that has not used the Company's Lifeline service for 60 consecutive days, as discussed in section VI.B.2 above. ICON will provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage; such notice may be initiated after 30-days of non-usage. ICON will update the national database, once in place, within one business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.⁸⁰

D. Additional Rule Amendments

1. Terms and Conditions of Service

ICON's Lifeline terms and conditions of service are provided in Attachment M as Exhibit C. These terms and conditions are subject to change as needed.

⁷⁷ See *id.* In states that have dispute resolution procedures applicable to Lifeline termination, the Company will comply with the state requirements.

⁷⁸ See *Lifeline and Link Up Reform Order* at ¶ 89.

⁷⁹ See *Lifeline and Link Up Reform Order* at ¶ 214-16.

⁸⁰ See *Lifeline and Link Up Reform Order* at ¶ 257.

2. Reporting Requirements

ICON will report all information required by section 54.422, including as it may heretofore be amended. This includes the names of the Company's holding company, operating companies and affiliates, and any branding ("doing-business-as company" or brand designation), and provide to the Commission and USAC general information regarding the terms and conditions of the Lifeline plans for voice telephony service offered specifically for low income consumers through the program offered during the previous year, including the number of minutes provided, and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁸¹

3. Reimbursement from USAC

In seeking reimbursement for Lifeline, ICON will comply with the requirements of C.F.R. § 54.407, as revised by the *Lifeline and Link Up Reform Order*.⁸² ICON will certify when seeking reimbursement that the Company has obtained a valid certification form for each consumer for whom the Company seeks Lifeline reimbursement,⁸³ and the Company will seek reimbursement for actual lines served, not projected lines.⁸⁴

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

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is "to secure lower prices and higher quality services for American telecommunications

⁸¹ See *Lifeline and Link Up Reform Order* at ¶¶ 296, 390. Section 153 of the Act defines "affiliate" as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

⁸² See *id* page 221.

⁸³ See *id* at ¶ 128.

⁸⁴ See *id* at ¶ 302.

consumers and encourage the rapid deployment of new telecommunications technologies” to all citizens, regardless of geographic location or income.⁸⁵ Designation of ICON as an ETC in the Non-Jurisdictional States will promote the public interest by providing low-income consumers in the Non-Jurisdictional States with more affordable and higher quality wireless services. Many low-income consumers have yet to reap the full benefits of the wireless marketplace. Whether because of financial constraints, poor credit or intermittent employment, these consumers often lack access to the benefits that wireless services bring to other consumers.⁸⁶ Designating ICON 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.⁸⁷

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

⁸⁵ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

⁸⁶ *See supra* note 22.

⁸⁷ *See TracFone ETC Order*, 23 FCC Rcd at 6212 ¶ 15; *Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38; *Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934*, CC Docket No. 96-61, Second Report and Order, 11 FCC Rcd 20730, 20760 ¶ 52 (1996).

A. Advantages of ICON's Service Offering

The public interest benefits of the Company's wireless service include larger local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage at flexible and affordable amounts in the event that included usage has been exhausted, 911 service and, where available, E911 service in accordance with current FCC requirements. ICON's Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all Company customers. ICON's Lifeline rate plans will not only allow feature-rich mobile connectivity for qualifying subscribers at no cost to the subscriber, but also will bring a variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers – but at low Lifeline rates and without the burden of credit checks, contracts, or activation fees.

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

In sum, ETC designation in the Non-Jurisdictional States would enable ICON to provide all of the public benefits cited by the Commission in its analysis in the *TracFone* and *Virgin Mobile Orders*. Namely, ICON would provide “increased consumer choice, high-quality service offerings, and mobility,”⁸⁸ as well as the safety and security of effective 911 and E911 services.⁸⁹

B. The Benefits of Competitive Choice

The benefits to consumers of being able to choose from among a variety of telecommunications service providers have been acknowledged by the FCC for more than three decades.⁹⁰ Designation of ICON 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 ICON as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.⁹¹ Designation of ICON 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

ICON will only increase the amount of USF Lifeline funding in situations where it obtains Lifeline customers not enrolled in another ETC’s Lifeline program. By implementing the safeguards set forth in the *Lifeline and Link Up Reform Order*, ICON will minimize the

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

⁸⁹ See *Virgin Mobile Order*, 24 FCC Rcd at 3391 ¶ 23.

⁹⁰ See, e.g., *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

⁹¹ See 47 U.S.C. § 254(b)(1).

likelihood that its customers are not eligible or are receiving duplicative support either individually or within their household. Significantly, the Company's designation as an ETC will not increase the number of persons eligible for Lifeline support. ICON's ability to increase the Lifeline participation rate of qualified low-income individuals will further the goal of Congress to provide all individuals with affordable access to telecommunications service, and thus any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers. According to the FCC, "the additional choice and service options of another wireless reseller offering a service for low-income consumers represents a significant benefit for consumers and is in the public interest," and "A new entrant should incent existing wireless reseller ETCs to offer better service and terms to their customers, which provides additional evidence that forbearance in the context of the Lifeline program outweighs the potential costs."⁹²

VIII. ANTI-DRUG ABUSE CERTIFICATION

ICON 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.

IX. CONCLUSION

As discussed above, designation of ICON 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.

⁹² See *Petition of i-wireless, LLC for Forbearance from 47 U.S.C § 214(e)(1)(A)*, Order, FCC 10-117 (rel. June 25, 2010) at ¶ 19.

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

Respectfully submitted,

/s/ Lance J.M. Steinhart

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

Attorney for ICON Telecom, Inc.

August 27, 2012

Attachment A

Proposed Lifeline Rates

PLAN	Free Monthly Minutes Included in Plan	Text Messaging Charge	Unused Minutes Carryover	Voice Mail Caller ID Call Waiting
A	68 minutes	3 text / 1 min	Yes – 12 months	Yes
B	125 minutes	1 text / 1 min	Yes – 3 months	Yes
C	250 minutes	1 text / 1 min	No	Yes

All Plans come with:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services

Additional bundles of minutes currently available:

\$5 = 35 minutes
\$10 = 75 minutes
\$20 = 160 minutes
\$30 = 270 minutes
\$50 = 700 minutes

Attachment B

Affirmative Statement of the Alabama Public Service Commission

Alabama Public Service Commission

Orders

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

Joint Petitioners

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

DOCKET U-4400

ORDER

BY THE COMMISSION:

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

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

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

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

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

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

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

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

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

Press the Back Arrow to Return to the Search

Return to PSC Home - <http://www.psc.state.al.us/index.htm>

Attachment C

Affirmative Statement of the Connecticut Department of Public Utility Control



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

August 10, 2010
In reply, please refer to:
UR:PAP

Lance J.M. Steinhart, Esquire
1720 Windward Concourse
Suite 115
Atlanta, Georgia 30005

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

Dear Mr. Steinhart:

The Department of Public Utility Control (Department) acknowledges receipt of your July 23, 2010 letter filed on behalf of i-wireless, LLC (i-wireless) seeking clarification as to whether the Department asserts jurisdiction to designate competitive eligible telecommunications carriers (CETC) in Connecticut. According to your letter, i-wireless seeks designation as a CETC in Connecticut and believes that the Department does not assert jurisdiction to designate CETCs in the state and that carriers must apply to the Federal Communications Commission for certification.

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

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

K. Santopietro (law)

Kimberley J. Santopietro
Executive Secretary

Attachment D

Affirmative Statement of the Delaware Public Service Commission



**STATE OF DELAWARE
PUBLIC SERVICE COMMISSION**

861 SILVER LAKE BOULEVARD
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE: (302) 736-7500
FAX: (302) 739-4849

August 18, 2010

VIA E-MAIL

Lance J.M. Steinhart, P.C.
1720 Windward Concourse
Suite 115
Alpharetta, Georgia 30005

Dear Mr. Steinhart:

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

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

Sincerely

Janis L. Dillard
Acting Executive Director

DOCKET COPY
DO NOT REMOVE FROM OFFICE

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).

2. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Annella McRae
Chair

Vice Chair

John Corway
Commissioner

John R. ...
Commissioner

[Signature]
Commissioner

ATTEST:

Norma J. Sherwood
Acting Secretary

Attachment E

Affirmative Statement of the District of Columbia Public Service Commission



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

February 29, 2012

Via First Class & Electronic Mail

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

Dear Mr. Steinhart:

Thank you for your February 23, 2012 letter requesting information on whether the Public Service Commission of the District of Columbia ("Commission") designates wireless telecommunications carriers as eligible telecommunications carriers ("ETC") for the purposes of receiving federal universal service funding. Please be advised that, pursuant to section 34-2006(b) of the District of Columbia Code, the Commission does not have jurisdiction over wireless carriers. Thus, the Commission has no authority to designate wireless telecommunications carriers as ETCs.

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

Sincerely,

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 January 11, 2012

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Attachment F

Affirmative Statement of the Florida Public Service Commission

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

STATE OF FLORIDA



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

Public Service Commission

June 2, 2011

Mr. Lance J.M. Steinhart, P.C.
Attorney At Law
1720 Windward Concourse
Suite 115
Alpharetta, GA 30005

Re: Docket No. 110101-TP – i-wireless, LLC's ETC designation

Dear Mr. Steinhart:

We received your May 20, 2011 letter requesting a statement that the Florida Public Service Commission's jurisdiction to grant ETC designation to i-wireless, LLC changed with Governor Scott's approval of HB 1231, the telecom reform bill. In your letter, you mentioned that i-wireless, LLC is a commercial mobile radio service provider.

This letter acknowledges that Governor Scott's approval of HB 1231, the telecom reform bill, revises Chapter 364, Florida Statutes, thereby changing the Commission's jurisdiction regarding telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, including the revisions by HB 1231 for the proposition that the Federal Communications Commission, rather than this Commission is the appropriate agency to consider i-wireless, LLC's bid for ETC status.

Sincerely,

Handwritten signature of S. Curtis Kiser in black ink.

S. Curtis Kiser
General Counsel

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

Attachment G

Affirmative Statement of the New Hampshire Public Utilities Commission

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



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

Tel. (603) 271-2431

FAX (603) 271-3878

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

Website:
www.puc.nh.gov

March 28, 2011

RE: ETC Certification in New Hampshire

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross

General Counsel

New Hampshire Public Utilities Commission

Attachment H

Affirmative Statement of the New York Public Service Commission

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

July 28, 2010

VIA EMAIL AND US MAIL

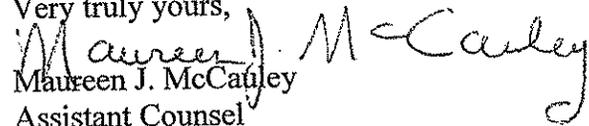
Lance J.M. Steinhart, Esq.
1720 Windward Concourse
Suite 115
Alpharetta, Georgia 30005

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

Dear Mr. Steinhart:

As you requested, enclosed is a letter providing an affirmative statement, required by the FCC, that the New York State Public Service Commission does not assert jurisdiction over CMRS providers seeking Eligible Telecommunications Carrier designation.

Very truly yours,


Maureen J. McCauley
Assistant Counsel

Enc.

cc: Hon. Jaclyn A. Brillling, Secretary

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

July 28, 2010

TO WHOM IT MAY CONCERN:

Re: i-wireless CMRS Jurisdiction

We have received a letter from i-wireless, LLC (i-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 i-wireless that it is a mobile virtual network operator reselling wireless services, i-wireless 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

Attachment I

Affirmative Statement of the North Carolina Public Utilities Commission

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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

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

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

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

WHEREUPON, the Commission reaches the following

CONCLUSIONS

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

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

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Patricia Swenson".

Patricia Swenson, Deputy Clerk

Attachment J

Affirmative Statement of the Tennessee Regulatory Authority

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

**APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

)
)
)
)
)

**DOCKET NO.
02-01245**

ORDER

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

Background

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

The January 27, 2003 Authority Conference

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

jurisdiction over Advantage for ETC designation purposes.¹

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

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

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

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

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

² 47 U.S.C. §214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

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

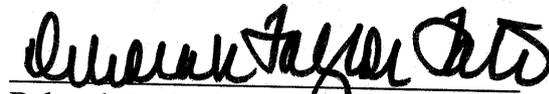
As a matter of “state-federal comity,” the FCC requires that carriers seeking ETC designation “first consult with the state commission to give the state commission an opportunity to interpret state law.”³ Most carriers that are not subject to a state regulatory commission’s jurisdiction seeking ETC designation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

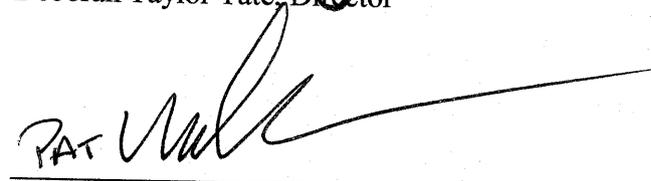
The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

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


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

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

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

Attachment K

Affirmative Statement of the Virginia Corporation Commission

STATE CORPORATION COMMISSION DOCUMENT CONTROL

AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC-2001-00263

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

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Accordingly, IT IS ORDERED THAT:

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

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

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

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

(4) This matter is continued generally.

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

Attachment L
Coverage Area

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
AL	250282	BLOUNTSVILLE TEL CO	R
AL	250283	BRINDLEE MOUNTAIN	R
AL	250284	BUTLER TEL CO	R
AL	250285	CASTLEBERRY TEL CO	R
AL	250286	NATIONAL OF ALABAMA	R
AL	250290	FARMERS TELECOM COOP	R
AL	250295	GRACEBA TOTAL COMM	R
AL	250298	GULF TEL CO - AL	R
AL	250299	HAYNEVILLE TEL CO	R
AL	250300	HOPPER TELECOMM. CO.	R
AL	250301	FRONTIER-LAMAR CNTY	R
AL	250302	WINDSTREAM AL	R
AL	250304	MILLRY TEL CO	R
AL	250305	MON-CRE TEL COOP	R
AL	250306	FRONTIER COMM.-AL	R
AL	250307	MOUNDVILLE TEL CO	R
AL	250308	NEW HOPE TEL COOP	R
AL	250311	OAKMAN TEL CO (TDS)	R
AL	250312	OTELCO TELEPHONE LLC	R
AL	250314	PEOPLES TEL CO	R
AL	250315	PINE BELT TEL CO	R
AL	250316	RAGLAND TEL CO	R
AL	250317	ROANOKE TEL CO	R
AL	250318	FRONTIER COMM-SOUTH	R
AL	250322	UNION SPRINGS TEL CO	R
AL	255181	SO CENTRAL BELL-AL	N
AL	259788	CENTURYTEL-AL-SOUTH	N
AL	259789	CENTURYTEL-AL-NORTH	N
CT	132454	THE WOODBURY TEL CO	R
CT	135200	SOUTHERN NEW ENGLAND	N
DC	575020	VERIZON WA, DC INC.	N
DE	565010	VERIZON DELAWARE INC	N
FL	210291	GTC, INC.	R
FL	210318	FRONTIER COMM-SOUTH	R
FL	210328	VERIZON FLORIDA	N
FL	210329	GTC, INC.	R
FL	210330	SMART CITY TEL LLC	R
FL	210331	ITS TELECOMM. SYS.	R
FL	210335	NORTHEAST FLORIDA	R
FL	210336	WINDSTREAM FL	R
FL	210338	QUINCY TEL CO-FL DIV	R
FL	210339	GTC, INC.	R
FL	210341	EMBARQ FLORIDA INC. FKA SPRINT	R
FL	215191	SOUTHERN BELL-FL	N

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
NC	230468	ATLANTIC MEMBERSHIP	R
NC	230469	BARNARDSVILLE TEL CO	R
NC	230470	CAROLINA TEL & TEL	R
NC	230471	CENDEL OF NC	R
NC	230473	CITIZENS TEL CO	R
NC	230474	CONCORD TEL CO	R
NC	230476	WINDSTREAM NC	R
NC	230478	ELLERBE TEL CO	R
NC	230479	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	N
NC	230483	LEXCOM TELEPHONE CO.	R
NC	230485	MEBTEL, INC.	R
NC	230491	N.ST. DBA N. ST.COMM	R
NC	230494	PINEVILLE TEL CO	R
NC	230495	RANDOLPH TEL CO	R
NC	230496	RANDOLPH MEMBERSHIP	R
NC	230497	PIEDMONT MEMBERSHIP	R
NC	230498	SALUDA MOUNTAIN TEL	R
NC	230500	SERVICE TEL CO	R
NC	230501	SKYLINE MEMBERSHIP	R
NC	230502	STAR MEMBERSHIP CORP	R
NC	230503	SURRY MEMBERSHIP	R
NC	230505	TRI COUNTY TEL MEMBR	R
NC	230509	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	N
NC	230510	WILKES MEMBERSHIP	R
NC	230511	YADKIN VALLEY TEL	R
NC	230864	VERIZON SOUTH INC. DBA NORTH CAROLINA	N
NC	235193	SOUTHERN BELL-NC	N
NH	120038	BRETTON WOODS TEL CO	R
NH	120039	GRANITE STATE TEL	R
NH	120042	DIXVILLE TEL CO	R
NH	120043	DUNBARTON TEL CO	R
NH	120045	KEARSARGE TEL CO	R
NH	120047	MERRIMACK COUNTY TEL	R
NH	120049	UNION TEL CO	R
NH	120050	WILTON TEL CO - NH	R
NH	123321	MCTA, INC.	R
NH	125113	NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC	N
NY	150071	ARMSTRONG TEL CO-NY	R
NY	150072	FRONTIER-AUSABLE VAL	R
NY	150073	BERKSHIRE TEL CORP	R
NY	150076	CASSADAGA TEL CORP	R
NY	150077	CHAMPLAIN TEL CO	R
NY	150078	CHAUTAUQUA & ERIE	R
NY	150079	CHAZY & WESTPORT	R

State	SAC	Study Area Name	Rural (R) or Non-Rural (N)
NY	150081	CITIZENS HAMMOND NY	R
NY	150084	TACONIC TEL CORP	R
NY	150085	CROWN POINT TEL CORP	R
NY	150088	DELHI TEL CO	R
NY	150089	DEPOSIT TEL CO	R
NY	150091	DUNKIRK & FREDONIA	R
NY	150092	EDWARDS TEL CO	R
NY	150093	EMPIRE TEL CORP	R
NY	150095	FISHERS ISLAND TEL	R
NY	150097	GERMANTOWN TEL CO	R
NY	150099	HANCOCK TEL CO	R
NY	150100	FRONTIER COMM OF NY	R
NY	150104	MARGARETVILLE TEL CO	R
NY	150105	MIDDLEBURGH TEL CO	R
NY	150106	WINDSTREAM NY-FULTON	R
NY	150107	NEWPORT TEL CO	R
NY	150108	NICHOLVILLE TEL CO	R
NY	150109	WINDSTREAM-JAMESTOWN	R
NY	150110	OGDEN TEL DBA FRNTER	R
NY	150111	ONEIDA COUNTY RURAL	R
NY	150112	ONTARIO TEL CO, INC.	R
NY	150113	WINDSTREAM RED JACKT	R
NY	150114	ORISKANY FALLS TEL	R
NY	150116	PATTERSONVILLE TEL	R
NY	150118	PORT BYRON TEL CO	R
NY	150121	FRONTIER-ROCHESTER	N
NY	150121	FRONTIER-ROCHESTER	R
NY	150122	FRONTIER-SENECA GORH	R
NY	150125	STATE TEL CO	R
NY	150128	FRONTIER-SYLVAN LAKE	R
NY	150129	TOWNSHIP TEL CO	R
NY	150131	TRUMANSBURG TEL CO.	R
NY	150133	VERNON TEL CO	R
NY	150135	WARWICK VALLEY-NY	R
NY	154532	CITIZENS-FRONTIER-NY	R
NY	154533	CITIZENS-FRONTIER-NY	R
NY	154534	CITIZENS-FRONTIER-NY	R
NY	155130	VERIZON NEW YORK	N
TN	290280	ARDMORE TEL CO	R
TN	290552	CENTURYTEL-ADAMSVILL	R
TN	290553	BEN LOMAND RURAL	R
TN	290554	BLEDSOE TEL COOP	R
TN	290557	CENTURY-CLAIBORNE	R
TN	290559	CONCORD TEL EXCHANGE	R

State	SAC	Study Area Name	Rural (R) or Non- Rural (N)
TN	290561	CROCKETT TEL CO	R
TN	290562	DEKALB TEL COOP	R
TN	290565	HIGHLAND TEL COOP-TN	R
TN	290566	HUMPHREY'S COUNTY	R
TN	290567	UNITED INTER-MT-TN	R
TN	290570	LORETTO TEL CO	R
TN	290571	MILLINGTON TEL CO	R
TN	290573	NORTH CENTRAL COOP	R
TN	290574	CENTURYTEL-OOLTEWAH	R
TN	290575	TENNESSEE TEL CO	R
TN	290576	PEOPLES TEL CO	R
TN	290578	TELLICO TEL CO	R
TN	290579	TWIN LAKES TEL COOP	R
TN	290580	CTZENS-FRNTR-VOL ST	R
TN	290581	UTC OF TN	R
TN	290583	WEST TENNESSEE TEL	R
TN	290584	YORKVILLE TEL COOP	R
TN	290598	WEST KENTUCKY RURAL TELEPHONE	R
TN	294336	CITIZENS-FRONTIER-TN	R
TN	295185	SO. CENTRAL BELL -TN	N
VA	190217	AMELIA TEL CORP	R
VA	190219	BUGGS ISLAND COOP	R
VA	190220	BURKE'S GARDEN TEL	R
VA	190225	CITIZENS TEL COOP	R
VA	190226	NTELOS, INC.	R
VA	190233	VERIZON S-VA(CONTEL)	N
VA	190237	HIGHLAND TEL COOP	R
VA	190238	MGW TEL. CO. INC.	R
VA	190239	NEW HOPE TEL COOP	R
VA	190243	PEMBROKE TEL COOP	R
VA	190244	PEOPLES MUTUAL TEL	R
VA	190248	SCOTT COUNTY COOP	R
VA	190249	ROANOKE & BOTETOURT	R
VA	190250	SHENANDOAH TEL CO	R
VA	190253	VIRGINIA TEL CO	R
VA	190254	CENTEL OF VIRGINIA	R
VA	190479	VERIZON SOUTH-VA	R
VA	190567	UNITED INTER-MT-VA	R
VA	193029	NEW CASTLE TEL. CO.	R
VA	195040	VERIZON VIRGINIA INC	N
VA	197251	SHENANDOAH TELEPHONE COMPANY - NR	R

Attachment M

ICON Telecom, Inc.'s 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)	
)	WC Docket No. 11-42
Lifeline and Link Up Reform and Modernization)	
)	
ICON Telecom, Inc.)	
Compliance Plan)	

ICON TELECOM, INC.'S AMENDED COMPLIANCE PLAN

Lance J.M. Steinhart
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Attorney for ICON Telecom, Inc.

August 22, 2012

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

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

ICON TELECOM, INC.’S AMENDED COMPLIANCE PLAN

I. INTRODUCTION

ICON Telecom, Inc. (“ICON” or the “Company”) is a prepaid wireless telecommunications carrier seeking designation as an Eligible Telecommunications Carrier (“ETC”) solely for the purpose of participating in the Lifeline program. Although Section 214(e)(1)(A) of the Act requires an ETC to offer USF-supported services to some extent over its own facilities, the Federal Communications Commission (“FCC” or “Commission”) has forbore from that requirement for carriers that are, or seek to become, Lifeline-only ETCs.¹ ICON will avail itself of the FCC’s conditional grant of forbearance and, by its attorney, hereby files its Compliance Plan outlining the

¹ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Order*”).

measures it will take to implement the conditions of forbearance outlined in the *Order*.² For the Commission's convenience, this Amended Compliance Plan replaces, in its entirety, the Compliance Plan as originally filed on June 19, 2012. Given the severe economic environment that is forcing many low-income customers to forego wireless service, ICON respectfully requests expeditious approval of this plan so that the Company, upon designation as an ETC, may quickly deploy much-needed Lifeline services to qualified low-income customers.

II. BACKGROUND

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

(1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and

(2) the carrier must file, and the Bureau must approve, a compliance plan that: (a) outlines the measures the carrier will take to implement the obligations contained in this Order, including but not limited to the procedures the ETC follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Fund, materials related to initial and ongoing certifications and sample marketing materials, as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary; and (b) provides a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier's various Lifeline service plan offerings, including subscriber rates, number of minutes included and types of plans available.

² Although the Company qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 214(e)(1)(A), the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state, particularly for purposes of state universal service funding under state program rules and requirements. The Company will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income fund.

³ See *Order* at ¶¶ 368, 373 and 379.

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

ICON will comply with all conditions set forth in the *Order*, the provision of this Compliance Plan, and all laws and regulations governing its provision of Lifeline-supported prepaid wireless service to customers throughout the United States.⁴

A. Access to 911 and E911 Services

In the *Order*, the Commission requires ICON to provide its Lifeline customers with access to 911 and E911 services, regardless of activation status and availability of minutes.⁵ The Commission and consumers are hereby assured that all ICON customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access will be available from ICON handsets even if the account associated with the handset has no minutes remaining.

B. E911-Compliant Handsets

The Commission also conditioned its grant of forbearance determination on ICON providing only E911-compliant handsets to its Lifeline customers.⁶ ICON will ensure that all handsets used in connection with the Company's Lifeline service offering are E911-compliant. In the event that an existing ICON customer does not have an E911-compliant handset, the Company will replace it with a 911/E911-compliant handset at no charge to the customer. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well.

⁴ To the extent that future changes in federal regulations render the commitments herein invalid, the Company reserves the right to modify its operations in accordance with federal regulations in effect at that time.

⁵ See *Order* at ¶ 373.

⁶ See *id.*

C. Consumer Eligibility and Enrollment

ICON will certify and verify consumer eligibility for Lifeline in accordance with the requirements set forth in the *Order*. In instances where a state agency or third-party administrator is responsible for the initial determination and annual recertification of consumer eligibility, ICON will rely on the state identification or database.⁷ In instances where ICON is responsible for the initial determination and annual recertification of consumer eligibility, the Company will follow the procedures set forth below.

1. One-Per-Household

ICON understands that Lifeline is limited to a single subscription per household, and that the Commission has defined household as “any individual or group of individuals who are living together at the same address as one economic unit.”⁸ Upon receiving an application for Lifeline support, ICON will check the National Lifeline Accountability Database (“NLAD”), once in place, to determine whether an individual at the applicant’s residential address is currently receiving Lifeline-supported service. ICON will also search its own internal database of active customers, real-time, pre-sale, to ensure that it does not already provide Lifeline-supported service to someone at that residential address. If ICON determines that an individual at the applicant’s address is currently receiving Lifeline-supported service, ICON will take an additional step to ensure that the applicant and the current subscriber are part of different households. To enable applicants to make this demonstration, ICON will require applicants to complete and submit to the Company USAC’s one-per-household template, which will contain the following: (1) an explanation of the Commission’s one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space

⁷ See *Order* at ¶ 98.

⁸ See *Order* at ¶ 74.

for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income; and (4) the penalty for a consumer's failure to make the required one-per-household certification (i.e., de-enrollment).⁹ ICON will deny the Lifeline application of any individual residing at the same address as a current Lifeline subscriber who is part of the same household, and will advise the applicant of the basis for the denial.

On its certification forms, a draft sample of which is attached,¹⁰ ICON will obtain a consumer's permanent residential address (which cannot be a P.O. Box or General Delivery address), unless they only have a temporary address, and a billing address for the service, if different (which may include a P.O. Box or General Delivery address).¹¹ ICON will inquire on its certification forms whether or not the applicant's address is a temporary one.¹² If and when the 90-day verification rules become effective, ICON will notify the consumer that if they have a temporary address, the Company will contact the consumer every 90 days, by phone or text, to verify that he or she continues to rely on that address, and that if the consumer fails to respond within 30 days of ICON's attempt to verify the temporary address, he or she will be de-enrolled from the Lifeline program.¹³ Also on its certification forms, ICON will explain that if the subscriber moves, they must provide their new address to the Company within 30 days of moving.¹⁴ If the subscriber has moved, ICON will update the NLAD, once in place, with the

⁹ See Order at ¶ 78.

¹⁰ See Exhibit A. The draft form remains subject to change, but substantially reflects the content of the Company's application.

¹¹ See Order at ¶ 85.

¹² See Order at ¶ 89.

¹³ See *id.* As of the date of filing of this Compliance Plan, this requirement has not been approved pursuant to the Paperwork Reduction Act.

¹⁴ See Order at ¶ 85.

information within 10 business days of receipt of the information.¹⁵

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

2. Initial and Annual Certification

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

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

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

¹⁵ *See id.*

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

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

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

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

Applicants will also be required to initial a number of disclosure statements intended to

ensure that the applicant understands applicable eligibility requirements. Consumers who do not complete the application process in person must return the signed application and support documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures, including Interactive Voice Response (IVR) recordings, that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006.¹⁶

Enrollment in person. The Company anticipates that 100% of its Lifeline enrollment will take place in person at Company events.¹⁷ For events, the Company sets up trailers in low-income neighborhoods, where several Company employees, agents or representatives (“personnel”) are equipped with computers or tablets to assist customers in filling out an electronic application form. In an effort to save time for both the Company and potential subscribers, personnel are also available to educate prospects waiting in line on the Lifeline program and its requirements, including what constitutes eligibility and what documentation is necessary for enrollment, as well as clearly communicate the one-per-household requirement and the penalties that may result from providing false or fraudulent information. The Company utilizes a mixture of agents and employees for each event, and the employees both train the agents ahead of time and oversee the agents during events.

When a prospective customer applies at an event, Company personnel will ask to see a government issued ID and will validate the address via a USPS/Melissa Database and simultaneously check the name/address combination against the Company’s internal database to confirm that the applicant is not already receiving a Lifeline subsidy from ICON.¹⁸ If the customer

¹⁶ See *Order* at ¶ 168.

¹⁷ If in the future the Company elects to enroll customers at retail locations, the protocol for signing up customers will mirror the enrollment process described above for events.

¹⁸ ICON will also query the NLAD at this point, when it becomes available.

indicates on the application form that their address is a multi-household residence, personnel will require the applicant to complete USAC's one-per-household template as well. In cases where an eligibility database exists, personnel will query the database to determine eligibility. In states where eligibility databases are not available, the applicant is required to provide proof of participation in one of the Lifeline eligible programs or proof that their annual household income is at or below 135% of the federal poverty guidelines. ICON's Lifeline application contains an "Office Use Only" section, which must be completely filled out and signed by Company personnel in order to record a description about the specific documentation reviewed as part of the eligibility verification process, including type of documentation (i.e. Food Stamps) and a unique identifier (last 3 digits of document ID). Eligibility documents are returned to the customer after review. Finally, ICON personnel will verbally review all certifications and disclosures with the applicant before they sign the application form, making sure the applicant verbally acknowledges each required certification before moving on to the next. Upon successful completion of the certification process, the customer is allowed to choose a service plan and receive their free phone in person. The customer's account is then activated upon the customer's personal initiation or actual use of the phone. In instances where eligibility databases cannot be accessed in real-time, ICON will mail the phone to eligible customers once verification of eligibility is complete and customers will be instructed to call the Company when they receive the phone in order to activate their account; this activation call will capture the customer's name and unique identifier (i.e. last four digits of SSN) in order to verify that the person activating the phone is the intended recipient.

ICON will determine eligibility utilizing the income and program criteria currently utilized by federal default states (47 C.F.R. § 54.409(a),(b)), as well as any additional state-specific criteria. Prior to enrolling a new subscriber, ICON will check the eligibility of low-income consumers

first by accessing state or federal social services electronic eligibility databases, where available.¹⁹ If a database is used to establish eligibility, ICON will not require documentation of the consumer's participation in a qualifying federal program; instead, ICON or its representative will note in its records a description of what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline.²⁰ However, in states where there is no state administrator, the state commission or other state agency is not making eligibility determinations, and there is no automated means for ICON to check electronic databases for eligibility, ICON will review documentation to determine eligibility for new subscribers until such time as a qualifying eligibility database is available.²¹ ICON will require acceptable documentation both for income eligibility and for program eligibility. The Company will not retain copies of the documentation but rather will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility.²² ICON understands that it may permit agents or representatives to review documentation of consumer program eligibility for Lifeline, and in such cases ICON remains liable for ensuring the agent or representative's compliance with the Lifeline program rules.²³

ICON provides employees, agents, and representatives with training designed to give them an understanding of Lifeline program requirements and permit them to review customer documentation and determine whether it is sufficient to establish a customer's eligibility to participate in the Lifeline program under the Commission's rules. No Company employee, agent, or representative may accept a Lifeline application unless he or she has first completed this training program and demonstrated an understanding of the underlying material. Among other things, the

¹⁹ See Order at ¶ 97.

²⁰ See Order at ¶ 98.

²¹ See Order at ¶ 99.

²² See Order at ¶ 101.

²³ See Order at ¶ 110.

Lifeline program training discusses the Company's Lifeline application form (see Exhibit A) on a section-by-section basis. The training explains what sections of the form must be completed by the customer and reviews the form disclosures in detail, to facilitate an employee's ability to explain each item contained therein and answer any customer questions.

3. Annual Re-Certification

ICON understands that it must re-certify the eligibility of its entire Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013, and the Company may elect to perform this re-certification on a rolling basis throughout the year.²⁴ By December 31, 2012, ICON will re-certify the continued eligibility of all of its subscribers by contacting them—either in person, in writing, by phone, by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.²⁵ The re-certification notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company. ICON will obtain a signed certification from the subscriber that meets the certification requirements of 47 C.F.R. § 54.410(d), as amended, as detailed in section C.2 above. The Company will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. ICON understands that such certifications may be obtained through a written format, an IVR system, or a text message, and will use one or more of such options for its certifications.²⁶

Alternatively, where a database containing consumer eligibility data is available, ICON (or state agency or third-party, where applicable) will instead query the database by the end of 2012 and maintain a record of what specific data was used to re-certify eligibility and the date of

²⁴ See *Order* at ¶ 130.

²⁵ See *id.*

²⁶ See *Order* at ¶ 132.

re-certification. If a subscriber's address cannot be verified through the state data, ICON will contact the subscriber every year during the annual certification process to obtain a valid address.²⁷ After 2012, ICON will continue to annually certify the continued eligibility of its entire subscriber base, either by accessing a qualifying database, or by electing to have USAC administer the self-certification process on the Company's behalf.²⁸

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

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

(2) that the Company is in compliance with all federal Lifeline certification procedures.²⁹

D. Other Reforms to Eliminate Waste, Fraud and Abuse

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

ICON has implemented enrollment procedures designed to prevent subsidies for duplicate,

²⁷ See Order at ¶ 131.

²⁸ See Order at ¶ 133.

²⁹ See Order at ¶ 126-27.

ineligible, or inactive subscribers. The Company also has a Compliance Manager who ensures (1) the Company does not request a subsidy for customers that are inactive according to the Company's non-usage policy and (2) any name/address that is already receiving a lifeline subsidy from the Company is prevented from receiving a second lifeline subsidy in that same month. Through the processes described herein, ICON ensures that it does not over-request from support funds.

As detailed in section III.C.2, ICON details the one-per-household rule with the applicant, and validates each applicant's identity via a government issued ID card, passport, etc. ICON validates the applicant's address via a USPS/Melissa Database to ensure the address is correct. Simultaneously, the name/address combination is dipped into the Company's internal database to confirm that the applicant is not already receiving a Lifeline subsidy from ICON. Additionally, as mentioned above, ICON requires the applicant to provide their date of birth (DOB) and last four digits of their social security number (SSN). Requiring DOB and SSN ensures that neither the applicant nor the Company representative can forge certification forms based on false names and addresses. Once the applicant's identity is confirmed, ICON verifies that the applicant is eligible to receive the Lifeline subsidy. To do this, ICON checks any available eligibility database. If one is not available, the applicant is required to provide proof of eligibility. This prevents ineligible applicants from receiving the subsidy.

1. National Lifeline Accountability Database

ICON will participate in the National Lifeline Accountability Database, once it is established. As required by the *Order*, ICON will provide to the NLAD subscriber name, address, phone number, the last four digits of Social Security number, date of birth, Lifeline service initiation and de-enrollment date (when applicable), and amount of federal Lifeline support being sought for

that subscriber.³⁰ ICON will provide the information listed above for existing subscribers within 60 days of Commission notice that the NLAD is capable of accepting subscriber information.³¹

Furthermore, on its certification form, ICON will obtain acknowledgement and consent from each of its subscribers that is written in clear, easily understandable language that the subscriber's name, telephone number, and address will be divulged to USAC (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit.³²

Within 30 days following Commission notice that the NLAD is capable of accepting queries, ICON will query the database to check to see if a prospective subscriber is already receiving service from another ETC at a residential address prior to seeking reimbursement from the Fund.³³

2. Subscriber Usage

In regards to its Oklahoma Lifeline customers, there is no need for the Company to implement a customer usage requirement because the Company's Oklahoma Lifeline rate plans charge the customer a monthly fee; therefore, ICON has an ongoing billing relationship with its Oklahoma customers. However, ICON will implement the following usage policies in all states where the Company offers Lifeline rate plans that are free, and thus do not result in an ongoing billing relationship with customers:

ICON will not seek reimbursement from the USF for new subscribers until they have personally activated the service, either by initiation and/or actual use of the service by the subscriber. Furthermore, ICON will not seek reimbursement from the USF for inactive

³⁰ See Order at ¶ 189.

³¹ See Order at ¶ 190.

³² See Order, Appendix C.

³³ See Order at ¶ 203.

subscribers who have not used the service for a consecutive 60-day period.³⁴ ICON will notify its subscribers at service initiation about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time.³⁵ An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from the Company to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than the Company, its representative, or agent; or affirmatively responds to a direct contact from the Company confirming that he or she wants to continue.³⁶ ICON will notify the customer if the customer has not used their service for more than 30 or 60 consecutive days. Furthermore, the Company has a Compliance Manager who ensures that the Company does not request a subsidy for customers that are inactive under the Company's non-usage policy. After notification, if the customer fails to use the phone, it is automatically de-enrolled pursuant to the procedures outlined in section E below. ICON will continue to comply with applicable public safety, including transmitting 911 calls to the appropriate PSAP even if the Company is no longer providing Lifeline service to a consumer.³⁷

3. Marketing & Outreach

ICON will implement the measures outlined herein to help ensure that only eligible consumers enroll in the program and that those consumers are fully informed of the limitations of the program, so as to prevent duplicative or otherwise ineligible service as well as other forms of waste, fraud, and abuse. ICON will explain in clear, easily understood language the following

³⁴ See Order at ¶ 257.

³⁵ See *id.*

³⁶ See Order at ¶ 261.

³⁷ See Order at ¶ 262. 911 transmission will actually be performed by the Company's underlying facilities-based CMRS provider.

disclosures in all marketing materials related to the supported service:³⁸ (1) the offering is a Lifeline-supported service; (2) only eligible consumers may enroll in the program; (3) the program is limited to one benefit per household, consisting of either wireline or wireless service; and (4) Lifeline is a government benefit program. ICON's website and printed collateral will explain the documentation necessary for enrollment, and the details of ICON's plans. Such collateral and website information, as well as its application, will make clear that consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.³⁹ For broadcast advertisements and outdoor signs, and any other situation in which inclusion of documentation information and warnings against willful false statements are not practicable, ICON will include the URL link for its website where disclosures will be listed (www.icon.net). Additionally, ICON will disclose the company name under which it does business.⁴⁰

4. Audits

The *Order* requires ETCs that draw \$5 million or more in the aggregate on an annual basis from the low-income program, as determined on a holding company basis taking into account all operating companies and affiliates, to hire an independent licensed certified public accounting firm to conduct a biennial audit according to government accounting standards to assess the ETC's overall compliance with the program's requirements.⁴¹ ICON will comply with this requirement if and when it is approved, including applicable rules regarding the

³⁸ See Exhibit B for a sample advertisement. The Company understands the term "marketing materials" includes materials in all media, including but not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the Lifeline-supported service offering, including application and certification forms. *See Order* at ¶ 275.

³⁹ *See Order* at ¶ 275.

⁴⁰ *See id.*

⁴¹ *See Order* at ¶ 291.

dissemination of audit findings to the Commission, USAC, and relevant state and Tribal governments within 30 days upon issuance.⁴²

E. De-Enrollment

If at any time an ICON Lifeline customer wishes to de-enroll from the Company's Lifeline program, Company customer service representatives will handle such elective de-enrollment requests. ICON Lifeline customers simply call the Company, via 611 or the toll-free customer service number, and they can speak to a live operator to de-enroll from ICON's Lifeline program. ICON will de-enroll consumers from the Company's Lifeline program in the following instances, according to C.F.R. § 54.405(e):

Ineligibility. Any subscriber who indicates that he or she is receiving more than one Lifeline-supported service per household, or neglects to make the required one-per-household certification on his or her certification form, will be de-enrolled from Lifeline pursuant to the process for resolving duplicative Lifeline subscriptions described in section 54.405(e)(2).⁴³

If a customer does not respond to the Company's annual verification survey within 30 days, or if ICON has reasonable basis to believe that the subscriber no longer meets the Lifeline-qualifying criteria (including instances where a subscriber informs the Company or the state that he or she is ineligible for Lifeline), ICON will provide a written notice of impending service termination to the subscriber and then give the subscriber 30 days after the date of the letter to demonstrate that his or her Lifeline service should not be terminated.⁴⁴ Similarly, ICON will de-enroll a subscriber if they fail to respond to the Company's attempt to verify a temporary address within

⁴² See *Order* at ¶ 294. As of the date of filing of this Compliance Plan, the audit requirement has not been approved pursuant to the Paperwork Reduction Act.

⁴³ See *Order* at ¶ 122.

⁴⁴ See *id.* In states that have dispute resolution procedures applicable to Lifeline termination, the Company will comply with the state requirements.

30 days.⁴⁵

Duplicative Support. Subject to USAC’s Duplicate Resolution Process and anticipated Duplicate Scrubbing Process,⁴⁶ ICON will de-enroll a subscriber within 5 business days if the Company is informed by USAC that the subscriber is receiving Lifeline service from another ETC or that more than one member of a subscriber’s household is receiving Lifeline service.

Non-Usage. With regards to customers with which ICON does not have an ongoing billing relationship, ICON will de-enroll any subscriber that has not used the Company’s Lifeline service for 60 consecutive days, as discussed in section IV.B above. ICON will provide the subscriber 30 days’ notice, using clear, easily understood language, that the subscriber’s failure to use the Lifeline service within the 30-day notice period will result in service termination for non-usage; such notice may be initiated after 30-days of non-usage. ICON will update the national database, once in place, within one business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.⁴⁷

F. Additional Rule Amendments

1. Terms and Conditions of Service

ICON has attached as Exhibit C its Lifeline terms and conditions of service. The Company’s Lifeline offering is summarized in section IV.C below. These terms and conditions are subject to change as needed.

2. Reporting Requirements

ICON will report all information required by section 54.422, including as it may heretofore be amended. This includes the names of the Company’s holding company, operating companies and affiliates, and any branding (“doing-business-as company” or brand designation),

⁴⁵ See Order at ¶ 89.

⁴⁶ See Order at ¶ 214-16.

⁴⁷ See Order at ¶ 257.

and provide to the Commission and USAC general information regarding the terms and conditions of the Lifeline plans for voice telephony service offered specifically for low income consumers through the program offered during the previous year, including the number of minutes provided, and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁴⁸

3. Reimbursement from USAC

In seeking reimbursement for Lifeline, ICON will comply with the requirements of C.F.R § 54.407, as revised by the *Order*.⁴⁹ ICON will certify when seeking reimbursement that the Company has obtained a valid certification form for each consumer for whom the Company seeks Lifeline reimbursement,⁵⁰ and the Company will seek reimbursement for actual lines served, not projected lines.⁵¹

4. Section 54.202 Certifications

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

IV. COMPANY INFORMATION

ICON is an Oklahoma corporation. ICON provides prepaid wireless telecommunications services to consumers by using the network of its underlying carrier(s), currently Verizon Wireless (“Verizon”). Verizon is a nationwide carrier that provides wholesale capacity on its wireless

⁴⁸ See *Order* at ¶¶ 296, 390. Section 153 of the Communications Act defines “affiliate” as “a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

⁴⁹ See *Order* page 221.

⁵⁰ See *Order* at ¶ 128.

⁵¹ See *Order* at ¶ 302.

network to resellers like ICON. Through a direct agreement with Verizon, ICON obtains the network infrastructure and transmission facilities to allow ICON to operate as a Mobile Virtual Network Operator (“MVNO”).

A. Names and Identifiers

ICON does not have any holding company, operating company or affiliates. ICON provides both wireline local exchange telecommunications services and wireless telecommunications services, and intends to market its wireless Lifeline service using the d/b/a name “ICON Wireless.”

B. Financial and Technical Capability

ICON is financially and technically capable of providing Lifeline-supported services.⁵² ICON has been in business since 2001 as a provider of wireline local exchange telecommunications service and added wireless telecommunications service to its platform in 2011. ICON is currently designated as an ETC in Oklahoma, both on a wireline and wireless basis, and the Company provides service to both Lifeline and non-Lifeline customers. ICON has not been subject to enforcement action or ETC revocation proceedings in any state. ICON is financially able to provide Lifeline-supported services and will not rely exclusively on USF disbursements to operate. The Company will continue to rely on its successful business model and service offerings to sustain and grow its business, independent of USF disbursements that provide discounts for qualifying Lifeline subscribers.⁵³ Furthermore, the senior management of ICON has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.⁵⁴ ICON will be providing resold wireless service, and therefore will also rely upon the managerial and technical expertise of its underlying carrier.

⁵² See *Order* at ¶ 387.

⁵³ The Company’s balance sheet in Exhibit D was filed confidentially with the Company’s original Compliance Plan (filed June 19, 2012) and is incorporated herein by reference.

⁵⁴ See Exhibit E for key management resumes.

C. Lifeline Offering

ICON will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carrier(s).⁵⁵ ICON currently offers its Lifeline service in Oklahoma, where it offers the following plan options:

Oklahoma Unlimited Plan. Unlimited voice minutes per month. Unused minutes do not rollover. Lifeline: \$6.20 per month plus taxes and fees; Non-Lifeline: \$45.00 per month plus taxes and fees.

Oklahoma 1000 Plan. 1000 voice minutes and 500 text messages per month. Unused minutes do not rollover. Lifeline: \$1.00 per month plus taxes and fees; Non-Lifeline: \$36.00 per month plus taxes and fees.

Additional Minute Options: 100 (\$5), 200 (\$10), 300 (\$15), 500 (\$25)

As summarized in Exhibit F attached hereto, the Company's Lifeline offering will provide customers outside of Oklahoma with one of the following plan options:⁵⁶

Plan A – 68 minutes per month. Minutes rollover for up to 12 months and may be used for text messaging (3 texts per 1 minute of voice).

Plan B – 125 minute per month. Minutes rollover for up to 3 months and may be used for text messaging (1 text per 1 minute of voice).

Plan C – 250 minutes per month. Minutes do not rollover, but may be used for text messaging (1 text per 1 minute of voice).

The Company's Lifeline plans will include a free handset and the following Custom Calling features: Caller ID, Call Waiting, and Voicemail. Additional airtime can be purchased by calling Customer Service, at no decrement in minutes, or by contacting Customer Service via the

⁵⁵ The Company reserves the right to alter the proposed Lifeline rate plans on a state-by-state basis, particularly as required by state public utility commissions (PUC). The Company commits to pass through the entire Lifeline subsidy amount directly to the consumer.

⁵⁶ The Company may alter its Lifeline offering as necessary on a state-by-state basis, particularly as required by state public utility commissions.

Company's website.⁵⁷ Customers are not bound by a local calling area requirement; all ICON plans come with domestic long distance at no extra per minute charge and exceptional nationwide digital coverage on the Verizon Wireless Network. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes. Calls to ICON Customer Service are also free. ICON does not impose burdensome credit checks or long-term service contracts on its prepaid customers.

V. CONCLUSION

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

Respectfully submitted,

ICON Telecom, Inc.

/s/ Lance J.M. Steinhart

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Its Counsel

Dated August 22, 2012

⁵⁷ Additional airtime rates may vary, but would currently be available at the following rates: \$5 = 35 minutes; \$10 = 75 minutes; \$20 = 160 minutes; \$30 = 270 minutes; and \$50 = 700 minutes.

Exhibit A

Sample Lifeline Certification Form



ICON Wireless Lifeline Service Application and Certification

OK

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

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

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

Customer Application Information:

First Name Middle Initial		Last Name		Date of Birth (MM/DD/YY) / /	
Residential Address w/ street name & Apt Number (PO Box cannot be accepted)			City / State / Zip Code		
Billing Address (if different from Residential Address) (P.O. Box IS sufficient)			City / State / Zip Code		
<input type="checkbox"/> Residential Address is Permanent (Must Choose One)		<input type="checkbox"/> Service Is New (Choose One)			
<input type="checkbox"/> Residential Address is Temporary		<input type="checkbox"/> Service Is Conversion			
Last 4 of Social Security Number or Tribal Number ____		Home Telephone / Contact Number () -		Email Address	

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

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

I hereby certify that I or a member of my household currently participates in at least one the following public assistance programs (Check One):

- | | |
|---|---|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) | <input type="checkbox"/> Income at or below 135% of Federal Poverty Guideline |
| <input type="checkbox"/> Federal Public Housing Assistance Section 8 (FPHA) | <input type="checkbox"/> Bureau of Indian Affairs (BIA) General Assistance |
| <input type="checkbox"/> Medicaid (not Medicare) | <input type="checkbox"/> Tribally Administered TANF (TATNF) |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Food Distribution Program on Indian Reservations (FDPIR) |
| <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) | <input type="checkbox"/> Head Start (income-eligible only) (Tribal) |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) | <input type="checkbox"/> National School Lunch Program's free lunch programs |

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

- I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I or my household: (1) no longer meet the income-based or program-based eligibility criteria, (2) begin receiving more than one Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement
- The address listed above is my primary residence, not a second home or business

ICON Telecom, Inc.

PO Box 7870, Edmond, OK 73083-7870

TEL : 855-340-ICON FAX : 866-447-8590

www.icon.net

- If I move to a new address, I will provide that new address to the Company within 30 days
- If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 days
- I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law
- I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de-enrollment and the termination of my Lifeline benefits
- The information contained in this certification form is true and correct to the best of my knowledge

Multiple households sharing and address:

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

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

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

Authorizations:

- I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to divulge my name, telephone number, date of birth, last four digits of my social security number, and address to the Universal Service Administrative Company (USAC) and/or its agents for the purpose of verifying that I do not receive more than one Lifeline subsidy.

Applicant's Signature:

Date:

For Agent Use Only (check the appropriate boxes for the proof of eligibility viewed; do not copy or retain documentation):

Documents Acceptable Proof for Income-Eligibility:

- The prior year's state, federal, or Tribal tax return,
- Current income statement from an employer or paycheck stub,
- A Social Security statement of benefits,
- A Veterans Administration statement of benefits,
- A retirement/pension statement of benefits,
- An Unemployment/Workmen's Compensation statement of benefits,
- Federal or Tribal notice letter of participation in General Assistance, or
- A divorce decree, child support award, or other official document containing income information for at least three months' time.

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

Each additional person Add \$5,346

Applicant Account Number	Rep/Agent Signature

Documents Acceptable Proof for Program-Eligibility (choose 1 from each list A and B below):

List A - Choose 1

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Section 8 Federal Public Housing Assistance (FPHA)
- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- Low Income Home Energy Assistance Program (LIHEAP)
- National School Lunch Program's free lunch program
- Bureau of Indian Affairs General Assistance (BIA)
- Food Distribution Program on Indian Reservations (FDPIR)
- Tribally Administered TANF (TATNF)
- Head Start (meet income qualifying standards) (Tribal)

List B - Choose 1:

- Program participation card/document (Last 4 Digits _____)
- Prior year's statement of benefits (Last 4 Digits _____)
- Notice letter of participation (Last 4 Digits _____)
- Other official document evidencing participation:
Type: _____ Last 4 Digits _____

Expiration Date of Proof Documents: ____/____/____

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www.icon.net

Exhibit B

Sample Advertisements

ICON WIRELESS



Do you receive government assistance? If so, you may be eligible for a FREE Cell Phone with 1000 Talk Minutes and 500 Text Messages each month for just \$1.00*

- **FREE** Caller ID
- **FREE** Call Waiting
- **FREE** Voice Mail
- **FREE** Long Distance
- **NO** Credit Check
- **NO** Contracts

Call : **855.340.ICON**

Visit Us : **www.icon.net**

* .Lifeline is a government benefit program.

.Only eligible consumers may enroll in the program

.The Lifeline program is limited to one benefit per household (either wireline or wireless service)

Exhibit C

Lifeline Terms and Conditions



TERMS AND CONDITIONS

Introduction

ICON Telecom, INC participates in a Lifeline Assistance program supported by the Federal Universal Service Fund program. The following Terms of Service apply to ICON Telecom, INC services and mobile phones activated on ICON Telecom, INC services.

Activating your ICON Telecom, INC phone or making changes to your account will make these Terms of Services become effective. If you do not accept these terms, please contact ICON Telecom, INC at 1-855-340-ICON before you activate your phone or make any changes to your account. When you accept these Terms of Service, you represent that you are at least 18 years of age and that you meet the eligibility standards for ICON Telecom, INC service.

Our Right to Make Changes

Terms of Service may change at any time, including pricing for paid service. Unless expressly prohibited by law, we reserve the right to modify or cancel this service or your account or take corrective action at any time and for any reason, including, but not limited to, your violation of any provision of these Terms of Service. Your right to use our service is subject to our business policies, practices and procedures, rates and these Terms of Service, which we may change at any time.

Mobile Telecommunications Services

Airtime may be used for domestic calling and for related services as provided in these Terms of Service.

ICON Telecom, INC provides service for personal use only. Service may not be transferred to any third party or shared among multiple individuals.

You may not use our service in a manner that interferes with another customer's use of our service. Our ability to provide good service may be impaired when customers place abnormally high numbers of calls, send or receive unusually high numbers of messages, or repeatedly place calls of unusually long duration, relative to typical usage by other customers on similar service plans. Such a typical usage suggests that a mobile phone is being used other than for personal use in violation of these Terms of Service. ICON Telecom, INC has safeguards to ensure that its customers do not use the service in an unreasonable manner – that is, usage that is inconsistent with personal, non-commercial use. ICON Telecom, INC reserves the right to respond to such atypical usage by suspending service to the device in question.

In the state of Oklahoma, ICON Telecom, INC offers an unlimited voice plan. **UNLIMITED USE DOES NOT MEAN UNREASONABLE USE.** Unlimited voice services are provided solely for live dialogue between two individuals. ICON Telecom, INC phones and mobile phone numbers may not be used for pager or voicemail-only service, and ICON Telecom, INC may terminate any account if usage is limited to pager service or voicemail retrieval service.

You agree not to use ICON Telecom, INC service in any way that is illegal, fraudulent or abusive, as determined by ICON Telecom, INC in its sole discretion. You may not alter any of the hardware or software on your ICON Telecom, INC phone for any purpose. We may change your mobile phone's software, applications or programming remotely and without notice. This may affect stored data or other personal information or programming on your mobile phone for which we are not responsible. ICON Telecom, INC phones may not be purchased in bulk or sold to third parties.

Local phone numbers may not be available in certain markets. Wireless services use radio transmissions and are therefore affected by limitations. Coverage is not available everywhere. Quality of service may be affected by conditions beyond our control, including atmospheric, geographic, or topographic conditions, or by your damaging your mobile phone. We do not warrant or guarantee that service will be available at any specific time or geographic location, or that service will be provided without interruption. We may give credit for continuous service interruption of more than 24 hours on a case-by-case basis, if such interruption was reasonably within our control, and you notify ICON Telecom, INC at 1-855-340-ICON within seven days of the interruption.

Any statements or maps provided by us, our agents, or dealers about coverage are only intended to provide high-level estimates of our coverage areas when using our service outdoors under optimal conditions and do not mean that service will be available under all circumstances, at all times or without interruption. Estimating wireless coverage and signal strength is not an exact science. There are gaps in coverage within our estimated coverage areas that, along with other factors both within our control, may result in service interruptions, slower data speeds, or lower quality of service. You should therefore never solely rely on your mobile phone for emergency calls, such as to 911.

Availability

To be eligible for ICON Telecom, INC service, you must meet the applicable eligibility standards described in these Terms of Service and reside within a ICON Telecom, INC , ETC service area.

Eligibility

Eligibility for ICON Telecom, INC service varies by state. You may qualify for ICON Telecom, INC if you participate in any of the government programs listed on your ICON Telecom, INC application or based on household income eligibility standards. **Starting June 1, 2012**, if you seek to qualify for ICON Telecom, INC , based upon participation in a qualifying federal or state program or by household income eligibility standards, **you will be required to provide proof of program participation and/or documentation of your household income.** By completing the ICON Telecom, INC application, you consent to the release of your information (including financial information) as required for the administration of your ICON Telecom, INC service.

ICON Telecom, INC reserves the right to review your eligibility status at any time and requires you to provide ICON Telecom, INC written documentation of either your household income or your participation in a qualifying federal or state program. You may only receive Lifeline Assistance for a single landline or wireless telephone account at your principal residence. If you or any member resident at your primary address receives Lifeline Assistance from any other telephone company, you are responsible for notifying your current service provider that you have been approved for Lifeline Assistance through ICON Telecom, INC .

Eligibility for ICON Telecom, INC may not transfer to a third party. Benefits received under the ICON Telecom, INC service, including but not limited to, any voice minutes received under the ICON Telecom, INC service may not be transferred.

ICON Telecom, INC Service

Unused minutes and messages as part of a monthly plan, expire at the end of your monthly period and may not be used in subsequent months and may not be transferred or assigned to any third party. If you use all of your monthly voice minutes before a new monthly cycle starts you may not use your mobile phone to make or receive voice calls (other than 911 emergency calls), until the start of the next monthly cycle. You will have the option of purchasing a Top Up to provide additional services by calling 1-855-340-ICON or visiting www.icon.net .

Account Status

Your account will remain active as long as you meet the applicable eligibility standards for ICON Telecom, INC service. You are responsible for notifying ICON Telecom, INC if you no longer meet the applicable eligibility standards for ICON Telecom, INC , by calling ICON Telecom, INC at 1-855-340-ICON.

If you receive a request from ICON Telecom, INC asking that you confirm your eligibility status, you must do so within 30 days after you receive such notice.

Payment Methods for Paid Service Options

You can purchase one of our Top-Ups through one of the following payment methods: (1) credit/debit card (2) Money Gram (3) contacting customer service at 1-855-340-ICON, or (4) buying a ICON Telecom, INC Top-Up card at any of our retail locations. Sales taxes will apply.

You can register to automatically renew your account by registering for Auto Pay. You agree to have Auto Pay deduct the amount of your monthly bill from your credit card. You can set up, modify, or cancel your Auto Pay preferences at www.icon.net or by calling ICON Telecom, INC at 1-855-340-ICON.

Taxes and surcharges are not included in our pricing for service options. ICON Telecom, INC charges state and local sales taxes. The amount of these surcharges is subject to change and may vary from time to time and by area. Third party retailers are responsible for collecting sales taxes and in certain states, regulatory fees, for Top-Up transactions that occur through such third party retailers. Taxes and fees are subject to change without notice.

International Calling

All phone plans include calls made in the 50 United States and do not include international calls. Any calls made outside the domestic US will result in the termination of service.

Messaging

You can send and receive text messages of up to 160 characters on your ICON Telecom, INC phone. Text messages will be valued at 1 talk minute per message sent and/or received. Call customer service at 1-855-340-ICON for package pricing. Each domestic text will be deducted from the available messages in your purchased plan. You can terminate your subscription or switch to another plan by calling ICON Telecom, INC customer service at 1-855-340-ICON. You may receive service alerts from ICON Telecom, INC for which there is no charge. If you are receiving unwanted text messages, contact the source and ask to be removed from their distribution list.

Unsolicited Messages

If you are found to be sending spam from your ICON Telecom, INC phone, we may terminate your service without further notice.

Data Services and Usage on Your ICON Telecom, INC phone

You may purchase a subscription for access to the mobile Internet, only available in our Upgrade offers. ICON Telecom, INC, in its sole discretion, may interrupt or suspend access due to abuse, excessive use, or violations of the Terms of Service.

Specific Terms and Restrictions Regarding Data Services

Your relationship with companies that provide Data Content is between you and them. You are responsible with any information you share and it is recommended that you use good judgment and care when you communicating and interacting with any website.

Data Content

You may check your balance at any time free of charge by visiting our website: www.icon.net or contacting customer service at 1-855-340-ICON.

Calls are billed in one-minute increments, with a minimum time per call of one minute. Call times are rounded up to the nearest whole minute. You can switch your number to another ICON Telecom, INC phone for no additional charge by calling ICON Telecom, INC at 1-855-340-ICON.

Please contact ICON Telecom, INC at 1-855-340-ICON or visit our website at www.icon.net for additional information.

Roaming

A roaming charge of \$0.59/min will apply when making or receiving calls outside the home coverage area. We may notify you when you are roaming, but cannot guarantee we will be able to provide such notice in all cases.

Disputed Charges

If you think that there has been an error in any charge to your account, you must notify us immediately. Call ICON Telecom, INC at 1-855-340-ICON and an account specialist will investigate your claim. If you do not notify us within a 30-day period of the error, you waive any right to dispute the charge, including in arbitration or a court proceeding. If we determine that the disputed charge was inappropriate, your account will be credited or you may receive a refund. If you agree to a credit or refund, you are in agreement that this action has settled the dispute.

If we have attempted to charge your credit card for a charge that we deem is authorized and valid under these Terms of Service, and the credit card company withholds such payment because the charge has been disputed (a "Chargeback"), **we reserve the right to suspend your access to our service for up to 30 days until the Chargeback is reversed.** If the Chargeback is not resolved and reversed, your account will be deactivated at the end of the 30-day period.

No Refunds of Top-Up Cards and Monthly Charges

All Top-Up sales are final and non-refundable regardless of who uses or possesses your mobile phone after you buy airtime, and regardless of whether the mobile phone is used with your consent or knowledge.

Monthly charges are non-refundable.

Returning Your ICON Telecom, INC Phone

All mobile phones purchased directly from ICON Telecom, INC , include a 30 day limited warranty from the equipment provider. If you experience issues with your phone, please contact ICON Telecom, INC at 1-855-340-ICON and we will arrange for a replacement device.

Lost or Stolen Equipment

If your mobile phone is lost or stolen, *you are responsible* for charges incurred *until you notify us* of the loss of your mobile by calling ICON Telecom, INC at 1-855-340-ICON. Upon receiving notice that your mobile phone is lost or stolen, ICON Telecom, INC will suspend your account. If you do not either activate a new ICON Telecom, INC phone or notify us that you have found your old mobile phone within 60 days of the suspension of your account, your account will be deactivated and you will lose your ICON Telecom, INC phone number.

Mobile Phone Number

The mobile phone number we provide for your use is and will remain the property of ICON Telecom, INC . If you cancel your service with ICON Telecom, INC in order to use another mobile service (unless you transfer the mobile phone number to another telecommunications provider in accordance with applicable regulations), we reserve the right to assign the mobile phone number to another customer.

Acceptable Use of ICON Telecom, INC Products and Services

You may not use ICON Telecom, INC 's service for any illegal purpose, including harassing, threatening, abuse, defaming, or slandering any individual or entity. You may not use our service in a manner that interferes with another ICON Telecom, INC customer's use of our service.

ICON Telecom, INC and its business partners provide messages and data for non-commercial use only.

You may not publish or send any content that encourages unlawful, criminal, or fraudulent activity or that violates any ICON Telecom, INC rule or policy.

Suspension or Termination of Service

We reserve the right to issue a warning and to suspend or terminate your access to our service at any time should we determine in our sole discretion that you have violated these Terms of Service or any other rule or policy of ICON Telecom, INC .

Location Based Services

Location-based information is information that indicates the location of your ICON Telecom, INC phone. When you turn on your mobile phone, your device automatically communicates with our network and relays its current location unless you have turned off your handset's location functionality. Terminating our location-based services will not affect the status of any other services you receive from us.

ICON Telecom, INC Website

You may use our website located at www.icon.net to make payments and learn more about our products and the Lifeline program.

ICON Telecom, INC will not directly complete any calls to 1-900, 1-976 or other pay-per-call services.

ICON Telecom, INC is not responsible for the content or security of voicemail, messages or contact lists you create. We urge you to create a password to access your voicemail.

Always use your device in a safe manner that does not create a risk to your safety or the safety of others around you. While driving, always use a hands-free device and never use your mobile phone to send text messages. Always use your ICON Telecom, INC phone in accordance with all applicable laws and regulations.

Use of your Customer Information

In the course of providing service to you, we may collect certain information made available to us solely because of our relationship with you, including information regarding the nature and type of your service and the calls that you place and receive. We will always handle this data, so-called "Customer Proprietary Network Information" ("CPNI") in accordance with Federal Communications Commission regulations, federal consumer privacy laws and the ICON Telecom, INC Privacy Policy. We take reasonable steps to protect CPNI and your other personal information from unauthorized use or disclosure.

We will not intentionally share your personal information without your permission. We may, from time to time, use the information you provide us to market services to you that may be related to our service offerings. You will have the opportunity to choose whether you would like to receive text messages, email, direct mail, and other updates from ICON Telecom, INC and its partners about new products, special promotions and important service information by calling ICON Telecom, INC at 1-855-340-ICON. To comply with appropriate legal process, ICON Telecom, INC may disclose to law enforcement authorities and governmental agencies any information, including your name, account history, account information, or other transmission data, properly requested by law enforcement.

Dispute Resolution

ICON Telecom, INC and you, each agree to contact one another first, with any disputes. You must contact us with any dispute by calling ICON Telecom, INC at 1-855-340-ICON and provide a description of the problem as well as all relevant documents/information and the proposed resolution. We will contact you at the last address that you have provided us or on your mobile phone. We each agree to negotiate in good faith to resolve any dispute. You agree to pay all amounts reflected on your account statement, even while a dispute is being resolved.

No Trial by Jury

To the extent permitted by law, if a claim proceeds in court, we each also waive any right that we may have to trial by jury in any lawsuit or other proceeding. Unless otherwise specified herein, any disputes of a legal nature, whether a claim, complaint, arbitration demand or otherwise, shall be subject to the exclusive jurisdiction of the federal or state courts located within Shelby County in the State of Tennessee.

Limitation of Liability

Unless prohibited by law, ICON Telecom, INC and you agree to limit claims for damages or other monetary relief against each other to direct and actual damages. You agree that ICON Telecom, INC and its business partners are not liable to you or any third party for any indirect, special, incidental, consequential, exemplary, or punitive damages of any kind, including lost profits (regardless of whether we have been notified that such loss may occur) by reason of any act or omission in our provision of products or services or under any legal theory, including fraud, misrepresentation, breach of contract, personal injury, product liability or any other theory. ICON Telecom, INC assumes no risk or responsibility for your use of any of the content provided as part of our services. You acknowledge that no fiduciary or other special relationship exists between you and ICON Telecom, INC , by virtue of these Terms of Service or your use of ICON Telecom, INC phones and services. You also agree we are not liable for missed voice mails, deletion of contacts from you address book, or data content or messages from your voicemail system.

Indemnification

You agree to indemnify and hold harmless ICON Telecom, INC and its affiliates and their respective officers, agents, partners and employees, from any and all liabilities, settlements, penalties, claims, causes of action and demands brought by third parties (including any costs, expenses or attorneys' fees on account thereof), resulting from your use of ICON Telecom, INC products and services, or another person whom you authorize to use your products or services, whether based in contract or tort (including strict liability) and regardless of the form of action.

We do not manufacture our mobile phones or other equipment. The only warranties applicable to such devices or equipment are those extended by the distributor. We have no liability, therefore, in connection with mobile phones and other equipment or for manufacturers' acts or omissions.

Effect of Terms of Service

These Terms of Service supersede all oral or written communications and understandings between you and ICON Telecom, INC with respect to our products and services to you and the terms under which they are offered and provided to you.

Exhibit D

Balance Sheet

CONFIDENTIAL AND PROPRIETARY

Icon Telecom Inc.
Balance Sheet
As of June 17, 2012

Jun 17, 12

ASSETS

Current Assets

Checking/Savings

[REDACTED]

Total Checking/Savings

Accounts Receivable
Accounts Receivable

Total Accounts Receivable

Other Current Assets

[REDACTED]

Total Other Current Assets

Total Current Assets

TOTAL ASSETS

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities

[REDACTED]

Total Other Current Liabilities

Total Current Liabilities

Total Liabilities

Equity

[REDACTED]

Total Equity

TOTAL LIABILITIES & EQUITY

[REDACTED]

[REDACTED]

Exhibit E

Key Management Resumes

President – Wes Chew

Wes Chew has served as ICON Telecom's President since the incorporation of ICON Telecom Inc. as a full facilities CLEC in 2001. Mr. Chew has successfully negotiated an interconnection agreement with the incumbent ILEC South Western Bell in 2001 and its implementation of the Taqua Class 5 next generation softswitch and the subsequent build out of its co-location and central office with South Western Bell Telephone. Mr. Chew oversees the daily operation of ICON, manages carrier vendor and handset vendor relationships. Prior to ICON, Mr. Chew, a resident of Oklahoma, successfully owned and operated Oklahoma's first ISP (internet service provider) during 1993-2001 while attending college at the University of Central Oklahoma. In 2005, Mr. Chew graduated with a Bachelor of Science in Computer Science. Prior, Mr. Chew has worked with Mitutoyo Corp as a software engineer.

Chief Financial Officer – Cynthia Li

Cynthia Li joined ICON Telecom in December of 2011 as its Chief Financial Officer. Ms. Li's responsibilities include overseeing all company accounting practices, including accounting departments, preparing budgets, financial reports, tax and audit functions. Ms. Li directs financial strategy, planning and forecasts, and supervises investment and raising of funds for business. Ms. Li studies, analyzes and reports on trends, opportunities for expansion and projection of future company growth. Ms. Li's prior experience includes five years as Controller at AT&T's Yellow Page and YP.COM division. During her tenure there, Ms. Li participated in the merger of the YP.COM division with a Texas based Hedge fund investor. Prior, Ms. Li worked at Hertz Corporation with the international fleet division as its senior accounting manager.

Director of Direct Sales - Oscar Perez

Oscar Perez joined ICON during its entry into the wireless market in 2011. Mr. Perez has successfully organized and managed ICON's direct sales channel. Under his supervision, ICON's Lifeline subscriber base has grown to 70,000 customers. He has many years of experience working with direct sales management. He has worked with major cable and satellite providers such as Comcast Cable, Time Warner Cable and Direct TV.

Chief Compliance Officer - Susan Lamb

Ms. Susan Lamb joined ICON as its Chief Compliance Officer in 2009. Ms. Lamb's job responsibilities include Carrier Relations/Regulatory Compliance. Ms. Lamb negotiates favorable contract terms; participates with legal in regulatory actions affecting company operations; prepares comments, answers to official complaints, pleadings, and data gathering and filing state and federal reports; negotiates dispute resolutions involving billing collocation, repair, and contract compliance. Prior, Ms. Lamb had a successful 20-year career with Quest Communication in its Spokane, WA division as its Senior Account Manager.

Exhibit F

Proposed Lifeline Rate Plans

PLAN	Free Monthly Minutes Included in Plan	Text Messaging Charge	Unused Minutes Carryover	Voice Mail Caller ID Call Waiting
A	68 minutes	3 text / 1 min	Yes – 12 months	Yes
B	125 minutes	1 text / 1 min	Yes – 3 months	Yes
C	250 minutes	1 text / 1 min	No	Yes

All Plans come with:

- Free handset
- Free calls to Customer Service
- Free calls to 911 emergency services

Additional bundles of minutes currently available:

\$5 = 35 minutes
\$10 = 75 minutes
\$20 = 160 minutes
\$30 = 270 minutes
\$50 = 700 minutes