

As demonstrated herein, and as certified by Exhibit 1 attached hereto, i-wireless continues to meet all statutory and regulatory requirements for designation as an ETC, including those set forth in the FCC's *Lifeline and Link Up Reform Order*⁴ and *Lifeline Modernization Order*.⁵ Rapid grant of i-wireless' request would advance the public interest by enabling the Company to expand the availability of Lifeline service to many more low-income consumers in Kentucky, especially in light of the continued national state of emergency. Accordingly, i-wireless respectfully requests that the Commission expeditiously approve this Application.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

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⁴ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("*Lifeline and Link Up Reform Order*").

⁵ *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 00-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (hereinafter, "*Third Report and Order*" or "*Lifeline Modernization Order*").

II. DESIGNATED SERVICE AREA

In the ETC Designation Order, the Commission designated i-wireless as an ETC “for the exchanges of the non-rural telephone companies BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky, Cincinnati Bell Telephone Company, and Windstream Kentucky East” (Ordering Paragraph No. 1). At the time of its ETC designation, i-wireless was utilizing Sprint Spectrum L.P. (“Sprint”) as its underlying carrier.

i-wireless continues to provide wireless Lifeline service utilizing the Sprint wireless network but is in process of transitioning to the T-Mobile USA, Inc. (“T-Mobile,” collectively “Underlying Carrier”) wireless network because of the merger between Sprint and T-Mobile. Through its Underlying Carrier agreement(s), i-wireless provides to its customers the ability to remain functional in emergency situations, including access to a reasonable amount of back-up power to ensure functionality without an external power source, the ability to reroute traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

i-wireless seeks to expand its ETC designated service area to be statewide subject to the wireless network coverage of its Underlying Carrier, including as it may expand going forward. i-wireless’ ETC service area would thus include the following additional areas listed in attached Exhibit 2.

III. I-WIRELESS MEETS APPLICABLE REQUIREMENTS

FCC rules, 47 C.F.R. §§ 54.201-54.202 (the “FCC ETC Rules”), set forth the information that must be contained in an application for designation as an ETC. In its initial application for ETC designation filed in Case No. 2010-00478 (“ETC Application”), incorporated herein by reference, i-wireless provided the information required by FCC ETC Rules in effect at the time. The Commission found in its ETC Designation Order that i-wireless met the requirements for designation as an ETC. i-wireless has complied with the conditions of its ETC designation and

will continue to do so. In accordance with 47 C.F.R. § 54.202(a)(1)(i) and by the attached certification, i-wireless certifies that it will comply with the service requirements applicable to the support that it receives. i-wireless hereby also provides additional and updated information as a result of the FCC's *Lifeline Reform Order* and *Lifeline Modernization Order*, which were issued after the Company's ETC Designation Order.

A. Provision of Supported Services

i-wireless is able to provide all services supported by the universal service program, as detailed in Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)), throughout its requested service area in the State of Kentucky, including broadband Internet access service ("BIAS"), a supported service as of December 2, 2016. i-wireless provides Lifeline service under the d/b/a Access Wireless. i-wireless commits that its Lifeline-supported services will continue to meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as they change going forward. Further, i-wireless' Lifeline offering will meet any additional requirements to qualify for KUSF support. The Company's current Lifeline offering is attached hereto as Exhibit 3.⁶ i-wireless currently offers these Lifeline wireless plans throughout its existing service area in Kentucky and, upon approval of the instant Application, intends to offer these plans throughout all areas of the state where its Underlying Carrier has sufficient wireless network coverage.

B. Financial and Technical Capability

i-wireless is financially and technically capable of providing the Lifeline service in accordance with 47 C.F.R. § 54.202(a)(4). i-wireless is 50% owned by Genie Global, Inc. and 50% owned by The Kroger Co., the nation's largest grocery retail chain and the second largest retailer overall. i-wireless is a fully consolidated variable interest entity of The Kroger Co., as

⁶ The Company's terms and conditions can be found at <https://www.accesswireless.com/>.

defined by The Sarbanes-Oxley Act. The Kroger Co. is a publicly traded company with \$110 Billion in sales and is 17th on Fortune’s 500 list. i-wireless has been in business for over 14 years and successfully provides wireless services throughout the United States, including Lifeline services in 40 jurisdictions.⁷ The Company does not, and does not intend to, offer exclusively Lifeline-supported services—and is therefore not exclusively dependent on universal service support for its revenue. i-wireless has not been subject to enforcement action or ETC revocation proceedings in any state.⁸ Furthermore, the senior management of i-wireless has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.

C. Eligibility Verification

i-wireless determines eligibility of Lifeline subscribers in accordance with 47 C.F.R. § 54.410, utilizing the streamlined eligibility criteria implemented by the *Lifeline Modernization Order* (see 47 C.F.R. § 54.409). The FCC has taken steps to curb abuse in the Lifeline program by establishing the National Lifeline Eligibility Verifier (the “National Verifier”), which transfers the responsibility of eligibility determination away from Lifeline providers.⁹ i-wireless must rely on the National Verifier to determine initial eligibility and annually recertify eligibility of Kentucky Lifeline subscribers. The National Verifier queries the National Lifeline Accountability Database (“NLAD”) for every enrollment to determine whether a prospective subscriber is

⁷ i-wireless has been designated as an ETC in Arkansas, Arizona, California, Colorado, Georgia, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Washington, West Virginia and Wisconsin, and by the FCC in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia.

⁸ i-wireless entered into a Consent Decree with the FCC (see FCC 17-176 adopted December 22, 2017, File No.: EB-IHD-13-00010656,) to resolve a Notice of Apparent Liability for Forfeiture with no admission of liability by i-wireless.

⁹ See *Lifeline Modernization Order*, section III.C.

currently receiving a Lifeline service from i-wireless or any other ETC, and whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service. As such, i-wireless complies with the requirements of 47 C.F.R. §54.404.

D. Non-Usage Policy

i-wireless has updated its non-usage policy in compliance with changes in federal regulations. i-wireless will not seek reimbursement from the USF for inactive subscribers and will de-enroll any subscriber that has not used the Company's Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2). An account will be considered active if the authorized subscriber establishes usage, as "usage" is defined by 47 C.F.R. § 54.407(c)(2), during the specified timeframe, currently a period of thirty (30) days, or during the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen (15) days. In accordance with 47 C.F.R. § 54.405(e)(3), i-wireless will provide the subscriber advanced notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the notice period will result in service termination for non-usage.

IV. EXPANSION OF I-WIRELESS' ETC SERVICE AREA WOULD PROMOTE THE PUBLIC INTEREST

In its ETC Designation Order, the Commission found that designation of i-wireless as an ETC would serve the public interest. Expansion of i-wireless' ETC service area will increase the number of low-income individuals that can benefit from the advantages offered by the Company's Lifeline service, ensuring they have access to wholly-supported or discounted wireless voice and broadband service, and will thus further the public interest by providing more low-income Kentucky consumers with low-priced and high-quality services. i-wireless' prepaid wireless plans enable consumers to enjoy the benefits of wireless telecommunication without being subject to extensive credit reviews and long-term service commitments, which historically have prevented

many low-income Americans, including many Kentucky residents, from reaping the full benefits of the intensely competitive wireless market.

i-wireless' Lifeline offerings compare favorably with those of other competitive ETCs and provide Lifeline customers with voice minutes, unlimited text messages, and a data allotment (with plan options meeting the voice and/or broadband minimum service standards), at no net cost to the customer after application of Lifeline and KUSF support. In today's market, consumers, including qualified Lifeline customers, view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents wherever they may be, allows a person seeking employment greater ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers regardless of location. Mobile Lifeline service is essential not only for access to telephone service, but also to bridging the digital divide through provision of mobile broadband usage which is critical to full participation in modern society.

Without question, prepaid wireless services have become essential for low-income customers, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents. Providing i-wireless with the authority necessary to offer discounted Lifeline services to eligible residents in additional areas of Kentucky undoubtedly promotes the public interest.

V. CONCLUSION

i-wireless submits that the information contained herein, together with the information in the Company's ETC Application, incorporated herein by reference, demonstrates that i-wireless meets the requirements for ETC designation and that expansion of the Company's ETC service area will serve the public interest.

WHEREFORE, i-wireless respectfully requests that the Commission promptly grant this Application and expand i-wireless' Lifeline-only ETC service area as requested herein.

Respectfully submitted,

s/ Matthew Malone

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EXHIBIT 1

CERTIFICATION

EXHIBIT 2

Coverage Area

Proposed ETC Service Area:

Statewide, subject to the wireless network coverage of i-wireless' underlying carriers, including as it may expand going forward

Covered ILECs

Existing:

(Non-Rural)

BELLSOUTH TELECOMM/AT&T
CINCINNATI BELL
WINDSTREAM KENTUCKY EAST

Additional:

BALLARD RURAL TELEPHONE COOP. CORP., INC.
BRANDENBURG TELEPHONE CO.
DUO COUNTY TELEPHONE COOPERATIVE, INC.
FOOTHILLS RURAL TELEPHONE COOPERATIVE CORP.
GEARHEART COMM. CO, INC. DBA COALFIELDS TELEPHONE
HIGHLAND TELEPHONE COOPERATIVE, INC. - KY
LESLIE COUNTY TELEPHONE CO.
LEWISPORT TELEPHONE CO., INC.
LOGAN TELEPHONE COOPERATIVE, INC.
MOUNTAIN RURAL TELEPHONE COOPERATIVE
PEOPLES RURAL TELEPHONE COOPERATIVE CORP.
SALEM TELEPHONE CO.
SOUTH CENTRAL RURAL TELEPHONE COOP. CORP, INC.
THACKER/GRIGSBY TELEPHONE CO.
WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.
WINDSTREAM KENTUCKY WEST, INC.

EXHIBIT 3

Current Lifeline Offering

I-WIRELESS, LLC'S "ACCESS WIRELESS" LIFELINE OFFERING
IN KENTUCKY

	Voice Bundle <i>grandfathered*</i>	Broadband Bundle
Voice Minutes	Unlimited	Unlimited
Text	Unlimited	Unlimited
Data	500 MB	4.5 GB
Additional Airtime	Available with purchase of Top Up Card	
Local Calls	X	X
Nationwide Long Distance	X	X
Voicemail, Caller ID, Call Waiting	X	X
Free 911	X	X
Free 611	X	X
Balance Inquiries	X	X
Text Included	X	X
Data Allowance	X	X
Participation in Kroger Wireless Rewards Program	X	X
Retail Price	n/a	n/a
Federal Subsidy	\$ 5.25	\$ 9.25
State Subsidy	\$ 6.00	\$ 6.00
Lifeline Consumer Price	\$0	\$0

**Grandfathered for existing customers without a smartphone prior to 12/1/20*

ACCESS WIRELESS TOP UP CARDS***

	Purchased Minutes	Text (SMS/MMS)	Data
\$5 Card	250	Unlimited	250 MB
\$10 Card	500	Unlimited	500 MB
\$25 Card	Unlimited	Unlimited	2 GB
\$35 Card	Unlimited	Unlimited	3 GB
\$50 Card	Unlimited	Unlimited	10 GB

*** Unlimited minutes and texts expire after 30 days from the date the funds were applied to the account; limited minute and data allotments do not expire.