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May 13, 2022

VIA EMAIL to psc@utah.gov

Utah Public Service Commission
160 East 300 South
Salt Lake City, UT 84114
Attn: Casey Coleman
Commission Administrator

Re: AirVoice Wireless, LLC d/b/a AirTalk Wireless – DOCKET NO. 22-2635-01
Direct Testimony of Henry Do

Dear Mr. Coleman

Enclosed please find for filing AirVoice Wireless, LLC d/b/a AirTalk Wireless's Direct Testimony of Henry Do for Docket No. 22-2635-01.

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

Respectfully submitted,



Lance J.M. Steinhart, Esq.
Managing Attorney
Lance J.M. Steinhart, P.C.
*Attorneys for AirVoice Wireless, LLC
d/b/a AirTalk Wireless*

Enclosures

cc: Henry Do

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Petition of Air Voice Wireless, LLC d/b/a
AirTalk Wireless for Designation as an
Eligible Telecommunications Carrier in the
State of Utah and to Participate in the Utah
Universal Service Fund

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DOCKET NO. 22-2635-01

PETITIONER'S SUBMISSION OF
PRE-FILED DIRECT TESTIMONY OF HENRY DO

Air Voice Wireless, LLC d/b/a AirTalk Wireless ("Petitioner"), by counsel, respectfully submits the attached pre-filed testimony of Henry Do.

Respectfully submitted,



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d/b/a AirTalk Wireless*

May 13, 2022

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DOCKET NO. 22-2635-01

PRE-FILED DIRECT TESTIMONY OF HENRY DO

ON BEHALF OF

**AIR VOICE WIRELESS, LLC
D/B/A AIRTALK WIRELESS**

May 13, 2022

1 **Q: PLEASE STATE YOUR NAME, YOUR POSITION WITH AIR VOICE, AND**
2 **YOUR BUSINESS ADDRESS.**

3 **A:** My name is Henry Do. I am Chief Executive Officer of Air Voice Wireless, LLC d/b/a
4 AirTalk Wireless (hereinafter referred to as “Air Voice” or the “Company”). My business
5 address is 9920 Brooklet Dr., Houston, Texas 77099.

6 **Q: PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND**
7 **PROFESSIONAL EXPERIENCE.**

8 **A:** I graduated from The Oklahoma City University with a Master of Business Administration
9 in Finance. I entered the work market as an accountant and financial analyst but became
10 an entrepreneur gaining experience with all facets of financial management including
11 budgeting and forecasting strategic financial planning, general accounting, cost
12 accounting, business support, performance reporting, financial analysis and reporting,
13 consolidations, cash management and bank relations. I have used my strong quantitative,
14 analytical, problem-solving skills and multi-tasking skills, have been used to build a group
15 of companies deeply integrated into telecom the mobile wireless service ecosystem from
16 the carrier level to the consumer.

17 **Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

18 **A:** The purpose of my testimony, combined with the Application that Air Voice filed in this
19 proceeding on March 25, 2022, is to demonstrate to the Public Service Commission of
20 Utah (“Commission”) that Air Voice meets the state and federal requirements for
21 designation as an ETC for the limited purpose of offering Lifeline services to qualified
22 households in Utah and to Participate in the Utah Universal Service Funds (“Utah USF”).
23 I will address the overall requirements for designation as an ETC and the public interest

1 benefits that will be realized by designating Air Voice as an ETC.

2 **Q: DO YOU VERIFY THE STATEMENTS AND FACTS MADE IN AIR VOICE'S**
3 **APPLICATION AND THE EXHIBITS ATTACHED THERETO?**

4 **A:** Yes, I verify the statements and facts made in Air Voice's Application and the exhibits
5 attached thereto, filed in this proceeding on March 22, 2022 ("Verified Application"), and
6 adopt the Verified Application as my own testimony.

7 **Q: PLEASE PROVIDE A BRIEF DESCRIPTION OF AIR VOICE.**

8 **A:** Air Voice Wireless, LLC dba Air Talk Wireless ("Air Voice") is a Michigan
9 Limited Liability Company. Air Voice provides or is registered to provide commercial
10 mobile radio services ("CMRS) in forty-seven (47) states and Puerto Rico and is
11 designated as an ETC on a wireless basis in California, Colorado, Kentucky,
12 Maryland, Michigan, Mississippi, Missouri, New York, Ohio, Oklahoma,
13 Pennsylvania, South Carolina and Wisconsin Air Voice has pending ETC petitions/
14 applications in 28 additional jurisdictions.

15 Air Voice provides prepaid wireless telecommunications services to consumers
16 by using the underlying wireless networks of AT&T Mobility LLC and T-Mobile USA,
17 Inc. (its "Underlying Carriers") on a wholesale basis. Air Voice obtains the
18 network infrastructure and wireless transmission facilities from its Underlying Carriers
19 to allow the Company to operate as a Mobile Virtual Network Operator ("MVNO").
20 Air Voice also provides non-Lifeline mobile phone services and is an approved
21 provider of broadband services under the FCC's Affordable Connectivity Program
22 ("ACP")

23 **A: Q: DOES THE COMPANY HAVE ANY HOLDING COMPANIES,**
OPERATING COMPANIES, OR TELECOMMUNICATIONS AFFILIATES? Air
Voice is a wholly owned subsidiary of VTel Holdings, LLC a Texas limited liability

1 company (“VTel”). Henry Hung Do, a United States citizen and a resident of the State of
2 Texas, owns one hundred percent (100%) of: (a) VTel, which was formed to acquire 100%
3 ownership interest in Air Voice; (b) Cintex Wireless, LLC d/b/a SFone Wireless, a
4 Delaware limited liability company (“Cintex”), that provides Lifeline-only wireless
5 services as an ETC in Arkansas, Maryland, Maine, Rhode Island, and West Virginia and
6 non-Lifeline wireless services throughout the United States, and is approved to provide
7 ACP services in over 45 jurisdictions; (c) NewPhone Wireless, LLC, a Louisiana limited
8 liability company (“NewPhone”), that is authorized to provide non-Lifeline wireless
9 service throughout the United States and ACP services in over 45 jurisdictions, and
10 provides Lifeline-only wireless services as an ETC in Louisiana; (d) HTH
11 Communications, LLC, a Texas limited liability company, a global and one of the largest
12 mobile device distributors in the United States, which has been in business for more than
13 thirteen (13) years; (e) SofTel Technologies, LLC, a Texas limited liability company, that
14 provides distribution services to wireless providers; and (f) Softel Holdings, LLC, a Texas
15 limited liability company which was formed to acquire 100% ownership interest in TAG
16 Mobile, LLC (“TAG Mobile”) , a limited liability company organized under the laws of
17 the State of Texas. TAG Mobile provides wireless Lifeline services to customers in the
18 following nineteen (19) states in which it has been designated an ETC: Arizona, Arkansas,
19 California, Colorado, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota,
20 Missouri, Nevada, Oklahoma, Pennsylvania, South Carolina, Texas, West Virginia and
21 Wisconsin.

22 **Q: DOES AIR VOICE CURRENTLY PROVIDE TELECOMMUNICATIONS**
23 **SERVICE IN UTAH?**

1 **A:** Air Voice currently offers wireless telecommunications service in Utah. Air Voice plans
2 to launch its Lifeline wireless services in Utah upon approval.

3 **Q: HOW ARE AIR VOICE’S SERVICES DIFFERENT FROM OTHER CARRIERS’**
4 **OFFERINGS?**

5 **A:** Many Air Voice customers are from low-income backgrounds and did not previously have
6 access to high quality wireless services because of financial constraints or poor credit
7 history. Air Voice does not conduct credit checks or require customers to enter into long-
8 term service contracts as a prerequisite to obtaining wireless service. Air Voice will offer
9 customers a certain amount of voice and broadband service free of charge after application
10 of Lifeline support, with rate plans that meet or exceed the federal minimum service
11 standards and are competitive with other plans on the market. In addition to wholly-
12 supported voice services, Air Voice will provide Lifeline customers with access to local
13 and long-distance calling, access to the following custom calling features at no charge:
14 Caller ID; Call Waiting; Call Forwarding; 3-Way Calling; and Voicemail; text messaging;
15 broadband access; and the option for a consumer to “bring their own device”. Also, calls
16 to Air Voice customer service and calls to 911 emergency services are free regardless of
17 available minutes. Customers are not bound by a local calling area requirement; all Air
18 Voice plans come with domestic long distance at no extra charge and exceptional
19 nationwide digital coverage.

20 **Q: DOES AIR VOICE CURRENTLY CONTRIBUTE TO THE FUNDING FOR**
21 **UNIVERSAL SERVICE?**

22 **A:** To the best of my knowledge, Air Voice’s account is current with the FCC in regard to
23 regulatory fees, and its account is current with USAC in regard to Universal Service Fund

1 (“USF”) contributions.

2 **Q: WHAT IS THE NATURE OF AIR VOICE’S ETC DESIGNATION REQUEST?**

3 **A:** Air Voice seeks ETC designation solely to provide Lifeline service to qualifying Utah
4 households and to Participate in the Utah USF; it does not seek access to funds from the
5 federal USF for the purpose of participating in the Link-Up program or providing service
6 to high cost areas.

7 **Q: DOES AIR VOICE MEET THE REQUIREMENTS FOR OBTAINING ETC**
8 **DESIGNATION?**

9 **A:** Yes. Air Voice meets the requirements for ETC designation contained in federal
10 regulations. Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide
11 that Petitioners for ETC designation must be common carriers that will offer all of the
12 services supported by universal service, either using their own facilities or a combination
13 of their own facilities and the resale of another carrier’s services, except where the FCC
14 has forbore from the “own facilities” requirement. Petitioners also must commit to
15 advertise the availability and rates of such services and provide additional information set
16 forth in 47 C.F.R. § 54.202(a). Air Voice satisfies each of the above-listed requirements.

17 CMRS resellers like Air Voice are treated as common carriers. Air Voice
18 recognizes that Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at
19 least in part, over their own facilities and that the FCC’s Rules (47 C.F.R. § 54.201(i))
20 prohibit state commissions from designating as an ETC a telecommunications carrier that
21 offers services exclusively through the resale of another carrier’s services. However, the
22 FCC granted forbearance from enforcement of this facilities requirement to carriers

1 seeking Lifeline-only ETC designation.¹ In accordance with the *Lifeline and Link Up*
2 *Reform Order*, Air Voice filed its Compliance Plan with the FCC outlining the measures
3 the Company will take to implement the obligations contained in the *Lifeline and Link Up*
4 *Reform Order*. A copy of the Company’s Revised Compliance Plan, which the FCC
5 approved on December 23, 2021, is attached to the Company’s Verified Application as
6 Exhibit 3. Air Voice commits to providing Lifeline service in Utah in accordance with the
7 Compliance Plan and in compliance with applicable state and federal regulations, to the
8 extent amendments thereto may supersede commitments made in the Compliance Plan.

9 **Q: ARE STATES LEGALLY REQUIRED TO COMPLY WITH THE FCC’S GRANT**
10 **OF FORBEARANCE?**

11 **A:** While I am not an attorney, I understand that when the FCC exercises its forbearance
12 authority under Section 10 of the Act, it is binding on all state commissions. Section 10(e)
13 of the Act provides: “[a] State commission may not continue to apply or enforce any
14 provision of this chapter that the [Federal Communications] Commission has determined
15 to forbear from applying under subsection (a) of this section.” As such, this Commission
16 may not apply the facilities-based requirement to Air Voice. Indeed, the Commission has
17 the authority under Section 214(e)(2) of the Act to grant the Company’s request for
18 designation as an ETC throughout the State of Utah.

19 **Q: HAS AIR VOICE BEEN DESIGNATED AS AN ETC IN OTHER STATES OR**
20 **TERRITORIES?**

¹ See *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*”) ¶ 368.

1 **A:** Yes, as mentioned previously, Air Voice has been designated as an ETC on a wireless
2 basis in California, Colorado, Kentucky, Maryland, Michigan, Mississippi, Missouri, New
3 York, Ohio, Oklahoma, Pennsylvania, South Carolina and Wisconsin.

4 **Q: HAVE THE STATE COMMISSIONS DETERMINED THAT THE PUBLIC**
5 **INTEREST WOULD BE SERVED BY THE DESIGNATION OF AIR VOICE AS**
6 **AN ETC?**

7 **A:** Yes, in each of the jurisdictions where Air Voice has been granted ETC status, the state
8 commissions determined that the public interest would be served by designating Air Voice
9 as an ETC.

10 **Q: WHAT FUNCTIONS WILL AIR VOICE OFFER TO LIFELINE SUBSCRIBERS**
11 **IF GRANTED ETC STATUS?**

12 **A:** Air Voice is able to provide all supported services required by Section 54.101(a) of the
13 FCC's Rules, which consists of voice telephony service and broadband service. Eligible
14 broadband Internet access services ("BIAS") must provide "the capability to transmit data
15 to and receive data from all or substantially all Internet endpoints, including any
16 capabilities that are incidental to and enable the operation of the communications service,
17 but excluding dial-up Internet access service." Air Voice provides BIAS via resale of its
18 underlying carrier(s) wireless services. Eligible Voice Telephony Services must provide
19 the following:

20 a. *Voice-grade access to the public switched telephone network.* Air Voice
21 provides voice grade access to the public switched telephone network ("PSTN")
22 through the purchase of wholesale CMRS services from its underlying carrier(s).

1 b. *Minutes of Use for Local Service.* As part of the voice grade access to the
2 PSTN, an ETC must provide minutes of use for local service at no additional
3 charge to end-users. Air Voice offers a variety of rate plans that provide its
4 customers with minutes of use for local service at no additional charge.

5 c. *Access to emergency services.* Air Voice provides 911 and E911 access for
6 all of its customers to the extent the local government in its service area has
7 implemented 911 or E911 systems, and will continue to comply with all FCC E911
8 requirements applicable to wireless resellers. Air Voice also complies with the
9 FCC's regulations governing the deployment and availability of E911 compatible
10 handsets.

11 d. *Toll limitation for qualifying low-income consumers.* Air Voice's service
12 is not offered on a distance-sensitive basis and local and domestic long distance
13 minutes are treated the same. In the *Lifeline and Link Up Reform Order*, the FCC
14 stated that toll limitation would no longer be deemed a supported service, and that
15 ETCs are not required to offer toll limitation service to low-income consumers if
16 the Lifeline offering provides a set number of minutes that do not distinguish
17 between toll and non-toll calls.

18 **Q: IN WHAT SERVICE AREAS IS AIR VOICE SEEKING DESIGNATION AS AN**
19 **ETC?**

20 **A:** Air Voice requests designation as an ETC that is statewide in scope, to allow the Company
21 to provide Lifeline service wherever AT&T and T-Mobile have wireless coverage,
22 including federally recognized tribal lands. The current zip code coverage footprint is
23 attached as Exhibit 3 of the Company's Verified Application. Air Voice seeks only low-

1 income Lifeline support from the federal USF. Therefore, designation of Air Voice as an
2 ETC will cause no growth in the high cost portions of the USF and will not erode high-
3 cost support from any rural telephone company. While federal rules (47 U.S.C. §§ 160,
4 214(e)(5) and 47 C.F.R. § 54.207(b)) require that the service area of an ETC conform to
5 the service area of any rural telephone company serving the same area (the “service area
6 conformance” requirement), the FCC’s *Lifeline and Link Up Reform Memorandum*
7 *Opinion and Order* (FCC 13-44 released April 15, 2013) authorized forbearance from the
8 service area conformance requirements with respect to carriers seeking to provide Lifeline-
9 only service. In light of this forbearance, the Commission has the authority to designate
10 ETCs such as Air Voice in rural areas without concern for the service area conformance
11 requirement.

12 **Q: PLEASE EXPLAIN AIR VOICE’S SERVICE COMMITMENT THROUGHOUT**
13 **THE PROPOSED SERVICE AREA.**

14 **A:** Air Voice will provide service in Utah by reselling service which it obtains from its
15 underlying carrier(s). These providers’ networks are operational and largely built out.
16 Thus, Air Voice will be able to commence offering its Lifeline service to all locations
17 served by its underlying carrier(s), initially AT&T Mobility LLC and T-Mobile USA, Inc,
18 very soon after receiving approval from the Commission. In accordance with 47 C.F.R. §
19 54.202(a)(1)(i), Air Voice commits to comply with the service requirements applicable to
20 the low-income support that it receives. Air Voice commits that its Lifeline-supported
21 services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408,
22 including as they change going forward. Because Air Voice seeks ETC designation in
23 order to provide supported services only under subpart E of Part 54 of the FCC’s Rules,

1 submission of a five-year plan under 47 C.F.R. § 54.202(a)(1)(ii) is not required.

2 **Q: WILL AIR VOICE COMPLY WITH APPLICABLE CONSUMER PROTECTION**
3 **AND SERVICE QUALITY STANDARDS?**

4 **A:** Yes, Air Voice’s service is of the same quality and reliability as that of its underlying
5 carrier(s). Under FCC guidelines (47 C.F.R. § 54.202(a)(3)), an ETC Petitioner must
6 demonstrate that it will satisfy applicable consumer protection and service quality
7 standards, and wireless Petitioners may satisfy this requirement with a commitment to
8 comply with the Cellular Telecommunications and Internet Association’s (“CTIA”)
9 Consumer Code for Wireless Service. The Company hereby commits to comply with the
10 CTIA Consumer Code for Wireless Service.

11 **Q: IS AIR VOICE ABLE TO REMAIN FUNCTIONAL IN EMERGENCY**
12 **SITUATIONS?**

13 **A:** Yes, in accordance with 47 CFR §54.202(a)(2), Air Voice has the ability to remain
14 functional in emergency situations. Through its agreement with its underlying carrier(s),
15 Air Voice provides to its customers the same ability to remain functional in emergency
16 situations as currently provided by the underlying carrier(s) to their own customers,
17 including access to a reasonable amount of back-up power to ensure functionality without
18 an external power source, the ability to reroute traffic around damaged facilities, and the
19 capability of managing traffic spikes resulting from emergency situations.

20 **Q: PLEASE EXPLAIN AIR VOICE’S FINANCIAL AND TECHNICAL CAPABILITY**
21 **TO PROVIDE LIFELINE SERVICE IN UTAH .**

22 **A:** Air Voice is financially and technically capable of providing Lifeline services in
23 accordance with 47 C.F.R. § 54.202(a)(4). As I mentioned previously, the FCC approved

1 the Company's Revised Compliance Plan on December 23, 2021; the FCC's approval
2 process included a review and determination of the Company's financial and technical
3 capability to provide Lifeline service, as did many of the Company's state-issued ETC
4 designations.

5 Air Voice has been offering non-Lifeline wireless service throughout most of the
6 United States since 1999, and Lifeline-supported wireless service since 2013. The
7 Company generates revenues from non-Lifeline services; consequently, Air Voice has not
8 relied (and does not intend to rely) exclusively on Lifeline reimbursement for the
9 Company's operating revenues. In the event that USAC ceases disbursements for a period
10 of time, the Company will still be able to provide service to its customers. The new
11 ownership and affiliates will provide additional financial, technical and managerial
12 Support.

13 A diagram of the corporate structure of Air Voice is attached to the Company's
14 Verified Application as Exhibit A.

15 With respect to technical expertise, Air Voice will be providing wireless services
16 and will rely on the managerial and technical expertise of the Underlying Carriers.

17 **Q: WHAT ARE THE RATES AND TERMS OF AIR VOICE'S LIFELINE**
18 **OFFERING?**

19 **A:** Air Voice commits that its Lifeline-supported voice services will meet or exceed the
20 minimum service standards set forth in 47 C.F.R. § 54.408, including as such standards are
21 updated going forward. Air Voice's Lifeline-supported broadband services will also meet
22 the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband
23 internet access services, including for service speed and data usage allowance, as such

1 standards are updated going forward. To the extent Air Voice provides devices for use
2 with Lifeline-supported broadband service, such devices will meet the equipment
3 requirements set forth in 47 C.F.R. § 54.408(f), and Air Voice will not impose an additional
4 or separate tethering charge for mobile data usage below the minimum standard.

5 A description of Air Voice's proposed Lifeline plans was attached to the
6 Company's Verified Application as Exhibit 2. Air Voice's current Lifeline service offering
7 proposes to give eligible customers 1000 voice minutes, unlimited text messages, and 4.5
8 gigabytes (GB) of data per month with full access to its Underlying Carriers' networks at
9 a net cost of \$0.00 after application of Lifeline support. Lifeline customers that also elect
10 to receive ACP benefits from Air Voice will receive unlimited talk and text with 15 GB
11 data after application of Lifeline and ACP support. Residents of federally recognized tribal
12 lands will receive unlimited talk, text and data at a net cost of \$0.00 after application of
13 Lifeline support. Customers will be able to purchase additional minutes or data as needed.
14 All plans will include nationwide domestic long-distance at no extra per-minute charge,
15 and Air Voice will not assess any usage for access to its free customer services (611).
16 Emergency (911) calls will be free, regardless of service activation or availability of
17 minutes, and will not count against the customer's airtime. The Company's Lifeline
18 offering will provide feature-rich mobile connectivity for qualifying subscribers without
19 the burden of credit checks or service contracts. Air Voice's prepaid offering will be an
20 attractive alternative for consumers who need the mobility, security, and convenience of a
21 wireless phone, but who are concerned about usage charges or long-term contracts.

22 **Q: WILL AIR VOICE CHARGE INSTALLATION, ACTIVATION, OR**
23 **TERMINATION FEES?**

1 **A:** No, Air Voice will not charge installation, activation, or termination fees.

2 **Q: WHAT OTHER FEATURES ARE INCLUDED IN AIR VOICE'S LIFELINE**
3 **PLANS?**

4 **A:** All Lifeline plans will also include a free handset and access to the following custom
5 calling features at no charge: (1) Caller ID; (2) Call Waiting; (3) Call Forwarding; (4) 3-
6 Way Calling; and (5) Voicemail. Customers may use their minutes to place domestic long-
7 distance calls at no additional charge. Calls made to Air Voice customer service made by
8 customers via their Air Voice handset will not deplete the customer's available airtime.
9 Air Voice customers can contact Air Voice customer service by dialing a short code (e.g.,
10 *611) from their Air Voice phone, at no cost and with no deduction of voice minutes used
11 in association with such calls. Customers whose balance of voice minutes has been
12 exhausted will still be able to make outbound calls to Air Voice customer service as long
13 as their service is active. Calls to 911 emergency services are always free, regardless of
14 service activation or availability of minutes.

15 Air Voice's Lifeline offering will allow feature-rich mobile and broadband
16 connectivity for qualifying subscribers at no cost to the subscriber after application of
17 Lifeline support, without the burden of credit checks or service contracts. Air Voice's
18 prepaid offering will be an attractive alternative for consumers who need the mobility,
19 security, and convenience of a wireless phone, but who are concerned about usage charges
20 or long-term contracts.

21 **Q: WILL AIR VOICE ADVERTISE THE AVAILABILITY OF ITS UNIVERSAL**
22 **SERVICE OFFERINGS USING MEDIA OF GENERAL DISTRIBUTION?**

23 **A:** Yes, Air Voice will advertise the availability and rates for the services described above

1 using media of general distribution as required by 47 C.F.R. § 54.201(d)(2) of the FCC's
2 regulations and the rules adopted by this Commission, and in accordance with the
3 requirements set forth in the *Lifeline and Link Up Reform Order*.² The Company will
4 advertise its services in a manner reasonably designed to reach those likely to qualify for
5 Lifeline service, using mediums for outreach such as the Internet, mass media, outreach
6 events, and community and charitable involvement. Air Voice utilize retail partners
7 (once established) to help promote the availability of its Lifeline plans, especially retail
8 outlets that are frequented by low income consumers. Air Voice will provide retail vendors
9 with signage to be displayed wherever Company products are sold. Air Voice may also
10 promote the availability of its Lifeline offering by distributing brochures at various state
11 and local social service agencies, and may partner with nonprofit assistance organizations
12 in order to inform customers of the availability of its Lifeline service. Air Voice will also
13 do online marketing on social media platforms and other online channels.

14 **Q: WILL AIR VOICE COMPLY WITH THE LIFELINE CERTIFICATION AND**
15 **VERIFICATION REQUIREMENTS?**

16 **A:** Yes. Air Voice will certify initial and verify continued consumer eligibility in accordance
17 with the FCC's requirements and with applicable Commission rules.

18 **Q: PLEASE EXPLAIN THE CUSTOMER ENROLLMENT (INITIAL ELIGIBILITY)**
19 **PROCESS FOR LIFELINE SERVICE.**

20 **A:** Air Voice's updated enrollment procedures are discussed in detail in the Company's
21 Revised Compliance Plan filed with the FCC on May 17, 2021.³ Customers interested in

² See *Lifeline and Link Up Reform Order* at Section VII.F, and 47 C.F.R. § 54.405(c).

³ The Company filed its Revised Compliance Plan (see link below) as required for the (1) reflect a proposed change in ownership of the Company; and (2) update the information provided in the Company's approved Compliance

1 obtaining information on the Lifeline program will be directed to a toll-free telephone
2 number and to the Company's website, which will contain information regarding the
3 Company's Lifeline service plans, including a description of the Lifeline program and
4 eligibility criteria. Customers must complete and sign an application form, at sign up and
5 annually thereafter, which contains the information and certifications required by 47 C.F.R.
6 § 54.410(d). Air Voice utilizes the FCC's required universal application forms, which
7 provide the disclosures required and collect the information required by FCC rules.
8 Petitioners may apply in person, by phone, online at Air Voice's website or eventually by
9 assisted online enrollment through public service agencies, or by mail. Regardless of
10 enrollment method, processing of consumers' applications, including review of all
11 application forms and relevant documentation, will be performed under the Company's
12 supervision by managers experienced in the administration of the Lifeline program.

13 Air Voice will certify and verify consumer eligibility in accordance with
14 47 C.F.R. § 54.410, utilizing the streamlined eligibility criteria set forth in FCC rules, 47
15 C.F.R. § 54.409. Prior to enrolling a new subscriber, Air Voice will check the eligibility
16 of Petitioners by accessing state or federal electronic eligibility databases, where available.
17 If a database is used to establish eligibility, Air Voice will not require documentation of
18 the Petitioner's participation in a qualifying federal program; instead, Air Voice will note
19 in its records what specific data was relied upon to confirm the Petitioner's initial eligibility
20 for Lifeline. However, in states where there is no state administrator, the state commission
21 or other state agency is not making eligibility determinations, and there is no automated

Plan due to Commission rule changes and the passage of time.

1 means for Air Voice to check electronic databases for eligibility, Air Voice will review
2 documentation to determine eligibility for new subscribers until such time as a qualifying
3 eligibility database is available. Air Voice will require acceptable documentation both for
4 income eligibility and program eligibility.

5 As discussed in detail in the Company's Revised Compliance Plan, Section I.F.,
6 all employees or agents (Company personnel) that conduct in-person enrollments are
7 trained regarding the eligibility and certification requirements in FCC rules and the
8 Company's FCC Compliance Plan. Air Voice will not enroll customers at retail locations
9 where the Company does not have an agency agreement with the retailer. Air Voice will
10 require an agent retailer to have any employees involved in the enrollment process go
11 through the standard Air Voice training process, just as it would for any other Company
12 personnel. The FCC determined in the *Lifeline and Link Up Reform Order* that ETCs may
13 permit agents or representatives to review documentation of consumer program eligibility
14 for Lifeline. Air Voice is responsible for the actions of all of its employees and agents, and
15 a non-commissioned Air Voice employee will be responsible for overseeing and finalizing
16 every Lifeline application prior to approving the application and including that customer
17 on a request for reimbursement. The Company will therefore always "deal directly" with
18 its customers to certify and verify the customer's Lifeline eligibility.

19 **Q: PLEASE EXPLAIN THE COMPANY'S CUSTOMER VERIFICATION**
20 **(CONTINUED ELIGIBILITY) PROCESS.**

21 **A:** Air Voice will re-certify the continued eligibility of all of its subscribers in accordance with
22 47 C.F.R. § 54.410(f) by contacting them – either in person, in writing, by phone, by text
23 message, by email, or otherwise through the Internet – to confirm their continued

1 eligibility. The re-certification notice will explain the actions the customer must take to
2 retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact Air
3 Voice. Air Voice will obtain a signed certification from the subscriber that meets the
4 certification requirements of 47 C.F.R. § 54.410(d). The Company will provide written
5 notice of impending service termination to subscribers who do not respond to the annual
6 re-certification within sixty (60) days. Air Voice understands that such certifications may
7 be obtained through a written format, an IVR system, or a text message, and will use one
8 or more of such options for its certifications. Alternatively, where a database containing
9 consumer eligibility data is available, Air Voice (or state agency or third-party, where
10 applicable) will instead query the database and maintain a record of what specific data was
11 used to re-certify eligibility and the date of re-certification. Air Voice will continue to
12 annually certify the continued eligibility of its entire subscriber base.

13 **Q: HOW WILL CUSTOMERS COMMUNICATE WITH AIR VOICE REGARDING**
14 **QUESTIONS, CONCERNS, OR COMPLAINTS?**

15 **A:** Air Voice commits to exceptional customer service standards. Customers are able to
16 contact the Company via a toll-free number or by dialing 611 from their Air Voice phone.
17 They will also be able to contact Customer Care via the Company's website or by mail.
18 Air Voice is committed to resolving customer questions, concerns and complaints in a
19 swift and satisfactory manner.

20 **Q: WHAT STEPS WILL AIR VOICE TAKE TO PREVENT WASTE, FRAUD, AND**
21 **ABUSE OF THE LIFELINE PROGRAM?**

22 **A:** Air Voice recognizes the importance of safeguarding the USF. Air Voice has implemented
23 measures and procedures to prevent duplicate Lifeline benefits being awarded to the same

1 household. Air Voice complies with the requirements of the NLAD and section 54.404 of
2 the FCC's rules. As such the Company (or Eligibility Administrator, where applicable)
3 queries the NLAD for every enrollment to determine whether a prospective subscriber is
4 currently receiving a Lifeline service from Air Voice or any other ETC, and whether
5 anyone else living at the prospective subscriber's residential address is currently receiving
6 Lifeline service. In addition, Company personnel emphasize the "one Lifeline service per
7 household" restriction in their direct sales contacts with potential customers.

8 Moreover, the FCC has taken steps to further curb abuse in the Lifeline program by
9 establishing the National Lifeline Eligibility Verifier ("National Verifier"), which transfers
10 the responsibility of eligibility determination away from Lifeline providers. Air Voice will
11 rely on the National Verifier, once in place, to determine initial and ongoing eligibility of Utah
12 Lifeline subscribers.

13 Consistent with federal regulations, the Company will not seek USF reimbursement
14 for new subscribers until they have personally activated the service, either by initiation and/or
15 actual use of the service and will de-enroll any subscriber that has not used the Company's
16 Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2). An account will be considered active
17 if the authorized subscriber establishes usage, as "usage" is defined by 47 C.F.R. §
18 54.407(c)(2), during the specified timeframe, currently a period of thirty (30) days, or during
19 the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen (15) days.
20 In accordance with 47 C.F.R. § 54.405(e)(3), Air Voice will provide the subscriber advanced
21 notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline
22 service within the notice period will result in service termination for non-usage. Customers
23 that have been deactivated may participate in the Company's Lifeline service in the future by

1 reapplying and re-establishing eligibility.

2 **Q: HOW WILL AIR VOICE’S PRESENCE AS AN ETC IN UTAH SERVE THE**
3 **PUBLIC INTEREST?**

4 **A:** A central purpose of the Telecommunications Act of 1996 was to “promote competition
5 and reduce regulation ... to secure lower prices and higher quality services ... and
6 encourage the rapid deployment of new telecommunications technologies” to all citizens,
7 regardless of geographic location or income.⁴ Designation of Air Voice as an ETC in Utah
8 will further that public interest. Whether because of financial constraints, poor credit
9 history, or intermittent employment, many low-income consumers often lack the countless
10 choices available to most consumers and thus have yet to reap the full benefits of the
11 intensely competitive wireless market.

12 The public interest benefits of the Company’s wireless service include larger local
13 calling areas (as compared to traditional wireline carriers), the convenience and security
14 afforded by mobile telephone service, the opportunity for customers to control cost by
15 receiving a preset amount of monthly airtime and data at no net cost, the ability to purchase
16 additional usage at flexible and affordable amounts in the event that included usage has
17 been exhausted, 911 service and, where available, E911 service in accordance with current
18 FCC requirements. The mobility of Air Voice’s service will be particularly attractive to
19 Lifeline-eligible consumers who may frequently change residences or work in migratory
20 jobs. Wireless service offers a stable contact method where traditional landline service
21 would be unavailable or not a viable option. Air Voice’s prepaid wireless service is an

⁴ The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996).

1 especially attractive option for low-income consumers because it alleviates customer
2 concerns regarding hidden costs, varying monthly charges and long-term contract issues.
3 For consumers with limited resources, the ability to meet their communications and
4 broadband access needs, while at the same time anticipating and controlling the associated
5 costs, is critical.

6 Air Voice’s Lifeline program will provide low-income Utah residents with the
7 convenience and security offered by wireless services—even if their financial position
8 deteriorates. Air Voice’s Lifeline offering is an invaluable resource for emergency
9 services and for cash-strapped consumers who may be seeking employment or simply need
10 to maintain contact with family members. It is also a commonly accepted fact that in
11 today’s market all consumers, including qualified Lifeline customers, view the portability
12 and convenience of wireless service not as a luxury, but as a necessity.

13 **Q: WHAT ARE SOME OF THE BENEFITS OF INCREASED COMPETITIVE**
14 **CHOICE?**

15 **A:** Introducing Air Voice into the market as an additional wireless ETC provider will afford
16 low-income Utah residents a wider choice of providers and available services while
17 enhancing the competitive marketplace as ETCs compete for a finite number of Lifeline-
18 eligible customers. Increasing the competitive marketplace of providers has the potential
19 to effectively increase the penetration rate and reduce the number of individuals not
20 connected to the PSTN, while helping to assure that quality services are available at just,
21 reasonable, and affordable rates. Air Voice expects that qualified consumers will elect to
22 participate in Lifeline if they are aware of a mobile voice and broadband option, and that
23 the availability of competing Lifeline programs will encourage more enhanced service

1 offerings and greater participation in the Lifeline program.

2 **Q: IF AIR VOICE'S APPLICATION IS GRANTED, WILL THERE BE ANY**
3 **FINANCIAL IMPACT ON THE UNIVERSAL SERVICE FUND?**

4 **A:** With Lifeline, ETCs only receive support for customers they obtain. The amount of
5 support available to an eligible subscriber is exactly the same whether the support is given
6 through a company such as Air Voice or the Incumbent LEC operating in the same service
7 area. The number of persons eligible for Lifeline support is the same regardless of the
8 Company's designation as an ETC; Air Voice will only increase the amount of USF
9 Lifeline funding in situations where it obtains Lifeline customers *not* already enrolled in
10 another ETC's Lifeline program. By implementing the safeguards set forth in the *Lifeline*
11 *and Link-up Reform Order* and utilizing the NLAD and National Verifier (once in place),
12 the likelihood that Air Voice's customers are not eligible or are receiving duplicative
13 support either individually or within their household is greatly minimized.

14 Air Voice's ability to increase the Lifeline participation rate of qualified low-
15 income individuals will further the goal of Congress to provide all individuals with
16 affordable access to telecommunications service, and thus any incremental increases in
17 Lifeline expenditures are far outweighed by the significant public interest benefits of
18 expanding the availability of affordable wireless services to low-income consumers.

19

1 **Q. DOES AIR VOICE COMMIT TO COMPLY WITH REGULATIONS IMPOSED**
2 **BY THE COMMISSION?**

3 **A.** Air Voice hereby asserts its willingness and ability to comply with all the rules and
4 regulations that the Commission may lawfully impose upon the Company's provision of
5 service contemplated by this Petition. Air Voice commits to pay all applicable state and
6 local regulatory fees, including, but not limited to, universal service fees, emergency
7 services, and relay services. Upon Commission request, the Company is prepared to
8 answer questions or present additional testimony or other evidence about its services within
9 the state.

10 Air Voice also seeks the Commission's authorization to obtain Utah USF support so that
11 it may provide highly competitive, feature-rich Lifeline service to qualifying low-income
12 Utah households. As described below, Air Voice meets Utah's statutory and regulatory
13 requirements for receipt of Utah USF support as outlined in Utah Code § 54-8b-15 and
14 Utah Administrative Code R746-8-403. Air Voice further commits to comply with the
15 requirements set forth in Utah Administrative Code R746-8-403 as well as any additional
16 requirements the Commission may deem necessary for Utah USF support.

17 The Utah State Legislature enacted S.B. 130, which amends statutory provisions related
18 to the Utah USF. The amended statute, codified as Utah Code § 54-8b-15, became
19 effective as of July 1, 2017. The amendments to section 54-8b-15 relate to several aspects
20 of the Utah USF, including funding, calculation of a contribution charge, and permitted
21 uses of support. In addition, the amendments provide the following:

22 A facilities-based *or non facilities-based* wireless telecommunications provider is
23 eligible for distribution from the Universal Telecommunications Service Support

1 Fund under the [L]ifeline program described in Subsection 3(b) for providing
2 [L]ifeline service that is consistent with the Federal Communications
3 Commission's [L]ifeline program for low-income consumers.⁵

4 The amended statute further provides that the Commission "may impose reasonable
5 conditions for providing a distribution to a wireless telecommunications provider under the
6 [L]ifeline program."⁶ However, the Commission "may not require a wireless
7 telecommunications provider to offer unlimited local calling as a condition of receiving a
8 distribution under the [L]ifeline program described in Subsection 3(b)."⁷ Thus, the
9 Commission has the right, but not the obligation, to impose conditions on wireless carriers'
10 receipt of funds from the Utah USF. As a non-facilities-based wireless telecommunications
11 provider, Air Voice meets the criteria as laid out in the amended Utah statute and is eligible
12 for distributions from the Utah USF based on the requirements detailed in the Utah rules.

⁵ Utah Code § 54-8b-15(15)(a) (2017) (emphasis added). Subsection 3(b) provides that the Commission shall use funds in the Utah USF to "fund a [L]ifeline program that covers the reasonable cost to an eligible telecommunications carrier, as determined by the [C]ommission, to offer [L]ifeline service consistent with the Federal Communications Commission's [L]ifeline program for low-income consumers." Utah Code § 54-8b-15(3)(b).

⁶ Utah Code § 54-8b-15(15)(b).

⁷ Utah Code § 54-8b-15(15)(c).

1 The Commission has also adopted requirements for Lifeline support, which are outlined in
2 Utah Administrative Code R746-8-403. The Commission's rules stipulate that Lifeline
3 support may not exceed \$3.50 per Lifeline subscriber per month of subscription to a service
4 that, for wireless Lifeline, meets FCC broadband Lifeline requirements as set forth in 47
5 C.F.R. 54.408 and allows, at no charge beyond the basic monthly fee, unlimited texting
6 and at least 750 voice minutes per month.”⁸ Furthermore, the rules provide that ETCs will
7 be eligible for ongoing Lifeline distribution if the company is an ongoing participant in a
8 Commission-approved Lifeline program if the Commission finds it is in the public
9 interest.⁹ Its offerings, as detailed herein, meet the requirements outlined by this
10 Commission for eligibility to receive Utah USF support.

11 **Q: IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD TO YOUR**
12 **TESTIMONY?**

13 **A:** Yes. Based on my testimony above, I would like to reiterate that Air Voice meets the
14 requirements for designation as an ETC in the State of Utah. Accordingly, Air Voice
15 respectfully requests that the Commission promptly grant Air Voice's Verified Application
16 so that Air Voice may commence providing Lifeline benefits to qualified low-income Utah
17 consumers at the earliest possible time.

18 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

19 **A:** Yes.

⁸ Utah Admin. Code R746-8-403(2)(a)(ii).

⁹ Utah Admin. Code R476-8-403(1).

VERIFICATION

**Verification of Henry Do, CEO of
Air Voice Wireless, LLC
d/b/a Air Talk**

State of Texas)
)
County of Harris)

VERIFICATION

I, Henry Do, affirm that I am the CEO of Air Voice Wireless, LLC d/b/a AirTalk Wireless, and hereby state that the matters, facts and statements set forth in the foregoing Testimony are true to the best of my knowledge and belief.

Executed on May 12, 2022



Henry Do, CEO
Air Voice Wireless, LLC
d/b/a AirTalk Wireless