

As demonstrated herein, and as certified by Exhibit 1 attached hereto, Air Voice 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 the Company's request would advance the public interest by enabling Air Voice 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, Air Voice 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 Air Voice as an ETC “for the purpose of offering Lifeline service only in the underlying carrier's licensed service area in Kentucky” (Ordering Paragraph No. 2), which encompassed the rural and non-rural exchanges of AT&T Wireless (“AT&T”) as noted on page 8 of the ETC Designation Order.

Air Voice continues to provide wireless Lifeline service utilizing the AT&T wireless network but has added T-Mobile USA, Inc. (“T-Mobile,” collectively “Underlying Carrier”) as an additional underlying carrier. Through its Underlying Carrier agreement(s), Air Voice 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.

Air Voice seeks to expand its ETC designated service area to be statewide subject to the wireless network coverage of AT&T and/or T-Mobile, including as such networks may expand going forward.

III. AIR VOICE 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 application for ETC designation filed in Case No. 2013-00136 (“ETC Application”), incorporated herein by reference, Air Voice provided the information required by FCC ETC Rules in effect at the time, including the *Lifeline and Link Up Reform Order*. The Commission found in its ETC Designation Order that Air Voice met the requirements for designation as an ETC. Air Voice 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, Air Voice certifies that it will comply with the service requirements applicable to the support that it receives. Air Voice hereby also provides additional and updated information as a result of the FCC's *Lifeline Modernization Order*, which was issued after the Company's ETC Designation Order.

A. Provision of Supported Services

Air Voice 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. Air Voice provides Lifeline service under the brand name "FeelSafe Wireless." Air Voice 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, Air Voice's 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 Air Voice 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 Carriers have sufficient wireless network coverage.

B. Eligibility Verification

Air Voice 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

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

the responsibility of eligibility determination away from Lifeline providers.⁷ Air Voice 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 currently receiving a Lifeline service from Air Voice or any other ETC, and whether anyone else living at the prospective subscriber’s residential address is currently receiving Lifeline service. As such, Air Voice complies with the requirements of 47 C.F.R. §54.404.

C. Non-Usage Policy

Air Voice has updated its non-usage policy in compliance with changes in federal regulations. Air Voice 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), Air Voice 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 AIR VOICE’S ETC SERVICE AREA WOULD PROMOTE THE PUBLIC INTEREST

In its ETC Designation Order, the Commission found that designation of Air Voice as an ETC would serve the public interest. Expansion of Air Voice’s ETC service area will increase the

⁷ See *Lifeline Modernization Order*, section III.C.

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. Air Voice's 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.

Air Voice's 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 Air Voice with the authority necessary to offer discounted Lifeline services to eligible residents in additional areas of Kentucky undoubtedly promotes the public interest.

V. CONCLUSION

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

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

Respectfully submitted,

s/ Matthew Malone

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Attorney for Air Voice Wireless, LLC

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EXHIBIT 1

CERTIFICATION

EXHIBIT 2

Coverage Area

Proposed ETC Service Area:

Statewide, subject to the wireless network coverage of Air Voice’s underlying carriers (currently AT&T and/or T-Mobile), including as it may expand going forward

Covered ILECs

Non-Rural

BELLSOUTH TELECOMM/AT&T
CINCINNATI BELL
WINDSTREAM KENTUCKY EAST

Rural:

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

**Air Voice Wireless, LLC dba FeelSafe Wireless
KENTUCKY LIFELINE OFFERINGS**

Lifeline Plan Net Cost: \$0.00

Voice Minutes	Unlimited
Text Messages (SMS)	Unlimited
Data	4.5 GB
Nationwide Calling	Included
Long Distance	Included
Voicemail	Included
Call Waiting	Included
3-Way Calling	Included
Call Forwarding	Included
Caller ID	Included

Additional data available for purchase

Data refill options are maintained on the Company's website:
<https://www.feelsafewireless.com/kentucky-free-government-phone>