

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

PETITION OF IM TELECOM, LLC TO
AMEND ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER
DESIGNATION IN THE
COMMONWEALTH OF KENTUCKY
TO INCLUDE ADDITIONAL AREAS

Case No. 2022-00415

**PETITION OF IM TELECOM, LLC TO AMEND ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION IN THE COMMONWEALTH
OF KENTUCKY TO INCLUDE ADDITIONAL AREAS**

I. INTRODUCTION

IM Telecom, LLC d/b/a Infiniti Mobile (IM Telecom or the Company), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the Act),¹ Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (FCC),² and the Kentucky Public Service Commission’s (Commission) rules and regulations, hereby files this application to expand IM Telecom’s Eligible Telecommunications Carrier (ETC) service area in the Commonwealth of Kentucky (Application). The Commission designated IM Telecom as an ETC by Order entered June 6, 2019 in Case No. 2016-00276 “for the purpose of offering Lifeline service only in the underlying carrier's non-rural licensed service area in Kentucky.”³ IM Telecom requests to expand its ETC service area to provide Lifeline service to additional qualifying Kentucky households. Specifically, IM Telecom seeks to expand its ETC

¹ 47 U.S.C. § 214(e)(2).

² 47 CFR §§ 54.101-54.207.

³ *Petition of IM Telecom, LLC DBA Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky*, Case No. 2016-00276, Order (Jul. 6, 2019) (“ETC Designation Order”), at 16.

designated service area to be statewide subject to the wireless network coverage of its underlying carriers (*i.e.*, AT&T Mobility (AT&T), T-Mobile US, Inc. (T-Mobile) and Verizon Wireless (Verizon)), including in rural areas. The Company does not seek access to Universal Service Fund (USF) support for the purpose of providing service to high-cost areas.

As demonstrated herein, and as certified by attached Exhibit 1, IM Telecom continues to meet all applicable statutory and regulatory requirements for designation as an ETC.⁴ The Commission's grant of IM Telecom's Application would advance the public interest by enabling the Company to expand the availability of Lifeline service to substantially more low-income consumers in Kentucky. Accordingly, IM Telecom 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 See *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 Nos. 11-42 and 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) (*2012 Lifeline Reform Order*); *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Order on Reconsideration, Memorandum Opinion and Order, FCC 17-155 (rel. Dec. 1, 2017); *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, and 09-197, Fifth Report and Order and Memorandum Opinion and Order and Order on Reconsideration, FCC 19-111 (rel. Nov. 14, 2019).

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II. DESIGNATED SERVICE AREA

In the ETC Designation Order, the Commission designated IM Telecom as an ETC to provide wireless Lifeline service in the service areas of its underlying carriers “Sprint Spectrum L.P. (Sprint), Verizon Wireless (Verizon), and T-Mobile USA, Inc. (T-Mobile).”⁵ In order to best serve its customers and provide quality service and coverage throughout Kentucky, IM Telecom

⁵ ETC Designation Order at 1; *see also id.* at 16 (“Infiniti Mobile is designated as a limited ETC for the purpose of offering Lifeline service only in the underlying carrier's non-rural licensed service area in Kentucky.”). At the time IM Telecom was initially designated as an ETC in Kentucky, the Company had separate reseller agreements with Sprint and T-Mobile. In 2020, Sprint and T-Mobile merged to form T-Mobile US, Inc. In June 2022, IM Telecom’s access to the legacy Sprint network was discontinued. Service that had previously been provided on Sprint’s network is now provided on T-Mobile’s network.

has added AT&T as an additional underlying carrier that has a service coverage area within Kentucky. Through its agreements with these underlying carriers, IM Telecom customers benefit from AT&T, T-Mobile, and Verizon's 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.

IM Telecom seeks to revise its ETC designated service area to be statewide, subject to the wireless network coverage of its underlying carriers, including as those carriers' network coverage may change or expand going forward. A list of the current ZIP codes associated with IM Telecom's expanded ETC service area, as revised by the addition of AT&T's service area, is attached as Exhibit 2. The Commission's grant of this Application would be consistent with prior orders issued in response to similar applications seeking to expand ETC designated service areas to be statewide.⁶

III. IM TELECOM MEETS APPLICABLE REQUIREMENTS

The FCC's rules set forth the information that must be contained in an application for ETC designation.⁷ In its initial ETC Petition,⁸ incorporated herein by reference, IM Telecom provided

⁶ See *Electronic Application of Air Voice Wireless, LLC for Expansion of Its ETC Service Area*, Case No. 2021-00215, Order (Jul. 29, 2021) (amending designation as a Lifeline ETC "to permit Air Voice to offer Lifeline service statewide subject to its underlying wireless carrier's coverage"); *Electronic Application of i-wireless, LLC for Designation as an Eligible Telecommunications Carrier*, Case No. 2021-00197, Order (Jul. 29, 2021) (amending designation as a Lifeline ETC "to permit i-wireless to offer Lifeline service statewide subject to its underlying wireless carrier's coverage"); *Electronic Application of Q Link Wireless, LLC to Expand Its Eligible Telecommunications Carrier Service Area*, Case No. 2020-00356, Order (Dec. 9, 2020) (amending designation as a Lifeline ETC "to permit Q Link to offer Lifeline service statewide, subject to its underlying wireless carrier's coverage").

⁷ See 47 C.F.R. §§ 54.101 - 54.207.

⁸ See generally *Petition of IM Telecom, LLC D/B/A Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky*, Petition (filed Jul. 29, 2016).

all of the information required by the FCC's rules in effect at the time, including those set forth in the *2012 Lifeline Reform Order*. The Commission found in its ETC Designation Order that IM Telecom met the requirements for designation as an ETC. IM Telecom has complied with the conditions in the ETC Designation Order and will continue to do so. In accordance with 47 C.F.R. § 54.202(a)(1)(i) and as certified to in the attached verification, IM Telecom will comply with the service requirements applicable to the support that it receives. IM Telecom also provides the following additional information to address FCC rules governing the Lifeline program that were amended after the Company's ETC Designation Order was issued.

A. IM Telecom Will Continue to Provide All Supported Services

IM Telecom will continue to provide all supported services required by Section 54.101(a) of the FCC's Rules⁹ throughout its requested service area in the Commonwealth of Kentucky, including voice telephone service and broadband Internet access service. IM Telecom 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. IM Telecom also commits to meeting any additional requirements established by the Commission to qualify for Kentucky USF support. The Company's current Lifeline offering is attached as Exhibit 3, and its Terms and Conditions are available on its website.¹⁰ IM Telecom currently offers these Lifeline wireless plans throughout its existing service area in Kentucky.

⁹ 47 C.F.R. § 54.101(a).

¹⁰ See <https://infinitemobile.com/terms/>.

B. IM Telecom’s Processes Comply with the Lifeline Verification and Enrollment Processes, and the Company Remains Committed to Preventing Waste, Fraud and Abuse of the Lifeline Program

Section 54.410 of the FCC’s rules requires ETCs to certify and verify a Lifeline customer’s initial and continued eligibility. IM Telecom has processes in place to facilitate compliance with federal customer enrollment requirements. Specifically, the Company relies on the National Verifier and the National Lifeline Accountability Database (“NLAD”), each of which is administered by USAC, to determine an applicant’s eligibility for Lifeline service (except in California, where the Company follows specific state requirements). Every applicant is required to complete the standardized Lifeline application in the National Verifier environment, which covers the necessary information collection, disclosures, and certifications required by Section 54.410(d) of the Lifeline rules.¹¹ For applicants verified as being eligible by USAC’s National Verifier and NLAD, IM Telecom completes enrollment by transmitting the required information into NLAD as required by Section 54.404(b)(6) of the FCC’s rules. IM Telecom also: (1) informs the customer of his or her need to use the service at least once every thirty (30) days as required by Section 54.407(c)(2); (2) provides notice to subscribers after 30 days of non-usage that they must use the service within 15 days or their service will be terminated as required by Section 54.405(e)(3); and (3) requires the customers to activate their Lifeline service as required by Section 54.407(c)(1). IM Telecom does not provide a customer with a handset (if the customer qualifies for a free handset) or otherwise activate Lifeline service until the applicant completes the application in the National Verifier and receives eligibility approval.¹²

¹¹ 47 C.F.R. § 54.410(d).

¹² 47 C.F.R. 54.410(a).

IM Telecom has additional processes in place to guard against waste, fraud, and abuse, and to ensure compliance with FCC rules designed to achieve that objective, including customer usage, cure period, and de-enrollment requirements set forth in Sections 54.407(c)(2) and 54.405(e)(3), general notice and de-enrollment requirements set forth in Section 54.405(e)(1), transmission of information to NLAD and recordkeeping requirements set forth in Sections 54.404(b)(6) and 54.417, annual certification and reporting requirements set forth in Sections 54.416 and 54.420, and reimbursement claims processes established by USAC consistent with Sections 54.403 and 54.407(a). IM Telecom also complies with Sections 54.410(f) of the FCC's rules governing annual subscriber re-certification of eligibility and coordinates with USAC's National Verifier and NLAD systems to manage additional de-enrollments related to USAC-administered benefit transfers and failure to re-certify.¹³ If IM Telecom receives a request for de-enrollment from a subscriber, it processes the request within two (2) business days in accordance with Section 54.405(e)(5).

IM Telecom has direct contact with all applicants for Infiniti's Lifeline service, either in person through its employees, agents, or representatives, or via the telephone, mail, or online. IM Telecom does not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. In addition, in accordance with Section 54.406 of the FCC's rules, IM Telecom enrollment representatives are required to register in USAC's Representative Accountability Database (RAD), and Infiniti does not offer or provide enrollment representatives or their direct supervisors any commission compensation based on the number of consumers who apply for or are enrolled in the Lifeline program with the Company.¹⁴

¹³ 47 C.F.R. §§ 54.405(e), 54.410(f).

¹⁴ 47 C.F.R. § 54.406(b).

Finally, IM Telecom provides or requires Lifeline-specific training for all personnel, whether employees, direct contractors, or representatives, who interact with new or prospective customers regarding the FCC's Lifeline eligibility and certification rules and the Company's practices and policies designed to implement those rules. IM Telecom has a zero-tolerance policy for waste, fraud, and abuse, and personnel are instructed to notify the Company's compliance team if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit.

IV. EXPANSION OF IM TELECOM'S ETC SERVICE AREA WOULD PROMOTE THE PUBLIC INTEREST

In its ETC Designation Order, the Commission found that designation of IM Telecom as an ETC would serve the public interest. Similarly, expansion of IM Telecom's ETC service area to include all areas where its underlying carriers have coverage will serve the public interest by increasing the number of low-income households that can benefit from the Company's high quality mobile voice, text and data services. IM Telecom's online and in-person, real-time distribution methods, which rely upon Internet-enabled compliance checks, will enable the Company to bring Lifeline service to eligible consumers throughout its expanded service area. Moreover, IM Telecom's Lifeline rate plans allow feature-rich mobile connectivity for qualifying subscribers at low cost to subscribers without the burden of credit checks or contracts.

The Commission's grant of IM Telecom's request to expand its designated service area also would promote competition and increases customer choice for low-income households residing in the expanded service area. Indeed, its presence as a competitor will lead to additional competition within the Lifeline market, especially throughout its expanded service area, that should help improve the rate of program participation by eligible subscribers. For the foregoing reasons, grant of this Application is in the public interest.

V. CONCLUSION

Based on the foregoing, IM Telecom respectfully requests that the Commission promptly grant this Application and expand IM Telecom's Lifeline-only ETC service areato be statewide subject to the wireless network coverage of its underlying carriers.

December 6, 2022

Respectfully submitted,

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