

FOSTERLAW

Sara Hammond
Attorney at Law

707 West Tenth Street
Austin, Texas 78701
(512) 708-8700
Fax (512) 697-0058
www.mfosterlaw.com

Writer's Email:
sara@mfosterlaw.com

July 28, 2014

UT-143019 -P

Via Overnight Delivery

Mr. David Danner
Executive Director/Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive, S.W.
Olympia, WA 98504-7520

2014 AUG -1 PM 12:30

RE: Petition of Assist Wireless, LLC for Designation as an Eligible
Telecommunications Carrier and for Waiver of Certain Requirements in
WAC 480-123-030

Dear Mr. Danner:

Enclosed for filing please find an original and twelve (12) copies of Assist Wireless, LLC's Petition for Designation as an Eligible Telecommunications Carrier, including five exhibits, as described within the Petition. The individuals designated to receive service on behalf of Assist Wireless in connection with this petition, Mark Foster and Sara Hammond of FosterLaw, are identified within the petition pursuant to WAC 480-07-150 and other applicable administrative rules.

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

I am available to discuss this matter further with you as needed. Please contact me with any questions.

Kindest Regards,



Sara Hammond

Encl.

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

**In The Matter of the Petition of)
)
ASSIST WIRELESS, LLC.)
)
for Designation as an)
Eligible Telecommunications Carrier)
And for Waiver of Certain Requirements)
In WAC 480-123-030)**

DOCKET UT-143019

2014 AUG -1 PM 10:31

**PETITION FOR LIMITED DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

COMES NOW Assist Wireless, LLC (“Assist” or “the Company”) and makes application to the Washington State Utilities and Transportation Commission (“Commission”) for designation as an eligible telecommunications carrier (“ETC”). This application is made pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”),² and the rules and regulations of the Commission, specifically WAC 480-123-030 and -040. The Company seeks designation as a facilities-based ETC throughout the State of Washington (“Service Area”) solely for the limited purpose of offering Lifeline and Link Up (where available) services to end-user customers in the state. Assist does not seek funding from the Universal Service Fund’s (“USF”) high-cost program or Washington Telephone Assistance

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. § 54.101-54.207.

Program (“WTAP”) funding. Assist also seeks waiver of the requirements set forth in WAC 480-123-030 (d), (f), and (g).

Sections 214(e)(2) and 254 of the Act expressly authorize the Commission to designate Assist as an ETC. The Company satisfies all of the statutory and regulatory requirements for designation as an ETC in the requested designated service area, including new requirements outlined in the FCC's *USF/ICC Transformation Order*³ and *Lifeline and Link Up Reform Order*.⁴ As explained herein, the public interest would be served by granting this petition.

I. INTRODUCTION

Assist is a limited liability company organized under the laws of the State of Texas with its principal offices located at 2402 Gravel Drive, Fort Worth, Texas, 76118.

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

Mark Foster, Attorney
FosterLaw
707 West Tenth Street
Austin, TX 78701
(512) 708-8700
(512) 697-0058 (fax)
mark@mfoosterlaw.com

³ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform- Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order with Further notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”).

⁴ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No.96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline and Link Up Reform Order*”). Pertinent excerpts attached hereto as Exhibit 2.

The following company contact information is provided to the Commission for complaints and/or billing dispute issues:

Assist Wireless, LLC
Byron Young, President and CEO
2402 Gravel Drive
Fort Worth, Texas 76118
(817) 371-5279
byron.young@assistwireless.com

The Company commits to resolve complaints received by the Commission against the Company. The above-identified contact person will work with the Commission's Consumer Protection Division for complaint resolution.

The Company is authorized to do business in the State of Washington. See Exhibit A.

Exhibit B introduces to the Commission the key technical and managerial personnel with the knowledge and experience to perform the services for which designation is sought.

The Company has been granted ETC designation in Arkansas, Maryland, Missouri, and Oklahoma. The Company has pending applications for designation as an ETC in the following jurisdictions: Louisiana, Illinois, and Mississippi, as well as those states that have ceded jurisdiction of designation of ETCs to the FCC.⁵

Upon designation as an ETC, the Company will provide the supported services throughout the requested designated Service Area. The Company does not currently provide service in the State of Washington.

⁵ These "FCC default states" include: Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and District of Columbia.

II. COMMISSION AUTHORITY TO DESIGNATE ETCs

Title 47 U.S.C. § 214(e)(2) of the Act provides that a state commission shall upon request designate a common carrier as an eligible telecommunications carrier (ETC) for a service area designated by the state commission. Title 47 U.S.C. § 214(e)(1) provides that an ETC shall be eligible to receive universal service support in accordance with section 254 of the Act and shall, in the service area for which the designation is received, offer the services that are supported by federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services, and shall advertise the availability of such services and their costs using media of general distribution. The Federal Communications Commission has promulgated a list of the services or functionalities that shall be supported by federal universal service support mechanisms at 47 C.F.R. § 54.101.

III. ASSIST 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 to designate ETC status for federal universal service purposes and authorizes the Commission to designate wireless ETCs.⁶ 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

⁶ See *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) ("*USF Order*").

resale of another carrier's services. Applicants also must commit to advertise the availability and rates of such services.⁷ As detailed below, Assist Wireless satisfies each of the above-listed requirements, as well as the requirements set forth in WAC 480-123-030.

A. The Company is a Common Carrier

Assist Wireless is a common carrier as is required by 47 C.F.R. § 214(e)(1). Per 47 U.S.C. § 153(11), "The term 'common carrier' or 'carrier' means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy," Assist meets the definition of a person, offers interstate communications by wire and radio, and is a common carrier for hire.

B. The Company Shall Offer Required Services

Assist Wireless will offer all required services and functionalities. Section 214(e)(1)(A) of the Act⁸ requires an ETC to offer the services that are supported by federal universal service support mechanisms under section 254(c). Effective December 29, 2011, pursuant to the *USF/ICC Transformation Order*⁹ as further clarified by the *USF/ICC Order on Reconsideration*¹⁰, the FCC eliminated its former list of nine supported services and amended section 54.101(a) of its rules to specify

⁷ See 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

⁸ 47 U.S.C. § 214(e)(1).

⁹ See *Lifeline and Link Up Reform Order* at ¶ 367.

¹⁰ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform - Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Order on Reconsideration, FCC 11-189 (rel. Dec. 23, 2011) ("*USF/ICC Order on Reconsideration*").

that "voice telephony service" is supported by the federal universal service mechanisms. The Commission amended Sec. 54.101 to read:

Services designated for support. Voice telephony services shall be supported by federal universal service support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation for qualifying low-income consumers (as described in subpart E of this part).¹¹

Assist Wireless offers, or will offer upon designation as an ETC in Washington, all of the services¹² and functionalities required by Section 54.101(a), as amended, and Section 54.202(a) of the FCC's Rules¹³ (47 C.F.R. § 54.101(a) and 47 C.F.R. § 54.202(a)), as well as WAC 480-123-030(1)(b), including the following:

1. Voice Grade Access to the Public Switched Telephone Network. "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. Assist's customers in Washington will be able to make and receive calls on the public switched telephone network.

2. Local Usage. As part of the voice grade access to the PSTN, an ETC must provide minutes of use for local service at no additional charge to end-users. The FCC has declined on numerous occasions to impose a requirement on the minimum amount of local usage that an

¹¹ *Id.*

¹² See *USF/ICC Transformation Order*, ¶ 78; see also Revised Section 47 C.F.R. § 54.101(a) (redefining supported services).

¹³ 47 C.F.R. § 54.101(a) and 47 C.F.R. § 54.202(a).

ETC must offer, determining that it would unduly favor one technology over another.¹⁴ Assist will provide its Washington customers with minutes of use for local service at no additional charge to end-users

3. Access to Emergency Services. Assist Wireless will provide 911 and E911 access for all of its customers to the extent the local government in its service area has implemented 911 or E911 systems. Assist Wireless also will comply with the FCC's regulations governing the deployment and availability of E911 compatible handsets.

4. Toll Limitation for Qualified Low-Income Customers. In its *Lifeline and Link Up Reform Order*, the FCC stated that toll limitation would no longer be deemed a supported service.¹⁵ "ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls."¹⁶ Nonetheless, Assist Wireless' offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. Assist Wireless' service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same. Assist Wireless will not seek reimbursement for toll limitation service.

5. Other Services. While no longer required by 47 C.F.R. § 54.101(a), Assist Wireless will provide dual tone multi-frequency ("DTMF") signaling to expedite the transmission of call set up and call detail information throughout the network, single party service for the duration of

¹⁴ See e.g., *In the Matter of Federal-State Joint Board on Universal Service*, Recommended Decision 15 FCC Rcd 7331 (2002).

¹⁵ See *Lifeline and Link Up Reform Order* at ¶ 367.

¹⁶ See *id.* at ¶ 49.

each telephone call and not multi-party (or "party-line") services, access to operator services, the ability to make interexchange, or long distance, telephone calls, and access to directory assistance services by dialing "411" from the provided wireless handsets.

C. The Company Shall Use Its Own Facilities, Or a Combination of Its Own Facilities and Resale of Another Carrier's Services

Pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1) and in accordance with WAC 480-123-030(1)(b) and (c), the Company will use its own facilities or a combination of its own facilities and resale of another carrier's services to offer the services that are supported by Federal universal service support mechanisms.

The Company owns a switching platform in Dallas, Texas, which enables the Company to provide least cost routing for purposes of providing voice telephony.¹⁷ Specifically, Assist's switch provides all features: voicemail, the Short Message Service (SMS) Direct Inward Dial (DID) enablement functionality, the SMS gateway and Simple Network Management Protocol (SNMP) link, the call controller (session border controller) as well as all Call Data Record (CDR) rating and billing functionality. One hundred percent of all voice calls (incoming and outgoing) will transmit and route through the Assist facilities. Accordingly, Assist qualifies as a facilities-based carrier as defined by the federal statute and as defined by the FCC.¹⁸

¹⁷ Voice Telephony offered through Assist's switch includes: voice grade access to the public switched network; minutes of use for local service provided at no additional charge to end users; access to the emergency services, such as 911 and enhanced 911, and toll limitation, and the call controller (session border controller). The Assist switch will transmit and route all incoming and outgoing calls through the Assist switch/facilities.

¹⁸ 47 U.S.C. § 214(e)(1); *see also* *Federal-State Joint Board on Universal Service, Report and Order*, 12 FCC Red 8776, 8870-71 (1997) ("We conclude, therefore, that, if a carrier uses its own facilities to provide at least one of the designated services, and the carrier otherwise meets the definition of 'facilities' adopted above, then the facilities requirement of section 214(e) is satisfied. For example, we conclude that a carrier could satisfy the facilities requirement by using its own facilities to provide access to operator services, while providing the remaining services designated for support through resale."); *id.* at 8871 ("[S]ection 214(e) does not mandate the use of any particular level of a carrier's own facilities.").

As mentioned above, Assist has been designated as an ETC in Arkansas, Maryland, Missouri, and Oklahoma. The Company also has pending applications for designation as an ETC in Louisiana, Illinois, Mississippi, and the FCC Default States. In these designations and applications, Assist provides or proposes to provide Lifeline-supported services through resale of a national wireless carrier's network. Per FCC requirements, Assist has either received forbearance for those jurisdictions where it has already been designated as an ETC¹⁹ or seeks to maintain forbearance of application of the facilities requirement of section 214(e)(1)(A), in order to provide Lifeline-supported services through resale for those states where ETC applications are pending.

To that end, and in accordance with the *Lifeline and Link Up Reform Order* requirements, Assist Wireless submitted a Compliance Plan to the Federal Communications Commission ("FCC") on June 29, 2012 and an Amended Compliance Plan on September 27, 2012.²⁰ Approval is still pending two years later. In fact, the approval of at least 58 companies' Compliance Plans is pending, as, without providing public explanation, the FCC has not taken action on any pending Compliance Plan since December 2012.

Thus, historically, Assist operated as a facilities-based provider using its "own facilities" in part to provide Lifeline supported services as same were defined by 47 C.F.R. 54.101(a). Since the FCC changed the definition of supported services, Assist has maintained existing facilities, and has added and will be adding additional facilities so that the supported service of

¹⁹ See *Lifeline and Link Up Reform Order*, ¶ 368.

²⁰ *In the Matter of Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible to Receive Universal Service Support; Assist Wireless, LLC*, WC Docket No. 11-42, WC Docket No. 09-197, Compliance Plan of Assist Wireless, LLC (June 29, 2012); Amended Compliance Plan of Assist Wireless (Sept. 27, 2012).

"voice telephony"²¹ will be provided to eligible Washington consumers through a combination of Assist's own facilities and resale of another carrier's services.

V. The Company Shall Provide Service throughout the Designated Service Area

Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d) and in accordance with WAC 480-123-030(1)(b), the Company shall offer the services that are supported by Federal universal service support mechanisms throughout the service area for which designation is received. In addition, the Company commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service.²² The Company certifies that it will provide service on a timely basis to requesting customers within the Company's service area where the Company's underlying wireless network provider's network already reaches the potential customer's premises.²³ The Company certifies that it will provide service within a reasonable period of time, if the potential customer is within the underlying wireless provider's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by: 1) modifying or replacing the requesting customer's equipment; 2) deploying a roof-mounted antenna or other equipment; 3) adjusting the nearest cell tower; 4) adjusting network or customer facilities; 5) reselling services from another carrier's facilities to provide service; or 6) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment. See 47 C.F.R. § 54.202(a)(1)(i)(B).

²¹ *Lifeline and Link Up Reform Order*, ¶¶ 47-50.

²² See 47 C.F.R. § 54.202(a)(1)(i).

²³ See 47 C.F.R. § 54.202(a)(1)(i)(A).

VI. The Company Will Advertise the Availability of Supported Services

Pursuant to 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2), the Company shall advertise the availability of the services that are supported by Federal universal service support mechanisms and the charges for such services using media of general distribution.

Assist 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 regulations²⁴ and in accordance with the requirements set forth in the *Lifeline and Link Up Reform Order*.²⁵ The Company will engage in advertising campaigns specifically targeted to reach those likely to qualify for services supported by the Federal Universal Service Fund, promoting the availability of cost-effective telecommunications services to this neglected consumer segment.²⁶ Assist will regularly monitor the effectiveness of its advertising and adjust its expenditures among available media including website, direct mail, television, radio, and flyers/posters, in order to use the most effective advertising to make the availability of Lifeline services known to qualified consumers.

Exhibit C contains a sample print advertisement.

VII. The Company Shall Make Available Lifeline Service

Pursuant to 47 C.F.R. § 54.405 and 47 C.F.R. § 54.411(d) and in accordance with WAC 480-123-030(1)(e), the Company shall make Lifeline service available to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.

²⁴ See 47 C.F.R. § 54.201.

²⁵ See *Lifeline and Link Up Reform Order* at Section VII.F.

VIII. Service Area for Which Designation Is Requested

Assist Wireless is not a rural telephone company as defined in Section 153(37) of the Act.²⁷ Accordingly, Assist Wireless is required to describe the geographic area(s) within which it requests designation as an ETC. In accordance with WAC 480-123-030(1)(a),²⁸ Assist Wireless requests ETC designation throughout the State of Washington. Exhibit D contains a list of the actual Washington exchanges for which the company requests ETC designation.²⁹

IX. Emergency Situations

Pursuant to 47 C.F.R. § 54.202(a)(2), and WAC 480-123-030(1)(g),³⁰ a carrier seeking ETC designation must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

Assist Wireless does not own or operate any cell site or microwave hubs, since it will provide service in Washington in part by leasing or reselling much of the existing network of

²⁷ 47 U.S.C. § 153(37).

²⁸ “Contents of petition for eligible telecommunications carriers. (1) Petitions for designation as an ETC must contain:(a) A description of the area or areas for which designation is sought”.

²⁹ This is the same list of exchanges that described the Service Territory for ETC designation granted by this Commission to Boomerang Wireless, LLC on December 12, 2013 in Docket No. UT-121610.

³⁰ “Contents of petition for eligible telecommunications carriers. (1) Petitions for designation as an ETC must contain: (g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates it has at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch”.

other companies. Those third party operators have implemented state-of-the-art network reliability standards and Assist Wireless and its customers will benefit from their high standards.

Assist Wireless will have the ability to provide for the rerouting of traffic around damaged facilities and management of traffic spikes resulting from emergency situations through its the third party operators and its own switching facility. The requirement in WAC 480-123-030(g) that Assist Wireless demonstrate that it has back-up battery power or generators for anything other than its own facilities is not applicable. Accordingly, Assist Wireless seeks a waiver of the requirements of subsection (g), as the Commission granted in the *YourTel Order*.³¹

X. Consumer Protection and Service Quality Standards

Under FCC guidelines, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.³² The Company commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards. Specifically, in accordance with WAC 480-123-030(1)(h),³³ the Company commits to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service as identified and referenced in WAC 480-123-999.³⁴

³¹ *In the matter of the Petition of YourTel America, Inc.*, Order No. 1, Docket UT-1423 (April 21, 2011)(“*YourTel Order*”)

³² See *Lifeline and Link Up Reform Order* at page 209; revised 47 C.F.R. § 54.202.

³³ “Contents of petition for eligible telecommunications carriers.(1) Petitions for designation as an ETC must contain: (h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service. Information regarding the version of the CTIA code adopted and where to obtain it is set forth in WAC 480-123-999.”

³⁴ “Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows: (1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless

XI. Designation of the Company as an ETC Is in the Public Interest

Designation of the Company as an ETC would be in the public interest. Competition furthers the goals of telecommunications service and provides the consumer with a greater choice of providers and service choices, which will in turn result in market-driven prices and quality. Granting the Company ETC status would advance principles of customer service by providing increased competition and is therefore in the public interest. In addition, as a wireless provider, the Company can often serve a larger local calling area than a traditional wireline provider and afford the customer the convenience of telephony mobility.

The designation of the Company as an ETC will offer Lifeline-eligible customers a greater choice of providers for accessing telecommunications services not available to such customers today and should likely expand participation of qualifying customers in the Lifeline program.

XII. 5-Year Plan

As set forth in the *Lifeline and Link Up Reform Order*, a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC.³⁵

Service. (2) The commission adopts the version in effect on January 1, 2012. (3) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers). (4) Copies of the CTIA Consumer Code for Wireless Service are available at <http://www.ctia.org>.”).

³⁵ See *Lifeline and Link Up Reform Order* at ¶ 386 (“Second, we amend section 54.202 to clarify that a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC. In the USF/ICC Transformation Order and FNPRM, the Commission included a new requirement in section 54.202, requiring a common carrier seeking to be designated as an eligible telecommunications carrier by the Commission to submit a five-year plan describing proposed network

XIII. Local Usage Plan

FCC rules no longer require an applicant for ETC designation to demonstrate that it offers a local usage plan that is “comparable” to the plan offered by the ILEC in the relevant service territory.³⁶ Nevertheless, Assist Wireless will offer a local usage plan comparable to that offered by the ILEC in the Service Area for which it seeks designation.

XIV. Summary of Offering

The Company identifies and provides to the Commission the following description of each of the Company’s service offerings (i.e., calling plans) that will qualify for federal universal service support (the name the plan is marketed under, the number of minutes and included calling area, and the price). Exhibit E contains a summary of Assist’s available plans.

All Plans

All wireless plans will include a free handset and the following Custom Calling features:

- (1) Caller ID;
- (2) Call Waiting;
- (3) Call Forwarding;
- (4) 3-Way Calling
- (5) Voicemail.

improvements and upgrades. Given that Lifeline-only ETCs are not receiving funds to improve or extend their networks, we see little purpose in requiring such plans as part of the ETC designation process.”)

³⁶ See 47 C.F.R. § 54.202(a)(4).

Wireless handsets will be delivered at no charge to qualifying customers, service will be activated, and the requisite number of minutes will be added upon certification of the customer for Lifeline.

In the event that all airtime has been used, Lifeline Customers will have the ability to purchase additional time. Current pricing ranges from 60 minutes at \$5.00 to 1700 minutes at \$60. Customers can purchase additional minutes by calling into customer service and paying for minutes using a debit or credit card or by purchasing airtime cards at various retail outlets.

Non-Tribal Lifeline

Under the Company's wireless Lifeline plan, the Company will provide qualified Lifeline customers who reside in the service area with 250 minutes of free anytime local and long distance minutes or 250 text messages each month, and will use all low-income universal service support to allow the Company to provide the service with no monthly recurring charge, thus ensuring that the consumer receives 100% of all universal service support funding for which the Company will seek reimbursement from the Universal Service Fund necessary to provide the free minutes of airtime above.

Tribal Lifeline

Residents of Tribal Lands qualify for Assist's Tribal Lifeline plans. Under the Tribal Lifeline Unlimited Voice & Text Plan, the Company will provide qualified Lifeline customers who reside in the service area with 1500 Voice & 2000 Text minutes each month. Tribal Lifeline customers will pay \$0.00 per month after discounts are applied. Text messaging will be assessed at a rate of 1 minute per text for sending and 1 minute per text for receiving. There are no rollover minutes with this plan; unused minutes will expire each month on the service expiration date.

Under the Tribal Lifeline Unlimited Voice & Text PLUS Plan, the Company will provide qualified Lifeline customers who reside in the service area with Unlimited Voice & Text minutes each month PLUS 200 Megabytes of Data. Tribal Lifeline customers will pay \$4.95 per month after discounts are applied. Text messaging will be assessed at a rate of 1 minute per text for sending and 1 minute per text for receiving. There are no rollover minutes with this plan; unused minutes will expire each month on the service expiration date. Exhibit E contains a summary of Assist's available plans.

XV. Equal Access

Pursuant to amended 47 C.F.R. § 54.202, ETC applicants are no longer required to acknowledge 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.

XVI. Consumer Certification

Consistent with 47 C.F.R. § 54.409, the Company shall obtain a consumer's signature on a document under penalty of perjury that the consumer receives benefits under an approved assistance program or that the consumers' household meets applicable income requirements; and that the consumer will notify the Company if the consumer ceases participation in a program or his income criteria exceeds approved thresholds. The Company shall obtain this certification annually and shall put in place quality control mechanisms to ensure that only eligible consumers are participating in Lifeline.

XVII. Company Will Comply with Certification and Verification Requirements

Section 54.410 of the FCC's Rules requires ETCs to certify and verify a Lifeline customer's initial and continued eligibility. Assist Wireless will certify and verify consumer eligibility in accordance with the FCC's requirements, as revised in the Lifeline and Link Up Reform Order,³⁷ and Assist Wireless fully commits to complying with all eligibility, certification, and verification requirements established by this Commission.

XVIII. Verification

In accordance with WAC 480-123-030(2), the Company submits this petition in the manner required by RCW 9A.72.085. See signed verification below.

XIX. Assist Requests Waiver of Two Inapplicable Commission Requirements.

Assist requests waiver of the requirements of WAC 480-123-030(d). This requirement applies to carriers that seek high-cost support to fund investments to their networks. Assist is requesting ETC designation in Washington solely for the purpose of participating in the Lifeline program as a prepaid wireless carrier. It is not seeking designation for the purpose of participating in USF's high-cost program. Based on the foregoing, Assist has no basis for filing an investment plan and should be exempt from (d)

Assist also requests waiver of the requirements of WAC 480-123-030(f). While Assist does use its own facilities in combination with Assist's resale of services from underlying carriers, it does not own, control, nor plan to develop cell sites. Assist's service area encompasses that of its underlying carriers in Washington. As Assist does not have access to the

³⁷ See *Lifeline and Link Up Reform Order* at section VI.C.2(a-b).

underlying carriers' maps of geographic service areas showing the location of the cell sites, Assist respectfully requests waiver of the requirement to provide coverage maps.

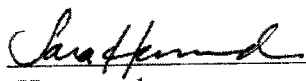
XX. Conclusion

WHEREFORE, PREMISES CONSIDERED, Assist Wireless respectfully requests that the Commission designate Assist Wireless, LLC, as an ETC for the provision of low income support on a wireless basis throughout Assist's Service Area; that the Commission grant this petition in accordance with WAC 480-123-040; that the Commission waive the hearing for this matter if the Company and any other parties to this proceeding achieve a settlement; that the Commission send appropriate notice of the Final Order to the Federal Communications Commission; and that the Commission issue such other orders as are deemed necessary in this matter.

Respectfully submitted,

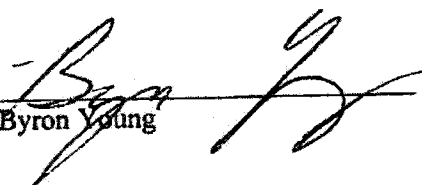
FosterLaw
707 West 10th Street
Austin, TX 78701
(512) 708-8700
(512) 697-0058/fax

Mark Foster
Texas Bar No. 07293850
mark@mfoosterlaw.com

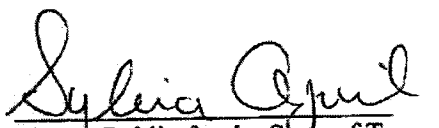
By: 
Sara Hammond
Texas Bar No. 24081003
sara@mfoosterlaw.com

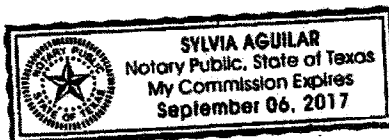
VERIFICATION

I, Byron Young, first being duly sworn, hereby state that I am President and CEO of Assist Wireless, LLC, that I am authorized to make this verification on behalf of Assist Wireless, LLC, that I have read the foregoing petition for limited designation as an eligible telecommunications carrier, that I have knowledge of the facts stated therein, and that the same are true and correct to the best of my knowledge, information and belief. I certify under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.


Byron Young

Subscribed and sworn before me this 28 day of July, 2014 in Tarrant County, Texas.


Notary Public for the State of Texas



LIST OF EXHIBITS

Exhibit A	Authorization to do Business in the State of Washington
Exhibit B	Key Managerial and Technical Personnel
Exhibit C	Sample Advertising Materials
Exhibit D	List of Wire Centers
Exhibit E	Lifeline Rate Plans

EXHIBIT A

Authorization to do Business in the State of Washington

UNITED STATES OF AMERICA

The State of



Washington

Secretary of State

I, **KIM WYMAN**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF REGISTRATION

to

ASSIST WIRELESS, LLC

a/an TX Limited Liability Company. Charter documents are effective on the date indicated below.

Date: 7/7/2014

UBI Number: 603-417-481



Given under my hand and the Seal of the State of Washington at Olympia, the State Capital

Kim Wyman, Secretary of State

Date Issued: 7/8/2014

EXHIBIT B

Key Managerial and Technical Personnel

Assist Wireless Key Personnel

Executive Management

Byron T. Young, President & CEO

Mr. Young shares the responsibility of establishing the growth strategy and overseeing the business's marketing and strategic partnerships as well as managing the technology required to operate in a very complicated technology-based organization. Byron's focus is compliance, wireless network planning, operating systems, business development, and competitive market strategy planning. Mr. Young has a great deal of corporate financing experience as well as shareholder relations for private and public companies. Mr. Young has served as a member and as Chairman on several Boards of Directors of both public and private companies.

Young Energy, LLC, was founded in January of 2004 and provides postpaid and prepaid electricity services to residential and commercial customers in the state of Texas. Mr. Young currently serves as senior advisor and board member to Young Energy, LLC.

Mr. Young has founded several other technology-based companies engaged in retail telecommunications. He founded New Talk, Inc. , a facilities based CLEC in Texas. Mr. Young founded Extel Enterprises, Inc. in 1996 and operated it successfully until purchased by a Usurf in 2004.

In 1994 Mr. Young founded Paging Express, Inc. which operated profitably during the peak of paging services. Mr. Young founded Discount Paging and Cellular in 1992 operated it until 1994.

Support Staff

Kelly King

Kelly King is the Vice President of Compliance and Operations for Assist Wireless. Kelly King has fifteen years of wireless/telecom experience and has been with Assist Wireless for three of those years. Kelly King also has fifteen years of Regulatory Compliance experience.

Darrin Lewis

Darrin Lewis is the Vice President Supply Chain Manager. Mr. Lewis has just over three years of wireless/telecom experience. During those three years, he has worked for Assist Wireless. Before he was a VP with Supply Chain Management, he worked at an Assist Wireless retail store in Oklahoma. Mr. Lewis also has 29 years of regulatory compliance experience. Darrin Lewis also gives back to the community by helping others in need. Mr. Lewis volunteered for Red Cross during catastrophes and is also a Habitat for Humanity volunteer.

Domenic Fontana

Domenic Fontana is the Director of Finance for Assist Wireless. Mr. Fontana has ten years of wireless/telecom experience, and has been with Assist Wireless for one and a half of those years. Domenic Fontana has been a board member for his home association for two years, and he and his wife are also heavily involved in volunteer work around their community.

Debbie Bender

Debbie Bender is the Director of Administration for Assist Wireless. She has two and a half years of wireless/telecom experience by working for Assist Wireless. Ms. Bender volunteered for Big Fluffy Dog Rescue, based in Tennessee, to help dog rescue efforts and helps the fostering process for those dogs.

EXHIBIT C
Sample Advertising Materials



FREE ASSIST PHONE

FOR ALL LIFELINE ELIGIBLE CUSTOMERS

See back for details

*Join the tens of thousands
who have signed up with*



**1765 South Muskogee Avenue
Tahlequah, OK 74464
Phone: (918) 431-0963**

**Monday-Friday: 9am-6pm
Hours of Operation: Saturday: 9am-3pm
or visit www.assistwireless.com**



FREE ASSIST PHONE

ARE YOU ELIGIBLE TO RECEIVE WIRELESS SERVICES?

NO CREDIT CHECK, NO CONTRACT, NO BACKGROUND CHECK

WANT TO KNOW IF YOU ARE ELIGIBLE FOR LIFELINE ASSISTANCE?

IF YOU RECEIVE ANY ASSISTANCE FROM THESE PROGRAMS YOU MAY BE ELIGIBLE!



Supplemental Security Income

Section 8 Housing Assistance



Low Income Home Energy Assistance Program

MEDICAID



Temporary Assistance for Needy Families

SNAP Food Stamps



National School Lunch Program

Tribally Administered Temporary Assistance for Needy Families

Bureau of Indian Affairs General Assistance

Food Distribution Program on Indian Reservations

Program eligibility requirements vary from state to state. Call or visit www.Assistwireless.com for specific eligibility requirements for your state.

What is Lifeline?

LIFELINE is a government assistance program. Service is non-transferable and only eligible customers may enroll in the program. The program is limited to one discount per household. Documentation is necessary for enrollment. Customers who willfully make a false statement in order to obtain the lifeline benefit can be punished by fine, imprisonment or can be barred from the program.

1765 So...
Logan, OK...
(918) 431-0963

Assistwireless
WIRELESS SERVICE ASSISTANCE

EXHIBIT D
List of Wire Centers

Incumbent Local Exchange Carrier	Exchange
Asotin Telephone Co.	
	Anatone
	Asotin Telephone Co.
Centurytel of Cowiche, Inc. dba CenturyLink	
	Cowiche
	Rimrock
	Tieton
Centurytel of Inter-Island, Inc. dba CenturyLink	
	Blakely Island
	East Sound
	Friday Harbor
	Lopez
Centurytel of Washington, Inc. dba CenturyLink	
	Almira
	Ames Lake
	Arletta
	Ashford
	Basin City
	Carnation
	Cathlamet
	Cheney
	Chinook
	Chewelah
	Connel
	Coulee City
	Creston
	Curtis
	davenport
	Edwall-Tyler
	Elma
	Eltopia
	Eureka
	Fall City
	Forks
	Fox Island
	Gig Harbor
	Harrington
	Humptulips
	Hunters
	Kahlotus
	Kettle Falls
	Kingston

Incumbent Local Exchange Carrier	Exchange
	Lake Bay
	Lake Quinault
	Lind
	Long Beach
	Mathews Corner
	McCleary
	Medical Lake
	Mesa
	Montesano
	Morton
	Neah Bay
	Nespelem
	North Bend
	Ocean Park
	Ocosta
	Odessa
	Orting
	Othello
	Pacific Beach
	Packwood
	Puget Island
	Randle
	Reardan
	Ritzville-Benge
	Snoqualmie Pass
	South Bend
	South Prairie
	Spangle
	Sprague
	Starbuck
	Twisp
	Vader
	Vashon
	Washtucna
	Wilbur
	Wilson Crk
	Winthrop
	Yacolt
Ellensburg Telephone Co.	
	Ellensburg
	Kittitas
	Selah
	Thorp
	Vantage

Incumbent Local Exchange Carrier	Exchange
Frontier Communications Northwest Inc.	
	Acme-Deming
	Alger
	Anacortes
	Arlington
	Benton City
	Big Lake
	Blaine-Birch Bay
	Bothell
	Burlington
	Brewster
	Bridgeport
	Camas-Washougal
	Cashmere
	Chelan
	Concrete
	Conway
	Custer
	Deming
	Edison
	Entiat
	Everett
	Everson
	Fairfield
	Ferndale
	Farmington
	Garfield
	George
	Granite Falls
	Grayland
	Halls Lake
	Kennewick
	Kirkland
	La Conner
	Latah
	Laurel
	Leavenworth
	Lyman-Hamilton
	Lynden
	Loomis
	Mansfield
	Mapple Falls
	Marblemount
	Marysville
	Monroe
	Molson

Incumbent Local Exchange Carrier	Exchange
	Mount Vernon
	Naches
	Newport
	Nile
	Oak Harbor
	Oakesdale
	Palouse
	Pullman
	Quincy
	Republic
	Richland
	Richmond Beach
	Rockford
	Rosalia
	Sedro Woolley
	Silver Lake
	Skykomish
	Snohomish
	Soap Lake
	Stevens Pass
	Sultan
	Sumas
	Tonasket
	Tekao
	Waterville
	Wenatchee
	Westport
	Woodland
Hat Island Telephone Co.	
	Hat Island
Hood Canal Telephone Co.	
	Union
Kalama Telephone Company	
	Kalama
Lewis River Telephone Company, Inc.	
	Amboy
	Cougar
	LA Center
	Yale
Mashell Telecom, Inc.	
	Eatonville

Incumbent Local Exchange Carrier	Exchange
McDaniel Telephone Co.	
	Mossyrock
	Salkum
Pend Orielle Telephone Company	
	Cusick
	Ione
	Metaline Falls
Pioneer Telephone Co.	
	Endicott
	Lacrosse
Qwest Corporation	
	Aberdeen
	Auburn
	Bainbridge Island
	Battle Ground
	Belfair
	Bellevue
	Bellingham
	Black Diamond
	Bremerton
	Buckley
	Castle Rock
	Centralia
	Chehalis
	Clarkston
	Cle Elum
	Colfax
	Colville
	Copalis
	Coulee Dam
	Crystal Mt
	Dayton
	Deer Park
	Des Moines
	Easton
	Elk
	Enumclaw
	Ephrata
	Graham
	Green Bluff
	Hoodsport
	Issaquah

Incumbent Local Exchange Carrier	Exchange
	Kent
	Liberty Lake
	Longview-Kelso
	Loon Lake
	Maple Valley
	Moses Lake
	Newman Lake
	Northport
	Olympia
	Omak
	Oroville
	Othello
	Pasco
	Pateros
	Port Angeles
	Port Ludlow
	Port Orchard
	Pomeroy
	Port Townsend
	Puyallup
	Renton
	Ridgefield
	Rochester
	Roy
	Seattle
	Sequim
	Shelton
	Silverdale
	Spokane
	Springdale
	Sumner
	Tacoma
	Tacoma Waverly
	Touchet
	Vancouver
	Waitsburg
	Walla Walla
	Warden
	Winlock
	Yakima
Skyline Telecom Company	
	Mt Hull
St John Telephone Co.	
	St John

Incumbent Local Exchange Carrier	Exchange
Tenino Telephone Co.	
	Bucoda
	Tenino
Toledo Telephone Co., Inc.	
	Toledo
United Telephone - Northwest - WA dba CenturyLink	
	Chimacum-Center
	Columbia
	Dallesport
	Glenwood
	Goldendale
	Grandview
	Granger
	Harrah
	Hood Canal
	Klickitat
	Lyle
	Mabton-Bickleton
	Mattawa
	Paterson
	Port Angeles-Gardiner
	Poulsbo
	Prosser
	Roosevelt
	Stevenson
	Sunnyside
	Toppenish-Zillah
	Trout Lake
	Wapato
	White Salmon
	White Swan
	Whitstran
	Willard
Western Wahkiakum County Telephone Co.	
	Graysriver
	Naselle
Westgate Communications, LLC dba Weavtel - WA	
	Stehkin
Whidbey Telephone Co.	
	Port Roberts

Incumbent Local Exchange Carrier	Exchange
	South Whidbey

EXHIBIT E
Lifeline Rate Plans

Wireless Phone Calling Plans

<u>Plan Description</u>	<u>Retail Price Per Month</u>	<u>Lifeline Price Per Month</u>
Tribal Lifeline Unlimited Voice & Text 1500 Voice & 2000 Text minutes each month	\$36.00	\$0.00
Tribal Lifeline Unlimited Voice & Text PLUS Unlimited Voice & Text minutes each month PLUS 200 Megs Data	\$39.95	\$4.95
Non-Tribal Lifeline 250 Voice or Text 250 Voice Minutes & text each month (max. 250 texts/minutes per month)	\$10.00	\$0.00

All Plans - Features

Assist Wireless Calling Features include Caller ID, Call Waiting, Three-Way Calling, Call Forwarding, and Voicemail.

Text Messaging Rates

A limited number of text messages are included in each Assist Wireless Plan, as delineated above. When text messages are sent or received in excess of the text messages included in the plan, and when no additional minute plans have been purchased, standard rates to send or receive a text message will be \$0.10 per text message received, and \$0.10 per text message sent.

Additional Minutes

Assist Wireless offers additional minute, voice and data plans for purchase. Customer purchased minute or text plans do not expire. Unused purchased minutes will roll forward each month until all purchased minutes have been used. Increment packages are available based on underlining Service Provider. Not all packages may be available for all customers to purchase. Applicable taxes and fees may apply and are the responsibility of the Customer.

Voice or Text Minute Plan pricing: Data Plan Pricing:

Voice or Text Minutes	Cost
60	\$5
200	\$10
300	\$15
400	\$20
500	\$25
600	\$30
1300	\$50
1700	\$60

Data Plans	Cost
100 Megs Data Refill	\$5
250 Megs Data Refill	\$10
600 Megs Data Refill	\$20
1 Gig Data Refill	\$30
2 Gig Data Refill	\$60

If you have any questions regarding the limits of use with airtime provided by Assist Wireless, please call: 1-855-420-2449 or contact Assist Wireless Customer Service at 1-855-EZ-ASSIST (1-855-392-7747).