

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of)	Docket No. _____
)	
True Wireless, LLC for Designation as an)	PETITION OF TRUE WIRELESS, LLC
Eligible Telecommunications Carrier)	FOR DESIGNATION AS AN
Pursuant to 47 U.S.C. § 214(e))	ELIGIBLE TELECOMMUNICATIONS
)	CARRIER PURSUANT TO 47 U.S.C. §
)	214(e).

**PETITION FOR DESIGNATION OF TRUE WIRELESS, LLC
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

True Wireless, LLC (“True Wireless” or “Company”) hereby Petitions, pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the “Act”), Utah Code Ann. §§ 63G-4-201 *et seq.* (the Utah Administrative Procedures Act), and the provisions of the Public Service Commission of Utah’s (“Commission”) rule R746-341-1 through R746-341-9, and Utah Code Ann. § 54-8b-15 for designation as an Eligible Telecommunications Carrier (“ETC”) throughout the wire centers in the State of Utah listed in Exhibit A. (the “Designated Service Area”) for the purpose of receiving federal Lifeline universal service support and state support from the Lifeline program of Utah’s Universal Public Telecommunications Service Support Fund. True Wireless hereby requests that this Petition also be deemed a Request for Agency Action under the Utah Administrative Procedures Act. As explained herein, the public interest would be served by granting this Petition--including the waiver of rule R746-360-6(D) of the Utah Administrative Code pursuant to the Commission’s exemption authority under rule R746-360-7(E) of the Utah Administrative Code—thereby enabling True Wireless to advance universal service by serving the basic and advanced communications needs of low income consumers. In support of this Petition, True Wireless states as follows:

I. INTRODUCTION

True Wireless is a wireless telecommunications carrier serving the basic telephone needs of consumers. True Wireless is a Texas limited liability company authorized to do business in Utah, and throughout the requested Designated Service Area.¹ True Wireless provides Commercial Mobile Radio Services (“CMRS”) to qualifying low income consumers in Arkansas, Maryland, Oklahoma, Rhode Island, and Texas, and proposes to provide these services in Utah. A copy of the Company’s Certificate of Formation is attached as Exhibit B. True Wireless’ address is set forth below:

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¹ True Wireless, LLC registered as a foreign limited liability company with the Utah Department of Commerce effective June 28, 2012, and is active and in good standing (entity number 8368658-0161). A copy of the Certificate of Existence for True Wireless, LLC, issued by the Division of Corporations and Commercial Code of the Department of Commerce, is attached hereto as Exhibit C.

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II. TRUE WIRELESS MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

True Wireless meets or commits to meet all the requirements for designation as an ETC as established under federal law and rules of the Federal Communications Commission (“FCC”) 47 U.S.C. § 214(e); 47 C.F.R. § 54.201 and under the Commission’s rules, including Utah Administrative Code § R746 360-2. In particular, True Wireless:

- is a common carrier (*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- will offer the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) (*see also* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1));
- will provide the supported services throughout its designated service area (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2));
- will make available Lifeline service to qualifying low income consumers (47 C.F.R. § 54.405);
- has filed the necessary compliance plan with the FCC to receive forbearance from the “own facilities” requirement of 47 U.S.C. § 214(e)(1)(A);
- will provide Lifeline services on the terms and conditions prescribed by the Commission in Utah Admin. Code §§ R746-341-1 - R746-341-9;

A. True Wireless Is a Common Carrier

True Wireless will provide CMRS throughout its requested Designated Service Area, and as a CMRS provider, True Wireless is regulated as a common carrier (47 C.F.R. § 20.9), subject to all applicable regulations, and therefore meets the ETC requirement of being a common carrier.

B. True Wireless Offers the Services Supported by Federal Universal Service Support Mechanisms

True Wireless will provide the services supported by federal Lifeline universal service support mechanism upon designation as an ETC, as defined in recently revised 47 C.F.R. § 54.101(a), which reads as follows:

Services designated for support. Voice telephony services shall be supported by federal universal support mechanisms. Eligible voice telephony service 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 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 telecommunications 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).

True Wireless complies with the revised version of 47 C.F.R. § 54.101(a) and provides the services designated for support, as set forth below

- Voice Grade Access to the Public Switched Network: Voice grade access permits a telecommunications user to transmit and receive voice communications with a minimum bandwidth of 300 to 3,000 Hertz. True Wireless will meet this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
- Minutes of Use for Local Service at No Additional Charge. Local usage is an amount of minutes of use provided free of charge. True Wireless will meet this requirement by providing a nationwide local calling area, permitting customers to call throughout the United States without toll charges.
- Access to Emergency Services. Access to emergency services includes both access to 911 and E911 services to the extent that the local government has implemented such services. True Wireless currently: (1) provides its Lifeline subscribers with 911/E911

access at the time Lifeline service is initiated, regardless of activation status and availability of minutes, and (2) provides its Lifeline subscribers with E911-compliant handsets and replaces, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.

- Toll Limitation Service for Qualifying Low-Income Consumers. Toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control.² True Wireless will meet the requirement to provide toll limitation to Lifeline subscribers by offering service on a prepaid, or pay-as-you-go, basis, as well as toll blocking for international calls. As the FCC found in its grant of ETC designation to Virgin Mobile, “the prepaid nature of [a prepaid wireless carrier’s] service offering works as an effective toll control.”³ Moreover, True Wireless will provide traditional toll blocking for international calls to qualifying low income consumers at no additional charge. True Wireless also provides its users with the ability to monitor their minute usage and balance as an additional means of controlling their communications budget.

C. True Wireless Will Provide the Supported Services Throughout Its Designated Service Areas Upon Reasonable Request

True Wireless commits to provide the supported services throughout its Designated Service Area, consistent with all applicable requirements. To the extent a potential customer requests service within True Wireless’ Designated Service Area, but outside its anticipated network coverage, True Wireless will, in cooperation with underlying carriers, follow the six-

² 47 C.F.R. § 54.400(d).

³ *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, Order, 24 FCC Rcd. 3381, 3394 at ¶ 34 (FCC 2009).

step process specified in 47 C.F.R. § 54.202(a)(1)(i). Specifically, True Wireless will determine if service can be provided with the cooperation of an underlying carrier at reasonable cost to the requesting customer 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.

D. True Wireless Will Advertise the Availability of Its Universal Service Offerings and Charges for Such Offerings Using Media of General Distribution

True Wireless commits to advertise the availability of, and charges for, the supported services using media of general distribution. This advertising will occur through some combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet. In addition, True Wireless will use appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

E. True Wireless Will Make Available Lifeline Service to Qualifying Low-Income Consumers

Upon designation as an ETC, True Wireless will make available to qualified low income consumers a discounted service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on their mobile phones for their communications needs and qualifying low income consumers are no exception. Low-income consumers would be the primary beneficiaries of True Wireless' Lifeline service offering. True Wireless plans to offer an

attractive plan of 120 minutes of nationwide calling⁴ free after application of the federal Lifeline discount, which includes local, as well as long distance calling.

F. Satisfaction of Applicable Consumer Protection and Service Quality Standards

True Wireless will comply with all applicable state and federal consumer protection and service quality standards. If designated as an ETC, True Wireless will continue to provide service on a timely basis to requesting customers within the Designated Service Area. Further, True Wireless will abide by the CTIA's Consumer Code for Wireless Service ("CTIA Code"). True Wireless has already adopted the CTIA Code and is committed to compliance with the CTIA Code throughout its service areas, including in those areas where it is seeking designation as an ETC.

G. Forbearance from the Facilities Requirement of Section 214(e)(1)(A)

In its recent *Lifeline Reform Order*, the FCC granted conditional forbearance for Lifeline ETCs, provided that these ETCs receive FCC approval of a compliance plan.⁵ True Wireless has filed the necessary compliance plan with the FCC to receive forbearance from the "own facilities" requirement of 47 U.S.C. § 214(e)(1)(A), and expects that plan to be approved within

⁴ True Wireless' 120 minute plan assumes \$3.50 in support from the Utah USF in addition to \$9.25 in federal support per customer per month. The availability of that plan is contingent on waiver, as requested *infra*, of Utah Admin. Code § R746-341-5(C) (based on the FCC's elimination of Link Up for non-Tribal Lands) and § R746-360-6(D) (because limiting low-income state USF funds to facilities-based is contrary to the purpose of the state USF, as it would only *increase* the cost of telephone service to qualifying low-income customers). If state USF support is not available, or is denied, then True Wireless would offer a plan including 90 minutes of free nationwide calling.

⁵ *In Re Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (FCC rel. Feb. 6, 2012) (hereinafter "*Lifeline Reform Order*") at 368.

approximately the next 30 to 60 days.⁶ A copy of the Company's FCC compliance plan filing will be provided to the Commission or Division of Public Utilities ("Division") upon request. True Wireless understands that the Division has indicated a willingness to move forward in processing applications prior to FCC compliance plan approval. True Wireless agrees that the Division's approach is efficient because it allows True Wireless to address potential issues of concern to the Division as soon as possible, and because it allows Utah residents to benefit from True Wireless' Lifeline offering sooner rather than later.

H. True Wireless Has the Financial And Technical Capabilities to Provide Lifeline Service

True Wireless has been providing service since mid-2010 and focuses on providing service to low income consumers. To date, the company has been designated as an ETC in five states: Arkansas, Maryland, Oklahoma, Rhode Island and Texas. True Wireless is successfully providing Lifeline supported services in these states and has a steadily increasing customer base. True Wireless owns and operates its own switching facilities, back-office and operations support systems ("OSS") that are ideally suited to serve lower revenue subscribers. True Wireless has invested millions of dollars to evaluate, design, develop and integrate these systems.

True Wireless is financially stable and fully capable of honoring its service obligations to customers and federal and state regulatory obligations. Although True Wireless derives the majority of its revenue from the sale of prepaid wireless services, True Wireless does not rely exclusively on USF disbursements to operate. For example, True Wireless derives additional revenue from the sale of wireless services with respect to certain of its wireless plans that are not

⁶ In Re Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible to Receive Universal Service Support, *et al.*, Compliance Plan of True Wireless, LLC, WC Dockets 11-42 and 09-197 (filed Mar. 29, 2012).

fully covered by the Lifeline subsidy, the sale of wireless services to non-Lifeline customers, the sale of replenishment airtime minutes, and the sale of optional service packages (e.g., Internet/text services).

I. True Wireless Meets All Requirements Established by the Commission for State Lifeline Support

True Wireless meets all the requirements established in the Commission's rules for Lifeline support and, upon grant of the waivers requested herein, for funding from the state USF. Specifically True Wireless:

1. shall provide Lifeline service to applicants that are certified as eligible pursuant to the requirements set forth in Utah Admin. Code § R746-341-3 and consistent with FCC eligibility rules for Lifeline service (*see* Utah Admin. Code § R746-341-3).⁷
2. shall cooperate with the Commission, the Division, and any other state agencies that annually verify the continuing eligibility of Lifeline customers (*see* Utah Admin. Code § R746-341-4).
3. shall provide the equivalent of dial tone voice service, and will apply a \$3.50 discount, reflecting the amount of state support in addition to the \$9.25 in federal funding, to the monthly usage charge for its Lifeline service offerings (*see* Utah Admin. Code § R746-341-5(A));
4. shall waive any security deposits that would otherwise be applicable for Lifeline customers that elect to receive toll blocking (*see* Utah Admin. Code § R746-341-5(B));

⁷ Although R746-341-3 refers to "any applicant who self-certifies, under the penalty of perjury, his household is eligible," the FCC's rules, as set forth in the *Lifeline Reform Order* no longer allow self-certification. See *Lifeline Reform Order*, ¶¶ 98-102.

5. should be exempted from the requirement to participate in the Link-Up America Plan provided by the FCC, because the FCC's recent Lifeline Reform Order has phased out this program (except on Tribal Lands, where True Wireless will not be offering service (*see* Utah Admin. Code § R746-341-5(C));⁸
6. shall waive any nonrecurring service charges for changing service plans, or for switching to Lifeline service (*see* Utah Admin. Code § R746-341-5(D));
7. shall not disconnect Lifeline services for nonpayment of toll service (*see* Utah Admin. Code § R746-341-5(E));
8. shall comply with Commission rules limiting each qualifying customer to a single Lifeline discount, including any restrictions on the number of discounts per residence (*see* Utah Admin. Code § R746-341-5(F));⁹
9. shall not require Lifeline customers to purchase other services from True Wireless, nor prohibit purchase of such services for customers complying with True Wireless' terms and conditions (*see* Utah Admin. Code § R746-341-5(G));
10. shall provide a semi-annual report, by June 30 and December 31 of each year, describing True Wireless' Lifeline program (*see* Utah Admin. Code § R746-341-7). That report shall include:
 - a. in satisfaction of R746-341-7(A)(1), the forgone revenue resulting from the discounts provided to Lifeline customers;

⁸ *See Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012).

⁹ True Wireless notes that while R746-341-5 uses the terminology of "principal residence" and "residential access line" in setting forth the rule prohibiting an applicant from receiving duplicate support, the FCC recently clarified its rules to limit Lifeline services to one subsidized service per household as defined in the Order. *See Lifeline Reform Order*, ¶¶ 69-90. True Wireless will satisfy R746-341-5 by adhering to the revised FCC rules.

- b. in satisfaction of R746-341-7(A)(2), any amounts of administrative, advertising, voucher and other program expenses for which True Wireless seeks reimbursement from the state USF;¹⁰
- c. in satisfaction of R746-341-7(A)(3), any interest accrual amounts on Lifeline funds for which True Wireless seeks reimbursement from the state USF;¹¹ and
- d. in satisfaction of R746-341-7(A)(4), the number of Lifeline telephone service customers by zip code;¹² and
- e. in satisfaction of R746-341-7(A)(5), a detailed report of outreach efforts.

In addition, True Wireless will contribute to the state USF pursuant to Utah Code §54-8b-15(10)(b) and § 54-8b-2(18), and shall comply with the Prepaid Wireless 911 Service Charge pursuant to Utah Code § 69-2-5.7.¹³

¹⁰ True Wireless understands that this requirement is intended only for the purpose of state USF reimbursement, and that if state USF funds are not granted by the Commission, then no such reporting is required by R746-341-7(A)(2).

¹¹ As above, True Wireless understands this requirement is intended only for the purpose of state USF reimbursement, and that reporting is not required under R746-341-7(A)(3) if state USF funds are not granted by the Commission.

¹² Although R746-341-7(A)(1) includes the phrase “exchange area,” True Wireless understands that the goal of this requirement is simply to establish the geographic service areas, and therefore asks the Commission for a finding that True Wireless can satisfy this requirement in an administratively feasible manner by providing customer numbers by zip code. In the alternative, True Wireless requests a waiver of the exchange area requirement of R746-341-7(A)(1).

¹³ True Wireless understands that the Commission has held the Prepaid Wireless 911 Service Charge is imposed in lieu of the charges supporting 911 (Utah Code § 69-2-5); E-911 Emergency Services (Utah Code § 69-2-5.6); and the Poison Control Center (Utah Code § 69-2-5.5). *See In the Matter of Virgin Mobile USA, L.P. Petition for Limited Designation as an Eligible Telecommunications Carrier*, Commission Docket No. 10-2521-01, Order on Reconsideration (issued July 13, 2011), at 2 (“This [Prepaid Wireless 911] service charge provides the means for pre-paid wireless services sold through retail outlets to contribute to the funding of emergency services addressed in Utah Code Ann. §§ 69-2-5, 69-2-5.5, and 69-2-5.6 (911 emergency telecommunications services, the Poison Control Center, and statewide unified

True Wireless asks the Commission to waive Utah Admin. Code § R746-360-6(D), on the basis that application of that requirement to a carrier seeking only low-income funding is contrary to the purpose of the state USF. As R746-360-1 emphasizes, an express purpose of the fund under Utah Code 54-8b-15 is “ensuring that customers have access to basic telecommunications service at just, reasonable and affordable rates.” In keeping with this goal, R746-360-7(D) provides additional USF funds for discounts to Lifeline customers, separate from the funding USF proxy cost model for high-cost support set forth in R746-360-7(A)-(C):

D. Lifeline Support -- Eligible telecommunications corporations shall receive additional USF funds to recover any discount granted to lifeline customers, participating in a Commission approved Lifeline program, that is not recovered from federal lifeline support mechanisms.

Based on the availability of such funding, True Wireless proposes to offer an additional discount of \$3.50 per customer per month, corresponding to 30 additional minutes of free service.

Unfortunately, the wording of R746-360-6(D), which appears intended to preclude a carrier that is not investing in network infrastructure itself from receiving high-cost funds, also precludes resellers from using state USF funds to provide additional discounts to Lifeline customers – even though such funds directly support affordable telephone service for low-income customers. That provision reads:

D. Exclusion of Resale Providers -- Only facilities-based providers, will be eligible to receive support from the fund. Where

E-911 emergency service.”). True Wireless further understands that another wireless ETC petitioner has challenged the applicability of certain charges to providers of low-income Lifeline services. *See In the Matter of the Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Utah for the Limited Purpose of Offering Lifeline Service to Qualified Households*, Commission Docket No. 09-2511-01, Order on Reconsideration (issued March 9, 2011). True Wireless reserves all rights to revisit payment of any and all charges ultimately determined to be inapplicable to such providers by the Commission, the Utah Supreme Court, or any other competent judicial authority.

service is provided through one telecommunications corporation's resale of another telecommunications corporation's service, support may be received by the latter only.

R746-360-6(D). While restricting funds for infrastructure improvement to facilities-based carriers may be reasonable, the restriction makes no sense for low-income funding, and only serves to raise prices and reduce customer choice for low-income Utah residents. In short, the effect of R746-360-6(D), if applied to low-income funds, is directly contrary to the purposes of universal service, particularly the goal to “preserve and promote universal service within the state by ensuring that customers have access to affordable basic telephone service.” Utah Code § 54-8b-15(6)(b). R746-360-7(E) expressly contemplates situations where application of certain provisions would be inconsistent with the purpose of universal service:

E. Exemptions -- Telecommunications corporations may petition to receive an exemption for any provision of this rule or to receive additional USF support, for use in designated support areas, to support additional services which the Commission determines to be consistent with universal service purposes and permitted by law.

Accordingly, pursuant to the purpose of universal service and R746-360-7(E), True Wireless requests a waiver of R746-360-6(D), or in the alternative requests that the Commission hold that R746-360-6(D) applies only to high-cost funds.

III. DESIGNATION OF TRUE WIRELESS AS AN ETC IS IN THE PUBLIC INTEREST

Although 47 U.S.C. § 214(e)(2) and Utah rules require a finding that ETC designation is in the public interest only for rural service areas,¹⁴ here designation of True Wireless is plainly in

¹⁴ 47 U.S.C. § 214(e)(2) states:

the public interest. True Wireless meets all of the requirements for designation as an ETC by providing the supported services, committing to serve all consumers throughout its Designated Service Area, offering a Lifeline service consistent with all applicable requirements, advertising the availability of its universal service offerings, and furthering the goals of the universal service program.¹⁵ Moreover, designation of True Wireless as an ETC is in the public interest because eligible consumers will benefit from competitive pricing and new services, such as True Wireless' Lifeline plan. As True Wireless extends its service offerings to Utah, consumers will benefit from a high level of service quality and more service options.

The Commission has recently ruled, in considering the petition of Virgin Mobile, on the strong public interest in the provision of wireless service to low-income Lifeline customers:

[W]e find Virgin Mobile's free and discounted wireless services will enhance competition and will make the benefits of wireless service more available to lower-income consumers who have not

Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.”

(emphasis added).

¹⁵ Because True Wireless seeks designation only for the Lifeline program and because it seeks designation only in non-rural areas, no cream-skimming analysis will apply to this petition. *See In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45, Order 09-18, ¶ 39 n. 101 (March 5, 2009) (explaining that “we need not perform a creamskimming analysis because Virgin Mobile is seeking eligibility for Lifeline support only”) (hereinafter “Virgin Mobile Order”); *In the Matter of Federal-State Joint Board of Universal Service*, Report and Order, 20 FCC Rcd 6371, CC Docket No. 96-45, Order 05-46, (March 17, 2005) (hereinafter “ETC Requirements Order”), at ¶ 52 (finding that cream-skimming is a concern in rural areas but that the analysis is “unnecessary” in non-rural service areas because of the different cost model).

had access to this technology due, in part, to typical contractual requirements of wireless carriers. Virgin Mobile's Lifeline service will increase consumer choice and improve consumer access to high quality mobile telecommunications capability. We note in particular the economic value to lower-income consumers of free voice mail, call waiting and caller ID functions, and the public safety value of broader access to E911.¹⁶

The same rationale applies to True Wireless' proposed Lifeline service offerings. Access to wireless services is no longer a luxury, but a necessity for many economically disadvantaged Americans. Low income consumers are mobile and transient, often balancing multiple jobs and moving far more frequently than consumers with higher incomes, making wireless telecommunications the only technology that truly suits their needs in most cases. Because low income consumers spend less time during the day at a fixed location, and even less time at a fixed location with a phone available for their use, access to wireless telecommunications is of crucial importance to low income consumers.

True Wireless fulfills a critical role in the marketplace by ensuring that these low income consumers, who cannot afford the services provided by other wireless providers, can still access these important services. True Wireless' designation as an ETC will result in low income consumers having greater access to wireless telecommunications services in Utah, thereby advancing the basic goal of preserving and advancing universal service.¹⁷ Indeed, True Wireless will pass through to its Lifeline eligible customers the entirety of the federal and state Lifeline discount. Designating True Wireless as an ETC will improve its ability to serve these customers, and thus will serve the public interest.

¹⁶ *In the Matter of Virgin Mobile USA, L.P. Petition for Limited Designation as an Eligible Telecommunications Carrier*, Commission Docket No. 10-2521-01, Order on Reconsideration (issued July 13, 2011), at 10.

¹⁷ See 47 U.S.C. § 254(b).

IV. CERTIFICATION FOR USE OF UNIVERSAL SERVICE FUNDS

True Wireless certifies that it will use federal low income universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, in accordance with 47 U.S.C. § 254(e).

V. CONCLUSION

True Wireless respectfully requests designation as an ETC for the Designated Service Area for purposes of receiving federal and state Lifeline universal service support.

Dated this 16th day of July, 2012.

Respectfully submitted,

True Wireless, LLC

By: _____

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LIST OF EXHIBITS

Exhibit A – Designated Service Area

Exhibit B – Certificate of Formation

Exhibit C—Certificate of Existence