

UT-101640-P

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September 29, 2010

VIA OVERNIGHT DELIVERY

Mr. Dave Danner, Executive Director
State of Washington
Utilities and Transportation Commission
1300 S. Evergreen Park Dr., SW
Olympia, WA 98504

Re: i-wireless, LLC

Dear Mr. Danner:

Enclosed please find for filing an original and twelve (12) copies of i-wireless, LLC's Petition for Designation as an Eligible Telecommunications Carrier in the State of Washington for the Limited Purpose of Offering Lifeline Service to Qualified Households.

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.

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

Respectfully submitted,



Lance J.M. Steinhart
Attorney for i-wireless, LLC

Enclosures

cc: Mr. Patrick McDonough

2010 SEP 30 AM 9:40

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

i-wireless, LLC

For Designation as an Eligible Telecommunications
Carrier in the State of Washington for the Limited
Purpose of Offering Lifeline Service to Qualified
Households

)
) DOCKET NO.
)
) PETITION OF I-WIRELESS,
) LLC FOR DESIGNATION
) AS AN ELIGIBLE
) TELECOMMUNICATIONS
) CARRIER
)
)

**PETITION OF I-WIRELESS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF WASHINGTON FOR THE LIMITED PURPOSE OF
OFFERING LIFELINE SERVICE TO QUALIFIED HOUSEHOLDS**

2010 SEP 30 AM 9:44

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September 29, 2010

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Purpose of Offering Lifeline Service to Qualified)	TELECOMMUNICATIONS
Households)	CARRIER
)	
)	

**PETITION OF I-WIRELESS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF WASHINGTON FOR THE LIMITED PURPOSE OF
OFFERING LIFELINE SERVICE TO QUALIFIED HOUSEHOLDS**

I. INTRODUCTION

i-wireless, LLC (“i-wireless” 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 Section 480-123-030 of the Washington Administrative Code (“WAC”), hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Washington. i-wireless seeks ETC designation solely to provide Lifeline service to qualifying Washington consumers; it will not seek access to funds from the federal Universal Service Fund (“USF”) for the purpose of providing service to high cost areas.³ As demonstrated herein, and as certified in Exhibit 1 to this Petition, i-wireless meets all the statutory and

¹ 47 U.S.C. § 214(e)(2)

² 47 C.F.R. §§ 54.101-54.207.

³ Given that i-wireless only seeks Lifeline support from the low-income program and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to i-wireless.

regulatory requirements for designation as an ETC in the State of Washington. Rapid grant of i-wireless' request, moreover, would advance the public interest because it would enable the Company to commence much needed Lifeline services to lower-income Washington residents as soon as possible. Accordingly, the Company respectfully requests that the Washington Utilities and Transportation Commission ("Commission") expeditiously approve this Petition for ETC designation.

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

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II. BACKGROUND

A. Company Overview

i-wireless is a North Carolina Limited Liability Company.⁴ Its principal office is located at 1 Levee Way, Suite 3104, Newport, Kentucky 41071. i-wireless is a reseller of commercial mobile radio service ("CMRS") throughout the United States. i-wireless provides prepaid wireless telecommunications services to consumers by using the Sprint Nextel ("Sprint") network on a wholesale basis to offer nationwide service. i-wireless obtains from Sprint the network infrastructure and wireless transmission facilities to allow i-wireless to operate as a Mobile Virtual

⁴ i-wireless was organized in the State of North Carolina on September 7, 2006.

Network Operator (“MVNO”), similar to TracFone Wireless, Inc. (“TracFone”), who has been granted ETC status by the Commission.⁵

i-wireless’ prepaid wireless services that are affordable and easy to use are attractive to lower-income and lower-volume consumers, providing them with access to emergency services and a reliable means of communication that can be used both at home and while traveling to remain in touch with friends and family and for contacting prospective employers. i-wireless will offer consumers simple and affordable prepaid calling plans, a variety of prepaid service plans, easy-to-use handsets and high-quality customer service. Given its pricing and marketing strategy and the demographics of other, similar MVNOs’ customers, i-wireless anticipates that many of its customers will be from lower-income backgrounds and will not previously have enjoyed access to wireless service because of economic constraints, poor credit history, or sporadic employment. i-wireless will not conduct credit checks or require customers to enter into long-term service contracts as a prerequisite to obtaining wireless service. i-wireless will allow customers to choose a prepaid plan in which they are charged only for the minutes they use.

By providing affordable wireless plans and quality customer service to consumers who are otherwise unable to afford them, or were previously ignored by traditional carriers, i-wireless will expand the availability of wireless services to many more consumers, which is the principal reason that Congress created the universal service program.

B. i-wireless’ Universal Service Offering

i-wireless, through its underlying carrier, has the ability to provide all services and functionalities 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 Washington. Upon designation as an ETC, i-

⁵ *Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Washington for the Limited Purposes of Offering Lifeline and Link Up Service to Qualified Households, As Amended*, Order 03, Docket No. UT-093012 (June 24, 2010) (“*TracFone ETC Order*”).

wireless will make available to consumers Lifeline offerings which will provide consumers with all of the functionalities and features currently provided by i-wireless to existing customers. i-wireless will provide Lifeline service to qualifying customers requesting this service throughout Washington pursuant to the universal service program and in accordance with 47 C.F.R. § 54.202(a)(1).

i-wireless intends to be a leader in the prepaid marketplace by offering consumers exceptional value and competitive amounts of voice usage at all price points. The Company's Lifeline service offering will provide customers with the same features and functionalities enjoyed by all other i-wireless prepaid customers, with one notable exception: prepaid Lifeline services will be free of charge. Attached hereto as Exhibit 2 is a table of i-wireless' rate plans and Lifeline service offering, showing that eligible customers will receive a free handset and a minimum of 100 anytime prepaid minutes per month at no charge with additional service priced at \$0.10/minute and \$0.10/text message.⁶ Customers may use their minutes to place domestic long distance calls at no additional charge. In addition to free voice services, prepaid Lifeline customers also will have access to a variety of other standard features at no additional charge, including voice mail, caller I.D. and call waiting services. Unlike many carriers, i-wireless does not decrement minutes for incoming text messages or calls placed to i-wireless customer service or 911 emergency services. Customers are able to check the balance of their minutes for free, and specified amounts of unused minutes carry over month-to-month.

Furthermore, through i-wireless' partnership with The Kroger Co. ("Kroger"), one of the nation's largest grocery retail chains, customers can accumulate free minutes for dollars spent at

⁶ i-wireless expects that the Company's Lifeline service offering may change as the wireless market evolves. As such, the Company requests that the Commission's grant of ETC designation provide it with the requisite authority to modify the parameters of the offering as marketplace conditions develop.

select Kroger owned store locations using their Kroger shopper's card.⁷ Currently, i-wireless has partnerships with 132 Kroger stores in Washington. Lifeline customers can participate in this Free Minutes program even when utilizing food stamps for payment. By combining the Lifeline program and the Free Minutes program, subscribers can easily enjoy 200 minutes or more per month at no charge.

Though i-wireless' Lifeline service offering will be the default plan for Lifeline customers, subscribers will have the option to apply the Lifeline discount to any of the service plans offered by i-wireless. As Exhibit 2 demonstrates, i-wireless' Lifeline offering will not only allow feature-rich mobile connectivity for qualifying subscribers *at no cost to the subscriber*, but also will bring a variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers – but at low Lifeline rates and without a the burden of credit checks, contracts, activation fees or roaming charges. i-wireless' prepaid offering will be an attractive alternative for consumers who need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts.

Low-income consumers will further benefit from i-wireless' service because of i-wireless' unique software distribution platform that will allow customers to purchase both phones and refill minutes at local stores in neighborhoods where many Lifeline-eligible customers reside. i-wireless has existing relationships with over 2,200 such neighborhood retailers across the United States. This innovative distribution model is more practical and convenient for potential Lifeline customers than other mechanisms, because it allows customers to obtain phones, service, and minutes without the expense and trouble of traveling to retail locations outside their neighborhoods

⁷ Detailed information on the Free Minutes program is located on the Company's website, www.iwirelesshome.com.

or to having access to a computer to go online. i-wireless' distribution arrangement will therefore advance the Commission's goals of increasing awareness of and participation in the Lifeline program.

C. The Commission Has Jurisdiction to Designate Wireless ETCs.

Section 214(e)(2) of the Act (47 U.S.C. § 214(e)(2)) provides state public utility commissions with the "primary responsibility" for the designation of ETCs. Although Section 332(c)(3)(A) of the Act prohibits states from regulating the entry of or the rates charged by any provider of commercial mobile service or any private mobile service, this prohibition does not allow states to deny wireless carriers ETC status.⁸ Therefore, the Commission has the authority to designate i-wireless as an ETC. Pursuant to this authority, the Commission has designated numerous carriers as ETCs in the State of Washington, including many wireless carriers.⁹

Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). i-wireless recognizes that Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over their own facilities and that Section 54.201(i) of the FCC's Rules (47 C.F.R. § 54.201(i)) prohibits state commissions from designating as an ETC a telecommunications carrier that offers services exclusively through the resale of another carrier's services. However, on April 1, 2009, i-wireless filed with the FCC a petition requesting that the FCC exercise its forbearance authority under Section 10 of the Act (47 U.S.C. § 160) with

⁸ See *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) ("USF Order").

⁹ See e.g., *In the Matter of the Petition of RCC Minnesota, Inc. d/b/a Cellular One for Designation as an Eligible Telecommunications Carrier, Order Granting Petition for Designation as an Eligible Telecommunications Carrier*, Docket No. UT-023033 (Aug. 14, 2002); See also *TracFone ETC Order*.

respect to the facilities-based service requirement.¹⁰ The FCC granted the *Petition for Forbearance* for the purposes of participating in the Lifeline program in an Order dated June 25, 2010.¹¹ Section 10(e) of the Act (47 U.S.C. § 160(e)) provides: “[a] State commission may not continue to apply or enforce any provision of this chapter that the [Federal Communications] Commission has determined to forbear from applying under subsection (a) of this section.” As such, the Commission is required by Section 10(e) to act in accordance with the FCC’s *i-wireless Forbearance Order*, and therefore, may not apply the facilities-based requirement to i-wireless. Indeed, the Commission has the authority to act under Section 214(e)(2) of the Act and to grant i-wireless’ request for designation as an ETC throughout the State of Washington.

D. The ETC Designation Request Is Consistent with Recent Commission Precedent

i-wireless’ request for ETC designation to participate in the Lifeline program is consistent with the Commission’s recent decision designating TracFone as an ETC.¹² In its decision, the Commission determined that TracFone’s request satisfied all of the necessary eligibility requirements and that designation of a prepaid wireless provider as an ETC would serve the public interest. i-wireless requests that the Commission expeditiously process its ETC Petition so that it can quickly commence providing qualifying lower-income Washington customers with affordable USF-supported wireless services during these challenging economic times for all state residents. Designation of i-wireless as an ETC would further competition for wireless Lifeline services and would offer Lifeline-eligible consumers an additional choice of providers for

¹⁰ See *i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45, filed Apr. 1, 2009, (“*Petition for Forbearance*”).

¹¹ *Petition of i-wireless, LLC for Forbearance from 47 U.S.C § 214(e)(1)(A)*, Order, FCC 10-117 (rel. June 25, 2010) (“*i-wireless Forbearance Order*”). A copy of the *i-wireless Forbearance Order* is attached hereto as Exhibit 3.

¹² See *TracFone ETC Order*

accessing telecommunications services, representing a significant step towards ensuring that all low-income consumers share in the many benefits associated with access to wireless services.

III. I-WIRELESS SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(2) of the Act authorizes state commissions, such as the Commission, to designate ETC status for federal universal service purposes and authorizes the Commission to designate wireless ETCs.¹³ Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide that applicants for ETC designation must be common carriers that will offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier’s services. Applicants also must commit to advertise the availability and rates of such services.¹⁴ As detailed below, i-wireless satisfies each of the above-listed requirements.

A. i-wireless Will Provide Service Through Resale

In the *i-wireless Forbearance Order*, The FCC conditionally granted i-wireless’ *Petition for Forbearance* from the facilities requirement, “given the importance of public safety and in light of the fact that a Lifeline ETC is generally a low-income customer’s only connection to the public switched telephone network.”¹⁵ The FCC further explained that “requiring a Lifeline provider to own the facilities it uses to offer service does not necessarily further the statutory goal of the low-income program.”¹⁶

¹³ See *USF Order*, at 8858-59, ¶ 145.

¹⁴ See 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

¹⁵ *i-wireless Forbearance Order* ¶ 11.

¹⁶ *Id.* ¶ 15.

The FCC specifically conditioned its grant of forbearance on i-wireless as follows:

(a) i-wireless providing its Lifeline customers with basic 911 and enhanced 911 (“E911”) access regardless of activation status and availability of prepaid minutes; (b) i-wireless providing its new 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; (d) i-wireless obtaining a certification from each Public Service Answering Point (“PSAP”) where i-wireless seeks to provide Lifeline service confirming that i-wireless 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 i-wireless Lifeline subsidies at the same address, and (g) i-wireless dealing directly with the customer to certify and verify the customer’s Lifeline eligibility. The FCC required i-wireless to submit a plan describing the measures it would take to implement each of these conditions.¹⁷

In accordance with the *i-wireless Forbearance Order*, i-wireless filed its compliance plan with the FCC on July 26, 2010. In that compliance plan, i-wireless described how it would comply with each of the FCC’s stated conditions. A copy of its compliance plan is attached hereto as Exhibit 4. i-wireless commits to providing Lifeline service in Washington in accordance with the compliance plan.

B. i-wireless Is a Common Carrier

CMRS resellers like i-wireless are treated as common carriers for regulatory purposes.¹⁸

C. i-wireless Will Provide All Required Services and Functionalities

i-wireless offers, or will offer upon designation as an ETC in Washington, all of the

¹⁷ See *Id.* ¶ 16.

¹⁸ *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory “mobile services” category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(1)(A) (“mobile services” providers are common carriers); see also *PCIA Petition for Forbearance for Broadband PCS*, WT Docket No. 98-100, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 16857, 16911 ¶ 111 (1998) (“We concluded [in the *Second Report and Order*] that CMRS also includes the following common carrier services: cellular service, ... all mobile telephone services *and resellers of such services.*”) (emphasis added).

services and functionalities required by Section 54.101(a)(1)-(9) and Section 54.202(a) of the FCC's Rules (47 C.F.R. § 54.101(a) and 47 C.F.R. § 54.202(a)), including the following:

1. Voice Grade Access to the Public Switched Telephone Network

i-wireless provides voice grade access to the public switched telephone network ("PSTN") through the purchase of wholesale CMRS services from Sprint. Bandwidth for this voice-grade access is at minimum between 300 and 3,000 MHz as required by FCC rules.¹⁹

2. Local Usage

As part of the voice grade access to the PSTN, an ETC must provide local calling services to its customers. In addition, an applicant for ETC designation must demonstrate that it offers a local usage plan that is "comparable" to the plan offered by the ILEC in the relevant service territory.²⁰ In analyzing whether an ETC applicant's plan is comparable to the underlying ILEC's, the FCC reviews all aspects of the plan on a case-by-case basis, including the nature of the supported service, the size of the local calling area, the inclusion of additional services (e.g., caller I.D., etc.) and the amount of local usage.²¹ The FCC has determined that a carrier satisfies the local usage requirements when it offers customers rate plans containing varying amounts of local usage.²²

i-wireless' proposed Lifeline offering fully complies with the local usage requirements established by the FCC. i-wireless offers a variety of rate plans that provide its customers with local usage capabilities in the form of monthly plans, unlimited plans or pay-per-use plans—

¹⁹ See 47 U.S.C. § 54.101(a)(1).

²⁰ 47 C.F.R. § 54.202(a)(4).

²¹ See *Federal-State Joint Board on Universal Service*, Report and Order, 20 FCC Rcd 6371, 6385 (2005).

²² See e.g., *Farmers Cellular, Inc.*, CC Docket No. 96-45, Memorandum Opinion and Order, 18 FCC Rcd 3848, 3852 ¶ 9 (2003); *Pine Belt Cellular, Inc. and Pine Belt PCS, Inc.*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd 9589, 9593 ¶ 10 (2002); *Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 48, 52 ¶ 10 (2000).

without the burden of contracts, activation fees or roaming charges. Not only will i-wireless' offering be comparable to the underlying ILEC plans, but it also will exceed them in several respects. Contrary to the ILECs' plans, i-wireless will offer customers a certain amount of service free of charge. As discussed above, i-wireless will provide its Lifeline customers with 100 anytime minutes per month at no charge. In contrast to the ILEC plans, which contain relatively small local calling areas, i-wireless customers can use these free minutes to place calls statewide (or even nationwide) because i-wireless does not constrict customers' use by imposing a local calling area requirement. In addition to free voice services, i-wireless will provide Lifeline customers with access to a variety of other features at no cost, including voice mail, caller I.D., call waiting services and E911 capabilities.

3. Dual Tone Multi-Frequency Signaling or its Functional Equivalent

i-wireless provides dual tone multi-frequency ("DTMF") signaling to expedite the transmission of call set up and call detail information throughout the network. All wireless handsets offered for sale by the Company are DTMF-capable.

4. Single-Party Service or its Functional Equivalent

"Single-party service" means that only one party will be served by a subscriber loop or access line during a telephone transmission. i-wireless provides single party service to its customers for the duration of each telephone call, and does not provide multi-party (or "party-line") services.

5. Access to 911 and E911 Emergency Service

i-wireless provides 911 and E911 access for all of its customers. i-wireless also complies with the FCC's regulations governing the deployment and availability of E911 compatible handsets. In particular, the Company will fully comply with the FCC's E911 requirements

applicable to wireless resellers.²³ As stated previously, i-wireless will provide access to emergency services consistent with the requirements set forth in the *i-wireless Forbearance Order*.²⁴ Furthermore, in accordance with 47 CFR §54.202(a)(2), i-wireless, through its underlying carrier(s), has the ability to remain functional in emergency situations. i-wireless will provide to its customers the same ability to remain functional in emergency situations as currently provided by the ILECs to their own customers, including access to a reasonable amount of back-up power rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

6. Access to Operator Services

i-wireless offers all of its customers access to operator services, in accordance with the FCC's requirements.

7. Access to Interexchange Service

i-wireless' service provides its customers with the ability to make interexchange, or long distance, telephone calls. In fact, interexchange calls are included in i-wireless' service with no additional charge.

8. Access to Directory Assistance

All i-wireless customers are able to dial "411" to reach directory assistance services from their wireless handsets.

9. Toll Limitation for Qualified Low-Income Customers

Toll limitation allows customers to block the completion of outgoing long distance calls to prevent them from incurring significant long distance charges and risking disconnection. As

²³ See *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems, Report and Order- and Second Further Notice of Proposed Rulemaking*, 18 FCC Rcd 25340 (2003).

²⁴ See *i-wireless Forbearance Order* ¶ 11.

described above, i-wireless provides its wireless service on a prepaid, or pay-as-you-go, basis. i-wireless' service, moreover, is not offered on a distance-sensitive basis and minutes are not charged separately for local or domestic long distance services. Customers also must specifically authorize access for international services, for which additional charges may apply. As the FCC found in its grant of ETC designation to Virgin Mobile, "the prepaid nature of [a prepaid wireless service provider's] service offering works as an effective toll control."²⁵ The nature of i-wireless' service, therefore, mitigates any concerns that low-income customers will incur significant charges for long distance calls resulting in disconnection of their service.

D. Five-Year Network Improvement Plan and Equal Access to Long Distance Carriers

Under FCC guidelines, an ETC applicant must submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area. This guideline has no application where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because i-wireless seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline services to eligible customers, submission of a Five-Year Network Improvement Plan is not required. Since Lifeline support is designed to reduce the monthly cost of telecommunications services for eligible consumers, is distributed on a per-household basis and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low income users, which is clearly in the public interest.

²⁵ See *Federal-State Joint Board on Universal Service; In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Designation as an Eligible Telecommunications Carrier in the States of New York, North Carolina, Pennsylvania, Tennessee and Virginia*, Order, FCC 09-18 (rel. March 5, 2009) ("Virgin Mobile Order"), 24 FCC Rcd at 3394 ¶ 34.

The FCC's Rules also require an applicant for ETC status to provide a certification that it acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area (47 C.F.R § 54.202(a)). However, in the *TracFone ETC Order*, the FCC determined that TracFone was not required to provide such certification because it is a pure reseller.²⁶ Because i-wireless is a pure reseller, the Company maintains that it also is not required to provide such certification.

E. Service Commitment Throughout the Proposed Designated Service Area

i-wireless provides service in Washington by reselling service which it obtains from its underlying facilities-based provider. The provider's network is operational and largely built out. Thus, i-wireless will be able to commence offering its Lifeline service to all locations served by its underlying carrier very soon after receiving approval from the Commission. Indeed, it already serves those areas. The only delay will be the time needed to implement procedures and internal systems to offer the Lifeline program. Therefore, i-wireless will be able to provide Lifeline service to all qualified customers on a timely basis or within a reasonable period of time in accordance with 47 C.F.R. § 54.202(a)(1). i-wireless further commits to provide service throughout its proposed ETC-designated service area to all customers making a reasonable request for service, as required in 47 C.F.R. § 54.202(a)(1)(i).

F. Commitment to Consumer Protection and Service Quality

Under FCC guidelines, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.²⁷ The Company in general commits to satisfying all such applicable state and federal requirements related to consumer protection and

²⁶ See *In the Matter of Federal-State Joint Board on Universal Service: TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of New York et al.*, FCC 08-100, Order (rel. Apr. 11, 2008) ("*TracFone ETC Order*"), 23 FCC Rcd 6206 n.35.

²⁷ See 47 C.F.R. § 54.202(a)(3).

service quality standards. Specifically, i-wireless commits to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service. As a reseller, i-wireless' service is of the same quality and reliability as that of its underlying carrier(s).

G. i-wireless Will Advertise the Availability of Supported Services

i-wireless will broadly advertise the availability and rates for the services described above using media of general distribution as required by Section 54.201(d)(2) of the FCC's regulations.²⁸ The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline services, using media of general distribution that may include advertisements via newspapers, radio and the internet. These advertising campaigns will be specifically targeted to reach low-income customers and promote the availability of cost-effective wireless services to this neglected consumer segment.

In addition, i-wireless will utilize its network of retail partners to help promote the availability of its Lifeline plans, especially those retail outlets that are frequented by lower income consumers. i-wireless will provide retail vendors with signage to be displayed where i-wireless products are sold, and with printed materials describing i-wireless' Lifeline program. Given the relationship that exists between i-wireless, lower income consumers, and retail outlets that are often visited by lower income consumers, i-wireless expects to be able to inform consumers of the availability of Lifeline service in a manner that will result in significantly higher participation in the Lifeline program by qualified consumers than has been the case in the past.

²⁸ See 47 C.F.R. § 54.201.

i-wireless will supplement these methods of communication to specifically advertise and promote the availability of its Lifeline offerings to qualifying customers throughout Washington. i-wireless intends to distribute brochures at various state and local social service agencies, and intends to partner with nonprofit assistance organizations (such as Habitat for Humanity), in order to inform customers of the availability of its Lifeline services.

Statistics suggest there are many eligible customers who are not yet aware of the programs. According to the best data available to the Company, as of December 31, 2009, only between 20-50% of consumers eligible for Lifeline Services in the State of Washington were being provided such services.²⁹ i-wireless believes that its advertising and outreach efforts detailed above will result in increased participation in the Lifeline program.

H. i-wireless Will Comply with the Lifeline Certification and Verification Requirements in 47 C.F.R. § 54.410

Section 54.410 of the FCC's Rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. The Company will comply with the specific certification and verification procedures imposed by the FCC as a condition to its grant of forbearance. In states where no applicable state verification system is available, i-wireless will certify and verify consumer eligibility using the method established by the FCC for ETCs. This method requires the ETC to collect from each applicant a certification, made under penalty of perjury, that he or she qualifies for Lifeline based on participation in a qualifying means-tested program. If the applicant seeks to qualify based on income rather than participation in qualifying program, FCC rules require the ETC to obtain documentation verifying income. ETCs are also

²⁹ See attached Exhibit 5, 2009 Lifeline Participation Rates by State, which was obtained from the Universal Service Administrative Company ("USAC"), an independent not-for-profit corporation designated as the administrator of the federal Universal Service Fund by the FCC. USAC administers Universal Service Fund (USF) programs for high cost companies serving rural areas, low-income consumers, rural health care providers, and schools and libraries. Also attached is an FCC News Release dated September 14, 2009.

required to obtain annual verification of continued eligibility from a statistically-valid random sample of Lifeline customers. i-wireless is willing to work with the Commission and the Department of Social and Health Services (“DSHS”) in order to establish procedures to verify customer eligibility.

I. i-wireless Requests Exemption from Certain Provisions of WAC 480-123-030

i-wireless requests that the Commission exempt it from the ETC petition requirements set forth in WAC 480-123-030(1)(d), (f) and (g), in which rule provisions contemplate that an ETC operates its own network facilities. Subsection (d) requires ETCs to provide a substantive plan of the investments it will make using USF funds. This requirement applies to carriers that seek high-cost support to fund investments to their networks; however, i-wireless seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline services to eligible customers. i-wireless is a pure wireless reseller and thus does not own or control any networks or other facilities. Therefore, i-wireless has no basis for filing an investment plan and should be exempt from the requirement.

Subsection (f) requires wireless carriers to provide a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals. As a reseller, i-wireless does not own, control, nor plan to develop cell sites, and the Company’s coverage area encompasses that of its underlying carrier in Washington. i-wireless does not have access to the underlying carrier’s lists of geographic service areas or maps of service area showing the location of cell sites. i-wireless has requested network coverage maps from its underlying carrier, but has been unable to attain them due to non-disclosure agreements. Accordingly, i-wireless requests exemption from the requirement to provide coverage maps.

Subsection (g) provides that a petition for ETC designation must contain information affirming that a company has the ability to remain functional in emergency situations, including information that demonstrates it has at least four hours of backup battery power at each cell site, backup generators at each microwave hub, and at least five hours of backup battery power and backup generators at each switch. As noted in Section III.C.5 of this Petition, i-wireless has the ability to remain functional in emergency situations through its underlying carrier. However, as a pure reseller, i-wireless does not own or operate any cell sites, microwave hubs or switches. Thus, i-wireless should be exempt from the requirement that it demonstrate it has backup battery power or generators.

J. i-wireless Requests Designation Throughout Its Service Area in Washington

i-wireless is not a rural telephone company as defined in Section 153(37) of the Act (47 U.S.C. § 153(37)). Accordingly, i-wireless is required to describe the geographic area(s) within which it requests designation as an ETC. i-wireless requests designation as an ETC for its entire service area in Washington.³⁰ Specifically, i-wireless requests ETC designation statewide in all exchanges to the extent that its underlying carrier has facilities and coverage. i-wireless understands that its service area overlaps with many rural carriers in Washington, but maintains that the public interest factors described below justify its designation in these carriers' service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers. It does not seek and will not accept high cost support. Therefore, its designation as an ETC will cause no growth in the high cost portions of the USF and will not erode high cost support from any rural telephone company. In fact, the FCC has determined that “[d]esignation of competitive ETCs promotes competition and benefits

³⁰ A list of wire centers for which i-wireless requests ETC designation is attached hereto as Exhibit 6.

consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”³¹ The Commission may designate i-wireless as an ETC in non-rural areas that i-wireless serves without redefining the service areas of non-rural telephone companies. The Commission may designate i-wireless as an ETC in rural telephone company service areas upon a finding that such designation would serve the public interest.³²

K. i-wireless Will Comply With All Regulations Imposed By The Commission

By this Petition, i-wireless hereby asserts its willingness and ability to comply with all the rules and regulations that the Commission may lawfully impose upon the Company’s provision of service contemplated by this Petition. Upon Commission request, i-wireless is prepared to answer questions or present additional testimony or other evidence about its services within the state. Specifically, i-wireless is prepared to comply with the conditions imposed by the Commission upon TracFone, to the extent that they are also applicable to i-wireless.³³ i-wireless asserts that it should be granted permanent ETC designation, but would welcome a condition that the Company meet with Staff on an annual basis to review its performance as a Lifeline ETC and to discuss measures to improve the program.

IV. DESIGNATION OF I-WIRELESS AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is “to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” to all

³¹ See *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming, Memorandum Opinion and Order*, 16 FCC Rcd 48, 55 (2000).

³² See 47 C.F.R. § 54.207(c).

³³ See *TracFone ETC Order*.

citizens, regardless of geographic location or income.³⁴ There is no question that designation of i-wireless as an ETC in Washington will further the public interest by providing Washington consumers, especially low-income consumers, with lower prices and higher quality services. Many lower-income customers in Washington have yet to reap the full benefits of the intensely competitive wireless market. Whether because of financial constraints, poor credit history or intermittent employment, these consumers often lack the countless choices available to most consumers.

The instant request for ETC designation must be examined in light of the Act's goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers—particularly low-income consumers—receive affordable and comparable telecommunications services. Given this context, designating i-wireless as an ETC would significantly benefit low-income consumers eligible for Lifeline services in the State of Washington—who are the intended beneficiaries of universal service. The Company's participation in the Lifeline program also undoubtedly would increase opportunities for the Company to serve these customers with appealing and affordable service offerings.

i-wireless offers a unique benefit, through its affiliation with Kroger, which allows customers to earn Free Minutes simply by shopping at select Kroger-owned store locations using their Kroger shopper's card. Because i-wireless and Kroger are committed to lower-income individuals, customers can participate in the Free Minutes program even when using food stamps for payment. i-wireless' Lifeline customers will receive the same high-quality wireless services and exceptional customer service provided to all Company customers. i-wireless' Lifeline rate plans will not only allow feature-rich mobile connectivity for qualifying subscribers *at no cost to*

³⁴ *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

the subscriber, but also will bring a variety of rate plans into the reach of Lifeline customers that are comparable in minutes and features to those available to post-paid wireless subscribers – but at low Lifeline rates and without the burden of credit checks, contracts, activation fees or roaming charges. i-wireless customers are able to choose a prepaid plan in which they are charged only for the minutes they use, and specified amounts of unused minutes carry over month-to-month. By allowing customers to apply the Lifeline discount to the rate plan that best meets their individual needs, i-wireless truly presents a unique benefit to low-income consumers and establishes itself as a pioneer in the prepaid wireless marketplace.

Low-income consumers will further benefit from i-wireless' service because of i-wireless' unique software distribution platform that affords customers the convenience to obtain phones, service, and refill minutes at small, local stores in neighborhoods where many Lifeline-eligible customers reside. i-wireless has existing relationships with over 2,200 such neighborhood retailers across the United States. This innovative distribution model enables customers to maintain wireless service without the expense and trouble of traveling to retail locations outside their neighborhoods or having to access a computer to go online. i-wireless' distribution arrangement will therefore advance the goals of increasing awareness of and participation in the Lifeline program.

i-wireless foresees that the implementation of its Lifeline program will create the need for more i-wireless employees in Washington. i-wireless currently employs two Washington residents as field sales representatives who travel to work with all store locations throughout the state. i-wireless believes that the Company will need to expand its number of Washington sales representatives once its Lifeline program is underway. If the program is successful and i-wireless

is able to administer it directly from Kroger-owned locations, then Kroger will likely need to hire more Washington residents as well.

Most importantly, i-wireless' Lifeline service will provide low-income Washington residents with the convenience and security offered by wireless services—even if their financial position deteriorates. 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 limited the availability of wireless service to many Americans, including many Indiana residents. ETC designation in Washington would enable i-wireless to offer appealing and affordable service offerings to low-income Washington customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Without question, prepaid wireless services have become essential for lower-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 those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

Moreover, grant of i-wireless' Petition will serve the public interest in increasing the number of ETCs in Washington. By granting ETC status to i-wireless, the Commission will enable i-wireless to increase the number of Washington residents receiving Lifeline support, thereby increasing the amount of USF money flowing into Washington.

In sum, ETC designation in the State of Washington would enable i-wireless to provide all of the public benefits cited by the FCC in its analysis in the *Virgin Mobile Order*. Namely, i-

wireless would provide “increased consumer choice, high-quality service offerings, and mobility,”³⁵ as well as the safety and security of effective 911 and E911 services.³⁶

A. The Benefits of Competitive Choice

The benefits to consumers of being able to choose from among a variety of telecommunications service providers have been acknowledged by the FCC for more than three decades³⁷ and by the Commission since the early 1980s. Designation of i-wireless as an ETC will promote competition and innovation, and spur other carriers to target low-income consumers with service offerings tailored to their needs and to improve their existing networks to remain competitive, resulting in improved services to consumers. Designation of i-wireless as an ETC will help assure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.³⁸ Designation of i-wireless as an ETC would offer Lifeline-eligible consumers an additional choice of providers for accessing telecommunications services, representing a significant step towards ensuring that all low-income consumers share in the many benefits associated with access to wireless services.

B. Impact on the Universal Service Fund

i-wireless’ request for designation as an ETC solely for Lifeline purposes would not unduly burden the USF or otherwise reduce the amount of funding available to other ETCs. The secondary role of Lifeline support with respect to overall USF expenditures is well documented. According to the Joint-Board’s most recent monitoring report, Lifeline funding totaled approximately \$775 million in 2006 while high-cost program expenditures amounted to

³⁵ See *Virgin Mobile Order*, 24 FCC Rcd at 3395 ¶ 38.

³⁶ See *Id.* at 3391 ¶ 23.

³⁷ See, e.g., *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

³⁸ See 47 U.S.C. § 254(b)(1).

approximately \$4.1 billion—more than five times the amount of Lifeline funding.³⁹ Although many parties have raised concerns over the growth in the USF’s high-cost program, the Lifeline program has triggered no similar outcry. Designation of i-wireless as an ETC in the State of Washington, however, raises no similar concerns and any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers. As noted in the FCC’s *i-wireless Forbearance Order*, “the additional choice and service options of another wireless reseller offering a service for low-income consumers represents a significant benefit for consumers and is in the public interest.”⁴⁰ “A new entrant should incent existing wireless reseller ETCs to offer better service and terms to their customers, which provides additional evidence that forbearance [associated with granting i-wireless’ *Petition for Forbearance*] in the context of the Lifeline program outweighs the potential costs.”⁴¹

V. ANTI-DRUG ABUSE CERTIFICATION

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

³⁹ See *Universal Service Monitoring Report*, CC Docket 98-202, Tables 2.2 and 3.1 (2008).

⁴⁰ *i-wireless Forbearance Order*, ¶ 19.

⁴¹ *Id.*

VI. CONCLUSION

Based on the foregoing, designation of i-wireless as an ETC in the State of Washington accords with the requirements of Section 214(e)(2) of the Act and is in the public interest.

WHEREFORE, i-wireless respectfully requests that the Commission promptly designate i-wireless as an ETC in the State of Washington solely for purposes of participating in the Lifeline program.

Respectfully submitted,



Lance J.M. Steinhart

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Attorney for i-wireless, LLC

September 29, 2010

EXHIBIT 1

Certification of Patrick McDonough, Vice President, i-wireless, LLC

State of Kentucky)
)
County of Campbell)

Certification

Personally appeared before the undersigned, an officer duly authorized to administer oaths, Patrick McDonough, who first being duly sworn, deposes and states that he is the Vice President of i-wireless, LLC, Applicant in this application, and has read the same and knows the contents thereof, and confirms that the statements made herein are true to the best of his knowledge and belief.

Dated: 7/28/2010

Patrick M. McDonough
Patrick McDonough, Vice President

Subscribed and sworn to before me, a Notary Public in the State and County above named, this 28th day of July 2010.

(Notary Seal)

[Signature]
(Signature of person authorized to administer oath)

My Commission Expires: 3-12-2012

EXHIBIT 2

i-wireless, LLC's Lifeline Rates

Lifeline Service Offering

100 anytime minutes per month

(additional usage priced at 10 cent minutes and 10 cent text messages)

Free handset

Voicemail, Caller-ID, call waiting, three-way calling

Net cost to Lifeline customer: **\$0 (free)**

Talk Plans (monthly)

- Talk plan / 200 anytime minutes
Net cost to Lifeline customer: **\$5**
- Talk Plus plan / 200 anytime minutes and unlimited off-peak minutes
Net cost to Lifeline customer: **\$15**
- Talk Unlimited plan / Unlimited voice
Net cost to Lifeline customer: **\$25** (\$35 without Kroger shopper's card)

Text Plans (monthly)

- Text plan / Unlimited texting with 10 cent minutes
Net cost to Lifeline customer: **\$5**
- Text Plus plan / Unlimited texting and 200 minutes
Net cost to Lifeline customer: **\$25**
- Unlimited Talk & Text plan / Unlimited voice and texting
Net cost to Lifeline customer: **\$35** (\$45 without Kroger shopper's card)

Pay-per-use

- Basic / 20 cent minutes & 20 cent outgoing text messages

*Included in all Lifeline rate plans:

Free handset

Voicemail, Caller-ID, call waiting, three-way calling

Free incoming text messages

Free calls to Customer Service

Free calls to 911 emergency services

Free balance checks

Ability to carry over specified amounts of unused minutes month-to-month

Ability to accumulate Free Minutes with Kroger shopper's card purchases

EXHIBIT 3

i-wireless Forbearance Order

**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 Universal Service Support)	WC Docket No. 09-197
)	
i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A))	

ORDER

Adopted: June 22, 2010

Released: June 25, 2010

By the Commission:

I. INTRODUCTION

1. In this order, we grant in part and deny in part a petition for forbearance filed by i-wireless, LLC (i-wireless), a prepaid wireless resale provider, requesting that the Commission forbear from the requirement that a carrier designated as an eligible telecommunications carrier (ETC) for purposes of federal universal service support provide services, at least in part, over its own facilities.¹ As a result, i-wireless may seek ETC designation to offer discounted service to qualified low-income consumers through the universal service Lifeline program. i-wireless will be subject to the same conditions that the Commission previously applied to prepaid wireless resellers TracFone Wireless, Inc. and Virgin Mobile USA, L.P. in granting similar requests. The conditions will help to ensure that, if i-wireless is granted ETC designation for the purpose of providing Lifeline service, its low-income consumers have access to 911 and enhanced 911 services and will help to protect the universal service fund against waste, fraud and abuse. However, we deny i-wireless's petition for forbearance for the purposes of participating in the Link Up program because the company has not demonstrated that granting its request satisfies the three-prong statutory test for forbearance.²

II. BACKGROUND

2. Congress directed the Commission to establish the universal service fund to help ensure that “[q]uality services [are] available at just, reasonable, and affordable rates” for consumers throughout the nation, “including low-income consumers.”³ The Commission’s Lifeline program furthers this goal by reducing the price of monthly telephone service for low-income consumers, and the Commission’s

¹ i-wireless, LLC Petition for Forbearance, CC Docket No. 96-45 (filed Apr. 1, 2009) (Forbearance Petition). On March 23, 2010, pursuant to section 10(c) of the Act, the Wireline Competition Bureau (Bureau) extended until June 30, 2010, the date on which the Forbearance Petition shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standard for forbearance under section 10(a) of the Act. *i-wireless, LLC Petition for Forbearance*, CC Docket No. 96-45, Order, 25 FCC Rcd 2762 (Wireline Comp. Bur. 2010); 47 U.S.C. § 214(e).

² 47 U.S.C. § 160(a).

³ 47 U.S.C. § 254(b)(3).

Link Up program furthers this goal by reducing the customary connection charge for commencing telephone service at a low-income consumer's principal place of residence.⁴

3. The Communications Act of 1934, as amended (the Act), provides that only an entity designated as an eligible telecommunications carrier shall be eligible for universal service high-cost and low-income support.⁵ To become an ETC, a common carrier must offer the services supported by the federal universal service support mechanisms "either using its own facilities or a combination of its own facilities and resale of another carrier's services" to each customer in its designated service area.⁶ Carriers designated as ETCs generally must participate in the Lifeline and Link Up programs and are reimbursed for the revenues foregone through their participation in these programs.⁷

4. The Commission has granted two petitions for forbearance from the facilities requirement for ETC designation in section 214(e) of the Act. In 2005, the Commission forbore from applying the facilities requirement to TracFone Wireless, Inc. (TracFone), a wireless reseller, insofar as TracFone sought ETC designation only for the purpose of receiving Lifeline support.⁸ Similarly, in 2009, the Commission forbore from applying the facilities requirement to another wireless reseller, Virgin Mobile USA, L.P. (Virgin Mobile).⁹ In both orders, the Commission conditioned forbearance on the carriers' meeting certain obligations upon being designated as an ETC that are tailored to the concerns arising from each carrier's lack of facilities and proposed service offering.¹⁰

⁴ Through the Lifeline program, low-income consumers may receive discounts of up to \$13.50 off the monthly cost of telephone service, with the federal program reimbursing the ETC up to \$10 each month. 47 C.F.R. § 54.401(a)(2). In tribal areas, the federal program reimburses ETCs up to an additional \$25 each month. 47 C.F.R. § 54.405(a)(4). Through the Link Up program, low-income consumers may receive discounts of up to \$30 off the connection charge. 47 C.F.R. § 54.411(a)(1). In tribal areas, low-income consumers may receive up to an additional \$70 off the connection charge. 47 C.F.R. § 54.411(a)(3).

⁵ 47 U.S.C. § 254(e). A carrier need not be an ETC to participate in the schools and libraries or rural health care universal service programs. 47 U.S.C. § 254(h)(1)(A) and (B)(ii); see *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9015, para. 449 (1997) (*Universal Service First Report and Order*) (subsequent history omitted); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-46, Fourteenth Order on Reconsideration, 14 FCC Rcd 20106, 20114-15, para. 19 (1999) (*Fourteenth Order on Reconsideration*).

⁶ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)(1). Because a carrier need not be an ETC to participate in the schools and libraries or rural health care universal service programs, a carrier need not offer service over its own facilities to receive support from those programs. See *supra* note 5.

⁷ 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.

⁸ *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (*TracFone Forbearance Order*).

⁹ *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) (*Virgin Mobile Forbearance Order*).

¹⁰ Specifically, each carrier must: (1) provide its Lifeline customers with 911 and enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes; (2) provide its Lifeline customers with E911-compliant handsets and replace, at no additional charge to the customer, noncompliant handsets of existing customers who obtain Lifeline-supported service; (3) comply with conditions (1) and (2) as of the date it provides Lifeline service; (4) obtain a certification from each public-safety answering point (PSAP) where the carrier provides Lifeline service confirming that the carrier provides its customers with 911 and E911 access or self-certify that it does so if certain conditions are met; (5) require each customer to self-certify at time of service activation and (continued . . .)

5. *i-wireless Forbearance Petition.* Like Tracfone and Virgin Mobile, i-wireless is a non-facilities-based commercial mobile radio service (CMRS) provider (i.e., a pure wireless reseller) that provides prepaid wireless telecommunications services.¹¹ On April 1, 2009, i-wireless filed a petition seeking forbearance from the facilities requirement of section 214(e) of the Act so that it may be designated as an ETC and be eligible to receive Lifeline and Link Up low-income support.¹² i-wireless states that its request for forbearance satisfies the statutory requirements and is in the public interest.¹³ Further, i-wireless agrees to abide by the conditions imposed on TracFone and Virgin Mobile as part of the Commission's decisions granting those carriers' requests to forbear from the ETC facilities requirement to allow them to receive Lifeline support only.¹⁴

III. DISCUSSION

6. The Act requires the Commission to forbear from applying any requirement of the Act or of our regulations to a telecommunications carrier if and only if the Commission determines that: (1) enforcement of the requirement is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier are just and reasonable and are not unjustly or unreasonably discriminatory; (2) enforcement of that requirement is not necessary for

(continued from previous page) _____

annually thereafter that he or she is the head of household and receives Lifeline-supported service only from that carrier; (6) establish safeguards to prevent its customers from receiving multiple Lifeline subsidies from that carrier at the same address; (7) deal directly with the customer to certify and verify the customer's Lifeline eligibility; and (8) submit to the Wireline Competition Bureau a compliance plan outlining the measures the carrier will take to implement these conditions. *See id.* at 3386–87, 3392, paras. 12, 26; *TracFone Forbearance Order*, 20 FCC Rcd at 15098–99, 15104, paras. 6, 19; *Federal-State Joint Board on Universal Service; TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of New York; Petition for Designation as an Eligible Telecommunications Carrier in the State of Florida; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia; Petition for Designation as an Eligible Telecommunications Carrier in the State of Connecticut; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts; Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama; Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina; Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee; Petition for Designation as an Eligible Telecommunications Carrier in the State of Delaware for the Limited Purpose of Offering Lifeline Service to Qualified Households; Petition for Designation as an Eligible Telecommunications Carrier in the State of New Hampshire for the Limited Purpose of Offering Lifeline Service to Qualified Households; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania for the Limited Purpose of Offering Lifeline Service to Qualified Households; Petition for Designation as an Eligible Telecommunications Carrier in the District of Columbia for the Limited Purpose of Offering Lifeline Service to Qualified Households*, CC Docket No. 96-45, Order, 24 FCC Rcd 3375 (2009) (*TracFone Forbearance Modification Order*).

¹¹ Forbearance Petition at 2.

¹² *See* Forbearance Petition. On June 5, 2009, the Bureau issued a public notice seeking comment on the Forbearance Petition. *Comment Sought on i-wireless, LLC Petition for Forbearance from Eligible Telecommunications Carrier Facilities Requirement*, CC Docket No. 96-45, Public Notice, 24 FCC Rcd 7682 (Wireline Comp. Bur. 2009). Comments on the Forbearance Petition were filed by the National Association of State Utility Consumer Advocates (NASUCA) and the National Emergency Number Association (NENA). Reply comments were filed by NASUCA, i-wireless, and the Pennsylvania Public Utility Commission (Pennsylvania Commission). We interpret i-wireless's petition to request forbearance not only from the statutory facilities requirement, 47 U.S.C. § 214(e)(1)(A), but also from our parallel regulatory requirements, 47 C.F.R. § 54.201(d)(1), (i). We have previously read these requirements to have the same scope and purpose as the statutory provision. *See Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3386–87 n.41.

¹³ Forbearance Petition at 8–13.

¹⁴ Forbearance Petition at 13; *TracFone Forbearance Order*, 20 FCC Rcd at 15098–99, 15104, paras. 6, 19; *Virgin Mobile Forbearance Order*, 24 FCC Rcd 3386–87, 3392, paras. 12, 26.

the protection of consumers; and (3) forbearance from applying that requirement is consistent with the public interest.¹⁵ As in the *TracFone Forbearance Order* and the *Virgin Mobile Forbearance Order*, we examine the facilities requirement from which i-wireless seeks forbearance in light of the statutory goal of providing low-income consumers with access to telecommunications services and in light of the specific programs in which i-wireless seeks to participate. Because our prior orders have laid the path for examining forbearance requests in the context of the Lifeline program, we first evaluate i-wireless's petition in that context. We then turn to the new issue of whether i-wireless has demonstrated that the statutory requirements for forbearance are met in the context of the Link Up program.

A. Forbearance for Lifeline

7. In this section, we evaluate whether i-wireless has met the three-prong statutory test for forbearance to receive Lifeline support. For the reasons provided below, we conditionally grant the request of i-wireless for forbearance from the facilities requirement of section 214(e) for the purpose of seeking ETC designation to provide Lifeline support only.

8. *Just and Reasonable.* As an initial matter, we note that a provision or regulation is "necessary" if there is a strong connection between the requirement and regulatory goal.¹⁶ Section 10(a)(1) of the Act requires that we consider whether enforcement of the facilities-based requirement of section 214(e) for a pure wireless reseller that seeks ETC designation for Lifeline support only is necessary to ensure that the charges, practices, classifications or regulations are just and reasonable and not unjustly or unreasonably discriminatory.¹⁷

9. As the Commission found in the *TracFone Forbearance Order* and the *Virgin Mobile Forbearance Order*, we conclude that the section 214(e) facilities requirement is not necessary to ensure that i-wireless's charges, practices, and classifications are just and reasonable and not unjustly or unreasonably discriminatory where it is providing Lifeline service only.¹⁸ As a reseller, i-wireless is by definition subject to competition. We expect that i-wireless's Lifeline offerings will compete, at a minimum, with the Lifeline offerings of the incumbent wireline carrier in a given geographic area, and potentially, depending on the states where i-wireless seeks ETC designation, with the offerings of TracFone and Virgin Mobile.¹⁹ We also expect that this competition will spur innovation amongst carriers in their Lifeline offerings, expanding the choice of Lifeline products for eligible consumers. For these reasons, we find that the first prong of section 10(a) is met. In the limited context of Lifeline support, the facilities requirement is not necessary to ensure that i-wireless's charges, practices, and classifications are just and reasonable.

10. *Consumer Protection.* Section 10(a)(2) requires that we consider whether enforcement of the facilities-based requirement of section 214(e) for a pure wireless reseller that seeks ETC designation only for Lifeline support is necessary for the protection of consumers. As in the cases of TracFone and Virgin Mobile, we find that imposing the facilities requirement on i-wireless is not necessary for the protection of consumers so long as the carrier complies with the obligations described below. Specifically, we conclude that forbearance from this provision will benefit consumers. Indeed, if i-wireless is ultimately granted limited ETC status, it would be offering Lifeline-eligible consumers an additional choice of providers for accessing telecommunications services. The prepaid feature may be an

¹⁵ 47 U.S.C. § 160(a)–(b). In making a public interest determination, section 10(b) requires the Commission to consider whether forbearance will promote competitive market conditions.

¹⁶ See *CTIA v. FCC*, 330 F.3d 502, 512 (D.C. Cir. 2003).

¹⁷ 47 U.S.C. § 160(a)(1); 47 U.S.C. § 214(e).

¹⁸ See *TracFone Forbearance Order*, 20 FCC Rcd at 15100, para. 12; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3389, para. 20.

¹⁹ See 47 C.F.R. § 54.405(a) (requiring ETCs to offer Lifeline service).

attractive alternative for such consumers who need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts.

11. Given the importance of public safety and in light of the fact that a Lifeline ETC is generally a low-income customer's only connection to the public switched telephone network, however, we condition this grant of forbearance on i-wireless's compliance with certain obligations upon being designated as an ETC, consistent with the public safety obligations previously imposed on TracFone and Virgin Mobile.²⁰ Specifically, our forbearance is conditioned on i-wireless:

- (1) providing its Lifeline customers with 911 and enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes;
- (2) 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;
- (3) complying with conditions (1) and (2) as of the date it provides Lifeline service; and
- (4) 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.

12. The Commission has an obligation to promote "safety of life and property" and to "encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure" for public safety.²¹ The provision of 911 and E911 services is critical to our nation's ability to respond to a host of crises, and this Commission has a longstanding and continuing commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers.²² As we have held previously, we believe these obligations are necessary to ensure that the Lifeline customers of these wireless resellers have meaningful access to emergency services.²³

13. Consistent with the obligations we have placed on TracFone and Virgin Mobile, these obligations apply in any state in which i-wireless becomes an ETC and plans to serve any customers without using its own facilities. Additionally, i-wireless must furnish to the Commission upon request copies of all certifications required by the fourth obligation.²⁴ Furthermore, if i-wireless seeks to use the self-certification option, it may do so only after complying with the following procedures. *First*, i-wireless must request certification from the PSAP and notify the PSAP that the carrier may self-certify compliance if the PSAP has neither provided certification nor made an affirmative finding that the carrier does not provide its customers with access to 911 and E911 service within the PSAP's service area within 90 days of the request. This evaluation period commences upon proper notification.²⁵ The evaluation

²⁰ See *TracFone Forbearance Order*, 20 FCC Rcd at 15101-02, paras. 15-16; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3390-91, paras. 21-23.

²¹ *Applications of Nextel Communications, Inc. and Sprint Corporation For Consent to Transfer Control of Licenses and Authorizations*, WT Docket No. 05-63, Memorandum Opinion and Order, 20 FCC Rcd 13967, 14020, para. 144 (2005).

²² *Id.*

²³ See *TracFone Forbearance Order*, 20 FCC Rcd at 15101-02, paras. 15-16; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3390-91, para. 21-23.

²⁴ See *Virgin Mobile ETC Designation Order*, 24 FCC Rcd at 3390, para. 22.

²⁵ *Id.* at 3390-91, para. 22. Consistent with the *Virgin Mobile Forbearance Order*, in providing notice that it may self-certify, i-wireless must provide a PSAP with all of the information and/or equipment requested by the PSAP in analyzing i-wireless's ability to provide 911 and E911 to its customers.

period is tolled whenever a PSAP reasonably requests information or equipment to evaluate the carrier's request until the carrier responds with that information or equipment.²⁶ If a PSAP determines that the carrier will not offer its Lifeline customers appropriate access to emergency services or has concerns regarding the carrier's ability and if the PSAP notifies the carrier of its concerns during the evaluation period, the evaluation period is extended by an additional 90 days and the carrier may not self-certify compliance until it has addressed the PSAP's concerns.²⁷ *Second*, before self-certifying, the carrier must obtain from its underlying carrier in that area certification that the underlying carrier routes emergency calls from the carrier's customers to the PSAP in the same manner that it routes emergency calls from its own customers.²⁸ *Third*, the carrier must provide the PSAP with a copy of the relevant self-certifications at the time it is effective.²⁹ *Fourth*, if a PSAP finds that i-wireless does not provide its customers with 911 and E911 access after the carrier has self-certified that it does, the carrier must notify the Commission of this finding upon receiving notice and must explain how it plans to meet the PSAP's concerns and provide Lifeline customers with appropriate 911 and E911 access.³⁰

14. Accordingly, we find that, subject to the 911 and E911 conditions and the self-certification and other conditions set out above, and consistent with the Commission's grant of forbearance to TracFone and Virgin Mobile, the ETC facilities-based requirement is not necessary for consumer protection with respect to i-wireless's receipt of Lifeline support only. We therefore conclude that the second element of section 10(a) is satisfied.

15. *Public Interest.* Section 10(a)(3) requires that we consider whether enforcement of the facilities-based requirement of section 214(e) for a pure wireless reseller that seeks ETC designation for Lifeline support only is in the public interest. In evaluating whether forbearance is in the public interest, we follow the path we laid out in the *TracFone Forbearance Order* and the *Virgin Mobile Forbearance Order*. We note first that the Commission's traditional concern with a carrier doubling its recovery by reselling facilities that are already supported by the high-cost fund does not apply in the low-income context.³¹ We also note that Lifeline support is designed to reduce the monthly cost of telecommunications service for qualifying low-income consumers and is directly reflected in the price that the low-income customer pays.³² Requiring a Lifeline provider to own the facilities it uses to offer service does not necessarily further the statutory goal of the low-income program.³³ In accordance with our forbearance grants to TracFone and Virgin Mobile, we find that the public interest is served by forbearing from the facilities requirement in section 214(e) to allow i-wireless to receive Lifeline support.³⁴

²⁶ *Id.* at 3391, para. 22.

²⁷ *Id.* at 3390 n.67.

²⁸ *Id.* at 3391, para. 22. Like other certifications, the carrier is required to retain these underlying carrier certifications and provide them to the Commission upon request.

²⁹ *Id.*

³⁰ *Id.*

³¹ See *TracFone Forbearance Order*, 20 FCC Rcd at 15100-01, para. 12; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3389, para. 18.

³² 47 C.F.R. §§ 54.401, 54.504.

³³ See *TracFone Forbearance Order*, 20 FCC Rcd at 15104-05, para. 23; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3393, para. 29.

³⁴ See *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3392-93, para. 27 (“[W]e do not believe that similar requests will have a detrimental impact on the fund. We note that to the extent any similarly situated prepaid wireless reseller seeks forbearance from these requirements for the purpose of providing only Lifeline support, it (continued . . .)

16. Continued growth of the universal service fund has highlighted in recent years the importance of the Commission's continued commitment to fight waste, fraud, and abuse. Accordingly, in addition to the consumer protection conditions outlined above and consistent with obligations imposed on TracFone and Virgin Mobile, we find that it is necessary to require i-wireless to assume additional obligations designed to protect against waste, fraud, and abuse.³⁵ Specifically, we condition our forbearance from the facilities requirement on i-wireless:

- (5) 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 that carrier;
- (6) establishing safeguards to prevent its customers from receiving multiple Lifeline subsidies from that carrier at the same address;
- (7) dealing directly with the customer to certify and verify the customer's Lifeline eligibility; and
- (8) submitting to the Wireline Competition Bureau a compliance plan outlining the measures the carrier will take to implement the obligations contained in this order within 30 days of the effective date of this order.

17. As we have held previously, we believe these obligations are necessary safeguards to help deter waste, fraud, and abuse.³⁶ These obligations apply in any state in which i-wireless becomes an ETC and plans to serve any customers without using its own facilities. Consistent with the obligations we have placed on TracFone and Virgin Mobile, we require i-wireless to clearly state the penalties for perjury on the self-certification form it uses to comply with the fifth obligation and to monitor compliance of its customers' self-certifications by retaining those self-certifications and providing them, as well as documentation of how the carrier obtained the certification, to the Commission upon request.³⁷

18. We disagree with parties that argue that we should condition our forbearance on i-wireless complying with additional obligations, such as offering a particular usage package or complying with state-level 911 and E911 obligations.³⁸ We believe it is appropriate to leave those assessments to whichever commissions will rule on i-wireless's petitions for designation as an ETC. A state commission is generally in a better position than we to assess whether a particular offering will benefit that state's low-income consumers and to determine whether it is necessary to condition ETC designation on compliance with state-level 911 and E911 obligations.³⁹ We therefore encourage parties arguing for

(continued from previous page) _____

will be expected to comply with all the conditions we imposed upon TracFone, which Virgin Mobile has agreed to do.”).

³⁵ See *TracFone Forbearance Order*, 20 FCC Rcd at 15103-04, 15105, paras. 18, 25; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3392, para. 25.

³⁶ These obligations are in addition to, and do not supplant, the certification and verification eligibility already required by our rules for federal default states and any similar state rules for the non-federal default states. See, e.g., 47 C.F.R. § 54.410. On May 4, 2010, the Commission asked the Federal-State Joint Board on Universal Service to review the Commission's eligibility, verification, and outreach rules for the Lifeline and Link Up universal service programs. See *Federal-State Joint Board on Universal Service; Lifeline and Link Up*, CC Docket No. 96-45, WC Docket No. 03-109, Order, 25 FCC Rcd 5079 (2010).

³⁷ See *TracFone Forbearance Order*, 20 FCC Rcd at 15103-04, 15105, paras. 18, 25; *Virgin Mobile Forbearance Order*, 24 FCC Rcd at 3392, para. 25 & n.74.

³⁸ See, e.g., NASUCA Comments at 4-5 (arguing that forbearance is inappropriate unless i-wireless explains how it will apply the Lifeline discount to its plans); NENA Comments at 1-2 (arguing that carriers seeking forbearance should commit to complying with state-level 911 and E911 obligations as a condition of forbearance).

³⁹ Of course, if a state commission does not have jurisdiction to designate i-wireless as a limited-purpose ETC, we will consider i-wireless's application as well as whether any additional obligations are necessary for that particular designation to be in the public interest. See 47 U.S.C. § 214(e)(6).

additional obligations to redirect their arguments to ETC designation proceedings rather than this proceeding.

19. Similarly, we are not persuaded by comments regarding the impact on the size of the universal service fund and the associated contribution obligation if we grant the forbearance petition.⁴⁰ Granting forbearance here would allow i-wireless to compete with TracFone and Virgin Mobile (as well as other ETCs) for the existing pool of low-income customers, and the size of that pool is determined by Lifeline program eligibility requirements, not by the number of providers competing for those customers. The additional choice and service options of another wireless reseller offering a service for low-income consumers represents a significant benefit for consumers and is in the public interest. A new entrant should incent existing wireless reseller ETCs to offer better service and terms to their customers, which provides additional evidence that forbearance in the context of the Lifeline program outweighs the potential costs.⁴¹

20. In conclusion, we find that conditionally granting i-wireless forbearance for purposes of seeking ETC designation to participate in the Lifeline program 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 abuse.⁴² To the extent, however, that our predictive judgment proves incorrect and these conditions prove to be inadequate safeguards, parties may file appropriate petitions with the Commission and we have the option of reconsidering this forbearance ruling.⁴³

B. Forbearance for Link Up

21. We decline to grant the request of i-wireless for forbearance from the facilities requirement for the purpose of seeking ETC designation to receive Link Up support.⁴⁴ Petitioners seeking forbearance bear the burden of proof and must show that each of the statutory elements of forbearance is met.⁴⁵ i-wireless has not done so in the context of the Link Up program. Specifically, i-wireless does not

⁴⁰ See Pennsylvania Commission Reply at 5–6.

⁴¹ For example, Virgin Mobile (the second wireless reseller to receive forbearance) has recently increased the number of minutes it offers to low-income consumers through its Lifeline product to attract more customers. Compare, e.g., Pennsylvania Commission Reply, CC Docket No. 96-45, at 6 n.16 (filed July 20, 2009) (noting that Virgin Mobile planned to offer 120 free prepaid minutes to Lifeline customers), with Virgin Mobile Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of Alabama, WC Docket No. 09-197, at 8 (filed Jan. 15, 2010) (noting that Virgin Mobile plans to offer 200 free prepaid minutes to its Lifeline customers).

⁴² i-wireless has committed to complying with all the obligations imposed on TracFone and Virgin Mobile as conditions of forbearance. See Forbearance Petition at 13.

⁴³ See *Petition for Forbearance of the Verizon Telephone Companies Pursuant to 47 U.S.C. § 160(c)*, WC Docket No. 01-338, Memorandum Opinion and Order, 19 FCC Rcd 21496, 21508–09, para. 26 & n.85 (2004); see also *Petition of SBC Communications Inc. for Forbearance from Structural Separations Requirements of Section 272 of the Communications Act of 1934, As Amended, and Request for Relief to Provide International Directory Assistance Services*, CC Docket No. 97-172, Memorandum Opinion and Order, 19 FCC Rcd 5211, 5223–24, para. 19 & n.66 (2004); *Cellnet Communications, Inc. v. FCC*, 149 F.3d 429, 442 (6th Cir. 1998).

⁴⁴ See Forbearance Petition at 8–14.

⁴⁵ See, e.g., *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance under Section 10 of the Communications Act of 1934, As Amended*, WC Docket No. 07-267, Report and Order, 24 FCC Rcd 9543, 9554–55, para. 20 (2009) (“We now state explicitly that the burden of proof is on forbearance petitioners at the outset and throughout the proceeding.”); *Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas*, WC Docket No. 07-97, Memorandum Opinion and Order, 23 FCC Rcd 11729, 11750, 11754–58, paras. 28, 36, 39 (2008) (noting that Qwest had failed to meet its burden of persuasion regarding sufficiency of market share).

address in its petition the differences between the Lifeline and Link Up programs, nor does the company explain how the obligations conditional to Lifeline participation would apply in the context of Link Up. Moreover, i-wireless does not explain how the public interest would be served by forbearing from the facilities requirement in this context.⁴⁶ General references to the statutory goal of ensuring that low-income consumers have access to telecommunications services do not suffice to replace a particularized argument regarding the facts and policy surrounding the facilities requirement and the Link Up program.⁴⁷ We thus conclude that i-wireless has failed to meet its burden to show that forbearing from the facilities requirement in the context of the Link Up program is in the public interest.⁴⁸

IV. ORDERING CLAUSES

22. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), 10, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 214, 254, the petition for forbearance filed by i-wireless Telecom, LLC IS GRANTED IN PART to the extent discussed herein and conditioned on fulfillment of the obligations set forth in this order and otherwise DENIED.

23. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), 10, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 214, 254, we forbear from applying sections 54.201(d)(1) and 54.201(i) of the Commission's rules, 47 C.F.R. § 54.201(d)(1), (i), to i-wireless Telecom, LLC to the extent discussed herein and conditioned on fulfillment of the obligations set forth in this order.

24. IT IS FURTHER ORDERED that, pursuant to section 1.103(a) of the Commission's rules, 47 C.F.R. § 1.103(a), this order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁴⁶ See Forbearance Petition at 8-14 (discussing Link Up only in the context of its discussion of Lifeline).

⁴⁷ See *Amendment of the Commission's Rules Concerning Maritime Communications*, PR Docket No. 92-257, Third Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 19853, 19879-80, para. 55 (1998) ("MariTEL's request cannot be granted because it is too vague, both as to the specific provisions from which we should forbear from enforcing, and as to why forbearance would be in the public interest.").

⁴⁸ Because we find that i-wireless has not met its burden of proof on the third statutory element, we do not examine whether it did so on the first or second elements.

EXHIBIT 4

i-wireless Compliance Plan

**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 Universal Service Support)	WC Docket No. 09-197
)	
i-wireless, LLC Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A))	

I-WIRELESS, LLC’S COMPLIANCE PLAN

i-wireless, LLC (“i-wireless” or the “Company”), by its attorney, hereby files its 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 matter¹. 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.

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 the universal service Lifeline program².” The petition for forbearance was denied for the purposes of participating in the Link Up program.

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

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*”).

² *Order* at ¶ 1.

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 eligibility⁴. 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 Order⁵.

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 customers⁶. i-wireless will comply with all conditions set forth in the *Order*, the provision of this Compliance Plan, and all laws and regulations governing its provision of Lifeline-supported prepaid wireless service to customers throughout the United States.

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

³ *Order* at ¶ 20.

⁴ *See Order* at ¶¶ 11, 16.

⁵ *See id.*

⁶ *See Order* at ¶ 12.

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 requirements⁷. 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 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 services⁸. 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 customers⁹. i-wireless will ensure that all

⁷ See *Order* at ¶ 13.

⁸ A form of this PSAP certification request is attached hereto as Exhibit A.

⁹ See *Order* at ¶ 11.

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' four year history, only one handset model has failed the E911 process during the 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-wireless¹⁰. The Commission also required i-wireless to establish safeguards to prohibit more than one supported i-wireless service at each residential address¹¹. i-wireless proposes the following plan to implement these certification and verification conditions:

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. However, 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.

¹⁰ See *Order* at 16.

¹¹ See *id.*

B. Certification Procedures

i-wireless will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting i-wireless 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 directed 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 understands and accepts the Commission's requirement that the Company have direct contact with all customers applying for participation in the Lifeline program¹². Retailers will have no role in the Lifeline application process, other than to provide customers with printed information regarding the program.

Consumers will be required to call a toll-free number to complete an application over the phone. The application will then be mailed to the customer for signature under penalty of perjury and for the submission of supporting documentation. The signed application and support documentation must be mailed to the address provided by the Company. 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 insure that all required documentation is taken care of properly by using state-specific compliance checklists. 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 meets the relevant eligibility criteria. 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. 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. 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

¹² See *Order* at ¶ 16.

required by the *Order*¹³.

Finally, the application forms will require each applicant to provide their name, primary residential address and an alternate telephone number (if any). i-wireless will incorporate this information into its customer information database. The Company will check the name and 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. 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.

C. 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-wireless¹⁴. i-wireless will notify each participating Lifeline consumer on the anniversary of their enrollment that they must confirm their continued eligibility in accordance with the applicable requirements. Such verification will be required in order for the consumer to continue to purchase prepaid airtime from i-wireless at the discounted rate only available to those customers who are enrolled in its Lifeline program.

¹³ See *Order* at ¶ 17.

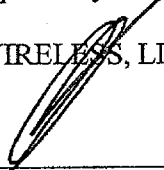
¹⁴ See *Order* at ¶ 16.

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



Lance J.M. Steinhart
Lance J.M. Steinhart, P.C.
1720 Windward Concourse
Suite 115
Alpharetta, Georgia 30005
(770) 232-9200

Its Counsel

Dated July 26, 2010

EXHIBIT A

PSAP CERTIFICATION REQUEST

[Date]

Public Safety Answering Point Coordinator
[Address]

Re: Request for PSAP Certification for Lifeline Participation

Dear PSAP Coordinator:

This is to inform you that i-wireless, LLC (“i-wireless”), has been designated an Eligible Telecommunications Carrier (“ETC”) by the Federal Communications Commission (“FCC”) for the purpose of offering reduced-cost service to low-income customers in the state of [State] under the federal Lifeline program. (See attached FCC Order _____ released _____.)

Lifeline ensures that low-income customers have access to quality telephone service at a reasonable, affordable rate, and i-wireless is pleased to be among the wireless carriers offering Lifeline service to low-income customers, particularly during this difficult economic environment.

The FCC’s approval for i-wireless to offer Lifeline service was conditional upon the following requirements: (1) offer 911 and enhanced 911 (E911) access immediately upon activation of service, and (2) provide its new Lifeline customers with E911-compliant handsets and replace, at no additional charge to the customer, noncompliant handsets of existing customers who subscribe to Lifeline service. The FCC further required that i-wireless seek certification from each Public Safety Answering Point (“PSAP”) where i-wireless intends to offer Lifeline service confirming that i-wireless provides its customers with 911 and E911 access. i-wireless is seeking this certification from your PSAP based on the information provided in this letter and any additional information you may request.

i-wireless’ wireless services operate on the Sprint Nextel (“Sprint”) network. As you may be aware, Sprint has completed the deployment of facilities necessary to offer Phase I and/or II E911 services in your service area, providing Sprint and i-wireless customers with 911 and E911 access. i-wireless’ Lifeline customers will enjoy this same access to 911 and E911 service once activated for service, regardless of activation status or availability of prepaid airtime. As required by the FCC, all i-wireless handsets will comply with applicable federal requirements governing the provision of 911 and E911 service. i-wireless will provide new Lifeline customers with E911-compliant handsets and, for existing customers who subscribe to Lifeline service, will verify that their handsets are E911-compliant or replace the handset at no charge to the customer.

For your convenience, enclosed is a certification form for your review and signature as PSAP Coordinator. Please return the signed certification form in the self-addressed stamped envelope. As required by the FCC, i-wireless will keep the certification on file in the event the FCC seeks to review this documentation. **If within 90 days of receipt of this letter, you do not provide the certification or make an affirmative finding that i-wireless does not provide its customers with 911 and E911 service in your area, i-wireless is permitted to self-certify compliance with the requirements for 911 and E911 access for this PSAP.** (See FCC Order _____ at para. ____.)

Should you have any questions about the foregoing, please contact us at pat.mcdonough@iwirelesshome.com. Please be sure to include your name and address in the email.

Thank you in advance for your cooperation and for enabling i-wireless to offer Lifeline service to low-income customers in your PSAP jurisdiction.

Sincerely,

i-wireless, LLC

**i-wireless Lifeline Program
PSAP Certification Form**



State of _____

PSAP Name: _____

PSAP Coordinator Name: _____

Business Address: _____

PSAP Jurisdiction Description: _____

In my capacity as the Coordinator for the Public Safety Answering Point (“PSAP”) described above, I am responsible for the implementation of 911 and Enhanced 911 (“E911”) service in accordance with the rules and regulations of the Federal Communications Commission (“FCC”).

I have been informed by i-wireless, LLC (“i-wireless”) that, by Order dated _____, the FCC has designated i-wireless as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (47 U.S.C. § 214(e)(6)), for the limited purpose of providing Lifeline service in [State], among other states. I have further been informed that the FCC’s designation of i-wireless as an ETC is subject to certain conditions, including a condition that i-wireless must obtain certification from each PSAP where it will offer Lifeline service that i-wireless customers will have 911 and E911 access immediately upon activation of service.

In connection with its request for certification by the PSAP, i-wireless has provided certain information. I have been informed by i-wireless that its wireless service operates on the Sprint Nextel (“Sprint”) network. i-wireless has indicated that its Lifeline customers will have the same access to 911 and E911 service as the retail customers of Sprint. In addition, i-wireless has represented that its Lifeline handsets will comply with the FCC Order requiring that the handsets be capable of accessing 911 and E911 service regardless of activation status or availability of prepaid airtime.

Upon information and belief, in my capacity as PSAP Coordinator, I hereby certify that i-wireless has provided evidence that it is complying with the FCC requirement that it provide customers with access to basic and E911 service immediately upon activation of Lifeline service.

Dated:

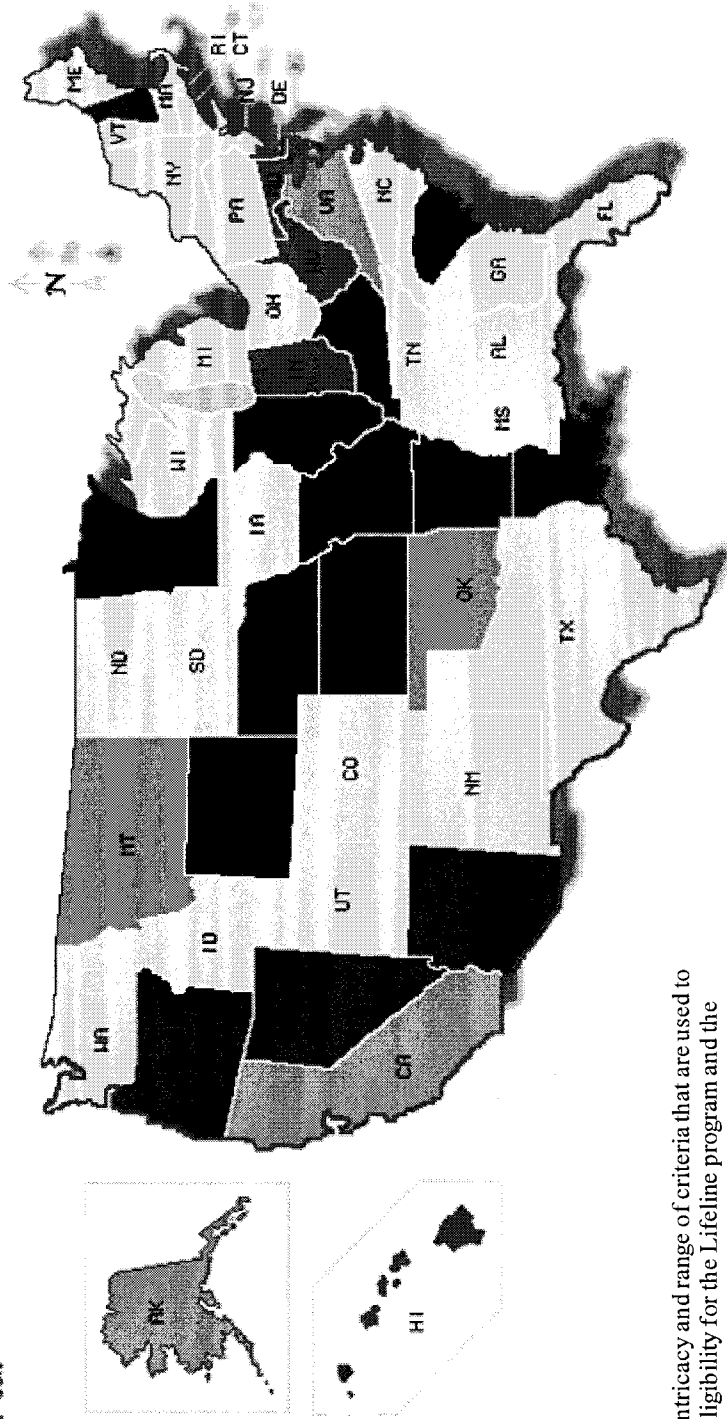
Signature of PSAP Coordinator

EXHIBIT 5

2009 Lifeline Participation Rates by State and FCC News Release

2009 Lifeline Participation Rates by State

- - Below 10%
- - 10% - 20%
- - 20% - 50%
- - Above 50%



Notes:

Due to the intricacy and range of criteria that are used to determine eligibility for the Lifeline program and the limitations of the data used, the methodology employed to create this map involves several estimates, assumptions, simplifications, and omissions. Therefore, the rates generated on this map should be treated as estimates only.

District of Columbia = 10% - 20%



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE:
September 14, 2009

NEWS MEDIA CONTACT:
Rosemary Kimball (202) 418-0511
Email: rosemary.kimball@fcc.gov

FCC SUPPORTS "NATIONAL LIFELINE AND LINK UP TELEPHONE DISCOUNT AWARENESS WEEK" - SEPTEMBER 14 - 20, 2009

WASHINGTON, DC -- Today, the Federal Communications Commission (FCC) joined the effort to call attention to the "National Lifeline and Link Up Telephone Discount Awareness Week," which takes place September 14 - 20, 2009. Various state and local agencies throughout the country will be participating with outreach activities and events. The "Lifeline" and "Link Up" programs provide financial assistance to low-income consumers in connecting a residential phone line and paying their monthly bill. The programs have been active for years and are administered by the FCC and state public utility commissions, but at least half of eligible consumers nationwide do not take advantage of this assistance.

"Lifeline" involves discounts on monthly charges for a primary residential telephone line, including wireless service. "Link Up" involves a discount on the cost of initiating the primary telephone service for a residence, including the activation of a wireless phone that serves as the primary residential telephone. The discounts are available throughout the country, including an enhanced discount on Tribal lands. In general, consumers at or below 135% of the federal poverty guidelines, or who participate in one or more of a number of other assistance programs, are eligible for Lifeline and Link Up.

To help call attention to the availability of these programs, the FCC joins the National Association of Regulatory Utility Commissioners (NARUC) and the National Association of State Utility Consumer Advocates (NASUCA), and urges government agencies and non-profit organizations to help disseminate information on Lifeline and Link Up to their constituents. More information about the programs and how to apply is available at www.lifeline.gov or <http://www.usac.org/li/low-income/apply-for-support.aspx>.

-- FCC --

EXHIBIT 6

Wire Centers

CELL**WIRE CENTER**

TRLKWAXX	TROUT LAKE
RSVTWAXA	ROOSEVELT
WHTSWAXA	WHITSTRAN
WLWLWA01	WALLA WALLA
WRLDWAXA	RICHLAND
PASCWA01	PASCO
PASNWAXA	PATERSON
PRSRWAXA	PROSSER
RCLDWAXA	RICHLAND
RCLDWAXB	RICHLAND
BNCYWAXX	BENTON CITY
MTCOWAXX	MATHEWS CORNER
MESAWAXX	MESA
BSCTWAXX	BASIN CITY
CNNLWAXA	CONNELL
DLPTWAAC	DALLESPORT
GLDLWAXA	GOLDENDALE
CLMAWAXA	COLUMBIA
KNWCWAXA	COTTONWOOD
KNWCWAXB	KENNEWICK
MTWAWAXA	MATTAWA
RDFDWA01	RIDGEFIELD
VANCWANO	VANCOUVER
VANCWA01	VANCOUVER
ORCHWA01	VANCOUVER
LGVWWA02	LONGVIEW-KELSO
OCSHWA01	COPALIS
ROCHWA01	ROCHESTER
OLYMWA02	OLYMPIA
SNYSWA01	BREMERTON
WNLCWA01	WINLOCK
ARLTWAXX	ARLETTA
OKHRWAXX	OAK HARBOR
PTLWWA01	PORT LUDLOW
PTTWWA01	PORT TOWNSEND
SLDLWASI	SILVERDALE
KGTNWAXA	HANSVILLE
TACMWALE	TACOMA
TACMWafa	TACOMA
STTLWAVE	SEATTLE
TACMWAFI	TACOMA
TACMWAGF	TACOMA
TACMWaju	TACOMA
TACMWALO	TACOMA

CLLI**WIRE CENTER**

TACMWASY	TACOMA
GGHRWAXA	FOX ISLAND
VSHNWAXA	VASHON
VSHNWAXB	VASHON
STTLWASU	SEATTLE
STTLWA04	SEATTLE
RCBHWAXX	RICHMOND BEACH
SLLKWAXA	SILVER LAKE
STTLWA03	SEATTLE
STTLWA05	SEATTLE
STTLWA06	SEATTLE
STTLWACA	SEATTLE
STTLWAEI	SEATTLE SOUTH
STTLWALA	SEATTLE
STWDWAXX	STANWOOD
SWLYWAXA	SEDRO WOOLLEY
SUMSWAXX	SUMAS-GTLD
SWLYWAXX	CONTEL-SEDRO WOOLLEY
PYLPWA01	PUYALLUP
RNTNWA01	RENTON
SMNRWA01	SUMNER
STTLWACH	SEATTLE
STTLWADU	SEATTLE
STTLWAPA	SEATTLE
TACMWAWA	TACOMA WAVERLY
TACMWAWV	DES MOINES
ETVLWAXC	GRAHAM
SPRRWAXX	SOUTH PRAIRIE
RDMDWAXA	KIRKLAND
SMSHWAXA	KIRKLAND
SNHSWAXX	SNOHOMISH
ASLKWAXA	AMES LAKE
CRNTWAXX	CARNATION
FLCYWAXX	FALL CITY
MCCLWAXA	MCCLEARY
BMTNWA01	BREMERTON
BNISWA01	BAINBRIDGE ISLAND
TENNWAXA	BUCODA
BURLWAXA	SEDRO WOOLLEY
BLLVWAGL	BELLEVUE
BLLVWASH	BELLEVUE
BOTHWAXB	BOTHELLI
ABRDWA01	ABERDEEN-HOQUIAM
CENLWA01	CENTRALIA

CLLIWIRE CENTER

ELMAWAXA	ELMA
BLHMWALU	BELLINGHAM-GTLD
ANCRWAXX	ANACORTES
BLANWAXB	BLAINE-BIRCH BAY-GTLD
BLHMWA01	FERNDALE-GTLD
BRBAWAXA	BLAINE-BIRCH BAY-GTLD
AUBNWA01	AUBURN
BYLKWA01	SUMNER
BURLWAXX	CONTEL-SEDRO WOOLLEY
ACMEWAXA	ACME-DEMING-WHATCOMCTY
ALGRWAXX	CONTEL-SEDRO WOOLLEY
HDPTWA01	HOODSPORT
LACYWA01	OLYMPIA
COLBWA01	PORT ORCHARD
DESMWA01	DES MOINES
FDWYWA01	DES MOINES
GRHMWAGR	GRAHAM
HLLKWAXX	HALLS LAKE
JUNTWAXA	KIRKLAND
KENTWA01	KENT
KENTWAOB	SEATTLE
KRLDWAXX	KIRKLAND
MRISWA01	SEATTLE ADAMS
LACNWAXX	LA CONNER
CNTRWAXX	CHIMACUM-CENTER
CNWWAXX	CONTEL-SEDRO WOOLLEY
EVRTWAXA	LAKE GOODWIN
EVRTWAXC	EVERETT
EVRTWAXF	EVERETT
GRNRWAXX	PORT ANGELES-GARDINER
LKGWWAXA	LAKE GOODWIN
MRWYWAXA	HALLS LAKE
MTRVWAXF	MOUNT VERNON
LKSTWAXA	EVERETT
MYVIWAXX	MARYSVILLE2
ISQHWAEX	ISSAQUAH
CLVWWAXA	SNOHOMISH
ENMCWA01	ENUMCLAW
KENTWAME	KENT
MONRWAXX	MONROE
EVSNWAXX	EVERSON-GTLD
CSTRWAXA	CUSTER-GTLD
EDSNWAXX	CONTEL-SEDRO WOOLLEY
FNDLWAXA	FERNDALE-GTLD

<u>CLLI</u>	<u>WIRE CENTER</u>
LARLWAXX	LAUREL-WHATCOMCTY
LYNDWAXX	LYNDEN-MAPLE FALLS-GTLD
SPKNWACH	SPOKANE
MDLKWAXX	MEDICAL LAKE
CHNYWAXC	CHENEY
ROSLWAXA	ROSALIA
THTNWAXA	ROSALIA
SPKNWAWA	SPOKANE
SPKNWAHD	SPOKANE
RCFRWAXB	SETTERS
SPKNWA01	LEWISTON
SPKNWAFWA	SPOKANE
SPKNWAKY	SPOKANE
SPKNWAMO	SPOKANE
SPKNWAWH	SPOKANE
PLMNWAXX	PULLMAN
LINDWAXA	LIND
RTVLWAXA	BENGE
SPNGWAXA	SPANGLE
ASOTWAXA	ASOTIN
KTFLWAXA	KETTLE FALLS
SPRGWAXA	SPRAGUE
CLVLWA01	COLVILLE
DRPKWA01	DEER PARK
LBLKWA01	LIBERTY LAKE
GRBLWA01	GREEN BLUFF
YAKMWAWA	WENATCHEE
WNTCWAXX	KENNEWICK
WTVLWAXA	WATERVILLE
YAKMWA02	YAKIMA
TITNWAXX	TIETON
SNSDWAXX	PROSSER
WPATWAXX	WAPATO
WRDNWA01	WARDEN
ZLLHWAXA	TOPPENISH
QNCYWAXX	QUINCY
SOLKWAXX	SOAP LAKE
WSCKWAXA	WILSON CREEK
CLELWA01	CLE ELUM
ELBGWAXA	SELAH
ESTNWA01	EASTON
MBTNWAXX	MABTON
EPHRWA01	EPHRATA
GERGWAXX	GEORGE

CLLI

WIRE CENTER

MNSNWAXA
NCHSWAXX
CWCHWAXX
GDVWWAXA
GRNGWAXA
HRRHWAXA
MSLKWA01
MSLKWAAB

WENATCHEE
NACHES
COWICHE
GRANDVIEW
GRANGER
HARRAH
MOSES LAKE
MOSES LAKE