



**STOLL
KEENON
OGDEN**

2000 PNC PLAZA
500 WEST JEFFERSON STREET
LOUISVILLE, KY 40202-2828
MAIN: (502) 333-6000
FAX: (502) 333-6099

DOUGLAS F. BRENT
DIRECT DIAL: 502-568-5734
DIRECT FAX: 502-333-6099
douglas.brent@skofirm.com

October 25, 2011

RECEIVED
OCT 26 2011
PUBLIC SERVICE
COMMISSION

Jeffrey DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40601

**RE: *Petition of I-Wireless, LLC For Designation As An Eligible
Telecommunications Carrier In The Commonwealth Of Kentucky For The
Limited Purpose Of Offering Lifeline Service To Qualified Households
Case No. 2010-00478***

Dear Mr. DeRouen:

i-wireless, LLC (“i-wireless”) hereby notifies the Commission that the Federal Communications Commission (“FCC”) has approved i-wireless’ Compliance Plan which was filed as a condition of i-wireless’ FCC Forbearance Order.¹ A copy of the FCC’s approval and i-wireless’ respective Compliance Plan is attached herewith.

With this approval there is no impediment to prompt approval of i-wireless as an Eligible Telecommunications Carrier (“ETC”) in the State of Kentucky. i-wireless is actively competing in Kentucky through an already established retail presence and requests that the Commission quickly grant i-wireless’ pending ETC Petition so that the Company may begin providing much-needed Lifeline services to Kentucky customers.

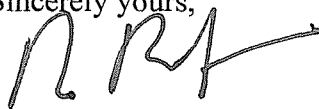
I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope.

¹ i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A), CC Docket No. 96-45, WC Docket No. 09-197, Compliance Plan (filed September 9, 2011) (Revised Compliance Plan); *i-wireless, LLC Petition for Forbearance from 47 USC. §214(e)(1)(A)*, CC Docket No. 96-45, WC Docket No. 09-197, Order, 25 FCC Rcd 8784 (2010).

Jeffrey DeRouen
October 25, 2011
Page 2

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

Sincerely yours,

A handwritten signature in black ink, appearing to read 'D. Brent', with a long horizontal stroke extending to the right.

Douglas F. Brent

DFB: jms
Enclosures

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

In the Matter of)	
)	
Federal-State Joint Board on Universal Service;)	CC Docket No. 96-45
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
i-wireless, LLC Petition for Forbearance from 47)	
U.S.C. § 214(e)(1)(A);)	

ORDER

Adopted: October 21, 2011

Released: October 21, 2011

By the Chief, Wireline Competition Bureau:

1. In this order, we approve a Revised Compliance Plan submitted by i-wireless, LLC (i-wireless) for complying with conditions imposed in the *i-wireless Forbearance Order*.¹ In the *i-wireless Forbearance Order*, the Commission conditionally granted, for the limited purpose of Lifeline universal service support, i-wireless's request for forbearance from section 214(e)(1)(A) of the Communications Act of 1934, as amended (the Act), which requires that an eligible telecommunications carrier (ETC) provide universal service supported services, at least in part, over its own facilities.² In order to receive federal universal service support for Lifeline as a non-facilities based provider, i-wireless must comply with the conditions set forth in the *i-wireless Forbearance Order*.³ In approving the i-wireless Revised Compliance Plan, we find that it adequately implements the conditions of forbearance established in the *i-wireless Forbearance Order*. Accordingly, i-wireless is eligible to seek designation as a non-facilities based ETC for Lifeline-only support provided it fulfills the commitments in its Revised Compliance Plan in each state where it is designated to provide Lifeline service, and otherwise is in compliance with the Act and Commission rules.

2. i-wireless is a non-facilities-based commercial mobile radio services provider (*i.e.*, a pure wireless reseller) that provides prepaid wireless telecommunications services.⁴ On April 1, 2009, i-wireless filed a petition seeking forbearance from the facilities requirement of section 214(e)(1)(A) of the Act.⁵ In the *i-wireless Forbearance Order*, the Commission found that i-wireless met the statutory

¹ i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A), CC Docket No. 96-45, WC Docket No. 09-197, Compliance Plan (filed September 9, 2011) (Revised Compliance Plan); *i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45, WC Docket No. 09-197, Order, 25 FCC Rcd 8784 (2010) (*i-wireless Forbearance Order*).

² *i-wireless Forbearance Order*, 24 FCC Rcd at 3381, para. 1; *see* 47 U.S.C. § 214(e)(1)(A). The Commission interpreted the forbearance petition to include forbearance from section 54.201(d)(1), (i) of the Commission's rules, which mirrors section 214(e)(1)(A) of the Act and requires that ETCs be facilities-based, at least in part. *See i-wireless Forbearance Order*, 25 FCC Rcd at 8786 n.12.

³ The Commission denied i-wireless's forbearance request for the Link Up support. *i-wireless Forbearance Order*, 25 FCC Rcd at 8791-92, para. 21.

⁴ *i-wireless Forbearance Order*, 25 FCC Rcd at 8786, para. 5.

⁵ i-wireless Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A), CC Docket No. 96-45 (filed Apr. 1, 2009) (*i-wireless Forbearance Petition*).

requirements for forbearance, subject to certain conditions, and forbore from application of the facilities requirement of section 214 (e)(1)(A) for the limited purpose of allowing i-wireless to seek designation as a Lifeline-only ETC eligible for support from the universal service fund for the provision of Lifeline service to eligible subscribers.⁶ On July 27, 2010, i-wireless filed a plan outlining measures that it will undertake to implement the conditions imposed in the *i-wireless Forbearance Order*.⁷ The Bureau released a public notice concerning i-wireless's compliance plan on August 20, 2010.⁸ No parties filed comments or objections to i-wireless's compliance plan. On September 9, 2011, i-wireless submitted a Revised Compliance Plan that includes additional certification procedures and measures to prevent waste, fraud and abuse, including measures to prevent duplicate Lifeline benefits being awarded to the same household.⁹

3. In the *i-wireless Forbearance Order*, the Commission conditioned forbearance on i-wireless implementing certain protections designed to prevent waste, fraud and abuse in the program.¹⁰ i-wireless commits in its Revised Compliance Plan to implement the following measures:¹¹

- (a) providing its Lifeline subscribers with 911 and enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes;
- (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, non-compliant handsets of existing subscribers who obtain Lifeline-supported service;
- (c) complying with conditions (a) and (b) as of the date i-wireless provides Lifeline service¹²;
- (d) obtaining a certification from each Public Safety Answering Point (PSAP) where i-wireless provides Lifeline service, confirming that i-wireless provides its subscribers with 911 and E911 access or if, within 90 days of i-wireless's request for certification, a PSAP has not provided the certification and the PSAP has not made an affirmative finding that i-wireless does not provide its subscribers with access to 911 and E911 service within the PSAP's service area, i-wireless may self-certify that it meets the basic 911 and E911 requirements;
- (e) requiring its subscribers to self-certify under penalty of perjury at time of service activation and annually thereafter that they are the head of household, that they receive Lifeline service only from i-wireless, and that no other member of the household receives Lifeline-supported service from any other Lifeline provider;

⁶ *i-wireless forbearance order*. See also *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); *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petition for Designation as an Eligible Telecommunications Carrier in the State of New York; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia; Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of North Carolina; Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of Tennessee*, CC Docket No. 96-45, Order, 24 FCC Rcd 3381 (2009).

⁷ i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A), CC Docket No. 96-45, WC Docket No. 09-197, Compliance Plan (filed July 27, 2010). i-wireless updated its plan to reflect ongoing reforms in the Lifeline program targeted at preventing waste, fraud and abuse of funds. See *supra* note 1.

⁸ *Comment Sought on i-wireless, LLC's Plan to Comply with the Conditions of its Limited Forbearance*, CC Docket No. 96-45, Public Notice, 25 FCC Rcd 11056 (Wireline Comp. Bur. 2010).

⁹ See i-wireless Revised Compliance Plan at 5-12.

¹⁰ *i-wireless Forbearance Order*, 25 FCC Rcd at 8790-91.

¹¹ See *i-wireless Forbearance Order*, 25 FCC Rcd at 8788, 8790; i-wireless Revised Compliance Plan.

¹² i-wireless must provide its Lifeline subscribers with both 911 and E-911 access in any service area that i-wireless is designated as a non-facilities based Lifeline ETC. *i-wireless Forbearance Order*, 25 FCC Rcd at 8788, para. 11.

- (f) establishing safeguards to prevent i-wireless's subscribers from receiving multiple i-wireless Lifeline subsidies at the same address¹³; and
- (g) dealing directly with the consumer to certify and verify the consumer's Lifeline eligibility.

4. i-wireless further agrees in its Revised Compliance Plan to cooperate fully with state and federal regulators to prevent waste, fraud and abuse of Lifeline funds.¹⁴ Specifically, i-wireless commits to:¹⁵

- (h) implementing a 60-day non-usage policy in all states where i-wireless provides Lifeline services, under which i-wireless will identify its subscribers that have not used its Lifeline service for 60 days and will not seek support for such subscribers if they do not actively use its Lifeline service during a 30-day grace period following the initial 60-day non-usage period;
- (i) explaining in prominent, plain, easily comprehensible language to all new and potential subscribers that no consumer is permitted to receive more than one Lifeline subsidy;
- (j) implementing measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household, including emphasizing the one-per-household limitation in call-center and sales scripts, and in all marketing, advertising, and website content;
- (k) requiring each eligible Lifeline consumer at the time of enrollment to initial on the certification form that to the best of his or her knowledge that he or she is not receiving Lifeline-supported service from any other Lifeline provider, and listing as examples the brand names of at least the leading wireline and leading two wireless Lifeline providers in the area to ensure the consumer understands what is meant by "Lifeline-supported service";
- (l) providing state commissions, the FCC or Universal Service Administrative Company (USAC) upon request with data that will enable that state, the FCC or USAC to determine whether consumers are enrolled in more than one Lifeline program;
- (m) promptly investigating any notification that i-wireless receives from a state PUC, the FCC or USAC that one of its subscribers already receives Lifeline service from another carrier;
- (n) immediately deactivating a subscriber's Lifeline service and no longer reporting that subscriber on USAC Form 497 if an i-wireless' investigation, a state commission, the FCC or USAC concludes that the subscriber receives Lifeline services from another carrier in violation of the Commission's regulations and that i-wireless' Lifeline service to that subscriber should be discontinued;
- (o) requiring that all consumers present proof of eligibility in all states in which i-wireless provides Lifeline service, regardless of whether proof of eligibility is required in that state; and
- (p) offering at least one Lifeline plan that provides consumers with at least 250 minutes-of-use per month for at least 36 months from the date of this order.

5. i-wireless maintains that its implementing procedures, as set forth in its Revised Compliance Plan, fully satisfy the conditions established by the Commission.¹⁶ After careful review of the record, we find that i-wireless's Revised Compliance Plan adequately implements the conditions of forbearance imposed by the *i-wireless Forbearance Order*. We therefore approve the Revised Compliance Plan, and, subject to i-wireless fulfilling the commitments it makes therein, it may be eligible to apply for designation as a non-facilities based ETC for Lifeline-only support. In taking this action, we remind i-wireless that the Commission may institute an inquiry on its own motion to examine the company's records and documentation to ensure that the universal service Lifeline support it receives is

¹³ See 47 C.F.R. § 54.407(b)-(c). ETCs designated for the limited purpose of participating in the Lifeline program, in contrast, may only receive Lifeline support.

¹⁴ i-wireless Revised Compliance Plan at 11.

¹⁵ *Id.* at 5-12.

¹⁶ *Id.* at 13.

being used for the purpose for which it was intended.¹⁷ i-wireless will be required to provide such records and documentation to the Commission and the USAC upon request. If i-wireless fails to fulfill its obligations under the Act, the Commission's rules, or the *i-wireless Forbearance Order* after it begins receiving Lifeline support, the Commission may revoke i-wireless's forbearance and/or limited ETC designations, should they be granted, or assess forfeitures as permitted under the Act and the Commission's rules.¹⁸

6. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in 214(e) of the Communications Act, 47 U.S.C. § 214(e), and the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the i-wireless, LLC Revised Compliance Plan submitted as a condition of forbearance eligible only for Lifeline support in its licensed service areas IS APPROVED as described herein.

7. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE effective upon release.

8. IT IS FURTHER ORDERED that, a copy of this order SHALL BE transmitted to the Universal Service Administrative Company.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief
Wireline Competition Bureau

¹⁷ 47 U.S.C. §§ 220, 403.

¹⁸ See 47 U.S.C. §§ 254(e), 503(b); *Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Declaratory Ruling, 15 FCC Rcd 15168, 15174, para. 15 (2000).

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

In the Matter of the)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
i-wireless, LLC Petition for Forbearance from 47)	
U.S.C. § 214(e)(1)(A))	

I-WIRELESS, LLC’S REVISED COMPLIANCE PLAN

i-wireless, LLC (“i-wireless” or the “Company”), by its attorney, hereby files its revised plan outlining the measures it will take to implement the conditions imposed by the Federal Communications Commission (“Commission”) in its recent Order, released June 25, 2010, in the above-captioned matter.¹ Given the severe economic environment that is forcing many lower-income customers to forego wireless service, i-wireless respectfully requests expeditious approval of this plan so that the Company, upon designation as an Eligible Telecommunications Carrier (“ETC”), may quickly deploy much-needed Lifeline services to many low-income customers. i-wireless will provide Lifeline services under the brand name “Access Wireless.”

BACKGROUND

The Commission’s *Order* conditionally granted i-wireless’ request for forbearance from the Section 214(e)(1)(A) requirement that a carrier designated as an ETC for purposes of federal universal service support provide services, at least in part, over its own facilities, stating “i-wireless may seek ETC designation to offer discounted services to qualified low-income consumers through

¹ See *Federal-State Joint Board on Universal Service; In the Matter of i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, Order, FCC 10-117, released June 25, 2010 (“*Order*”).

the universal service Lifeline program².”

The Commission found that a conditional grant of forbearance for i-wireless from the facilities requirement of section 214(e) for the purpose of seeking ETC designation to provide Lifeline support only “will further the statutory goal of providing low-income subscribers access to telecommunications and emergency services, while protecting the universal service fund against waste, fraud and abuse³.” The Commission’s grant of forbearance is subject to the following conditions: (a) i-wireless providing its Lifeline customers with 911 and Enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes; (b) i-wireless providing its Lifeline customers with E911-compliant handsets and replacing, at no additional charge to the customer, noncompliant handsets of existing customers who obtain Lifeline-supported service; (c) i-wireless complying with conditions (a) and (b) as of the date it provides Lifeline service; and (d) i-wireless obtaining a certification from each PSAP where the carrier seeks to provide Lifeline service confirming that the carrier provides its customers with 911 and E911 access or self-certifying that it does so if certain conditions are met; (e) i-wireless requiring each customer to self-certify at time of service activation and annually thereafter that he or she is the head of household and receives Lifeline-supported service only from i-wireless; (f) i-wireless establishing safeguards to prevent its customers from receiving multiple Lifeline subsidies from i-wireless at the same address; and (g) i-wireless dealing directly with the customer to certify and verify the customer’s Lifeline eligibility.⁴ The Commission required i-wireless to submit a plan describing the measures it would take to implement each one of these conditions within thirty days of the release of the Order.⁵ i-wireless is not seeking support for Link-up, as the Commission denied that portion of i-

² *Order* at ¶ 1.

³ *Order* at ¶ 20.

⁴ *See Order* at ¶¶ 11, 16.

⁵ *See id.*

wireless' request for forbearance.⁶

COMPLIANCE PLAN

i-wireless commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers.⁷ i-wireless will comply with all conditions set forth in the *Order*, the provision of this Compliance Plan, all laws and regulations governing its provision of Lifeline-supported prepaid wireless service to customers throughout the United States and in addition take the steps set forth herein.

I. Access to 911 and E911 Services

In the *Order*, the Commission required i-wireless to provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service, and stated that, in order to demonstrate compliance with the condition, i-wireless must obtain certification from each PSAP where it provides Lifeline service confirming that its customers receive 911 and E911 services. If within 90 days of i-wireless' request, a PSAP has neither provided the certification nor made an affirmative finding that the Company does not provide its customers with 911 and E911 services within the applicable service area, the *Order* allowed i-wireless to self-certify that it meets the requirements.⁸ The Commission and consumers are hereby assured that all i-wireless customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access will be available from i-wireless handsets, even if the account associated with the handset has no minutes remaining.

i-wireless can ensure the Commission that all Lifeline customers will have meaningful access to emergency calling services at the time the customer activates Lifeline service, and that such access will continue regardless of the customer's account status or the availability of prepaid

⁶ See *Order* at ¶ 1.

⁷ See *Order* at ¶ 12.

⁸ See *Order* at ¶ 13.

minutes. The Company's existing practices currently provide access to 911 and E911 services to the extent that these services have been deployed by its underlying carrier, Sprint Nextel ("Sprint"). i-wireless also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active, suspended or terminated. Finally, the Company transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

To satisfy the conditions of the *Order* regarding 911 and E911 services, i-wireless will implement the following measure prior to deploying Lifeline services in a given area. Initially, the Company will confirm that its underlying carrier has deployed E911 services in a specific PSAP territory. i-wireless will obtain the requisite certification from each PSAP where it provides Lifeline service confirming that its customers receive 911 and E911 services.⁹ If within 90 days of receiving the Company's request, a PSAP has neither provided such certification nor made an affirmative finding that the Company does not provide its customers with 911 and E911 services within the applicable service area, i-wireless will self-certify that it meets the basic and E911 requirements.

II. E911-Compliant Handsets

The Commission also conditioned its grant of forbearance determination on i-wireless providing only E911-compliant handsets to its Lifeline customers.¹⁰ i-wireless will ensure that all handsets used in connection with the Lifeline service offering will be E911-compliant. In fact, i-wireless' phones have always been and will continue to be 911 and E911-compliant. i-wireless uses phones from Sprint that have been through a stringent certification process in Sprint's handset certification lab, which ensures that the handset models used meet all 911 and E911 requirements. In i-wireless' five year history, only one handset model has failed the E911 process during the

⁹ A form of this PSAP certification request is attached hereto as Exhibit A.

¹⁰ See *Order* at ¶ 11.

handset lab certification, and that is a model the Company did not launch. As a result, any existing customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Furthermore, in the event that an existing customer does not have an E911-compliant handset, the Company will replace it with a new 911/E911-compliant handset at no charge to the customer. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

III. Certification of Lifeline Customers' Eligibility

To safeguard against misuse of the Lifeline service plan, the *Order* required i-wireless to deal directly with the customer and require each customer to self-certify under penalty of perjury at time of service activation and annually thereafter that they are the head of household and receive Lifeline-supported service only from i-wireless.¹¹ The Commission also required i-wireless to establish safeguards to prohibit more than one supported i-wireless service at each residential address.¹² Unless and until the Commission's issuance of new rules in its Lifeline rulemaking proceeding that set forth different requirements, i-wireless proposes the following plan to implement these certification and verification conditions (the plan would be modified to conform to any new rules and orders, once issued and effective):

A. Policy

i-wireless will comply with all certification and verification requirements for Lifeline eligibility established by states where it is designated as an ETC. In states where there are no state-imposed requirements, i-wireless will comply with the certification and verification procedures in effect in that state as reflected on the website of the Universal Service Administration Company.

¹¹ See *Order* at 16.

¹² See *id.*

For any states which do not mandate Lifeline support and/or which do not have established rules of procedure in place, i-wireless will certify at the outset and will verify annually consumers' Lifeline eligibility in accordance with the Commission's requirements.

B. Certification Procedures

i-wireless will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting i-wireless in person or via telephone, facsimile, or the internet. At the point of sale, consumers will be provided with printed information describing i-wireless' Lifeline program, including eligibility requirements, and with instructions for enrolling. Consumers will be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to i-wireless' website, which will contain a link to information regarding the Company's Lifeline service plan, including a detailed description of the program and state-specific eligibility criteria. i-wireless' application form for its Access Wireless service will identify that it is a "Lifeline" application. i-wireless understands and accepts the Commission's requirement that the Company have direct contact with all customers applying for participation in the Lifeline program.¹³ i-wireless will have direct contact with all customers applying for Lifeline service, either in person through its employees or agents or via the telephone (including facsimile) or mail. i-wireless will provide Lifeline-specific training to all personnel, whether employees or agents, that interact with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services.

Consumers who do not complete the application process in person must return the signed application and support documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006, and any

¹³ See Order at ¶ 16.

applicable state laws. Processing of consumers' applications, including review of all application forms and relevant documentation, will be performed under i-wireless' supervision by managers experienced in the administration of the Lifeline program.

i-wireless will ensure that all required documentation is taken care of properly by using state-specific compliance checklists. For states with program-based eligibility criteria, the form will list each of the qualifying programs, and the applicant will be required to identify the program(s) in which they participate, and to furnish proof that they currently participate in such program(s), regardless of whether such proof is required pursuant to state law. For states with income-based eligibility criteria, the applicant will be required to certify under penalty of perjury that their household income does not exceed the relevant threshold (e.g., 135% of the Federal Poverty Guidelines for federal default states) and will be required to provide proof of income-based eligibility. Notwithstanding the foregoing with respect to program or income eligibility, for states that require i-wireless to enroll subscribers identified by the state or as eligible in a state database, i-wireless may continue to rely on the state identification or database. In addition, the Lifeline application form will include a certification section where the applicant must attest and sign under penalty of perjury that the applicant's representations are true and correct. Applicants will also be required to certify under penalty of perjury that they are head of their household and receive Lifeline-supported service only from i-wireless. Penalties for perjury will be clearly-stated on the certification form, as required by the *Order*.¹⁴ i-wireless will use substantially the following form of its certification, printed in at least 10 point font:¹⁵

¹⁴ See *Order* at ¶ 17.

¹⁵ Among other things, i-wireless may, at its option, periodically update or change the list of Lifeline services identified in certification item no. 3 to reflect its judgment as to the most common prepaid wireless Lifeline products offered in its service areas, taken together, under names that are not readily identifiable as Lifeline services.

By signing below, I certify under penalty of perjury – (additionally, please initial each of the 5 statements below)

1. The information contained within this application is true and correct. I acknowledge that providing false or fraudulent documentation in order to receive assistance is punishable by law. _____

2. I understand that Lifeline is only available for one phone line per household, whether landline or wireless. I am the head of household and will only receive Lifeline from Access Wireless. _____

3. I am not currently receiving a Lifeline telephone service from any other landline or wireless telephone company. (Some Lifeline services are not marketed under a “Lifeline” name; these include Lifeline services sold under the names Life Wireless, TAG Mobile, Reachout Wireless, Assurance Wireless and Safelink.) _____

4. Furthermore, I certify that I will only use this phone for my family’s own use and will not resell it. _____

5. I will notify Access Wireless immediately if I no longer qualify for Lifeline, or if I have a question as to whether I would still qualify. _____

Perjury and false statements are punishable by fines and/or imprisonment.

Signature (required) _____ Date _____

Finally, the application forms will require each applicant to provide their name and primary residential address. i-wireless will incorporate this information into its customer information database. Prior to initiating service for a customer, the Company will check the address of each Lifeline applicant against its database to determine whether or not it is associated with a customer that already receives i-wireless Lifeline service, and will then review the application to ascertain whether the applicant is attempting to receive Lifeline-supported service for more than one handset associated with the address. i-wireless will deny the Lifeline application of any such individual and advise the applicant of the basis for the denial. In addition, prior to requesting a subsidy, i-wireless will process and validate i-wireless’ subsidy data to prevent: (1) Duplicate Same-Month Lifeline Subsidies (“Double Dip,” *i.e.*, any household that is already receiving a Lifeline subsidy from i-

wireless will be automatically prevented from receiving a second lifeline subsidy in that same month); and (2) Inactive lines receiving subsidy (*i.e.*, systems compare all subsidy requests to underlying network status to ensure that subsidies are requested only for active lines).¹⁶ i-wireless shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that the procedures it will implement will prevent i-wireless customers from engaging in such abuse of the program, inadvertently or intentionally.

C. Annual Verification Procedures

As required by the Commission's *Order*, i-wireless 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 i-wireless.¹⁷ i-wireless will notify each participating Lifeline consumer prior to their service anniversary date that they must confirm their continued eligibility in accordance with the applicable requirements. This notification will be mailed via the U.S. Postal Service to the address the subscriber has on record with i-wireless. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact i-wireless. Customers will have 60 days to complete the form, certify under penalty of perjury that they are the head of household and receive Lifeline service only from i-wireless, and return the form to i-wireless by mail. Anyone who does not respond to the mailing and certify their continued eligibility will be removed from the Lifeline program.

Currently, customers will be required to complete the verification process by mail; however, i-wireless may offer additional options, such as web-based methods, in the future. Such verification will be required in order for the consumer to continue to receive free Lifeline service or

¹⁶ See Usage Policy, below.

¹⁷ See *Order* at ¶ 16.

to purchase prepaid airtime from i-wireless at the discounted rate only available to those customers who are enrolled in its Lifeline program.

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

A. Non-usage Policy

i-wireless will implement a non-usage policy whereby we will identify Lifeline customers that have not used the Company's Lifeline service for 60 days, and cease to claim Lifeline reimbursements for such customers if they do not use their service within a 30-day grace period following the initial 60-day non-usage period.¹⁸ Specifically, if no usage appears on an i-wireless Lifeline customer's account during any continuous 60-day period, i-wireless will promptly notify the customer that the customer is no longer eligible for i-wireless Lifeline service subject to a 30-day grace period. During the 30-day grace period, the customer's account will remain active, but i-wireless will engage in outreach efforts to determine whether the customer desires to remain on the Company's Lifeline service. If the customer's account does not show any customer-specific activity during the grace period (such as making or receiving a voice call, sending a text message, downloading data or adding money to the account), i-wireless will deactivate Lifeline services for that customer. In addition, i-wireless 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 re-initiates service.

¹⁸ i-wireless will consult with the state commissions (PUCs) in the states where it provides Lifeline services regarding implementation of the policy described above. i-wireless expects that certain state PUCs or similar agencies may seek to incorporate state-specific variations to the policy. Consequently, i-wireless may modify the parameters of the inactivity policy described herein after consultation with the respective state PUCs.

B. Customer Education with Respect to Duplicates

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

- a) Call Center Scripts – i-wireless will emphasize the “one Lifeline phone per household” restriction through its interaction with the potential customer at the call center. The call center introduction script substantially in the form that i-wireless would use is attached as Exhibit B.
- b) Sales Scripts – i-wireless will also emphasize the “one Lifeline phone per household” restriction through its direct sales contact with the potential customer. The sales training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. Attached as Exhibit C is a sample of training material that would meet the requirements of this provision.
- c) Marketing, Advertising and Website Content – i-wireless, in its marketing materials, will reinforce the limitation of one Lifeline phone per household. The following statement will appear in conspicuous place in bold font in an offsetting color, minimum 10 point font, to ensure it is not overlooked.

Note: By law, the Lifeline program is only available for one phone per household

This statement will also appear on the company’s website (www.accesswireless.com) during the customer information/education cycle. At the point on its website when a customer inputs his/her zip code to verify that Access Wireless/i-wireless offers service in their area, i-wireless would display the above message in the section where the website explains the service and rate plan options. The message would flash to draw attention to it. In addition, i-wireless will include in its printed materials and website substantially the following statement “Not all Lifeline supported programs are identified as ‘Lifeline’ and may be marketed under other brand names.”

D. Cooperation with state and federal regulators

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

- Providing state commissions (PUC), the FCC or USAC upon request with data

that will enable that state, the FCC or USAC to determine whether some consumers are enrolled in more than one Lifeline program. Specifically, i-wireless 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 i-wireless' 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 i-wireless' 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.).

V. Included Usage

i-wireless will offer at least one Lifeline plan that provides consumers with at least 250 included minutes-of-use per month at the lowest end user rate permitted under FCC rules. This provision will expire 36 months from the date of approval of this Compliance Plan.

CONCLUSION

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

Respectfully submitted,

I-WIRELESS, LLC

/s/

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

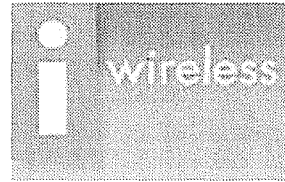
Its Counsel

Dated September 9, 2011

Exhibit A

PSAP Certification Request

EXHIBIT A



[Date]

Public Safety Answering Point Coordinator
Name
Address Line 1
Address Line 2
[City], [state] [zip]

PSAP Certification for i-wireless Lifeline Program

Dear PSAP Coordinator,

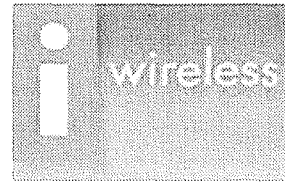
This letter is being sent to inform you that i-wireless, LLC ("i-wireless") plans to offer Lifeline service in your state in the near future, and we are seeking your assistance with PSAP certification.

Lifeline provides affordable phone service for more than 7 million low-income Americans. Eligible consumers receive approximately a \$15 discount off of their monthly telephone service charges. Presently, only about one-third of the Lifeline eligible households subscribe to the program. i-wireless is pleased to be one of the companies to offer Lifeline in your state.

Before we can offer this service in [state], the FCC requires that i-wireless receive the following:

1. Forbearance from the facilities based services requirement of the Communications Act of 1934
2. Eligible Telecommunications Carrier ("ETC") status for your state
3. Certification from Public Safety Answering Points ("PSAPs") in areas where i-wireless will offer Lifeline, confirming that 911/E911 access will be available to Lifeline customers regardless of activation status and availability of prepaid minutes

On June 22, 2010 the Federal Communications Commission (FCC) granted i-wireless forbearance from the facilities-based services requirement (see enclosed Forbearance Order), and i-wireless is currently awaiting ETC status for the state of [state].



Although i-wireless is still awaiting ETC status for your state, we are moving forward with the PSAP certification process in order to be prepared to launch Lifeline in your area soon after ETC status is received. i-wireless is requesting your certification based on the information you receive in this letter or any other information you may request of us.

Please keep in mind that i-wireless provides prepaid wireless telecommunications services to customers using the Sprint PCS network. Sprint Nextel is a nationwide facilities-based carrier that provides wholesale capacity to resellers such as i-wireless. All i-wireless 911/E911 calls are routed by Sprint to the appropriate PSAP, the same way that Sprint routes its own 911/E911 calls.

Sprint has deployed the FCC required Phase II caller location functionality on their CDMA network in your area, which enables Sprint and i-wireless to provide E911 access. In addition, all i-wireless customers will be provided with E911 compliant handsets.

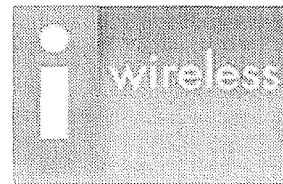
Please review and sign the enclosed PSAP certification form and return it in the postage-paid envelope provided. i-wireless will keep this form on file in case the state or federal commissions request a review of this documentation. **If i-wireless does not receive your signed form (or documentation stating that i-wireless does not provide 911/E911 functionality in your area) within the next 90 days, i-wireless is permitted to and will self-certify 911/E911 compliance for your area.**

If you have any questions relating to the certification process or you would like to request a test handset, please contact [i-wireless contact] at i-wireless via email (email address), regular mail or fax (fax number). Please include your PSAP jurisdiction along with your name on the attached form. Please call me (phone number) should you have any questions or requests.

Thank you for your assistance in enabling i-wireless to offer Lifeline to low-income households in your area.

Sincerely,

[i-wireless contact]
i-wireless, LLC



To: **[i-wireless contact]**
i-wireless Lifeline Program
PSAP Certification Form

State of **[state]**

PSAP Name/Jurisdiction:

PSAP Coordinator:

Business Address:
.....
.....

I am the PSAP Coordinator for the above listed Public Safety Answering Point ("PSAP") and I am responsible for 911/E911 service in accordance to the rules and regulations of the Federal Communication Commission (FCC).

i-wireless has informed me that on June 22, 2010 the Federal Communications Commission (FCC) granted them forbearance from the facilities-based services requirement of the Communications Act of 1934, and they are currently awaiting ETC status for the state of [state]. We understand that the i-wireless designation as an ETC is subject to conditions including certification from PSAPs where they will offer Lifeline service, confirming that Lifeline customers will have 911/E911 access regardless of activation status and availability of prepaid minutes.

i-wireless has also confirmed that they provide prepaid wireless telecommunications services to customers using the Sprint PCS network and that Sprint Nextel is a nationwide facilities-based carrier that provides wholesale capacity to resellers such as i-wireless. It is understood that i-wireless 911/E911 calls are routed by Sprint to the appropriate PSAP, the same way that Sprint routes its own 911/E911 calls.

Finally, i-wireless communicated that Sprint has deployed the FCC required Phase II caller location functionality on their CDMA network in my area, which enables Sprint and i-wireless to provide E911 access, and that all i-wireless customers will be provided with E911 compliant handsets.

Based on all of the information provided by i-wireless and belief, as PSAP Coordinator, I hereby certify that i-wireless has provided sufficient proof that they will comply with the FCC requirement to provide Lifeline customers with 911/ E911 service regardless of activation status and availability of prepaid minutes.

.....
Date

.....
Signature of PSAP Coordinator

Exhibit B

Call Center Script

EXHIBIT B

Access Wireless (i-wireless Lifeline) Call Center Script
Call Initiation – Part 1
Created February 4, 2011
Updated May 26, 2011 for discussions with the FCC

Greeting: “Thank you for calling Access Wireless. This is (Agent Name). May I please have your last name and the state you are calling from?”

**** Agent – Perform customer search while asking customer ****

- “Are you calling for a new application or to check status?”
- **If status of application:** “May I please have your address?”
- **If new application:** Validate that they are the head of household and that they are not currently receiving a Lifeline subsidized phone with the following line of questioning:
 - a) “Do you currently have wireless or home phone service?” (if no, skip (b) – (e))
 - b) **If yes:** “Is that [wireless or home phone] service a subsidized service or do you pay full price?”
 - c) **If subsidized:** “By law, the Lifeline program is only available for one phone per household. Do you know if your current phone is subsidized under the Lifeline program?”
 - d) **If they are unsure:** “Who is your provider for that service?” (Safelink, Assurance, TSI / Nexus Communications, Smith Bagley or DPI only offer Lifeline so go to (e) – if a more ambiguous provider, e.g., Verizon, Pacific Bell or Illinois Bell, try to question further to determine if they have Lifeline).
 - e) **If it is Lifeline:** “We cannot provide you with a second Lifeline phone. If there is a problem with that service or you want to be on our service, you must first disconnect your service with your other provider and then call back to establish service with us.”

*If it is evident that they don’t already have Lifeline service then click on add new customer and fill out appropriate information.

Exhibit C

Sample Sales Training Material

**Access Wireless (i-wireless Lifeline)
Sales Training Materials
Updated May 26, 2011 for discussions with the FCC**

Refer to the state specific one page Sales Information sheet for state specific, program information.

If customer is interested in Lifeline service and is eligible under one of the programs or the income threshold listed in the “Who is eligible to receive an Access Wireless phone and Free Service?” section of the state specific information sheet, please complete the following procedures:

1. Ask the following questions:
 - a) “Do you currently have wireless or home phone service?” (if no, skip (b) – (f))
 - b) **If yes:** “Is that [wireless or home phone] service a subsidized or no-charge service, or do you pay full price?”
 - c) **If subsidized:** “By law, the Lifeline program is only available for one phone per household. Do you know if your current phone is subsidized under the Lifeline program?”
 - d) **If they are unsure:** “Who is your provider for that service?” (Safelink, Assurance, TSI / Nexus Communications, Smith Bagley or DPI only offer Lifeline so go to (e) – if a more ambiguous provider, e.g., Verizon, Pacific Bell or Illinois Bell, try to dig further to determine if they have Lifeline).
 - e) **If it is Lifeline:** “We cannot provide you with a second Lifeline phone. If there is a problem with that service or you want to be on our service, you must first disconnect your service with your other provider and then call back to establish service with us.”

If it is evident that they don’t already have Lifeline service, then proceed to 2.:

2. Click on “check customer’s address” to perform an address check to insure there isn’t already an Access Wireless phone registered to that address.
 - a) If there is an active Access Wireless phone registered at that address, then thank customer for their interest, explain the situation and say “by law, the Lifeline program is only available for one phone per household”.
 - b) If there isn’t an active Access Wireless phone registered at that address, proceed to 3.
3. Assist customer in filling out the state specific application. Use the application guide/checklist to make sure it is filled out appropriately. Review the documentation for program/income proof closely against the guidelines to make sure the documentation meets the requirements.



access WIRELESS

What is Access Wireless by i-wireless?

Access Wireless from i-wireless is a part of the Lifeline Assistance program designed to ensure that quality telecommunications services are available to low-income customers at reasonable and affordable rates. Access provides program and income-eligible customers with a free wireless phone and free monthly service. The phone offers in-demand features: voicemail, text, three-way calling, call waiting, caller ID and access to 911.

Who is eligible to receive an Access Wireless phone and Free Service?

Eligibility guidelines vary by state, but in Illinois, individuals qualify if they participate in a public assistance program such as Food Stamps (SNAP), Medicaid, Low Income Home Energy Assistance Program (LIHEAP), National Free School Lunch, Federal Housing/Section 8 Assistance, Supplemental Security Income (SSI; Not the same as Social Security Benefits) or Temporary Assistance to Needy Families (TANF).

Note: Lifeline is only available to the head-of-household. Furthermore, there is a limit of only one Lifeline phone per household. Please make sure that the customer does not already receive a Lifeline subsidy from another provider

How to Apply?

In Illinois, applicants must provide proof of program participation and complete an application (attached). Program documents submitted must be "a valid, dated copy of a document issued by a qualifying agency." It also needs to show the individual's name and address. Typically this needs to be a dated enrollment letter showing the name and address of the eligible individual. Submission of a program card typically will not be sufficient because many of the enrollment cards do not show the name, address, or date of eligibility. Many of the state issued cards (i.e. food stamp) only display an ID number similar to the debit card look.

What's included with my Access phone service?

Access offers eligible customers a free wireless phone and free service. The minutes can be used for local or domestic long distance calling. There are no bills, no long-term contracts, no activation fees, and no recurring fees or surcharges for Access Wireless customers. Upon verification, Access Wireless users may renew their service on an annual basis.

Customers may choose between 3 plan options:

- a. **150 FREE MINUTES:** These minutes will be added on the first day of the monthly service cycle, and may be used for making or receiving voice calls. All incoming text messages and calls to Customer Care are FREE. Unused minutes will be carried over to the next month.
- b. **250 FREE MINUTES:** These minutes will be added on the first day of the monthly service cycle, and may be used for making or receiving voice calls. All incoming and outbound text messages will be deducted at a rate of 1 minute per text. All calls made to Customer Care from the handset will be deducted from the monthly minute allocation. All unused minutes expire at the end of the month. If you run out of minutes within the monthly service period and you have money on your account, each minute of talk or text message will cause a deduction of \$0.10 from your account.
- c. **\$15 Credit** - Customers can apply a \$15 credit (free to the customer) to any retail plan of their choice. In this way, Access Wireless customers can opt into the 200 minute, unlimited text messaging and 200 MB of data plan for only \$10 + tax (this plan is normally \$25 less the \$15 credit).