

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

In the Matter of

WC Docket No. 09-197

Telecommunications Carriers Eligible to
Receive Universal Service Support

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

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

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SUMMARY

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

Amerimex meets all of the necessary requirements under Section 214(e)(1) for the limited ETC designation requested herein except that it does not own its facilities in the Non-Jurisdictional States². Section 214(e)(1)(A) of the Act requires an ETC to offer USF-supported services over its own facilities or a combination of its own facilities and the resale of another carrier's services. Through its contracts with underlying carriers, Amerimex 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.³ Amerimex respectfully requests that the Commission

¹ See 47 U.S.C. § 214(e)(6).

² Amerimex is a qualified facilities based carrier in Georgia. See footnote 9.

³ See 47 C.F.R. § 54.101(a).

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

Designating Amerimex as an ETC in the Non-Jurisdictional States will promote the public interest by providing qualifying low-income customers in the Non-Jurisdictional States with lower prices and high-quality wireless services. Many low-income customers in the Non-Jurisdictional States have yet to reap the well-documented benefits of wireless service because of financial constraints or intermittent employment. Amerimex's prepaid service offerings are ideally suited to provide these customers, who are among the intended beneficiaries of USF support, with reliable wireless services. Amerimex's ETC designation will specifically serve the public interest because of: (1) the aggressive pricing plans that Amerimex will provide (see Exhibit A), (2) additional products and services to be offered to the public, and (3) Amerimex's existing relationships with 3,000 Hispanic merchants throughout the U.S. will permit customers to obtain service, phones, and refill minutes without traveling outside their neighborhoods or using a computer. Additionally, Amerimex will distribute services through the Internet and community outreach programs.

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

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I. INTRODUCTION

Amerimex Communications Corp. (“Amerimex” or the “Company”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”), and Section 54.201 of the rules of the Federal Communications Commission (“Commission” or “FCC”), hereby requests limited designation as an eligible telecommunications carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, Florida and the District of Columbia (collectively the “Non-

Jurisdictional States”).⁴ Amerimex seeks ETC designation in the Non-Jurisdictional States only for purposes of participation in the Universal Service Fund's (“USF”) Lifeline program and does *not* seek to participate in the High-Cost program.

Since the Alabama Public Service Commission, the Connecticut Department of Public Utility Control, the Delaware Public Service Commission, the District of Columbia Public Service Commission, the New Hampshire Public Utilities Commission, the North Carolina Utilities Commission, the New York Public Service Commission, the Tennessee Regulatory Authority, the Texas Public Utility Commission, the Florida Public Service Commission, the Public Service Commission of the District of Columbia, and the Virginia State Corporation Commission (collectively, the “State Commissions”) lack jurisdiction to consider Amerimex’s request for designation as an ETC, the Commission, under Section 214(e)(6) of the Act, has the necessary jurisdictional authority to consider and grant this request.⁵ As more fully described below, Amerimex satisfies the requirements for designation as an ETC in the Non-Jurisdictional States and will offer all of the services and functionalities supported by the universal service program throughout its designated service areas in the Non-Jurisdictional States. Grant of Amerimex’s request therefore will promote the public interest by providing customers in the Non-Jurisdictional States with high quality wireless services through innovative distribution channels.

II. BACKGROUND

A. Amerimex Overview

Amerimex, a privately held Georgia corporation, began offering telecommunications services in 1998. Over the course of six years, Amerimex expanded from a long distance calling

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

⁵ See 47 U.S.C. §214 (e)(6).

card distributor to a competitive local exchange carrier (“CLEC”), providing residential wireline service to more than 20,000 customers. As a CLEC, Amerimex’s operations spanned 10 states and included a distribution network of approximately 800 Hispanic merchants.⁶ In 2006, Amerimex became a full facilities based carrier. The Company has a MetaSwitch VP3510 which supports TDM and IP interfaces. Currently, Amerimex offers domestic and international calling services, and since December 2011, the Company has begun offering wireless ETC service. Amerimex provides wireless ETC⁷ services to approximately 20,000 customers by reselling the services of Ready Mobile, a reseller of Sprint and Verizon Wireless services. Sprint and Verizon are nationwide carriers that provide wholesale capacity on their wireless network to wireless resellers like Amerimex. Use of the national networks of both carriers allows Amerimex to operate as an Mobile Virtual Network Operator (“MVNO”), in the same fashion as TracFone and Virgin Mobile, who have both been granted ETC status by the Commission.⁸ Once granted its ETC designation in the Non-Jurisdictional States, Amerimex will bundle voice and text services with an approved and compliant Amerimex handset selection,

⁶ http://www.amerimex.biz/index.php?option=com_content&view=article&id=89&Itemid=65 (retrieved February 22, 2013).

⁷ Amerimex provides Lifeline services in Georgia pursuant to its designation as an Eligible Telecommunications Carrier (“ETC”) by the Georgia Public Service Commission. Georgia Public Service Commission, *Order on Application For Designation as Eligible Telecommunications Carrier*, Document Filing No. 139089, Docket No. 32948 (Nov. 21, 2011). The wireless service is provided by Amerimex Wireless, a division of Amerimex. The company may expand its Lifeline offerings to eligible customers in additional states following approval of this compliance plan.

⁸ *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.

mobile applications, ETC certification materials, marketing materials, web interface, and customer service to provide services to Lifeline qualifying end-user customers.

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

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

Amerimex, well established in the traditional long distance prepaid market will offer its Lifeline consumers the same exceptional value that it offers to its prepaid long distance customers.

Amerimex will provide customers with a choice between three rate plans which include 250/125/68 free minutes. Each plan offers a free handset or the option to purchase an upgraded handset for use with the Amerimex Lifeline service. In addition to free voice services, Lifeline customers will have access to features at no additional charge, including voice mail, Caller I.D. and call waiting services. Amerimex will also offer texting service as a component of minutes available for use. Three texts will equate to one minute of airtime. Amerimex anticipates that as the marketplace changes it will modify minute and pricing plans, but will remain committed to offering its customers the most competitive and reliable service available.

As demonstrated in Exhibit A, Amerimex's Lifeline service offering will provide feature-rich mobile connectivity for qualifying subscribers *at no cost to the subscriber*, as well as a variety of rate plans that are comparable in minutes and features to those available to non-

Lifeline and post-paid wireless subscribers. Amerimex's Lifeline offerings for qualifying customers will be an attractive alternative for those who need the mobility, security, and convenience of a wireless phone, but are unable to qualify for a post-paid wireless subscription or who cannot afford a traditional prepaid wireless plan.

Low-income consumers will further benefit from Amerimex's unique distribution network that allows customers access to Amerimex phones and services at local stores in neighborhoods where many Lifeline-eligible customers reside, over the telephone through Amerimex's customer service or through the Internet. Amerimex has existing relationships with over 3,000 Hispanic merchants throughout the U.S. This innovative distribution model is more practical and convenient for potential Lifeline customers because it allows customers to obtain phones, service, and minutes without the expense and trouble of traveling to retail locations outside their neighborhoods or the need to have Internet access. Amerimex's distribution system will therefore advance the Commission's goals of increasing awareness of, and participation in, the Lifeline program.

B. Lifeline Program

Universal service has been a fundamental component of U.S. telecommunications policy since adoption of the Act 78 years ago. Section 254 of the Act describes the Commission's commitment to the concept of universal service, particularly for low-income consumers. Additionally, Section 254(b) sets forth the principles upon which the Commission shall base its policies for the promotion and advancement of universal service. These principles require the Commission to ensure that all consumers, including low-income consumers, have access to

telecommunications services at affordable and reasonably comparable rates.⁹ The Low-Income program was designed to assist low-income individuals obtain quality telecommunications services through the Lifeline and Link-Up programs. Lifeline support helps defray the monthly costs of telecommunications services for lower-income consumers by providing them with discounts off the monthly cost of telephone service, with additional discounts available for individuals living on tribal lands.¹⁰

While generally praising the Low-Income program's success, the Commission has noted that “there is more that we can do to make telephone service affordable for more low-income households,” and has specifically targeted the low Lifeline participation rate as one area for improvement.¹¹ Commission concern regarding the underutilization of the Lifeline program has existed since its inception. According to the most recent estimates issued by the USAC in 2010, only five (5) states had more than 50 percent of eligible low-income households subscribe to the program, while almost half the states had a participation rate of less than 20 percent.¹² To increase awareness of the program, the Commission has expanded the qualifying criteria and adopted broader outreach guidelines which require carriers to improve their advertising efforts regarding the availability of Lifeline services. Through these actions, the Commission has sought to increase Lifeline participation because “improved participation in the Lifeline program...would increase telephone subscribership and/or make rates more affordable for low-income households.”¹³

⁹ 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).

¹⁰ 47 C.F.R. §§54.400 and 54.401.

¹¹ See *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Red 8302, 8305 f1 (2004) (“*Lifeline Order*”). According to the Commission's own statistics, only one-third of households eligible for Lifeline assistance actually participated in the program just a few years ago. *Id.*

¹² Information available at: <http://www.usac.org/li/about/getting-started/participation-rate.aspx>.

¹³ *Lifeline Order*, 19 FCC Red at 8312 (2004).

III. THE COMMISSION HAS AUTHORITY TO PERFORM THE ETC DESIGNATION

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support.”¹⁴ The Act reserves the authority to designate entities as ETCs to state public utility commissions (“PUCs”). Pursuant to Section 214(e)(6), however, the Commission may designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission.”¹⁵ 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.¹⁶ 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.”¹⁷

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

b) The Department of Public Utility Control of Connecticut has affirmatively responded several times over the last two years stating that: “The department does not regulate or license mobile carrier services' rates and charges . . .” Therefore, a carrier should apply to the

¹⁴ 47 U.S.C. §254(e).

¹⁵ 47 C.F.R. §214(e)(6).

¹⁶ *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).

¹⁷ *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 (2000).

Federal Communications Commission for purposes of being designated an ETC. Attached in Exhibit C is a docketed letter dated December 9, 2011 indicating this fact.

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

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

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

f) The New York Public Service Commission has stated in Section 5: Jurisdiction, Powers, and Duties of Public Service Commission, under (6)(a) the New York Public Service Commission provides that:

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

The docketed letter is attached as Exhibit G.

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

h) The Tennessee Regulatory Authority has concluded that its statutory “lack of jurisdiction over CMRS providers” precludes it from processing ETC petitions. A copy of the Tennessee Regulatory Authority's order is attached as Exhibit I.

i) The Texas Public Utility Commission has concluded that “CMRS reseller[s] will be able to seek designation as an ETC by the Federal Communications Commission (FCC).” A copy of the Texas Public Utility order is attached as Exhibit J.

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

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

As such, for each of the Non-Jurisdictional States, Amerimex requests that the Commission exercise its authority under Section 214(e)(6) and determine that Amerimex is “a common carrier providing telephone exchange service and exchange access that is not subject to Jurisdiction of a State commission.”¹⁸ Accordingly, the Commission is authorized to designate Amerimex as an ETC.

¹⁸ 47 U.S.C. §214(e)(6).

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

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

Amerimex requests ETC designation of service areas in Alabama, Connecticut, Delaware, District of Columbia, New Hampshire, North Carolina, New York, Tennessee, Texas, Florida and Virginia (Amerimex's service area is defined as the area served by the facilities-based carriers from whom it obtains wholesale service: Sprint and Verizon). Amerimex understands that its requested service areas may overlap with several rural carriers' service areas but maintains that the public interest factors described below justify its designation in these service areas, especially since it only seeks ETC designation for purposes of participation in the Lifeline program.

B. Amerimex's Limited ETC Designation Request to Participate in the Lifeline Program

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

C. The Limited Designation Request is Consistent with Recent Precedent

Amerimex's request for designation to participate in the Lifeline program is consistent with the Commission's recent decisions conditionally designating i-Wireless, LLC and Cricket Communications, Inc. as ETCs in several states.¹⁹ As noted in the *i-Wireless Order*, designation of prepaid wireless providers as ETCs will provide a variety of benefits to low-income consumers, including increased consumer choice, high-quality service offerings and mobile access to emergency services on wireless devices.²⁰

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

V. AMERIMEX SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC

Section 214(e)(1) of the Act and Section 54.201(d) of the Commission's rules provide that applicants for ETC designation must be common carriers and that they will offer all of the services supported by universal service either through using their own facilities or a combination of their own facilities, and the resale of another carrier's services. Additionally, applicants must commit to advertising the availability and rates of such services.²¹ The following details demonstrate how Amerimex satisfies each of these requirements.

¹⁹ See *Telecommunications Carriers Eligible for Universal Service Support*, 27 FCC Rcd 6263 (2012) (“*i-Wireless Order*”).

²⁰ *Id.* at 6271.

²¹ See 47 U.S.C. §214(e)(1) and 47 C.F.R. §54.201(d)(2).

A. Amerimex is a Common Carrier

CMRS resellers like Amerimex are treated as common carriers for regulatory purposes.²²

B. Amerimex Will Provide Supported Services

Section 214(e)(1)(A) of the Act states that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”²³ As described above, Amerimex purchases wireless network services on a wholesale basis from Sprint and Verizon. The Commission’s recent *Lifeline Order*²⁴ grants non-facilities-based carriers blanket forbearance from Section 214(e)(1)(A), which requires an ETC to provide supported services, at least in part, over its own facilities, in order to receive federal Lifeline support.²⁵ Those ETCs that were providing Lifeline services prior to the effective date of the *Order*, were required to meet certain obligations set forth in the *Order*. Those obligations, created to guard public safety and prevent ongoing waste, fraud and abuse of the Lifeline program, are:²⁶

- 1) Compliance with certain 911 and enhanced 911 public safety requirements, and
- 2) Submission before July 1, 2012 of the carrier’s compliance plan; which must be approved by the FCC before the carrier could seek additional ETC designations.

As required by the *Order*, the compliance plan must include details pertaining to the carrier’s 1) financial, operational and technical capabilities, 2) rates, terms and conditions of

²² See *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 \ 37, 1454-55 \ 102 (1994) (wireless resellers are included in the statutory “mobile services” category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. §332(c)(1)(A) (“mobile services” providers are common carriers).

²³ See 47 U.S.C. §214(e)(1).

²⁴ *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking (February 6, 2012) (“*Order*”).

²⁵ *Order* at ¶1.

²⁶ *Id.* at ¶368.

service, 3) procedures for determining initial eligibility of its Lifeline services, as described in Appendix C of the *Order*, 4) procedures for enrollment and annual recertification, 5) policies for compliance with public safety and 911/E911 access, 6) policies for compliance with marketing disclosure requirements and 7) intended efforts to prevent waste, fraud and abuse of the Lifeline program.²⁷ On December 26, 2012, the Commission approved Amerimex's Amended Compliance Plan.²⁸ Accordingly, Amerimex is eligible to be designated as an ETC for purposes of participation in the USF Lifeline program. A copy of the Amerimex compliance plan, as amended, is attached to this Petition as Exhibit M. Amerimex commits to providing Lifeline service in the Non-Jurisdictional States in accordance with the compliance plan.

C. Amerimex Offers All of the Required Services and Functionalities

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

1. Voice Grade Access to the Public Switched Telephone Network

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

²⁷ *Id.* at 6815.

²⁸ *WCB Approves the Compliance Plans of AirVoice Wireless, AmeriMex Communications, Blue Jay Wireless, Millennium 2000, Nexus Communications, PlatinumTel Communications, Sage Telecom, Telrite and Telscape Communications*, DA 12-2063 (rel. Dec. 26, 2012). Amerimex filed its original Compliance Plan on May 11, 2012 and later amended its Compliance Plan on July 16, 2012, September 6, 2012, September 17, 2012, October 25, 2012 and December 6, 2012.

Bandwidth for this voice-grade access is at minimum between 300 and 3,000 MHz as required by the Commission's rules.²⁹

2. Local Usage

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

3. Access to Emergency Services

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

4. Toll Limitation for Qualifying Low-Income Consumers

Toll limitation allows customers to block the completion of outgoing long distance calls to prevent them from incurring significant long distance charges and risking disconnection. As described above, Amerimex provides its wireless service on a prepaid basis, is not offered on a distance-sensitive basis, and minutes are not charged separately for local or domestic long distance services. Customers must specifically authorize access for international services for which additional charges may apply. This scenario is similar to how Virgin Mobile provides service, which as the Commission found in the *Virgin Mobile Order*, “the prepaid nature of service offering works as an effective toll control.”³⁰ The nature of Amerimex’s service,

²⁹ See 47 C.F.R. §54.101(a) (1).

³⁰ See *Virgin Mobile Order*, 24 FCC Red 3381, 3394 (2009).

therefore, removes any concerns that low-income customers will incur charges for long distance calls.

D. Advertising of Supported Services

Amerimex will advertise the availability and rates for the services described above using media of general distribution as required by Section 54.201(d)(2) of the Commission's regulations.³¹ The Company will advertise its services in a manner designed to reach those likely to qualify for Lifeline services. Amerimex will utilize media that will include advertisements via newspapers, direct mail, event representation, radio, and the Internet, as well as marketing and signage within its retail distribution network. These advertising campaigns will be specifically targeted to reach low-income customers and promote the availability of cost-effective wireless services to this neglected consumer segment.

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

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

Amerimex is a common carrier seeking designation as an ETC in order to provide supported services only under subpart E, Universal Service Support for Low-Income Consumers, of Part 54 of the Code of Federal Regulations and does not need to submit a five-year plan.³²

³¹ See 47 C.F.R. §54.201.

³² See 47 C.F.R. §54.202(a)(1)(ii).

F. Amerimex is Able to Remain Functional in Emergency Situations

Amerimex resells the services of its underlying national wireless network carriers Sprint and Verizon. The Company is relying on its underlying national carrier's ability to remain functional in emergency situations, including the ability to ensure functionality without an external power source by maintaining a reasonable amount of back-up power; reroute traffic around damaged facilities; and manage traffic spikes resulting from emergency situations to comply with the requirement that Amerimex demonstrate its ability to remain functional in emergency situations.³³

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

Amerimex, a wireless carrier, commits to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.³⁴

H. Amerimex is Financially and Technically Capable.

Amerimex is financially and technically capable of providing the Lifeline service in compliance with subpart E of Part 47 of the Code of Federal Regulations.³⁵ As an established wireless provider, Amerimex is financially capable of supporting its current business and will not rely singularly on the revenue generated by its Lifeline wireless service. In addition, Amerimex's current wireless business will help to support its Lifeline service. Together this combination will insure no interruption of service to Lifeline and retail customers.

³³ See 47 C.F.R. §54.202(a)(2).

³⁴ See 47 C.F.R. §54.202(a)(3).

³⁵ See 47 C.F.R. §54.202(a)(4).

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

A. Goals of the Communications Act

One of the principal goals of the Act, is “to secure lower prices and higher quality services for consumers and encourage the rapid deployment of new telecommunications technologies” to all citizens, regardless of geographic location or income.³⁶ Designation of Amerimex as an ETC in the Non-Jurisdictional States will promote the public interest by providing low-income consumers in those states with more affordable and higher quality wireless services. Designating Amerimex 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.

The instant request for limited ETC designation of Amerimex must be weighed in reference to the Act's goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers, particularly low-income consumers, receive affordable and comparable telecommunications services. With this in mind, designating Amerimex as an ETC would significantly benefit low-income consumers eligible for Lifeline services in the Non-Jurisdictional States who are the intended beneficiaries of universal service. Amerimex’s Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all of Amerimex’s customers.

Most importantly, Amerimex Lifeline service will provide low-income residents with the convenience and security offered by wireless services. ETC designation in the Non-Jurisdictional States would enable Amerimex to offer appealing and affordable service offerings

³⁶ *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

to low-income customers to ensure that they are able to use wireless services on a consistent and uninterrupted basis. Prepaid wireless services have become essential for low-income customers providing them with access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies, or dependents. Providing Amerimex with the authority necessary to offer discounted Lifeline services to those most in need of critical wireless service definitely promotes the public interest.

ETC designation in the Non-Jurisdictional States would enable Amerimex to provide all of the public benefits cited by the Commission in its analysis in the *TracFone*, *Virgin Mobile* and *i-Wireless Orders*. Namely, Amerimex would provide “increased consumer choice, high-quality service offerings, and mobility,”³⁷ as well as the safety and security of effective 911 and E911 services.³⁸

B. The Benefits of Competitive Choice

The benefit to consumers of being able to choose from among a variety of telecommunications service providers have been acknowledged by the FCC for more than three decades.³⁹ Designation of Amerimex 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 Amerimex as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.⁴⁰ Designation of Amerimex as an ETC would offer Lifeline-eligible consumers an additional choice of providers

³⁷ See *Virgin Mobile Order*, 24 FCC Rcd at 3395(2009); *TracFone ETC Order*, 23 FCC Rcd at 6212 (2008), *i-Wireless Order*, 27 FCC Rcd at 6271 (2012).

³⁸ *Id.*

³⁹ See, e.g. *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

⁴⁰ See 47 U.S.C. §254(b)(1).

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

Amerimex's request for designation as an ETC solely for Lifeline purposes would not unduly burden the USF or otherwise reduce the amount of funding available to other ETCs. The secondary role of Lifeline support with respect to overall USF expenditures is well documented. Limited designation of Amerimex as an ETC in the Non-Jurisdictional States raises no concerns and 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.

VII. ANTI-DRUG ABUSE CERTIFICATION

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

VIII. CONCLUSION

As discussed above, designation of Amerimex as an ETC in the Non-Jurisdictional States accords with the requirements of Section 214(e)(6) of the Act and is in the public interest. For all of the foregoing reasons, Amerimex respectfully requests that the Commission designate Amerimex as an ETC in the Non-Jurisdictional States.

Respectfully submitted,

AMERIMEX COMMUNICATIONS CORP.

_____/S/_____

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

Its Attorney

February 22, 2013

IX. VERIFICATION

VERIFICATION

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

Amerimex Communications Corp.

By: 

Title: Chief Executive Officer

Date: February 22, 2013

Exhibit A

AmeriMex Lifeline Rate Plans¹

250 Free Minutes and a Free Phone: This plan includes a phone plus 250 free voice minutes. Unused minutes expire at the end of the last day of their cycle. The account is then automatically replenished with the next month's 250 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (one text equates to one minute of airtime).

125 Free Minutes and a Free Phone: This plan includes a phone plus 125 free minutes. Unused minutes may be carried over to the next month for up to three months. Each month, the account is automatically replenished with the next month's 125 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (one text equates to one minute of airtime).

68 Free Minutes and a Free Phone: This plan includes a phone plus 68 free minutes. Unused minutes may be carried over to the next month for up to 12 months. Each month, the account is automatically replenished with the next month's 68 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (three texts equate to one minute of airtime).

There is no additional charge for toll calls. Calls to 911 are free.

¹ Each rate plan is subject to a one-time \$25 activation fee.

Exhibit B



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

May 16, 2012

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

WALTER L. THOMAS, JR.
SECRETARY

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

Re: Request for Letter Clarifying Jurisdiction over Wireless CETC Petitions

Dear Mr. Solana:

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

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services and commercial mobile radio services is one that was addressed by the APSC in a Declaratory Ruling issued on March 2, 2000, in Docket 26414. The APSC concluded in said Declaratory Ruling that as the result of certain amendments to the *Code of Alabama*, 1975, §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate *in any respect* cellular services, broadband personal communications services and commercial mobile radio services in Alabama. (See the attached copy of the APSC's March 2, 2000, Declaratory Ruling in Docket 26414)

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

Exhibit C



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

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

Re: Request for Letter Clarifying Jurisdiction Over Wireless CETC Petitions

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

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

Sincerely,

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
PUBLIC UTILITIES REGULATORY AUTHORITY


Kimberley J. Santopietro
Executive Secretary

Exhibit D

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

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

ORDER NO. 6736

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

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

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

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

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

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

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

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

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

⁴In the Matter of Lifeline and Link-Up, Report and Order and Further NERM, 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)(11), 54.416.

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

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

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

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

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

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

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

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

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

Section 20D, Fourteenth Revised Sheet 1 (Link-Up);

Section 20D, Fifth Revised Sheet 2 (Link-Up); and

Section 20E, Eighth Revised Sheet 2 (Lifeline).

Exhibit E



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

May 1, 2012

Via First Class Mail

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

Dear Mr. Solana:

Thank you for your April 6, 2012 letter requesting information on whether the Public Service Commission of the District of Columbia ("Commission") designates wireless telecommunications carriers as eligible telecommunications carriers ("ETC") for the purposes of receiving federal universal service funding. Please be advised that, pursuant to section 34-2006(b) of the District of Columbia Code, the Commission does not have jurisdiction over wireless carriers. Thus, the Commission has no authority to designate wireless telecommunications carriers as ETCs.

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

Sincerely,

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

Richard A. Beverly
General Counsel

Enclosure



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

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness

Division V. Local Business Affairs

Title 34. Public Utilities.

Subtitle V. Telecommunications.

Chapter 20. Telecommunications Competition.

§ 34-2006. Exemptions.

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

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

(c) This chapter shall not:

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

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

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

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

CREDIT(S)

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Effect of Amendments

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

Legislative History of Laws

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

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

References in Text

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

DC CODE § 34-2006

Current through March 13, 2012.

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Exhibit F

**New Hampshire Statutes
PUBLIC UTILITIES**

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

Section 362:6

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

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

Exhibit G

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

PUBLIC SERVICE COMMISSION

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



PETER MCGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

October 28, 2010

TO WHOM IT MAY CONCERN:

Re: Boomerang Wireless CMRS Jurisdiction

We have received a letter from Boomerang Wireless, LLC d/b/a Ready Mobile (Boomerang Wireless), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier designations under section 214 (e)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

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

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstated under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by Boomerang Wireless that it provides wireless service in New York over its own facilities and Sprint's network, the company would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

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

Exhibit H



State of North Carolina Utilities Commission

4326 Mail Service Center
Raleigh, NC 27609-4326

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

April 27, 2012

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

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

Dear Mr. Salana:

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

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

Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that

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

Mr. Jose L. Salana
Page 2

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

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

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

Very truly yours,



Sam Watson
General Counsel

LSW:bjh

Attachment

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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

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

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

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

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION



Patricia Swenson, Deputy Clerk

Exhibit I

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

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

ORDER

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

Background

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

The January 27, 2003 Authority Conference

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

jurisdiction over Advantage for ETC designation purposes.¹

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

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

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

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

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

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

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

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

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

IT IS THEREFORE ORDERED THAT:

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


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

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

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

Exhibit J

PROJECT NO. 40561

RULEMAKING TO AMEND §
SUBSTANTIVE RULE 26.418 RELATING §
TO DESIGNATION OF COMMON §
CARRIERS AS ELIGIBLE §
TELECOMMUNICATIONS CARRIERS §
TO RECEIVE FEDERAL UNIVERSAL §
SERVICE FUNDS §

PUBLIC UTILITY COMMISSION AM 11:37
OF TEXAS

**ORDER ADOPTING AMENDMENT TO §26.418
AS APPROVED AT THE NOVEMBER 16, 2012 OPEN MEETING**

The Public Utility Commission of Texas (commission) adopts an amendment to §26.418, relating to Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds, with no changes to the proposed text as published in the August 31, 2012, issue of the *Texas Register* (37 TexReg 6874). The amendment will exclude commercial mobile radio service (CMRS) resellers from eligibility for designation by the commission as an eligible telecommunications carrier (ETC). Instead, a CMRS reseller will be able to seek designation as an ETC by the Federal Communications Commission (FCC). Project Number 40561 is assigned to this proceeding.

The commission did not receive any comments on the proposed amendment.

The amendment is adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2012) (PURA), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically §51.001, which provides that it is the policy of this state to promote diversity of telecommunications providers and interconnectivity; encourage a fully competitive

PROJECT NO. 40561

ORDER

PAGE 2 OF 19

telecommunications marketplace; and maintain a wide availability of high quality interoperable, standards-based telecommunications services at affordable rates.

Cross Reference to Statutes: PURA §§14.002 and 51.001.

§26.418. Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds.

- (a) **Purpose.** This section provides the requirements for the commission to designate common carriers as eligible telecommunications carriers (ETCs) to receive support from the federal universal service fund (FUSF) pursuant to 47 United States Code (U.S.C.) §214(e) (relating to Provision of Universal Service). In addition, this section provides guidelines for rural and non-rural carriers to meet the federal requirements of annual certification for FUSF support criteria and, if requested or ordered, for the disaggregation of rural carriers' FUSF support.
- (b) **Applicability.** This section applies to a common carrier seeking designation as an ETC, except for commercial mobile radio service (CMRS) resellers. A CMRS reseller may not seek designation from the commission, but instead may seek designation as an ETC by the Federal Communications Commission (FCC). This section also applies to a common carrier that has been designated by the commission as an ETC, including a CMRS reseller.
- (c) **Service areas.** The commission may designate ETC service areas according to the following criteria.
- (1) **Non-rural service area.** To be eligible to receive federal universal service support in non-rural areas, a carrier must provide federally supported services pursuant to 47 Code of Federal Regulations (C.F.R.) §54.101 (relating to

Supported Services for Rural, Insular, and High Cost Areas) throughout the area for which the carrier seeks to be designated an ETC.

- (2) **Rural service area.** In the case of areas served by a rural telephone company, as defined in §26.404 of this title (relating to Small and Rural Incumbent Local Exchange Company (ILEC) Universal Service Plan), a carrier must provide federally supported services pursuant to 47 C.F.R. §54.101 throughout the study area of the rural telephone company in order to be eligible to receive federal universal service support.

- (d) **Criteria for determination of ETCs.** A common carrier shall be designated as eligible to receive federal universal service support if it:

- (1) offers the services that are supported by the federal universal service support mechanisms under 47 C.F.R. §54.101 either using its own facilities or a combination of its own facilities and resale of another carrier's services; and
- (2) advertises the availability of and charges for such services using media of general distribution.

- (e) **Criteria for determination of receipt of federal universal service support.** In order to receive federal universal service support, a common carrier must:

- (1) meet the requirements of subsection (d) of this section;
- (2) offer Lifeline Service to qualifying low-income consumers in compliance with 47 C.F.R. Part 54, Subpart E (relating to Universal Service Support for Low-Income Consumers); and

- (3) offer toll limitation services in accordance with 47 C.F.R. §54.400 (relating to Terms and Definitions) and §54.401 (relating to Lifeline Defined).
- (f) **Designation of more than one ETC.**
- (1) Non-rural service areas. In areas not served by rural telephone companies, as defined in §26.404 of this title, the commission shall designate, upon application, more than one ETC in a service area so long as each additional carrier meets the requirements of subsection (c)(1) of this section and subsection (d) of this section.
- (2) Rural service areas. In areas served by rural telephone companies, as defined in §26.404 of this title, the commission may designate as an ETC a carrier that meets the requirements of subsection (c)(2) of this section and subsection (d) of this section if the commission finds that the designation is in the public interest.
- (g) **Proceedings to designate ETCs.**
- (1) At any time, a common carrier may seek commission approval to be designated an ETC for a requested service area.
- (2) In order to receive support under this section for exchanges purchased from an unaffiliated carrier, the acquiring ETC shall file an application, within 30 days after the date of the purchase, to amend its ETC service area to include those geographic areas that are eligible for support.
- (3) If an ETC receiving support under this section sells an exchange to an unaffiliated carrier, it shall file an application, within 30 days after the date of the sale, to
-

amend its ETC designation to exclude from its designated service area those exchanges for which it was receiving support.

(h) **Application requirements and commission processing of applications.**

(1) **Requirements for notice and contents of application.**

(A) Notice of application. Notice shall be published in the *Texas Register*. The presiding officer may require additional notice. Unless otherwise required by the presiding officer or by law, the notice shall include at a minimum a description of the service area for which the applicant seeks eligibility, the proposed effective date of the designation, and the following statement: "Persons who wish to comment on this application should notify the Public Utility Commission of Texas by (specified date, ten days before the proposed effective date). Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Public Utility Commission's Customer Protection Division at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136, or use Relay Texas (800) 735-2989 to reach the commission's toll free number (888) 782-8477."

(B) Contents of application for each common carrier seeking ETC designation. A common carrier that seeks to be designated as an ETC shall file with the commission an application complying with the requirements of this

section. In addition to copies required by other commission rules, one copy of the application shall be delivered to the commission's Regulatory Division and one copy shall be delivered to the Office of Public Utility Counsel. The application shall:

- (i) show that the applicant offers each of the services that are supported by the FUSF support mechanisms under 47 U.S.C. §254(c) (relating to Universal Service) either using its own facilities or a combination of its own facilities and resale of another carrier's services throughout the service area for which it seeks designation as an ETC;
- (ii) show that the applicant assumes the obligation to offer each of the services that are supported by the FUSF support mechanisms under 47 U.S.C. §254(c) to any consumer in the service area for which it seeks designation as an ETC;
- (iii) show that the applicant advertises the availability of, and charges for, such services using media of general distribution;
- (iv) show the service area in which the applicant seeks designation as an ETC;
- (v) contain a statement detailing the method and content of the notice the applicant has provided or intends to provide to the public regarding the application and a brief statement explaining why the proposed notice is reasonable and in compliance with applicable law;

- (vi) contain a copy of the text of the notice;
 - (vii) contain the proposed effective date of the designation; and
 - (viii) contain any other information which the applicant wants considered in connection with the commission's review of its application.
- (C) Contents of application for each common carrier seeking ETC designation and receipt of federal universal service support. A common carrier that seeks to be designated as an ETC and receive federal universal service support shall file with the commission an application complying with the requirements of this section. In addition to copies required by other commission rules, one copy of the application shall be delivered to the commission staff and one copy shall be delivered to the Office of Public Utility Counsel. The application shall:
- (i) comply with the requirements of subparagraph (B) of this paragraph;
 - (ii) show that the applicant offers Lifeline Service to qualifying low-income consumers in compliance with 47 C.F.R. Part 54, Subpart E; and
 - (iii) show that the applicant offers toll limitation services in accordance with 47 C.F.R. §54.400 and §54.401.
- (2) **Commission processing of application.**
- (A) Administrative review. An application considered under this section may be reviewed administratively unless the presiding officer, for good cause,

determines at any point during the review that the application should be docketed.

- (i) The effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later.
- (ii) The application shall be examined for sufficiency. If the presiding officer concludes that material deficiencies exist in the application, the applicant shall be notified within ten working days of the filing date of the specific deficiency in its application. The earliest possible effective date of the application shall be no less than 30 days after the filing of a sufficient application with substantially complete information as required by the presiding officer. Thereafter, any deadlines shall be determined from the 30th day after the filing of the sufficient application and information or from the effective date if the presiding officer extends that date.
- (iii) While the application is being administratively reviewed, the commission staff and the staff of the Office of Public Utility Counsel may submit requests for information to the telecommunications carrier. Three copies of all answers to such requests for information shall be provided to the commission staff and the Office of Public Utility Counsel within ten days after receipt of the request by the telecommunications carrier.

- (iv) No later than 20 days after the filing date of the application or the completion of notice, whichever is later, interested persons may provide the commission staff with written comments or recommendations concerning the application. The commission staff shall and the Office of Public Utility Counsel may file with the presiding officer written comments or recommendations regarding the application.
 - (v) No later than 35 days after the proposed effective date of the application, the presiding officer shall issue an order approving, denying, or docketing the application.
- (B) Approval or denial of application.
- (i) An application filed pursuant to paragraph (1)(B) of this subsection shall be approved by the presiding officer if the application meets the following requirements:
 - (I) the provision of service constitutes the services that are supported by the FUSF support mechanisms under 47 U.S.C. §254(c);
 - (II) the applicant will provide service using either its own facilities or a combination of its own facilities and resale of another carrier's services;
 - (III) the applicant advertises the availability of, and charges for, such services using media of general distribution;
 - (IV) notice was provided as required by this section;
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- (V) the applicant satisfies the requirements contained in subsection (c) of this section; and
 - (VI) if, in areas served by a rural telephone company, the ETC designation is consistent with the public interest.
- (ii) An application filed pursuant to paragraph (1)(C) of this subsection shall be approved by the presiding officer if the application meets the following requirements:
- (I) the applicant has satisfied the requirements set forth in clause (i) of this subparagraph;
 - (II) the applicant offers Lifeline Service to qualifying low-income consumers in compliance with 47 C.F.R. Part 54, Subpart E; and
 - (III) the applicant offers toll limitation services in accordance with 47 C.F.R. §54.400 and §54.401.
- (C) Docketing. If, based on the administrative review, the presiding officer determines that one or more of the requirements have not been met, the presiding officer shall docket the application.
- (D) Review of the application after docketing. If the application is docketed, the effective date of the application shall be automatically suspended to a date 120 days after the applicant has filed all of its direct testimony and exhibits, or 155 days after the proposed effective date, whichever is later. Three copies of all answers to requests for information shall be filed with the commission within ten days after receipt of the request. Affected

persons may move to intervene in the docket, and a hearing on the merits shall be scheduled. A hearing on the merits shall be limited to issues of eligibility. The application shall be processed in accordance with the commission's rules applicable to docketed cases.

- (B) Waiver. In the event that an otherwise ETC requests additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation, the commission may grant a waiver of these service requirements upon a finding that exceptional circumstances prevent the carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period for the waiver shall not extend beyond the time that the commission deems necessary for that carrier to complete network upgrades to provide single-party service, access to enhanced 911 service, or toll limitation services.

- (i) **Designation of ETC for unserved areas.** If no common carrier will provide the services that are supported by federal universal service support mechanisms under 47 U.S.C. §254(c) to an unserved community or any portion thereof that requests such service, the commission, with respect to intrastate services, shall determine which common carrier or carriers are best able to provide such service to the requesting unserved community or portion thereof and shall order such carrier or carriers to provide such service for that unserved community or portion thereof.

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- (j) **Relinquishment of ETC designation.** A common carrier may seek to relinquish its ETC designation.
- (1) **Area served by more than one ETC.** The commission shall permit a common carrier to relinquish its designation as an ETC in any area served by more than one ETC upon:
- (A) written notification not less than 90 days prior to the proposed effective date that the common carrier seeks to relinquish its designation as an ETC;
 - (B) determination by the commission that the remaining eligible telecommunications carrier or carriers can offer federally supported services to the relinquishing carrier's customers; and
 - (C) determination by the commission that sufficient notice of relinquishment has been provided to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier or carriers.
- (2) **Area where the common carrier is the sole ETC.** In areas where the common carrier is the only ETC, the commission may permit it to relinquish its ETC designation upon:
- (A) written notification not less than 90 days prior to the proposed effective date that the common carrier seeks to relinquish its designation as an ETC; and
 - (B) commission designation of a new ETC for the service area or areas.
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- (k) **Rural and non-rural carriers' requirements for annual certification to receive FUSF support.** A common carrier serving a rural or non-rural study area shall comply with the following requirements for annual certification for the receipt of FUSF support.
- (1) **Annual certification.** Common carriers must provide the commission with an affidavit annually, on or before September 1st of each year, which certifies that the carrier is complying with the federal requirements for the receipt of FUSF support. Upon receipt and acceptance of the affidavits filed on or before September 1st each year, the commission will certify these carriers' eligibility for FUSF to the FCC and the Federal Universal Service Fund Administrator by October 1st each year.
 - (2) **Failure to file.** Common carriers failing to file an affidavit by September 1st may still be certified by the commission for annual FUSF. However, the carrier is ineligible for support until the quarter following the federal universal service administrator's receipt of the commission's supplemental submission of the carrier's compliance with the federal requirements.
 - (3) **Supplemental certification.** For carriers not subject to the annual certification process, the schedule set forth in 47 C.F.R. §54.313 and 47 C.F.R. §54.314(d) for the filing of supplemental certifications shall apply.
 - (4) **Recommendation for Revocation of FUSF support certification.** The commission may recommend the revocation of the FUSF support certification of any carrier that it determines has not complied with the federal requirements pursuant to 47 U.S.C. §254(e) and will review any challenge to a carrier's FUSF
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support certification and make an appropriate recommendation as a result of any such review.

- (1) **Disaggregation of rural carriers' FUSF support.** Common carriers serving rural study areas must comply with the following requirements regarding disaggregation of FUSF support.
- (1) **Election by May 15, 2002.** On or before May 15, 2002, all rural incumbent local exchange carriers (ILECs) may notify the commission of one of the following elections regarding FUSF support. This election will remain in place for four years from the effective date of certification, pursuant to 47 C.F.R. §54.315, unless the commission, on its own motion, or upon the motion of the rural ILEC or an interested party, requires a change to the elected disaggregation plan:
- (A) a rural ILEC may choose to certify to the commission that it will not disaggregate at this time;
 - (B) a rural ILEC may seek disaggregation of its FUSF support by filing a targeted plan with the commission that meets the criteria in paragraph (3) of this subsection, subject to the commission's approval of the plan;
 - (C) a rural ILEC may self-certify a disaggregation targeted plan that meets the criteria in paragraphs (3) and (4) of this subsection, disaggregate support to the wire center level or up to no more than two cost zones, or mirror a plan for disaggregation that has received prior commission approval; or
 - (D) if the rural ILEC serves a study area that is served by another carrier designated as an ETC prior to the effective date of 47 C.F.R. §54.315,
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(June 19, 2001), the ILEC may only self-certify the disaggregation of its FUSF support by adopting a plan for disaggregation that has received prior commission approval.

- (2) **Abstain from filing.** If a rural ILEC abstains from filing an election on or before May 15, 2002, the carrier will not be permitted to disaggregate its FUSF support unless it is ordered to do so by the commission pursuant to the terms of paragraph (5) of this subsection.
 - (3) **Requirements for rural ILECs' disaggregation plans.** Pursuant to the federal requirements in 47 C.F.R. §54.315(e) a rural ILEC's disaggregation plan, whether submitted pursuant to paragraph (1)(B), (C) or (D) of this subsection, must meet the following requirements:
 - (A) the sum of the disaggregated annual support must be equal to the study area's total annual FUSF support amount without disaggregation;
 - (B) the ratio of the per line FUSF support between disaggregation zones for each disaggregated category of FUSF support shall remain fixed over time, except as changes are required pursuant to paragraph (5) of this subsection;
 - (C) the ratio of per line FUSF support shall be publicly available;
 - (D) the per line FUSF support amount for each disaggregated zone or wire center shall be recalculated whenever the rural ILEC's total annual FUSF support amount changes and revised total per line FUSF support and updated access line counts shall then be applied using the changed FUSF support amount and updated access line counts applicable at that point;
-

- (E) each support category complies with subparagraphs (A) and (B) of this paragraph;
 - (F) monthly payments of FUSF support shall be based upon the annual amount of FUSF support divided by 12 months if the rural ILEC's study area does not contain a competitive carrier designated as an ETC; and
 - (G) a rural ILEC's disaggregation plan methodology and the underlying access line count upon which it is based will apply to any competitive carrier designated as an ETC in the study area.
- (4) **Additional requirements for self-certification of a disaggregation plan.** Pursuant to 47 C.F.R. §54.315(d)(2), a rural ILEC's self-certified disaggregation plan must also include the following items in addition to those items required by paragraph (3) of this subsection:
- (A) support for, and a description of, the rationale used, including methods and data relied upon, as well as a discussion of how the plan meets the requirements in paragraph (3) of this subsection and this paragraph;
 - (B) a reasonable relationship between the cost of providing service for each disaggregation zone within each disaggregation category of support proposed;
 - (C) a clearly specified per-line level of FUSF support for each category pursuant to 47 C.F.R. §54.315(d)(2)(iii);
 - (D) if the plan uses a benchmark, a detailed explanation of the benchmark and how it was determined that is generally consistent with how the level of
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- support for each category of costs was derived so that competitive ETCs may compare the disaggregated costs for each cost zone proposed; and
- (E) maps identifying the boundaries of the disaggregated zones within the study area.
- (5) **Disaggregation upon commission order.** The commission on its own motion or upon the motion of an interested party may order a rural ILEC to disaggregate FUSF support under the following criteria:
- (A) the commission determines that the public interest of the rural study area is best served by disaggregation of the rural ILEC's FUSF support;
- (B) the commission establishes the appropriate disaggregated level of FUSF support for the rural ILEC; or
- (C) changes in ownership or changes in state or federal regulation warrant the commission's action.
- (6) **Effective dates of disaggregation plans.** The effective date of a rural ILEC's disaggregation plan shall be as specified in 47 C.F.R. §54.315.
-

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that §26.418 relating to Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds, is hereby adopted with no changes to the text as proposed.

SIGNED AT AUSTIN, TEXAS on the 16th day of November 2012.

PUBLIC UTILITY COMMISSION OF TEXAS


DONNA L. NELSON, CHAIRMAN


KENNETH W. ANDERSON, JR., COMMISSIONER

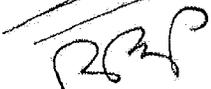
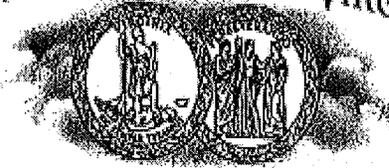

ROLANDO PABLOS, COMMISSIONER

Exhibit K

COMMONWEALTH OF VIRGINIA



WILLIAM IRBY
DIRECTOR
KATHLEEN A. CUMMINGS
DEPUTY DIRECTOR

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

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STATE CORPORATION COMMISSION
DIVISION OF COMMUNICATIONS

April 17, 2012

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

Dear Mr. Solana:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "William Irby".

William Irby

WI/cj

Enclosure

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 9, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

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

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC010263

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

ORDER

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

¹ 47 C.F.R. § 54.201-207.

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

Until the above-captioned Application was filed in Case No. PUC010263 by Virginia Cellular LLC ("Virginia Cellular" or "Applicant") for ETC designation, these proceedings have been uncontested. This is the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.³ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association ("VTIA") and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002.⁴

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

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

³ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

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

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

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

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

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

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

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

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

⁷ Reply Comments at p. 5.

⁸ Pursuant to § 332(c)(3), 47 U.S.C. § 332(c)(3), state regulation of the entry of or the rates charged by any commercial mobile service or any private mobile service is preempted. The Commission has deregulated all Virginia Radio common carriers and cellular mobile radio communications carriers. See Final Order issued October 23, 1995, Case No. FOC950062.

⁹ Reply Comments at p. 3.

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

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

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

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

¹⁰ The action is similar to that taken by the Commission in Case No. POC010172 in its August 29, 2001, Order that required cooperatives to certify directly with the FCC.

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

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

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

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

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

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

Exhibit L

Florida Statutes

Chapter 364- Telecommunications Companies

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

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

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

Exhibit M

**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)	
)	
AmeriMex Communications Corp. Petition)	WC Docket No. 11-42
for Forbearance from 47 U.S.C. § 214(e)(1)(A))	

AMERIMEX COMMUNICATIONS CORP. REVISED COMPLIANCE PLAN

AmeriMex Communications Corp. (“AmeriMex” or “Company”), by its attorney, hereby files its compliance plan outlining the measures it will take to implement the conditions imposed by the Federal Communications Commission (“Commission”) in its *Order* released February 6, 2012.¹ AmeriMex respectfully requests expeditious approval of this plan so that it may continue to provide critical Lifeline services to qualified low income customers.²

BACKGROUND

The Commission’s *Order* grants non-facilities-based carriers blanket forbearance from Section 214(e)(1)(A), which requires an ETC to provide supported services, at least in part, over its own facilities, in order to receive federal Lifeline support.³ Those ETCs that were providing

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*, Report and Order and Further Notice of Proposed Rulemaking (February 6, 2012) (“*Order*”) at ¶ 522-523.

² AmeriMex provides Lifeline services in Georgia pursuant to its designation as an Eligible Telecommunications Carrier (“ETC”) by the Georgia Public Service Commission. Georgia Public Service Commission, *Order on Application For Designation as Eligible Telecommunications Carrier*, Document Filing No. 139089, Docket No. 32948 (Nov. 21, 2011). The wireless service is provided by AmeriMex Wireless, a division of AmeriMex. The company may expand its Lifeline offerings to eligible customers in additional states following approval of this compliance plan.

³ *Order* at ¶ 1.

Lifeline services prior to the effective date of the *Order*, were required to meet certain obligations set forth in the *Order*. Those obligations, created to guard public safety and prevent ongoing waste, fraud and abuse of the Lifeline program, are:⁴

- 1) Compliance with certain 911 and enhanced 911 public safety requirements, and
- 2) Submission before July 1, 2012 of the carrier's compliance plan; which must be approved by the FCC before the carrier could seek additional ETC designations.

As required by the *Order*, the compliance plan must include details pertaining to the carrier's 1) financial, operational and technical capabilities, 2) rates, terms and conditions of service, 3) procedures for determining initial eligibility of its Lifeline services, as described in Appendix C of the *Order*, 4) procedures for enrollment and annual recertification, 5) policies for compliance with public safety and 911/E911 access, 6) policies for compliance with marketing disclosure requirements and 7) intended efforts to prevent waste, fraud and abuse of the Lifeline program.

A. COMPLIANCE PLAN

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

I. Financial, Operational and Technical Information

AmeriMex does not operate under any other names, nor does it have any holding company, operating company or affiliates.⁵ AmeriMex, a privately held Georgia corporation, began offering telecommunications services in 1998. Over the course of six years, AmeriMex

⁴ *Id.* at ¶368.

⁵ *Id.* at ¶390.

expanded from a long distance calling card distributor to a competitive local exchange carrier (“CLEC”), providing residential wireline service to more than 20,000 customers. As a CLEC, AmeriMex’s operations spanned 10 states and included a distribution network of approximately 800 Hispanic merchants.⁶ In 2006, AmeriMex became a full facilities based carrier. The Company has a MetaSwitch VP3510 which supports TDM and IP interfaces. Currently, AmeriMex offers domestic and international calling services, and since December 2011, the Company has begun offering wireless ETC service. AmeriMex provides wireless ETC services to approximately 70,000 customers by reselling the services of Ready Mobile, a reseller of Sprint and Verizon Wireless services. The wireless ETC service represents less than 30 percent of AmeriMex’s total revenues.

The Company’s key management, including its founder and Chief Executive Officer, Don Aldridge, and the Vice President of Technology, Alejandro Caipa, has significant technical and managerial experience providing prepaid, wireline and wireless services to consumers.⁷ Mr. Aldridge is a Certified Public Accountant and holds a Masters of Business Administration from Virginia Tech. Mr. Caipa, employed by AmeriMex for more than 10 years, has a degree in electrical engineering and a Masters degree in Technology Management from Georgia Tech. Mr. Caipa previously worked for ETB, a telephone company in Bogota, Columbia. The Company increased revenues by approximately 21% between 2010 and 2011 and reported profits for both years. In addition to its financial and technical qualifications, AmeriMex has the operational capabilities to provide quality service, including providing 911/E911.⁸

⁶ http://www.amerimex.biz/index.php?option=com_content&view=article&id=89&Itemid=65 (retrieved Mar. 26, 2012).

⁷ *Order* at ¶¶387-388.

⁸ 47 C.F.R. §54.202(a)(2).

II. Lifeline Rate Plans

AmeriMex offers the following rate plans, which are available to eligible Lifeline subscribers.⁹ Each rate plan is subject to a one-time \$25 activation fee.¹⁰

250 Free Minutes and a Free Phone: This plan includes a phone plus 250 free voice minutes. Unused minutes expire at the end of the last day of their cycle. The account is then automatically replenished with the next month's 250 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (one text equates to one minute of airtime).

125 Free Minutes and a Free Phone: This plan includes a phone plus 125 free minutes. Unused minutes may be carried over to the next month for up to three months. Each month, the account is automatically replenished with the next month's 125 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (one text equates to one minute of airtime).

68 Free Minutes and a Free Phone: This plan includes a phone plus 68 free minutes. Unused minutes may be carried over to the next month for up to 12 months. Each month, the account is automatically replenished with the next month's 68 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10,

⁹ *Order* at ¶390, see Exhibit B. At this time, AmeriMex is only offering Lifeline services in Georgia.

¹⁰ This fee helps to offset the cost of the handsets provided to Lifeline subscribers.

\$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (three texts equate to one minute of airtime).

There is no additional charge for toll calls. Calls to 911 are free.

III. Certification of Lifeline Customers' Eligibility

A. Policy

AmeriMex will comply with all certification and verification requirements for Lifeline eligibility in accordance with the *Order*, and supplement its efforts, as necessary, in states where it is designated as an ETC. For any states which do not mandate Lifeline support and/or which do not have established rules of procedure in place, AmeriMex will certify at the outset and will verify annually consumers' Lifeline eligibility in accordance with the Commission's requirements.

B. Eligibility and Enrollment

AmeriMex will implement procedures to determine a consumer's Lifeline eligibility. The baseline eligibility, developed to counter the "patchwork" of state by state criteria, to streamline the enrollment process and to facilitate the completion of the National Database by the end of the 2013, is participation in one of several federal subsidy programs, including, but not limited to, Food Stamps, Medicaid and WIC programs, or evidence that the consumer's income is at or below 135% of the Federal Poverty Guidelines ("FPG"). States may elect to "adopt participation in certain federal or state assistance programs not included in the Commission's list of eligible programs...provided the program is based on income or factors directly related to income."¹¹ Participation in qualifying programs may be determined through

¹¹ *Order* at ¶65, FN 168.

the use of state or national data sources (where available) or provided directly from the consumer in the form of supporting documentation. AmeriMex will not retain copies of the consumer's supporting documentation, but will retain details regarding the type of documentation presented and the date such documentation was presented.

AmeriMex will not provide wireless ETC service to any individual that does not have a valid government issued identification. AmeriMex also conducts real time address verification and those addresses are crosschecked against any other providers serviced by CGM, LLC.¹²

C. Certification Procedures

AmeriMex will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting AmeriMex, or one of its merchant distributors, in person or via telephone, facsimile, or the Internet. AmeriMex will have direct contact with all customers applying for Lifeline service, either in person through its employees, agents or representatives, via the Company's website, via the telephone (including facsimile) or mail. AmeriMex will provide Lifeline-specific training to all personnel, whether employees, agents or representatives at authorized locations, that interacts with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services. AmeriMex understands and acknowledges its responsibility for the acts and omissions of its employees, agents and representatives.¹³

Consumers may be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to AmeriMex's website, which will contain a

¹² CGM's program allows AmeriMex to crosscheck for duplicates within AmeriMex's existing customer database and to establish customer accounts in real time.

¹³ *Order* at ¶110.

link to information regarding its Lifeline service plans, including a detailed description of the program and state-specific eligibility criteria. Consumers will be provided with printed information describing AmeriMex's Lifeline program, including eligibility and usage requirements and disclosures that clearly indicate that consumers are required to certify the documentation presented, under the penalty of perjury, which may result in disqualification from the program, a penalty or imprisonment. Consumers opting to contact AmeriMex using the toll-free telephone number will be provided verbal details regarding the available Lifeline services, as well as the rates, conditions or terms of service, including the ongoing requirement to regularly update certain information and to re-certify eligibility, and the requisite acknowledgements and certifications.¹⁴ Details regarding the separate points of contact (retail, telephone or internet) are provided below.

AmeriMex's application form for its wireless service will identify that it is a "Lifeline" application. The AmeriMex application form, attached hereto as Exhibit A, will include two sections to be completed by the applicant. The first section requires applicants to provide 1) personal information such as name, address, date of birth, last four digits of their social security number ("SSN") and 2) identify, with a check mark, and certify, using their initials, which qualifying program(s) they are currently participating in or if they have a household income which is at or below the 135% of the FPG and the number of household members and total income. The second section of the application form will require applicants to identify, with a check mark, and certify, with a complete signature and date, under penalty of perjury, certain statements, including, but not limited to, the following:

¹⁴ See Call Center Script at Exhibit C.

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

I understand that Lifeline is a government benefit program and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment.

I have provided documentation of eligibility.

I understand that I and my household can only have one Lifeline-supported telephone service. AmeriMex has explained the one-per household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government.

I attest to the best of my knowledge that I and no one else in my household is receiving a Lifeline supported service from any other land or wireless company such as Safelink, Assurance, or Reachout Wireless.

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

I will notify AmeriMex Wireless within thirty (30) days of moving.

I will notify AmeriMex Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify my company if:

1. My annual household exceeds 135% FPG.
2. If any member of my household, including myself, is receiving more than one Lifeline supported service.
3. I no longer satisfy the criteria for receiving Lifeline support.

AmeriMex Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it

will result in de-enrollment and termination of my AmeriMex Wireless Lifeline service.

Moreover, the application form will require applicants to provide, in addition to any change in eligibility status referenced above, any changes in personal information to the ETC within 30 days. Finally, the application form will also include an acknowledgement and consent section, written in clear, easily understandable language that indicates that in order to prevent the provision of duplicate services and ensure the proper administration of the Lifeline program certain subscriber information, including a subscriber's full name, residential address, date of birth, the last four digits of the social security number, the telephone number associated with the Lifeline service, dates of Lifeline service initiation and termination (if applicable), and the subscriber's basis for qualification for participation in the Lifeline program (i.e., the name of the state or federal program or an indication that the subscriber's income is at or below 135% FPG), will be transmitted to the Lifeline program administrator (currently the Universal Service Administrative Company (USAC)), and that failure to provide such consent will result in the denial of Lifeline benefits. AmeriMex will update its customer records and all associated state and national databases within 10 business days of notification that the customer has changed addresses.

As disclosed below, and as part of submitting its FCC Form 497 request for Lifeline reimbursement, AmeriMex, will process and validate its subscribers regularly and confirm usage (either monthly or quarterly) in order to prevent: (1) Duplicate Same-Month Lifeline Subsidies ("Double Dip," i.e., any household that is already receiving a Lifeline subsidy from AmeriMex will be automatically prevented from receiving a second lifeline subsidy in that same month); and (2) Inactive lines receiving subsidy (i.e., since AmeriMex does not issue monthly bills, it

will have systems in place to determine if lines have been inactive for more than 60 days to avoid seeking and receiving subsidies for active lines).

As mentioned above, AmeriMex provides several points of contact for consumer interaction. In retail settings, consumers will interact with one or more of AmeriMex's Lifeline trained agents or representatives (collectively the "AAR"). The AAR will provide the applicant with printed information describing AmeriMex's Lifeline program, including eligibility requirements and enrollment instructions. The AAR will also verbally explain the Lifeline benefit (i.e. a non-transferable government benefit, limited to one-per-household) and the qualification (income or program based), documentation (i.e. government issued identification, address, pay stubs, tax returns, benefit statements etc.) and certification and recertification requirements (i.e. penalty of perjury, head of household etc.) of the Lifeline program. Once the AAR has determined that the applicant is a candidate for Lifeline service, the applicant will be asked to complete the Lifeline application. The AAR will review the application and all supporting documentation. The AAR will confirm (via review of AmeriMex's existing customer database) if the applicant or any other individual at the stated address is currently receiving Lifeline service from AmeriMex.¹⁵ The AAR will also review all available federal or state databases to determine if the applicant is receiving a Lifeline benefit from another provider. If the applicant is not currently receiving a Lifeline benefit, the application will be approved, sent to AmeriMex's customer service department for inclusion in all internal and external (federal and state) databases within 10 days, if applicable, and the applicant will be provided with a

¹⁵ As indicated above, AmeriMex will also crosscheck addresses against any other providers serviced by CGM, LLC. If the AAR determines that another individual is receiving Lifeline benefits at the applicant's address, he or she will be provided with an opportunity to certify that more than one household resides at that address and that those individuals are part of a separate household. *Order* at ¶77. Pursuant to the *Order*, USAC will provide the requisite document on which the applicant will attest to multiple households.

handset. The AAR will, using the provided handset, connect the applicant to an AmeriMex customer service representative (“ACSR”) who will review the customer account information with the applicant, verifying their personal information, basis for qualification and presentation of proper documentation, and then guide the customer through the activation of the handset and completion of the initial outgoing call.¹⁶ To guarantee accuracy in storing primary addresses associated with customers receiving Lifeline service, AmeriMex will record in its information database (or a national database, when available) the subscriber’s address as recognized by the United States Postal Service.

Customers who do not complete the application process in person must return the signed application and supporting documentation to the Company by mail, fax, email or other electronic transmission in order to qualify and initiate service. The Company intends to accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006, and any applicable state laws and may verify signatures via interactive voice response systems (“IVR”). Processing of consumers’ applications, including review of all application forms and relevant documentation, will be performed under AmeriMex’s supervision by personnel experienced in the administration of the Lifeline program. AmeriMex will ensure that all required documentation is taken care of properly by using state-specific compliance checklists.

¹⁶ The customer contact between the ACSR and the applicant at the activation phase also satisfies the “deal directly” obligation established by the Commission in the Tracfone Order. *See Federal-State Joint Board on Universal Service, Petition of Tracfone Wireless, Inc. for Forbearance from 47 U.S.C. Section 214(e)(1)(A) and 47 C.F.R. Section 54.201(i)*, 20 FCC Rcd 15095, 15104 (2005). Additionally, this contact also provides AmeriMex with an opportunity to reaffirm the applicant’s qualification *prior to* seeking reimbursement for Lifeline funds on its FCC Forms 497.

Notwithstanding the foregoing with respect to program or income eligibility, for states that require AmeriMex to enroll subscribers identified by the state or as eligible in a state or federal database, AmeriMex may continue to rely on the state or federal identification or database, if applicable. As mentioned above, when possible, AmeriMex will access a state or federal database to make determinations about customer eligibility. As part of the process, the Company will note in its records the date of review and what data was relied upon to confirm the customer's eligibility for Lifeline. Where a state agency or third-party administrator is responsible for the initial determination of eligibility, AmeriMex will rely on the state identification or database and maintain a record of the date of review.

Alternatively, the application process for applying for a Lifeline benefit via telephone is similar to the retail setting described above. Applicants will be verbally informed by an ACSR of the qualification, documentation and certification requirements for the Lifeline benefit. Applicants may also be directed to the Company's website for additional information. The ACSR will employ a script similar to that provided hereto as Attachment C. The ACSR will determine, based on the applicant's responses, if they qualify for the Lifeline benefit. The conversation between the ACSR and the applicant, specifically the applicant's responses to the certification statements, may, in some instances, be recorded, through the use of an IVR system. If the applicant qualifies for the Lifeline benefit, they will be obligated, as necessary, to provide (via facsimile or U.S. mail) the supporting documentation prior to final approval for Lifeline service. Upon final approval, a handset will be mailed to the applicant's residential address on record and will require signature at delivery. The applicant's service will be activated upon the completion of the initial outbound call to AmeriMex's customer service department. AmeriMex

will not seek reimbursement until a phone has been activated. In the event the applicant does not qualify, the ACSR will explain the reason for denial of service.

Finally, the online application process requires an applicant to review the qualification, documentation and certification requirements as they move through progressive screens on the Company's website. The website will provide in clearly written and easily distinguishable language all the qualification and documentation requirements and mandatory certifications outlined in the *Order*, including but not limited to, that Lifeline is a non-transferable government benefit, limited to one-per-household, with household clearly defined, requires supporting documentation and ongoing recertification obligations and is subject to penalties and imprisonment for fraud. Similar to the telephone application process, the online applicant will be required to separately submit supporting documentation to the Company prior to final approval of Lifeline service and the receipt of a handset.

D. Annual Verification Procedures

As required by the Commission's *Order*, AmeriMex will require every consumer enrolled in the Lifeline program to verify on an annual basis that they are the head of their household and only receive Lifeline service from AmeriMex, and to the best of his or her knowledge, no one else at the subscriber's household is receiving a Lifeline supported service. Pursuant to the *Order*, AmeriMex will re-certify the eligibility of its Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report those results to USAC by January 31, 2013.

Participating Lifeline consumers will be notified prior to their service anniversary date that they *must* confirm their continued eligibility in accordance with the applicable requirements. This notification will be mailed via the U.S. Postal Service to the address the subscriber has on

record with AmeriMex. The Company may also elect to notify customers in advance of their anniversary date via a free text message.

The notification will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact AmeriMex to complete verification. The text message notice will include a brief description, including a statement that additional action is required by the customer. Customers will have 30 days to complete the form, certify under penalty of perjury that they are the head of household and receive Lifeline service only from AmeriMex, and return the form to AmeriMex by mail. Failure to respond to the notice and its obligation to certify the consumers continued eligibility will result in termination of their Lifeline service. The Company will notify subscribers in writing of service termination for not responding to the annual certification within 30 days. Anyone who does not respond within 30 days, demonstrating that his or her Lifeline service should not be terminated, will otherwise be de-enrolled within five business days after the expiration of the 30-day period. Consumers that wish to de-enroll from the Lifeline program can visit a retail location or contact AmeriMex's customer service department via telephone.

In the future, certification may also be obtained through an IVR system or a text message. In states where a state agency or third party has implemented a database that carriers may query to re-certify eligibility, the Company will query the database and maintain a record of what data was used to re-certify eligibility and the date of re-certification. At this time, AmeriMex's customers may complete the verification process by mail only. The Company may offer additional options, such as IVR and web-based methods, in the future.

IV. 911 and E/911 Access

AmeriMex will provide all of its Lifeline subscribers with access to emergency calling services at the time the Lifeline service is initiated. Such 911 and E911 access will be available from AmeriMex handsets regardless of the status of the subscriber account or the airtime balance associated with the handset. Under current practice, access to such emergency services is still made available to subscribers whether their account is active, suspended, terminated, or has reached the minimum required airtime balance.

V. E911-Compliant Handsets

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

VI. Uniform Marketing Materials

AmeriMex will ensure that all of its marketing materials, including "email, web, and social networking media and outdoor signage", consistently disclose or display, "in clear, easily understood language in all such marketing materials that the offering is a Lifeline-supported service; that only eligible consumers may enroll in the program; what documentation is necessary for enrollment; and that the program is limited to one benefit per household, consisting of either wireline or wireless service."¹⁷ Additionally, all marketing materials, as well as the Lifeline application form, will indicate that the Lifeline is a government benefit program, and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.

¹⁷ See Exhibit D.

VII. Measures to Prevent Waste, Fraud, and Abuse

AmeriMex will implement certain procedures in order to deter, identify and remove customers that may be attempting to abuse of the Lifeline program, inadvertently or intentionally.

A. Non-usage Policy

AmeriMex will implement a non-usage policy in which it monitors usage (only, not content) to identify Lifeline customers that have not used their Lifeline service for a period of 60 consecutive days. Upon determination of non-usage, AmeriMex will immediately cease to claim Lifeline reimbursements for such customers if they do not use their service within a 30-day grace period following the initial 60-day non-usage period. Once AmeriMex determines that a Lifeline customer has been inactive for 60 days, it will promptly notify the customer that the customer is no longer eligible for AmeriMex's Lifeline service subject to a 30-day grace period during which the customer's account will remain active. If the customer does not respond to AmeriMex's efforts, and the customer remains inactive (fails to send or receive voice calls or text messages, makes a payment or adds minutes to the account), AmeriMex will deactivate the Lifeline services for that customer. In addition, AmeriMex will not seek to recover a Federal Universal Service Fund subsidy for the minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497 unless the customer reinitiates service.

B. Customer Education with Respect to Duplicates

As indicated above, AmeriMex will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as the monthly or quarterly subscriber review undertaken during the preparation of the FCC Form 497. In addition to this ongoing due

diligence, AmeriMex will also review subscriber records in preparation for the Company's annual recertification to USAC.

AmeriMex will ensure that each of its sources presenting Lifeline information, including the call center, customer application form, and website will emphasize the limitation of the "one Lifeline phone per household" restriction (see Exhibit A).

C. Cooperation with State and Federal Regulators

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

- Getting customer consent to provide, and providing state commissions (PUC), the FCC or USAC upon request with, data that will enable that state, the FCC or USAC to determine whether some consumers are enrolled in more than one Lifeline program. Specifically, AmeriMex agrees to make available state-specific customer data, including name and address, upon request to each state PUC where it operates, the FCC or USAC for the purpose of permitting the PUC, FCC or USAC to determine whether an existing Lifeline customer receives Lifeline service from another carrier, and will participate in such a duplicate resolution process, provided that costs for participation are reasonable or defrayed through the universal service contribution mechanisms;
- Promptly investigate any notification that it receives from a state PUC, the FCC or USAC that one of its customers already receives Lifeline service from another carrier;
- Immediately deactivate a customer's Lifeline service and no longer report that customer on USAC Form 497 if AmeriMex's investigation, a state, the FCC or USAC concludes that the customer receives Lifeline services from another carrier in violation of the Commission's regulations and that AmeriMex's Lifeline service should be discontinued

such as a de-enrollment notification pursuant to the FCC's June 17, 2011 Report and Order (Section III, B.).

- AmeriMex agrees to comply with all certification requirements annually and when submitting for reimbursements from USAC.¹⁸

¹⁸ See, for example, *Order* at ¶¶125-28, 398.

CONCLUSION

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

Respectfully submitted,

AMERIMEX COMMUNICATIONS CORP.

/s/

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

Its Counsel

December 6, 2012

VERIFICATION

I hereby verify that I have read the foregoing AmeriMex Communications Corp. Compliance Plan; and that to the best of my knowledge, information and belief the information stated therein is true and accurate.

AmeriMex Communications Corp.

By: Don Aldridge

Title: Chief Executive Officer

Date: December 6, 2012

Exhibit A

**LIFELINE APPLICATIONS
USAC MULTI-HOUSEHOLD CERTIFICATION
ANNUAL CERTIFICATION**



Things to know about the Lifeline program: (1) Lifeline is a federal benefit. (2) Lifeline service is available for only one line per household. A household cannot receive benefits from multiple providers; and (3) A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses.

Fill Out Your Information

First Name: _____ Middle Initial: _____ Last Name: _____

Birth Date: _____ Alternative phone: _____ Last 4 of SSN: _____

Residential Address : _____ Apt: _____ City: _____ State: GA Zip: _____

(No P.O. Box for residential Address) This is my (check one): Permanent Temporary

This address is a Multi-household: Yes No (If 'Yes' please complete USAC Cert.)

Billing Address (if different from above): _____ Apt: _____ City: _____ State: GA Zip: _____

I hereby certify that my household income is at or below 135% of the Federal Poverty Guidelines as indicated below:

Initial	Check One	Persons in Household	Annual Income	Monthly Income	Check One	Persons in Household	Annual Income	Monthly Income
Eligibility for Lifeline may apply if your household is at or below 135% of the Federal Poverty Guidelines for a household of that size. Indicate which income range applies to you in the chart.	<input type="checkbox"/>	1	\$ 15,079	\$ 1,257	<input type="checkbox"/>	5	\$ 34,643	\$ 3,039
	<input type="checkbox"/>	2	\$ 20,425	\$ 1,702	<input type="checkbox"/>	6	\$ 41,809	\$ 3,484
	<input type="checkbox"/>	3	\$ 25,771	\$ 2,148	<input type="checkbox"/>	7	\$ 47,155	\$ 3,930
	<input type="checkbox"/>	4	\$ 31,117	\$ 2,593	<input type="checkbox"/>	8	\$ 52,501	\$ 5,378
	<input type="checkbox"/>				<input type="checkbox"/>	For each add'l person, add	\$ 5,346	\$ 445

IF YOU WISH TO QUALIFY BASED ON PROGRAM, A DIFFERENT FORM IS REQUIRED

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

- The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
- As indicated above, I have an annual household income at or below 135 percent of the Federal Poverty Guidelines.
- I have provided documentation of eligibility.
- I understand that I and my household can only have one Lifeline-supported telephone service. AmeriMex Wireless has explained the one-per household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the lifeline program, and could result in criminal prosecution by the United States Government.
- I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
- I understand my AmeriMex Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.
- I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period which I may use the service or contact AmeriMex Wireless to confirm that I want to continue receiving their service.
- I will notify AmeriMex Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify my company if:
 1. My annual household income exceeds 135% FPG.
 2. If any member of my household, including myself, is receiving more than one lifeline supported service.
 3. I no longer satisfy the criteria for receiving Lifeline support.
- I will notify AmeriMex Wireless within thirty (30) days of moving.
- AmeriMex Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it will result in the termination of my AmeriMex Wireless Lifeline service.
- I consent to the transmission of certain subscriber information to the Lifeline program administrator, currently the Universal Service Administrative Company (USAC). I understand the provision of this information, which includes a subscriber's full name, residential address, date of birth, the last four digits of the subscriber's social security number, the telephone number associated with the Lifeline service, dates of Lifeline service initiation and termination (if applicable), and the subscriber's basis for qualification for participation in the Lifeline program (i.e., the name of the state or federal program or an indication that the subscriber's income is at or below 135% FPG), is necessary to prevent the provision of duplicate services and ensure the proper administration of the Lifeline program. I understand that failure to provide my consent will result in denial of Lifeline service.
- I understand that if USAC identifies I am receiving more than one Lifeline subsidy, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

Please Fax : 1-800-954-1951

Mail: AmeriMex Communications Corp.
 1007 Mansell Rd, Suite A. Roswell, GA 30076

Applicant's Signature _____ Date _____

Complaints concerning Lifeline/Link Up service can be directed to the Georgia Public Service Commission's Consumer Affairs Unit at 404-656-4501 or 1-800-282-5813.

For Agent use only (check only one box below and do not copy or retain documentation):

Revised Sept 5, 2012

Documents acceptable proof for Income-eligibility:

- Last year's federal or state tax return.
- A social security statement of benefits.
- A retirement/pension statement of benefits.
- Current income statement from an employer or paycheck stub.
- An unemployment/Workers' compensation statement of benefits.
- Federal notice letter of participation in General Assistance.
- Divorce decree, child support award or other official document containing income information.

Description of specific documentation presented by customer and examined by Company Representative:

Applicant Account #	Representative Signature	Date
---------------------	--------------------------	------



Georgia Lifeline Application

Questions? Please call 1-800-704-6169.

Agent Name _____

Things to know about the Lifeline program: (1) Lifeline is a federal benefit. (2) Lifeline service is available for only one line per household. A household cannot receive benefits from multiple providers; and (3) A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses.

Fill Out Your Information

First Name: Middle Initial: Last Name: Birth Date: Alternative phone: Last 4 of SSN: Residential Address: Apt: City: State: GA Zip: (No P.O. Box for residential Address) This is my (check one): Permanent Temporary This address is a Multi-household: Yes No (If 'Yes' please complete USAC Cert.) Billing Address (if different from above): Apt: City: State: GA Zip:

I hereby certify that I participate in at least one of the following programs: (Check one) Medicaid Temporary Assistance for Needy Families (Work First) Food Stamps - Supplemental Nutrition Assistance Program (SNAP) Supplemental Security Income (SSI) Federal Public Housing (SECTION 8) Low Income Home Energy Assistance (LIHEAP) Senior Citizens Low Income Discount Plan, offered by local gas or power company National School Lunch Program IF YOU WISH TO QUALIFY BASED ON INCOME, A DIFFERENT FORM IS REQUIRED

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

The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program. I am a current recipient of the program checked above. I have provided documentation of eligibility. I understand that I and my household can only have one Lifeline-supported telephone service. AmeriMEX Wireless has explained the one-per household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the lifeline program, and could result in criminal prosecution by the United States Government. I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless. I understand my AmeriMEX Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer. I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period which I may use the service or contact AmeriMEX Wireless to confirm that I want to continue receiving their service. I will notify AmeriMEX Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify my company if: 1. I cease to participate in the above federal or state program; 2. If any member of my household, including myself, is receiving more than one lifeline supported service. 3. I no longer satisfy the criteria for receiving Lifeline support. I will notify AmeriMEX Wireless within thirty (30) days of moving. AmeriMEX Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it will result in the termination of my AmeriMEX Wireless Lifeline service. I consent to the transmission of certain subscriber information to the Lifeline program administrator, currently the Universal Service Administrative Company (USAC). I understand the provision of this information, which includes a subscriber's full name, residential address, date of birth, the last four digits of the subscriber's social security number, the telephone number associated with the Lifeline service, dates of Lifeline service initiation and termination (if applicable), and the subscriber's basis for qualification for participation in the Lifeline program (i.e., the name of the state or federal program or an indication that the subscriber's income is at or below 135% FPG), is necessary to prevent the provision of duplicate services and ensure the proper administration of the Lifeline program. I understand that failure to provide my consent will result in denial of Lifeline service. I understand that if USAC identifies I am receiving more than one Lifeline subsidy, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

Please Fax : 1-800-954-1951

Mail: AmeriMEX Communications Corp. 1007 Mansell Rd, Suite A. Roswell, GA 30076

Applicant's Signature _____

Date _____

Complaints concerning Lifeline/Link Up service can be directed to the Georgia Public Service Commission's Consumer Affairs Unit at 404-656-4501 or 1-800-282-5813.

For Agent use only (check only one box below and do not copy or retain documentation):

Revised Sept 5, 2012

Documents acceptable proof for program-eligibility:

- Program participation documents (i.e. consumer's supplemental nutrition assistance program card, Medicaid participation card). The current or prior year's statement of benefits from a qualifying state or federal program. A notice letter of participation in a qualifying state or federal program; Another official document evidencing the consumer's participation in a qualifying state or federal program.

Description of specific documentation presented by customer and examined by Company Representative:

Table with 3 columns: Applicant Account #, Representative Signature, Date



USAC Certification
Lifeline Household Worksheet

Table with 2 columns: Label (Name, Address, Telephone Number) and empty input fields.

Lifeline is a government program that provides a monthly discount on home or mobile telephone services. Only ONE Lifeline discount is allowed per household.

Your household is everyone who lives together at your address as one economic unit (including children and people who are not related to you).

The adults you live with are part of your economic unit if they contribute to and share in the income and expenses of the household. An adult is any person 18 years of age or older...

Spouses and domestic partners are considered to be part of the same household. Children under the age of 18 living with their parents or guardians are considered to be part of the same household...

You have been asked to complete this Worksheet because someone else currently receives a Lifeline-supported service at your address. This other person may or may not be a part of your household.

- 1. Does your spouse or domestic partner... already receive a Lifeline-discounted phone?
2. Other than a spouse or partner, do other adults... live with you at your address?
3. Do you share living expenses... and share income... together with at least one of the adults listed above...

CERTIFICATION

Please initial the certifications below and sign and date this worksheet. Submit this worksheet to AmeriMex Communications Corp. along with your Lifeline application or Lifeline annual certification form.

- A. I certify that I live at an address occupied by multiple households.
B. I understand that violation of the one-per-household requirement is against the Federal Communication Commission's rules and may result in me losing my Lifeline benefits...

Signature _____ Date _____



LIFELINE ANNUAL CERTIFICATION FORM

Questions? Please call 1-800-704-6169

Each year, the FCC requires every Lifeline subscriber to re-certify that he or she continues to qualify for the Lifeline program. In order to continue receiving your Lifeline benefits, you must return this completed and signed Lifeline Annual Certification Form to Amerimex Communication Corp within 30 days. The sole purpose of this certification is to verify your continued eligibility for the Lifeline program.

Things to know about the Lifeline Program:

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

Customer Information:

Acct #: _____ First Name: _____ MI: _____ Last Name: _____

Date of Birth: _____ Social Security Number (last four digits): _____(XXXX) Lifeline Telephone Number: _____

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

_____ APT/ Floor/ Other _____ City: _____ State: _____ ZIP Code: _____

This address is a Multi-household: Yes No (If Yes, please complete the enclosed USAC Certification Form)

Billing Address, if different from Residential Address (May Contain a P.O. Box):

_____ APT/ Floor/ Other _____ City: _____ State: _____ ZIP Code: _____

I certify, under penalty of perjury: (Please certify by checking each checkbox for each Certification)

- (1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
(2) I am, or one of my dependents is, a current recipient of (indicate qualifying state or federal program) _____ or my household income is below 135% of the Federal Poverty Guidelines ("FPG") and there are (list the number) ___ of dependents in my household.
(3) I understand that my household and I can have only one Lifeline-supported telephone service. Amerimex Wireless has explained the one-per-household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government.
(4) I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
(5) I understand that my Amerimex Wireless Lifeline service is a non-transferable. I may not transfer my Lifeline service to any individual, including another eligible low-income consumer.
(6) I will notify Amerimex Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify my company if:
(1) I cease to participate in the above federal or state program, or my annual household income exceeds 135% of the FPG.
(2) If any member of my household, including myself, is receiving more than one Lifeline supported service;
(3) I no longer satisfy the criteria for receiving Lifeline support.
(7) I will notify Amerimex Wireless within thirty (30) days of moving.
(8) Amerimex Wireless has explained to me that the subscriber may be required to re-certify his or her continued eligibility at any time. If I fail to do so within thirty (30) days, it will result in the termination of my Amerimex Wireless Lifeline service.
(9) I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period which I may use the service or contact AmeriMex Wireless to confirm that I want to continue receiving their service.
(10) I consent to the transmission of certain subscriber information to the Lifeline program administrator, currently the Universal Service Administrative Company (USAC). I understand the provision of this information, which includes a subscriber's full name, residential address, date of birth, the last four digits of the subscriber's social security number, the telephone number associated with the Lifeline service, dates of Lifeline service initiation and termination (if applicable), and the subscriber's basis for qualification for participation in the Lifeline program (i.e., the name of the state or federal program or an indication that the subscriber's income is at or below 135% FPG), is necessary to prevent the provision of duplicate services and ensure the proper administration of the Lifeline program. I understand that failure to provide my consent will result in de-enrollment from the Lifeline program.
(11) I understand that if USAC identifies I am receiving more than one Lifeline subsidy, all carriers involved may be notified so that I may select one service and be de-enrolled from the other. I further understand that some states may impose more stringent rules including but not limited to barring me from re-enrolling in the program.
(12) I authorize the company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program.

SUBSCRIBER'S SIGNATURE: _____

DATE: _____

Mail: Amerimex Communications Corp. - 1007 Manswell RD, STE A, Roswell, GA 30076
Fax: ATTN: AMERIMEX - LIFELINE SUPPORT 1-800-954-1951

Exhibit B

LIFELINE SERVICE PLANS

AmeriMex Lifeline Rate Plans¹

250 Free Minutes and a Free Phone: This plan includes a phone plus 250 free voice minutes. Unused minutes expire at the end of the last day of their cycle. The account is then automatically replenished with the next month's 250 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (one text equates to one minute of airtime).

125 Free Minutes and a Free Phone: This plan includes a phone plus 125 free minutes. Unused minutes may be carried over to the next month for up to three months. Each month, the account is automatically replenished with the next month's 125 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (one text equates to one minute of airtime).

68 Free Minutes and a Free Phone: This plan includes a phone plus 68 free minutes. Unused minutes may be carried over to the next month for up to 12 months. Each month, the account is automatically replenished with the next month's 68 free voice minutes. If a subscriber runs out of minutes, they have the option to purchase additional voice minutes in increments of \$5, \$10, \$20, \$30 and \$50 denominations, with the price ranging from \$.10 to \$.03 per minute. This plan includes nationwide coverage, voice mail, call waiting, Caller ID and text-messaging (three texts equate to one minute of airtime).

There is no additional charge for toll calls. Calls to 911 are free.

¹ Each rate plan is subject to a one-time \$25 activation fee.

The AmeriMex Wireless Project provides you the mobile service, at a very affordable rate!

Plan	Free Monthly Minutes Included in Plan	Text Messaging Charge	Unused Minutes Carryover to the next Month	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

Non Lifeline Plan

Price	Free Monthly Minutes Included in Plan	Text Messaging Charge	Unused Minutes Carryover to the next Month	Voice Mail Caller ID Call Waiting
\$9.95	250 minutes	1 text / 1 min	No	Yes

- Pricing for domestic calls and text messaging only. All domestic text prices are to send and receive.

Need more minutes?
[Click Here to view our additional refill options!](#)

Exhibit C

CALL CENTER SCRIPT – LIFELINE SERVICE

1. Thank you for calling AmeriMex Wireless, how may we assist you today?
2. I will be able to assist you in the enrollment process. First, please note that Lifeline is 1) a federal benefit, 2) limited to one-per-household (a household is defined as any individual or group of individuals who live together at the same address and share income and expenses) and 3) a household may not receive Lifeline benefits from multiple providers. I will need to ask you some questions to get started. Is that ok?
3. Is there anyone currently residing at your address that is receiving Lifeline benefits for wireless or home phone service?
 - a. If yes, **Lifeline service is only available to one person per household. If the individual is part of your household, and you would like to receive Lifeline service from AmeriMex, please contact your current Lifeline provider and cancel the service. Once you cancel that service, please contact us to set up your AmeriMex service. If the individual receiving Lifeline benefits is not part of your household, you will be required to complete the USAC Certification Lifeline Household Worksheet certifying, among other things, that that individual is part of a separate household.**
4. Now sir/ma'am in order to receive the AmeriMex Lifeline service, you must be enrolled in select government assistance programs. Are you currently participating in any government assistance programs? If, so, which one?
5. CSR: Participating in the **[insert program here]** program enables you to receive the AmeriMex Lifeline service. The AmeriMex Lifeline service will provide you with a free wireless phone and [min.] monthly voice minutes.
6. *(Enrollment Representative takes customer's information and checks against database, prior to entering the enrollment process)*
 - a. May I please have your first name?
 - b. Middle Initial (optional)
 - c. May I please have your last name?
 - d. May I please have your mailing address and billing address (if different)? (no P.O. Boxes)
 - e. May I please have your contact phone number, if available?
 - f. May I please have your email address, if available?
 - g. Please provide the last 4 digits of your social security? This is required to check the status on your application and for security verification purposes.
 - h. What is your date of birth? This is also required for verification purposes.

- i. What is the government assistance program from which you receive assistance? Or is your income level at or below 135% of the Federal Poverty Guidelines (“FPG”)?
 - j. Are you the head of the household?
 - i. If no: **In order to receive the Lifeline service you must be the head of household in your residence.**
7. Now that we have verified all of your information, we can complete your enrollment. In order to do so:

(At this point the Enrollment Representative will ask self-certification questions in 4 parts to ensure the customer’s understanding)

8. DO YOU CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE AND CORRECT AND THAT YOU UNDERSTAND THAT A HOUSEHOLD, AS PREVIOUSLY DEFINED, IS LIMITED TO ONE LIFELINE SUPPORTED TELEPHONE SERVICE AND VIOLATION OF THIS LIMITATION CONSTITUTES A VIOLATION OF THE FCC’S RULES AND WILL RESULT IN DE-ENROLLMENT FROM THE LIFELINE PROGRAM AND COULD RESULT IN CRIMINAL PROSECUTION BY THE UNITED STATES GOVERNMENT?
 - a. Customer must answer YES to continue.
9. DO YOU ATTEST TO THE BEST OF YOUR KNOWLEDGE THAT NEITHER YOU NOR ANY MEMBER OF YOUR HOUSEHOLD IS CURRENTLY RECEIVING A LIFELINE SUPPORTED SERVICE FROM ANY OTHER PROVIDERS SUCH AS SAFELINK, ASSURANCE OR REACHOUT?
 - a. Customer must answer YES to continue.
10. DO YOU UNDERSTAND THAT YOUR AMERIMEX LIFELINE SERVICE IS NON-TRANSFERRABLE AND THAT YOU MAY NOT TRANSFER YOUR SERVICE TO ANY INDIVIDUAL, INCLUDING ANOTHER ELIGIBLE LOW-INCOME CONSUMER?
 - a. Customer must answer YES to continue.
11. DO YOU UNDERSTAND THAT IF YOUR AMERIMEX LIFELINE SERVICE GOES UNUSED FOR SIXTY (60) DAYS, THAT SERVICE WILL BE SUSPENDED, SUBJECT TO A THIRTY (30) DAY PERIOD IN WHICH YOU MAY USE THE SERVICE OR CONTACT AMERIMEX WIRELESS TO CONFIRM THAT YOU WANT TO CONTINUE RECEIVING LIFELINE SERVICE.
 - a. Customer must answer YES to continue.

12. DO YOU UNDERSTAND THAT YOU MAY BE REQUIRED TO VERIFY YOUR CONTINUED ELIGIBILITY FOR AMERIMEX LIFELINE SERVICE AT ANY TIME AND FAILURE TO VERIFY ELIGIBILITY WILL RESULT IN TERMINATION OF YOUR AMERIMEX LIFELINE SERVICE? DO YOU AGREE TO NOTIFY AMERIMEX WIRELESS WITHIN 30 DAYS IF YOU NO LONGER QUALIFY FOR LIFELINE BENEFITS? SPECIFICALLY, DO YOU AGREE TO NOTIFY AMERIMEX WIRELESS WITHIN 30 DAYS IF YOU ARE NO LONGER ELIGIBLE TO RECEIVE BENEFITS FROM AT LEAST ONE OF THE QUALIFYING PUBLIC ASSISTANCE PROGRAMS, YOUR INCOME EXCEEDS 135% FPG, OR IF YOU NO LONGER SATISFY THE CRITERIA FOR RECEIVING LIFELINE BENEFITS?

a. Customer must answer YES to continue

13. DO YOU AGREE TO NOTIFY AMERIMEX WIRELESS WITHIN 30 DAYS OF MOVING?

a. Customer must answer YES to continue

14. IN ORDER TO PREVENT THE PROVISION OF DUPLICATE SERVICES AND ENSURE THE PROPER ADMINISTRATION OF THE LIFELINE PROGRAM, DO YOU ACKNOWLEDGE AND CONSENT TO THE TRANSMISSION OF CERTAIN SUBSCRIBER INFORMATION, INCLUDING A SUBSCRIBER'S FULL NAME, RESIDENTIAL ADDRESS, DATE OF BIRTH, THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER, THE TELEPHONE NUMBER ASSOCIATED WITH THE LIFELINE SERVICE, DATES OF LIFELINE SERVICE INITIATION AND TERMINATION (IF APPLICABLE), AND THE SUBSCRIBER'S BASIS FOR QUALIFICATION FOR PARTICIPATION IN THE LIFELINE PROGRAM (I.E., THE NAME OF THE STATE OR FEDERAL PROGRAM OR AN INDICATION THAT THE SUBSCRIBER'S INCOME IS AT OR BELOW 135% FPG), TO THE LIFELINE PROGRAM ADMINISTRATOR (CURRENTLY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY (USAC))? FAILURE TO PROVIDE SUCH CONSENT WILL RESULT IN THE DENIAL OF LIFELINE BENEFITS.

a. Customer must answer YES to continue

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

a. Customer must say YES to continue

16. DO YOU UNDERSTAND THAT IF THE LIFELINE PROGRAM ADMINSTRATOR IDENTIFIES THAT YOU, OR ANOTHER MEMBER OF YOUR HOUSEHOLD, ARE RECEIVING MORE THAN ONE LIFELINE SERVICE, ALL CARRIERS WILL BE

NOTIFIED SO THAT YOU MAY SELECT ONE SERVICE AND BE DE-ENROLLED FROM THE OTHER.

- a. Customer must answer YES to continue.
17. If at any point, the customer says “No” to the self-certification questions, the Enrollment representative will explain that the customer does not qualify for the AmeriMex Lifeline program.

Exhibit D

Marketing Materials



AmeriMex Wireless

Part of the National Lifeline Assistance Program

FREE
250 MINUTES
PER MONTH
FREE
PHONE

APPLY HERE

Only if you are enrolled in certain government assistance programs like:

- Food Stamps
- Medicaid
- Federal Public Housing
- Temporary Assistance for needy families (Work First)
- Senior Citizens Low Income Discount Plan, offered by local gas or power company
- Supplemental Security Income (SSI)
- National School Lunch Program
- Low Income Home Energy Assistance (LIHEAP)



• Program is limited to 1 Lifeline Assistance phone per household
• Must present proof of participation in the Eligible Government Assistance Programs
• \$25 Activation Fee required
• Lifeline is a government benefit program, and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.

Call and
apply today!:
404-224-9915