

**Lance J.M. Steinhart, P.C.**  
Attorney At Law  
1725 Windward Concourse  
Suite 150  
Alpharetta, Georgia 30005

Also Admitted in New York  
and Maryland

Telephone: (770) 232-9200  
Facsimile: (770) 232-9208  
Email: [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

December 15, 2023

**VIA EMAIL to psc@utah.gov**

Utah Public Service Commission  
Heber M. Wells Building  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, UT 84111  
Attn: Gary Widerburg  
Commission Administrator

Re: IM Telecom, LLC d/b/a Infiniti Mobile - Petition for Designation as an Eligible  
Telecommunications Carrier in the State of Utah

Dear Mr. Widerburg:

Enclosed please find for filing IM Telecom, LLC d/b/a Infiniti Mobile's Petition for  
Designation as an Eligible Telecommunications Carrier in the State of Utah.

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 IM Telecom, LLC d/b/a Infiniti Mobile*

Enclosures



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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Petition of IM Telecom, LLC d/b/a Infiniti Mobile	)	<b>Docket No.</b> _____
	)	
	)	
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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**PETITION OF IM TELECOM, LLC D/B/A INFINITI MOBILE  
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER  
IN THE STATE OF UTAH AND TO PARTICIPATE IN THE UTAH UNIVERSAL  
SERVICE FUND**

**I. INTRODUCTION**

IM Telecom, LLC d/b/a Infiniti Mobile (“INFINITI” or the “Company”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),<sup>1</sup> Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”),<sup>2</sup> and the rules and regulations of the Public Service Commission of Utah (the “Commission”), including the Commission’s Rules of Practice and Procedure, Utah Code § 54-7-, hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Utah and to Participate in the Utah Universal Service Funds (“Utah USF”) (this “Petition”).

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<sup>1</sup> 47 U.S.C. § 214(e)(2)

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207.

INFINITI seeks ETC designation solely to provide Lifeline service to qualifying Utah consumers; it will not (and is not eligible to) seek access to funds from the federal Universal Service Fund (“USF”) for the purpose of participating in the Link-Up program or high cost program.<sup>3</sup>

As demonstrated herein, and as certified in Exhibit 1 attached hereto, INFINITI meets all the statutory and regulatory requirements for designation as an ETC in the State of Utah, including the requirements outlined in the FCC’s *Lifeline and Link Up Reform Order*,<sup>4</sup> *Lifeline Modernization Order*,<sup>5</sup> and *Fifth Report and Order*.<sup>6</sup> Furthermore, INFINITI is positioned to reach unserved and underserved Lifeline-eligible consumers. Rapid grant of INFINITI’s request, therefore, would advance the public interest because it would enable the Company to commence much needed Lifeline services to a wide array of low-income Utah residents as soon as possible. Accordingly, the Company respectfully requests that the Commission expeditiously approve this Petition.

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

<sup>4</sup> *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*”).

<sup>5</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket No. 11-42, WC Docket No. 09-197, WC Docket No. 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) (hereinafter, “*Third Report and Order*” or “*Lifeline Modernization Order*”).

<sup>6</sup> *In the Matter of Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 19-111 (rel. Nov. 14, 2019) (hereinafter, “*Fifth Report and Order*”).

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

Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
Attorneys for IM Telecom, LLC d/b/a Infiniti Mobile  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
(770) 232-9208 (Fax)  
E-Mail: [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

## II. COMPANY OVERVIEW

INFINITI is an Oklahoma Limited Liability Company.<sup>7</sup> Its principal office is located at 500 N. Central Expressway, Suite 202, Plano, Texas 75074. INFINITI is a wholly owned subsidiary of KonaTel, Inc., a Delaware corporation (“KonaTel”) which acquired INFINITI on January 31, 2019, and received all required approvals from the FCC and state commissions. INFINITI is a provider of commercial mobile radio service (“CMRS”) and provides prepaid wireless telecommunications services to consumers by using the underlying wireless networks of AT&T Mobility (“AT&T”), Verizon Wireless (“Verizon”) and T-Mobile USA, Inc. (“T-Mobile”) (collectively “Underlying Carriers”) on a wholesale basis. INFINITI has been designated as a Lifeline-only wireless ETC in California, Georgia, Kentucky, Maryland, Nevada, New York, Oklahoma, Pennsylvania, South Carolina, Vermont and Wisconsin. INFINITI is also authorized by the FCC and USAC to participate in the Affordable Connectivity Program (the “ACP”) throughout the United States, including Utah.

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<sup>7</sup> Infiniti was organized in the State of Oklahoma on February 9, 2012.

INFINITI will provide affordable prepaid mobile phone service, including calling, text messaging, and broadband access, along with user-friendly handsets, tablet or hotspot devices. The Company will not require service contracts from its customers and it will always ensure competitively low pricing for its services and products. INFINITI will manage all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and customer service. The Company's prepaid, budget-friendly pricing will give many low-income consumers the option of having mobile phone service and broadband access without the burden of hidden costs, varying monthly charges, or contractual commitments. Customers will be able to customize their INFINITI service to suit their needs with INFINITI's available bundles of minutes, broadband data, and text packages to supplement their monthly plan.

INFINITI's Lifeline customers will depend on, and benefit greatly from, INFINITI's inexpensive and flexible pricing plans. INFINITI will not impose credit checks nor will it require any deposits or contractual commitments. Many Lifeline customers turn to carriers like INFINITI because they cannot afford the postpaid services provided by traditional wireless carriers. INFINITI will affirmatively reach out to the low-income sector of the consumer base to offer attractive and affordable communications options. As such, INFINITI will contribute to the expansion of mobile wireless and broadband services for low-income consumers in Utah.

### **III. THE COMMISSION HAS JURISDICTION OVER DESIGNATION OF WIRELESS ETCS**

Section 214(e)(2) of the Act provides state public utility commissions with the "primary responsibility" for the designation of ETCS.<sup>8</sup> Although Section 332(c)(3)(A) of the Act prohibits states from regulating the entry of or the rates charged by any provider of commercial mobile

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<sup>8</sup> 47 U.S.C. § 214(e)(2).



service or any private mobile service, this prohibition does not allow states to deny wireless carriers ETC status.<sup>9</sup> Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1).

INFINITI recognizes that Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over their own facilities and that Section 54.201(i) of the FCC's Rules (47 C.F.R. § 54.201(i)) prohibits state commissions from designating as an ETC a telecommunications carrier that offers services exclusively through the resale of another carrier's services. However, the FCC has granted forbearance from enforcement of this facilities requirement to carriers seeking Lifeline-only ETC designation.<sup>10</sup> Section 10(e) of the Act (47 U.S.C. § 160(e)) provides: “[a] State commission may not continue to apply or enforce any provision of this chapter that the [Federal Communications] Commission has determined to forbear from applying under subsection (a) of this section.” As such, the Commission is required by Section 10(e) to act in accordance with the FCC's grant of forbearance, and therefore, may not apply the facilities-based requirement to INFINITI. Therefore, the Commission has the authority under Section 214(e)(2) of the Act to grant INFINITI's request for designation as an ETC throughout the State of Utah.

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<sup>9</sup> *USF Order*, at 8858–59, ¶ 145.

<sup>10</sup> *See Lifeline and Link Up Reform Order* at ¶ 368.

#### **IV. INFINITI SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC UNDER 47 C.F.R. § 54.201**

Section 254(e) of the Act provides that, “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(2) of the Act authorizes state commissions, such as the Commission, to designate ETC status for federal universal service purposes and authorizes the Commission to designate wireless ETCs.<sup>11</sup> 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 shall, throughout the designated service area, offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier’s services, except where the FCC has forbore from the “own facilities” requirement. Applicants also must commit to advertise the availability and rates of such services.<sup>12</sup> As detailed below, INFINITI satisfies each of the above-listed requirements.

##### **A. INFINITI Will Provide Service Consistent with the FCC’s Grant of Forbearance from Section 214’s Facilities Requirements**

Although Section 214 requires ETCs to provide services using their facilities, at least in part, the FCC has forbore from that requirement with respect to carriers such as INFINITI. In the *Lifeline and Link Up Reform Order*, the FCC granted forbearance from the “own-facilities” requirement contained in Section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions:<sup>13</sup>

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<sup>11</sup> See *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) (“*USF Order*”).

<sup>12</sup> See 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

<sup>13</sup> See *Lifeline and Link Up Reform Order* at ¶¶ 368, 373, and 379.

(1) the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions (a) and (b) starting on the effective date of this Order]; and

(2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.

In accordance with the *Lifeline and Link Up Reform Order*, INFINITI filed its Compliance Plan with the FCC, which the FCC approved on August 8, 2012.<sup>14</sup> The Company's Revised Compliance Plan, which updated terms and conditions and reflected the acquisition by KonaTel, was approved by the FCC on October 23, 2018 and is attached hereto as Exhibit 2.<sup>15</sup> INFINITI commits to providing Lifeline service in Utah in accordance with its approved Compliance Plan, as revised, and in compliance with applicable state and federal regulations, to the extent amendments thereto may supersede commitments made in the Compliance Plan.

## **B. INFINITI Is a Common Carrier**

CMRS providers like INFINITI are treated as common carriers.<sup>16</sup>

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<sup>14</sup> See FCC Public Notice DA 12-1286, <https://www.fcc.gov/document/wcb-approves-compliance-plans-birch-communications>.

<sup>15</sup> See FCC Public Notice DA 18-1081, <https://www.fcc.gov/document/wcb-approves-wireless-compliance-plan-im-telecom>.

<sup>16</sup> *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory "mobile services" category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(1)(A) ("mobile services" providers are common carriers); see also *PCIA Petition for Forbearance for Broadband PCS*, WT Docket No. 98-100, (Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 16857, 16911 ¶ 111 (1998) ("We concluded [in the *Second Report and Order*] that CMRS also includes the following common carrier services: cellular service, ... all mobile telephone services and resellers of such services.") (emphasis added).

### C. INFINITI Will Provide All Supported Services

Through its Underlying Carriers, INFINITI is able to provide all of the supported services required by Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)) as follows:

#### 1. Voice Telephony Service

As set forth in 47 C.F.R. § 54.101(a)(1), eligible Voice Telephony Services must provide the following:

Voice Grade Access to the Public Switched Telephone Network. INFINITI provides voice grade access to the public switched telephone network ("PSTN") through the purchase of wholesale CMRS services from its facilities-based underlying carriers.

Local Usage At No Additional Charge. INFINITI offers rate plans that provide its customers with minutes of use for local service at no additional charge.

Access to Emergency Services. INFINITI provides 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. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. INFINITI also complies with the FCC's regulations governing the deployment and availability of E911 compatible handsets.

Toll Limitation. In its *Lifeline and Link Up Reform Order*, the FCC provided that toll limitation would no longer be deemed a supported service.<sup>17</sup> "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."<sup>18</sup> Nonetheless, INFINITI's offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is

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<sup>17</sup> See *Lifeline and Link Up Reform Order* at ¶ 367.

<sup>18</sup> See *id.* at ¶ 49.

offered on a prepaid, or pay-as-you-go, basis. INFINITI's service, moreover, is not offered on a distance-sensitive basis and local and domestic long distance minutes are treated the same.

## **2. Broadband Internet Access Services**

INFINITI provides Broadband Internet access service ("BIAS") in accordance with the FCC's minimum service standards to ensure Lifeline customers receive full Lifeline support. The FCC has stated that BIAS consists of the ability for a user to receive "the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service."<sup>19</sup> INFINITI provides BIAS to low-income consumers via resale of Underlying Carriers' services.

### **D. INFINITI Requests Designation Throughout Its Service Area**

INFINITI is not a rural telephone company as defined in Section 153(37) of the Act (47 U.S.C. § 153(37)). Accordingly, INFINITI is required to describe the geographic area(s) within which it requests designation as an ETC. INFINITI requests ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever its underlying, facilities-based provider(s) have wireless coverage, including federally-recognized tribal lands, including as it may change going forward.<sup>20</sup> Current coverage maps are attached hereto as Exhibit 3. INFINITI understands that its service area overlaps with rural carriers in Utah, but maintains that the public interest factors described below justify its designation in these carriers' service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers.

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<sup>19</sup> See 47 C.F.R. § 8.2(a).

<sup>20</sup> The Company requests that the Commission expressly indicate in the ETC designation order that such designation includes federally recognized tribal lands.

INFINITI is not eligible for and does not seek Link-Up or high-cost support. Therefore, designation of INFINITI as an ETC will cause no growth in the high-cost portions of the USF and will not erode high-cost support from any rural telephone company. In fact, the FCC has determined that “[d]esignation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”<sup>21</sup> While federal rules (47 U.S.C. §§ 160, 214(e)(5) and 47 C.F.R. § 54.207(b)) require that the service area of an ETC conform to the service area of any rural telephone company serving the same area (the “service area conformance” requirement), the FCC’s *Lifeline and Link Up Reform Memorandum Opinion and Order* (FCC 13-44 released April 15, 2013) authorized forbearance from the service area conformance requirements with respect to carriers seeking to provide Lifeline-only service.<sup>22</sup> In light of this forbearance, the Commission has the authority to designate ETCs such as INFINITI in rural areas without concern for the service area conformance requirement.<sup>23</sup>

**E. INFINITI Will Advertise the Availability of Supported Services**

INFINITI will advertise the availability and rates for the services described above using media of general distribution as required by 47 C.F.R. § 54.201(d)(2). INFINITI will comply with the FCC’s rules regarding information to be included in marketing materials, including FCC rule section 54.405(c). Specifically, INFINITI’s marketing materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain

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<sup>21</sup> See *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, Memorandum Opinion and Order, 16 FCC Rcd 48, 55 (2000).

<sup>22</sup> See *In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform*, WC Docket No. 09-197, WC Docket No. 11-42, Memorandum Opinion and Order, FCC 13-44 (rel. April 15, 2013).

<sup>23</sup> See 47 C.F.R. § 54.207(c).

eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) INFINITI is the provider of the services. Moreover, the Lifeline application/certification form will state that Lifeline is a federal benefit and that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

The Company will advertise its services in a manner reasonably designed to reach those likely to qualify for Lifeline service, using mediums for outreach such as internet, radio, television, print advertising, and direct mailing.<sup>24</sup> Moreover, INFINITI will expand its advertising efforts as necessary to ensure that Lifeline-eligible customers are aware of the Company's service offerings.

**V. INFINITI SATISFIES THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION UNDER 47 C.F.R. § 54.202(a)**

INFINITI hereby provides the additional information and certifications required for carriers seeking ETC designation as set forth in 47 C.F.R. § 54.202(a).

**A. Service Commitment Throughout the Proposed Designated Service Area**

INFINITI will provide service in Utah by reselling service which it obtains from its Underlying Carriers whose networks are operational and largely built out. Thus, INFINITI will be able to commence offering its Lifeline service to all locations served by its Underlying Carriers very soon after receiving approval from the Commission.

In accordance with 47 C.F.R. § 54.202(a)(1)(i), and by the certification attached in Exhibit 1, INFINITI commits to comply with the service requirements applicable to the low-income support that it receives. Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a common carrier seeking designation as

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<sup>24</sup> See attached Exhibit 4 for a sample advertisement. The advertisement will be updated if necessary to comply with any state specific requirements.

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.

**B. Ability to Remain Functional in Emergency Situations**

In accordance with 47 C.F.R. § 54.202(a)(2), INFINITI has the ability to remain functional in emergency situations. As discussed, INFINITI will utilize the extensive and well-established network and facilities of Tier 1 carriers to provide its Lifeline services. The Company understands that its Underlying Carriers' networks have access to a reasonable amount of back-up power to ensure functionality without an external power source, are able to reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations. Through access to the Underlying Carriers' networks, INFINITI and its customers benefit from this same functionality.

**C. Commitment to Consumer Protection and Service Quality**

In accordance with 47 C.F.R. § 54.202(a)(3), an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards, and wireless applicants may satisfy this requirement with a commitment to comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service. INFINITI hereby commits to comply with the CTIA Consumer Code for Wireless Service.

**D. INFINITI is Financially and Technically Capable**

In accordance with 47 C.F.R. § 54.202(a)(4), INFINITI is financially and technically capable of providing Lifeline-supported services. INFINITI currently provides service to both Lifeline and non-Lifeline customers. INFINITI has not been subject to enforcement action, and has not been subject to ETC revocation proceedings in any state except for Wisconsin which was reinstated.<sup>25</sup>

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<sup>25</sup> The Public Service Commission of Wisconsin (WI PSC) granted Infiniti designation as an ETC by Order effective May 25, 2016 in Docket No. 9694-TI-100. The WI PSC rescinded Infiniti's ETC designation in Docket No. 5-TI-



INFINITI is financially able to provide Lifeline-supported services; the Company does not, and does not intend to, offer exclusively Lifeline-supported services—and the Company is therefore not exclusively dependent on USAC for its revenue. INFINITI also has access to managerial, technical and financial resources from its parent company, KonaTel. INFINITI is fully capable of honoring all of its service obligations to customers and regulatory obligations to state and federal regulators. Furthermore, the senior management of INFINITI has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to the Company.<sup>26</sup> INFINITI will be providing resold wireless service, and therefore INFINITI will also rely upon the managerial and technical expertise of its Underlying Carriers.

#### **E. Terms and Conditions of Proposed Lifeline Offering**

INFINITI has the ability to provide all services supported by the universal service program, as detailed in 47 C.F.R. § 54.101(a), throughout Utah. INFINITI intends to be a leader in the prepaid marketplace by offering consumers exceptional value and competitive amounts of voice and broadband usage. INFINITI commits that its Lifeline-supported voice services will meet or

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2723 effective July 30, 2020 because the Company had not yet offered Lifeline service in Wisconsin and did not respond to certain data requests issued by Staff. Infiniti filed to reinstate its ETC designation, sincerely apologizing for the circumstances surrounding its ETC revocation proceeding, identifying the reasons for its failures, and explaining the steps it had taken to remedy these problems: “In order to prevent any compliance deficiencies in the future, Infiniti has put measures in place to ensure consistent, timely compliance going forward by contracting with independent third-party compliance vendors: FAS Tek Compliance Solutions, Inc. for ongoing regulatory compliance and reporting ongoing sales and use tax and E-911 compliance; Expert Telecom Compliance, Inc. for ETC-specific compliance; and Lance J.M. Steinhart, P.C. for legal and regulatory services, including maintaining current contact information with regulatory entities, as well as legal advice regarding operations, marketing and compliance, rate changes and service area expansions, advice regarding state and federal ETC Lifeline rulemakings and rule changes, and general monitoring of Lifeline notices and proceedings that could potentially affect Infiniti. These third-party vendors will provide industry expertise and add a layer of accountability and protection regardless of unforeseen internal personnel changes, although in addition, the Company has dedicated staff to work with these aforementioned compliance providers.” The WI PSC found that re-designation was in the public interest by Order effective July 20, 2022.

<sup>26</sup> See Exhibit 5 for key management bios.

exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as such standards are updated going forward. INFINITI'S Lifeline-supported broadband services will also meet the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services, including for service speed and data usage allowance, as such standards are updated going forward. To the extent INFINITI provides devices for use with Lifeline-supported broadband service, such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408(f), and INFINITI will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

Attached hereto as Exhibit 6 is a summary table of the Company's proposed Lifeline service offerings. Customers will be able to purchase additional minutes or data as needed. In addition to wholly-supported or discounted wireless services, prepaid Lifeline customers will receive access to voicemail, caller ID and call waiting features at no additional charge. All plans will include nationwide domestic long-distance at no extra per-minute charge, and INFINITI will not assess any usage for access to its free customer services (611). Emergency (911) calls will be free, regardless of service activation or availability of minutes, and will not count against the customer's airtime. The Company's Lifeline offering will provide feature-rich mobile connectivity for qualifying subscribers without the burden of credit checks or service contracts. INFINITI's prepaid offering will be an attractive alternative for consumers who need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts.

INFINITI's customer service representatives are located in Atmore, Alabama and the toll-free telephone number is 888-801-0012. Customer service is available Monday through Friday from 8:00AM to 8:00PM CST and Saturday from 8:00AM to 5:00PM CST via phone or online

chat. Subscribers can also initiate support tickets 24 hours a day 7 days a week via an online chat and customer service representatives respond during the above-mentioned support hours. INFINITI will cooperate fully with the Commission to resolve all consumer complaints. At this time, the company does not plan to have physical locations and employees in Utah.

**F. INFINITI Will Comply with the Lifeline Certification and Verification Requirements**

Customers interested in obtaining information on the Lifeline program will be directed to a toll-free telephone number and to the Company's website, which will contain information regarding the Company's Lifeline service plans, including a description of the Lifeline program and eligibility criteria. Customers must then apply through the National Lifeline Eligibility Verifier ("National Verifier"), which they may do online or by submitting all required documentation to the National Verifier by mail. Customers may download a copy of the application form from the Internet (from the National Verifier's website) or request that a copy be mailed to them. INFINITI utilizes the standard Lifeline application forms as required by FCC rules, and thus complies with the disclosure and information collection requirements in 47 C.F.R. § 54.410(d).<sup>27</sup> INFINITI will certify and verify initial and continued consumer eligibility in accordance with 47 C.F.R. § 54.410, and will notify the applicant that the prepaid service must be personally activated by the subscriber and the subscriber must use their service every thirty (30) days. INFINITI further confirms that it will not provide a consumer with an activated device and will not activate a Lifeline service unless or until it has confirmed that the consumer is a qualifying low-income household pursuant to 47 C.F.R. § 54.409, and completed the required eligibility

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<sup>27</sup> *FCC Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, "Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program," DA 18-161 (rel. Feb. 20, 2018). The standard application/certification forms are available on USAC's website (See USAC, Lifeline Forms, <http://www.usac.org/li/tools/forms/default.aspx>).

determination and certification requirements of 47 C.F.R. §§ 54.410, 54.404-54.405. Processing of consumers' applications and determination of eligibility will be performed by the National Verifier.

**G. Prevention of Waste, Fraud and Abuse**

The FCC has taken steps to further curb abuse in the Lifeline program by establishing the National Verifier, which transfers the responsibility of eligibility determination away from Lifeline providers. INFINITI will rely on the National Verifier to determine initial and ongoing eligibility of Utah Lifeline subscribers. The National Verifier queries the National Lifeline Accountability Database ("NLAD") for every enrollment to determine whether a prospective subscriber is currently receiving a Lifeline service from INFINITI or any other ETC, and whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service. INFINITI thus complies with the requirements of section 54.404 of the FCC's rules. In addition, Company personnel emphasize the "one Lifeline service per household" restriction in their direct sales contacts with potential customers.

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

participate in the Company's Lifeline service in the future by reapplying and re-establishing eligibility.

#### **H. Commitment to Comply with Regulations Imposed By The Commission**

By this Petition, INFINITI hereby asserts its willingness and ability to comply with all the rules and regulations that the Commission may lawfully impose upon the Company's provision of service contemplated by this Petition. INFINITI will provide the Commission a copy of its annual certifications and Lifeline recertification results pursuant to 47 C.F.R. § 54.416 (i.e., FCC Form 555), as well as a copy of its annual report filed pursuant to 47 C.F.R. § 54.422 (i.e., FCC Form 481), and will comply with applicable Commission reporting requirements for Lifeline ETCs. INFINITI commits to pay all applicable state and local regulatory fees, including, but not limited to, universal service fees, emergency services, and relay services. Upon Commission request, the Company is prepared to answer questions or present additional testimony or other evidence about its services within the state.

#### **VI. INFINITI QUALIFIES FOR UTAH UNIVERSAL SERVICE FUND SUPPORT**

By this Petition, INFINITI seeks the Commission's authorization to obtain Utah USF support. As described below, INFINITI meets Utah's statutory and regulatory requirements for receipt of Utah USF support as outlined in Utah Code § 54-8b-15 and Utah Administrative Code R746-8-403. INFINITI further commits to comply with the requirements set forth in Utah Administrative Code R746-8-403 as well as any additional requirements the Commission may deem necessary for Utah USF support.

The Utah State Legislature enacted S.B. 130, which amended statutory provisions related to the Utah USF. The amended statute, codified as Utah Code § 54-8b-15, became effective as of July 1, 2017. The amendments to section 54-8b-15 relate to several aspects of the Utah USF,

including funding, calculation of a contribution charge, and permitted uses of support. In addition, the amendments provide the following:

A facilities-based *or nonfacilities-based* wireless telecommunications provider is eligible for distribution from the Universal Telecommunications Service Support Fund under the [L]ifeline program described in Subsection 3(b) for providing [L]ifeline service that is consistent with the Federal Communications Commission's [L]ifeline program for low-income consumers.<sup>28</sup>

The amended statute further provides that the Commission “may impose reasonable conditions for providing a distribution to a wireless telecommunications provider under the [L]ifeline program.”<sup>29</sup> However, the Commission “may not require a wireless telecommunications provider to offer unlimited local calling as a condition of receiving a distribution under the [L]ifeline program described in Subsection 3(b).”<sup>30</sup> Thus, the Commission has the right, but not the obligation, to impose conditions on wireless carriers' receipt of funds from the Utah USF. As a non-facilities-based wireless telecommunications provider, INFINITI meets the criteria as laid out in the amended Utah statute and is eligible for distributions from the Utah USF based on the requirements detailed in the Utah rules.

The Commission has also adopted requirements for Lifeline support, which are outlined in Utah Administrative Code R746-8-403. The Commission's rules stipulate that Utah Lifeline support may not exceed \$3.50 per Lifeline subscriber per month of subscription to a service that, for wireless Lifeline, meets FCC broadband Lifeline requirements as set forth in 47 C.F.R. 54.408 and allows, at no charge beyond the basic monthly fee, unlimited texting and at least 750 voice

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<sup>28</sup> 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).

<sup>29</sup> Utah Code § 54-8b-15(15)(b).

<sup>30</sup> Utah Code § 54-8b-15(15)(c).

minutes per month.”<sup>31</sup> Furthermore, the rules provide that ETCs will be eligible for ongoing Utah USF distribution if the company is an ongoing participant in a Commission-approved Lifeline program if the Commission finds it is in the public interest.<sup>32</sup> INFINITI’s offerings, as detailed herein (specifically Plans 2 and 3), meet the requirements outlined by this Commission for eligibility to receive Utah USF support.

## **VII. DESIGNATION OF INFINITI AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST**

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is “to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” to all citizens, regardless of geographic location or income.<sup>33</sup> Designation of INFINITI as an ETC in Utah will further that public interest. Whether because of financial constraints, poor credit history, or intermittent employment, many low-income consumers often lack the countless choices available to most consumers and thus have yet to reap the full benefits of the intensely competitive wireless market.

The instant request for ETC designation must be examined in light of the Act’s goal of providing low-income consumers with access to telecommunications services. The primary purpose of universal service is to ensure that consumers—particularly low-income consumers—receive affordable and comparable telecommunications services. The FCC has in recent years expanded the Lifeline program to cover broadband services, noting that “Only half of all households in the lowest income tier subscribe to a broadband service and 43 percent say the

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<sup>31</sup> Utah Admin. Code R746-8-403(2)(a)(ii).

<sup>32</sup> Utah Admin. Code R476-8-403(1).

<sup>33</sup> *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

biggest reason for not subscribing is the cost of the service,” and “Of the low income consumers who have subscribed to mobile broadband, over 40 percent have to cancel or suspend their service due to financial constraints.”<sup>34</sup> Given this context, designating INFINITI as an ETC would significantly benefit low-income consumers eligible for Lifeline services in Utah—the intended beneficiaries of universal service.

#### **A. Advantages of INFINITI’s Service Offering**

INFINITI offers an easy to use, competitive, and highly affordable wireless telecommunications service, which benefits qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional service. The public interest benefits of INFINITI’s wireless service include larger calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile service, and a generous amount of voice and broadband access included at limited or no cost (after application of the Lifeline support), as well as free access to caller ID, call waiting, and Voicemail features, and access to 911 services regardless of the number of voice minutes remaining on the Lifeline consumer’s plan. These low or no cost to consumer services are an invaluable resource for cash-strapped consumers, and the prepaid nature of the service also provides an alternative for “unbanked” consumers. INFINITI’s prepaid wireless service is likely to be an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long-term contract issues.

In today’s market, consumers, including qualified Lifeline customers, view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents wherever they may be, allows a person seeking employment greater

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<sup>34</sup> See *Lifeline Modernization Order* ¶ 2.



ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers regardless of location. Mobile service often also serves as a key bridge in closing the homework gap for students who live in rural areas with limited access to broadband.

With the comprehensive strength and experience of INFINITI’s management team, and its solid history as a Lifeline provider, INFINITI is positioned to meet the needs of Lifeline customers and remains committed to careful stewardship of the Lifeline program. Without question, prepaid wireless services have become essential for low-income customers, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents. Providing INFINITI with the authority necessary to offer discounted Lifeline service to those without wireless service—or most in danger of losing service altogether—undoubtedly promotes the public interest.

## **B. The Benefits of Competitive Choice**

The FCC has acknowledged the benefits to consumers of being able to choose from among a variety of telecommunications service providers for more than three decades.<sup>35</sup> Increasing customer choice promotes competition and innovation, thus spurring other carriers to target low-income consumers with service offerings tailored to their needs, ultimately resulting in improved services to consumers. Designation of INFINITI as an ETC will help ensure that quality services are available at “just, reasonable, and affordable rates” as envisioned in the Act.<sup>36</sup> Introducing INFINITI into the market as an additional wireless ETC provider will afford low-income Utah residents a wider choice of providers and available services while creating a

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<sup>35</sup> See, e.g., *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

<sup>36</sup> See 47 U.S.C. § 254(b)(1).

competitive marketplace as ETCs compete for a finite number of Lifeline-eligible customers. Increasing the competitive marketplace of providers has the potential to effectively increase the penetration rate and reduce the number of individuals not connected to the PSTN.

**C. Impact on the Universal Service Fund**

With Lifeline, ETCs only receive support for customers they obtain. The amount of support available to an eligible subscriber is exactly the same whether the support is given through a company such as INFINITI or the Incumbent LEC operating in the same service area. The number of persons eligible for Lifeline support is the same regardless of the number of ETCs; thus, INFINITI will only increase the amount of USF Lifeline funding in situations where it obtains Lifeline customers not already enrolled in another ETC's Lifeline program. By implementing the safeguards set forth in the *Lifeline and Link Up Reform Order* and utilizing the NLAD and National Verifier, the likelihood that INFINITI's customers are not eligible or are receiving duplicative support either individually or within their household is greatly minimized. INFINITI's ability to increase the Lifeline participation rate of qualified low-income individuals will further the goal of Congress to provide all individuals with affordable access to telecommunications service, and thus any incremental increases in Lifeline expenditures are far outweighed by the significant public interest benefits of expanding the availability of affordable wireless services to low-income consumers.

## VIII. CONCLUSION

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

WHEREFORE, INFINITI respectfully requests that the Commission promptly designate INFINITI as an ETC in the State of Utah for the purpose of participating in the Lifeline program and to Participate in the Utah USF.

Respectfully submitted,



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Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
(770) 232-9208 (Fax)  
E-Mail: [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

*Attorneys for IM Telecom, LLC  
d/b/a Infiniti Mobile*

December 15, 2023



**EXHIBIT 2**

**FCC-Approved Revised Compliance Plan**

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

JOHN J. HEITMANN

DIRECT LINE: (202) 342-8544

EMAIL: jheitmann@kelleydrye.com

AUSTIN, TX  
CHICAGO, IL  
HOUSTON, TX  
LOS ANGELES, CA  
NEW YORK, NY  
PARSIPPANY, NJ  
STAMFORD, CT  
BRUSSELS, BELGIUM

AFFILIATE OFFICE  
MUMBAI, INDIA

March 8, 2018

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: IM Telecom, LLC Revised Compliance Plan – Acquisition by KonaTel, Inc.;  
WC Docket Nos. 09-197, 11-42

Dear Ms. Dortch:

On July 5, 2012, IM Telecom, LLC d/b/a Infiniti Mobile (IM Telecom or the Company) submitted its proposed Compliance Plan for wireless Lifeline services, outlining the measures it would take to comply with the Federal Communications Commission's (Commission's) Lifeline rules.<sup>1</sup> The Wireline Competition Bureau (Bureau) approved the Company's Compliance Plan on August 8, 2012.<sup>2</sup>

Enclosed, on behalf of IM Telecom, is the Company's Amended Compliance Plan. IM Telecom is revising its approved Compliance Plan in order to (i) reflect a transaction, described in more detail in the Amended Compliance Plan, whereby KonaTel, Inc.<sup>3</sup> will acquire 100

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<sup>1</sup> See IM Telecom, LLC d/b/a Infiniti Mobile Compliance Plan, WC Docket Nos. 09-197, 11-42 (filed July 5, 2012).

<sup>2</sup> See *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and TAG Mobile*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-1286 (rel. Aug. 8, 2012).

<sup>3</sup> KonaTel, Inc. (KonaTel Parent) is a Delaware corporation with a Nevada-formed subsidiary, also named KonaTel, Inc. (KonaTel). For the purposes of this filing, they will be referred to, collectively, as the KonaTel Companies.

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March 8, 2018  
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percent ownership and control of IM Telecom; and (ii) update the entirety of the Company's Compliance Plan due to the passage of time to reflect current Lifeline rules and requirements.

Current IM Telecom Operations

As discussed in the Amended Compliance Plan, IM Telecom operates, or is authorized to operate (insofar as required), as a Mobile Virtual Network Operator in 24 states, providing prepaid commercial mobile radio services to consumers utilizing the wireless networks of its underlying facilities-based providers. The Company is designated as an eligible telecommunications carrier (ETC) to provide Lifeline services to low-income consumers on a wireless basis in seven states, and has ETC applications pending in 17 states.

KonaTel Transaction

IM Telecom is currently 100 percent owned by Mr. Trevan V. Morrow. Pursuant to an Agreement for the Purchase and Sale of Membership Interest (the Agreement), executed between IM Telecom and KonaTel Parent effective as of February 5, 2018, the Parties have agreed that Mr. Morrow will transfer all of his interests in IM Telecom to KonaTel Parent. The Transaction will be closed as soon as required regulatory approvals are obtained and other pre-closing conditions satisfied or waived. Following the consummation of the Transaction, IM Telecom will be a direct wholly-owned subsidiary of KonaTel Parent.

KonaTel Parent is a public Delaware corporation with principal offices located at 13601 Preston Rd., Suite 816E, Dallas, TX 75240.<sup>4</sup> KonaTel Parent's operating subsidiary, KonaTel, operates as a full service cellular provider, delivering local and long distance wireless voice services and broadband services to individual and business customers in various retail and wholesale markets. Through its sales network, it provides its services nationwide.

KonaTel's cellular industry segment operations primarily consist of the following services:

- "Wholesale Mobile Voice," which includes wholesale priced minutes, text and data to mobile resellers;
- "B2B Mobile Voice," which includes traditional post-paid cellular services, primarily acquired from Verizon, sold to small and medium sized businesses and marketed through independent commissioned sales agents;

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<sup>4</sup> KonaTel Parent currently trades on the OTC Markets Group under the trading symbol "DALP."

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- “B2B & B2C Retail,” which comprises one retail location in upstate New York that functions as a Sprint Corporation reseller of cellular services and products, primarily selling B2C Retail Service, and which also sells Verizon service from that location, mostly consisting of B2B Mobile Service; and
- “Internet of Things” or wireless data (IoT). KonaTel plans to devote additional resources to IoT and has direct wholesale mobile data agreements with Verizon and AT&T, Inc. to provide it with wireless data services.

The KonaTel Companies have facilities in Johnstown, New York and Johnstown, Pennsylvania as well as in Dallas, Texas, where the KonaTel Companies maintain their principal executive offices. Further information regarding KonaTel and its products and services is available at [www.konatel.com](http://www.konatel.com).

The acquisition of IM Telecom by KonaTel Parent, as contemplated by the Agreement, will benefit consumers throughout IM Telecom’s current and future operating territories. The KonaTel Companies are financially strong and are directly managed by a hands-on team which brings over thirty years of experience in telecommunications as well as decades of expertise in operations management and marketing and, collectively, 24 years of experience in operations for Lifeline service providers. Further enhancing the caliber of its senior management, KonaTel Parent recently added three new members to the Board of Directors, each with over twenty years’ experience in the telecommunications industry. All of these strategic resources will be available to IM Telecom as it continues to grow and develop its business. This will facilitate improvements to IM Telecom’s operating efficiency, financial management, and strategic decision-making. As a result, IM Telecom will be able to compete more effectively in the wireless and broadband market sectors. At the same time, the Transaction holds no adverse effects for consumers as it will not lead to any loss of or reduction in services to IM Telecom’s customers, nor will it result in any change to the rates, terms and conditions associated with those services.<sup>5</sup>

Moreover, the Bureau previously found that KonaTel, based on its experience and expertise, satisfied the requirements to provide Lifeline service when it granted KonaTel’s request for designation as a Lifeline Broadband Provider (LBP) on December 1, 2016.<sup>6</sup> In the

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<sup>5</sup> Future changes to IM Telecom’s service offerings and/or the rates, terms and conditions applicable to those offerings will be implemented consistent with applicable regulatory requirements.

<sup>6</sup> See *Telecommunications Carriers Eligible for Universal Service Support, Petitions for Designation as a Lifeline Broadband Provider*, WC Docket Nos. 09-197, 11-42, Order, DA 16-1325 (WCB rel. Dec. 1, 2016) (LBP Approval Order).



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March 8, 2018  
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LBP Approval Order, the Bureau concluded that the service offerings of KonaTel were “likely to provide a variety of benefits to Lifeline-eligible consumers, including increased consumer choice, affordable access to the Internet, qualifying BIAS plans, mobility, and strong protections against waste, fraud, and abuse.”<sup>7</sup> The Bureau later set aside all LBP designations on procedural grounds, but has never specifically reversed its substantive finding that KonaTel is qualified to provide Lifeline service.<sup>8</sup>

Compliance Plan Updates Due to the Passage of Time

The proposed Amended Compliance Plan has been revised to update the details of IM Telecom’s wireless Lifeline operations (*see* pp. 5-10) and financial and technical capability (*see* pp. 23-26). It also incorporates revisions to Company procedures and commitments throughout to reflect recent changes to Lifeline program rules. For example, IM Telecom provides updates regarding its enrollment process to reflect enrollments using the National Verifier where available (*see* pp. 5, 7, 8, 14), explains its rolling recertification process (*see* pp. 14-15) and updates the discussion about the Company’s non-usage policy (*see* pp. 15-16). In addition, the Amended Compliance Plan provides the Company’s current wireless Lifeline service plan options (*see* pp. 22-23). Current exhibit materials for the Company’s wireless Lifeline operations (marketing materials, sample enrollment form, income eligibility worksheet) are also included.

Summary

IM Telecom hereby submits its proposed Amended Compliance Plan with the above-described revisions. The Company respectfully requests expeditious approval of its Amended Compliance Plan in order to ensure continued provision of wireless Lifeline services as discussed herein.

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<sup>7</sup> *Id.* ¶ 21.

<sup>8</sup> *See Telecommunications Carriers Eligible for Universal Service Support, Petitions for Designation as a Lifeline Broadband Provider*, WC Docket Nos. 09-197, 11-42, Order on Reconsideration, DA 17-128 (WCB rel. Feb. 3, 2017). *See also Bridging the Digital Divide for Low-Income Consumers Lifeline and Link Up Reform and Modernization Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155, ¶¶ 55-58 (2017) (proposing to eliminate the standalone LBP status altogether due to concerns about improperly preempting state authority over ETC designations).

KELLEY DRYE & WARREN LLP

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This letter and revised Amended Compliance Plan are being filed electronically for inclusion in the public record of the above-referenced proceedings. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



/s/ Trevan V. Morrow

Trevan V. Morrow, Esq.  
Owner  
IM Telecom, LLC  
1705 South Baltimore Ave.  
Tulsa, OK 74119

John J. Heitmann  
Joshua T. Guyan  
Kelley Drye & Warren, LLP  
3050 K Street, N.W. Suite 400  
Washington, D.C. 20007  
Tel: (202) 342-8566  
Fax: (202) 342-8451  
[jheitmann@kelleydrye.com](mailto:jheitmann@kelleydrye.com)  
[jguyan@kelleydrye.com](mailto:jguyan@kelleydrye.com)

*Counsel to KonaTel, Inc.*

cc: Ryan Palmer  
Jodie Griffin

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of IM Telecom, LLC d/b/a Infiniti Mobile  Telecommunications Carriers Eligible to Receive Universal Service Support  Lifeline and Link Up Reform and Modernization	WC Docket No. 09-197  WC Docket No. 11-42
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**IM TELECOM, LLC d/b/a INFINITI MOBILE  
AMENDED COMPLIANCE PLAN**

IM Telecom, LLC d/b/a Infiniti Mobile (IM Telecom or the Company),<sup>1</sup> through its undersigned counsel, hereby respectfully submits and requests expeditious treatment of its revised Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its Lifeline program rules and implementing orders and guidance and reflecting a material change in ownership of IM Telecom.<sup>2</sup>

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<sup>1</sup> The Company hereby also reports its corporate and trade names, identifiers, and its holding company, operating companies and affiliates as: Infiniti Mobile (dba). After the transaction described herein, IM Telecom will be 100% owned by KonaTel, Inc. (KonaTel Parent), which is a public Delaware corporation owned by Sean McEwen, M2 Equity Partners LLC and others holding less than 10%. IM Telecom will be affiliated with KonaTel, Inc. the operating subsidiary of KonaTel Parent. KonaTel, Inc. the operating subsidiary operates as a full service cellular provider, delivering local and long distance wireless voice and broadband services to individual and enterprise customers. Pre- and post-close corporate structure diagrams are included as **Exhibit A**.

<sup>2</sup> See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket 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 (Feb. 6, 2012) (*2012 Lifeline Reform Order*). The Company

IM Telecom commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. The Company complies with 911 requirements as described below and it is submitting this Compliance Plan in order to continue to qualify for blanket forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act and participate as an eligible telecommunications carrier (ETC) in the Lifeline program.<sup>3</sup>

IM Telecom complies fully with all conditions set forth in the *2012 Lifeline Reform Order*, as well as with the Commission's Lifeline rules and policies more generally. This Compliance Plan describes the specific measures that the Company has implemented to achieve these objectives. Specifically, this Compliance Plan: (1) describes the specific measures that the

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herein submits the information required by the Compliance Plan Public Notice. *See Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the 2012 Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012); *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (2015) (*2015 Lifeline Order*); *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (2016) (*2016 Lifeline Modernization Order*); *Bridging the Digital Divide for Low-Income Consumers Lifeline and Link Up Reform and Modernization Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (2017) (*2017 Lifeline Digital Divide Order*).

<sup>3</sup> *See 2012 Lifeline Reform Order*, ¶ 368. Although the Company qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 214(e)(1)(A) for purposes of the federal Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements. IM Telecom will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income fund, including in any state where the public utilities commission determines that IM Telecom provides service using its own facilities for purposes of a state universal service program.

Company takes to implement the obligations contained in the Lifeline program rules and orders, including the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Low-Income Fund, materials related to initial and ongoing certifications and sample marketing materials; and (2) provides a detailed description of how the Company offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

#### **ACCESS TO 911 AND E911 SERVICES**<sup>4</sup>

Pursuant to the *2012 Lifeline Reform Order*, forbearance is conditioned upon the Company: (1) providing its Lifeline voice subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its Lifeline voice subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported voice services.<sup>5</sup> The Company will comply with all current and future 911 and E911 requirements when providing voice service.

IM Telecom provides its Lifeline voice customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all Company voice customers have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access is available from Company handsets, even if the account associated with the handset has no minutes remaining.

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<sup>4</sup> See Compliance Plan Public Notice at 3.

<sup>5</sup> See *2012 Lifeline Reform Order*, ¶ 373.

IM Telecom provides access to 911 and E911 services for all voice customers. The Company uses Verizon Wireless and T-Mobile as its underlying network providers/carriers.<sup>6</sup> Verizon Wireless and T-Mobile route 911 calls from the Company's customers in the same manner as 911 calls from Verizon Wireless's and T-Mobile's own retail customers. To the extent that Verizon Wireless and T-Mobile are certified in a given PSAP territory, this 911 capability will function the same for the Company. IM Telecom also enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active or suspended. Finally, the Company transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

**E911-Compliant Handsets.** IM Telecom ensures that all handsets used in connection with the Lifeline service offering are E911-compliant. The Company uses phones that meet all FCC requirements and ensures that the handset models used meet all 911 and E911 requirements. As a result, any customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Any new customer that qualifies for and enrolls in the Lifeline program will have the option of a 911/E911-compliant handset.

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<sup>6</sup> IM Telecom will receive minutes from an intermediary, which purchases minutes from Verizon Wireless and T-Mobile.

## COMPLIANCE PLAN

### **I. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE<sup>7</sup>**

#### **A. Policy**

IM Telecom complies with the Commission's Lifeline rules and orders, including the uniform eligibility criteria established in section 54.409 of the Commission's rules, as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC.

Therefore, all subscribers are required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in sections 54.409(a)(2) or 54.409(b) of the Commission's rules. In addition, through the certification requirements described below, the Company confirms that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

#### **B. Eligibility Determination**

IM Telecom uses multiple outreach methods including but not limited to phone, web-based, and in person enrollments through Lifeline events, street teams, and permanent store locations. The Company utilizes IM Telecom trained employees or representatives (Company personnel) through the various channels to ensure that only qualified, non-duplicate, Lifeline eligible subscribers are enrolled in the program and rely on the National Verifier or state eligibility administrators where applicable. All Company personnel must pass a Compliance

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<sup>7</sup> See Compliance Plan Public Notice at 3.

Lifeline training including information about the federal Lifeline program and any state specific requirements that are unique to the state in which the representative is operating, such as a state eligibility database.

IM Telecom currently uses the CGM, LLC Lifeline enrollment application – which is used by dozens of ETCs – for its in-person and online wireless Lifeline customer enrollments. The CGM Lifeline enrollment application works on a tablet or computer and provides the required disclosures, and collects applicant information, identity documentation (where requested by the ETC or necessary for National Lifeline Accountability Database (NLAD) third-party identity verification (TPIV) dispute resolutions), and proof of eligibility. It also requires applicants to make the required certifications for Lifeline service. The application will then check any available state or federal eligibility databases, IM Telecom’s designated service territory in the state, underlying carrier coverage area and conduct the NLAD duplicate check.

IM Telecom Company personnel must log in to the CGM software so that the customer enrollment information is safeguarded against potential identity fraud behind a password protected portal and the Company personnel enrollments can be tracked. The Company personnel must sign his or her agreement to follow all rules and requirements with respect to assisting an applicant with the Lifeline enrollment. The order process then advances through the electronic windows with the prospective customer to provide disclosures, collect information and elicit certifications as detailed below. The CGM enrollment process asks if the potential Lifeline customer or anyone in the customer’s household is currently receiving a Lifeline benefit from any other Lifeline service provider. The enrollment process then gathers customer specific information required to verify identity such as date of birth, full name, and all or part of the social security number (based on federal and state specific requirements). The enrollment



process then requires the potential customer to make certifications and confirm that all information provided on the application form is true and correct under penalty of perjury. To complete the electronic enrollment, the customer signs the electronic application and the information collected is sent for several database checks, including an address verification, a geographic footprint match to the ETC's authorization to provide Lifeline service in the area, an internal duplicate check, a state database eligibility check (if available), the NLAD check. In any state where the National Verifier has been implemented, the Company will modify its enrollment process to first confirm that the applicant has been deemed eligible by the National Verifier, or assist the applicant to use the National Verifier portal to obtain that approval before initiating or completing the Company's enrollment process for Lifeline.<sup>8</sup>

Company personnel may collect applications and assist applicants with providing the necessary information, including proof of eligibility, however all application information is entered into the CGM enrollment application and sent to the Company's corporate offices for review by a Company employee that is not paid on a commission basis. The employee reviews the application and all scanned documentation before making the decision to allow the applicant to be enrolled. All transfers of information and scans collected electronically are transmitted in encrypted form. When the checks described herein are completed, approved customers are enrolled and receive a handset to be activated as discussed below.

As discussed in further detail in Section I.F. below, all Company personnel that are involved in the enrollment process are trained regarding the eligibility and certification requirements in the Lifeline rules and this Compliance Plan, including the one-per-household requirement. New Company personnel undergo an initial mandatory training session where they

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<sup>8</sup> See USAC, "Lifeline National Verifier Plan" (July 2017).

are given training materials, including a compliance manual, as well as shown visual examples of documents acceptable to demonstrate eligibility for the Lifeline program.

If IM Telecom cannot determine a prospective subscriber's eligibility for Lifeline by accessing income or program eligibility databases, Company personnel, who are non-commission-based employees, review documentation establishing eligibility pursuant to the Lifeline rules.<sup>9</sup> All personnel who interact with current or prospective customers are trained to assist Lifeline applicants in determining whether they are eligible to participate based on the income-based and/or program-based criteria. These personnel are trained to answer questions about Lifeline eligibility, and review required documentation to determine whether it satisfies all current federal eligibility requirements.

Proof of Eligibility. The electronic enrollment process includes the ability to scan customers' government-issued identification, proof of residence (if necessary because the address cannot be verified) and proof of eligibility. The proof will be retained as required by section 54.410 of the Commission's Lifeline program rules. Company personnel are trained on acceptable documentation required to establish income-based and program-based eligibility. In the absence of the National Verifier or a state eligibility database, acceptable documentation of program eligibility as defined by the Lifeline rules is reviewed by a non-commission-based IM Telecom employee during the electronic order process.<sup>10</sup> Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying assistance program; (2) a notice letter of participation in a qualifying assistance program; (3) program participation documents (e.g., the consumer's Supplemental Nutrition Assistance

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<sup>9</sup> See *2012 Lifeline Reform Order*, ¶ 100; section 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B).

<sup>10</sup> See *2012 Lifeline Reform Order*, ¶ 101. See also USAC Guidance available at <http://www.usac.org/li/telecom-carriers/step06/default.aspx>.

Program (SNAP) electronic benefit transfer card or Medicaid participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying assistance program.<sup>11</sup>

Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workmen's Compensation statement of benefits; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information. If the prospective subscriber presents documentation of income that does not cover a full year, such as current pay stubs, the prospective subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.<sup>12</sup>

Company personnel examine this documentation for each Lifeline applicant and record the type of documentation used to satisfy the income- or program-based criteria.<sup>13</sup> Where the employee concludes that proffered documentation is insufficient to establish such eligibility, the Company denies the associated application and informs the applicant of the reason for such rejection. In the event that a non-commission-based employee cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter is escalated to supervisory personnel. A non-commission-based IM Telecom employee is responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on a request for reimbursement.

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<sup>11</sup> *Id.* and section 54.410(c)(1)(i)(B).

<sup>12</sup> *See 2012 Lifeline Reform Order*, ¶101; section 54.410.(b)(1)(i)(B).

<sup>13</sup> *See 2012 Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(iii), 54.410(c)(1)(iii).

In addition, IM Telecom does not enroll customers at retail locations where IM Telecom does not have an agency agreement with the retailer. Further, IM Telecom requires an agent retailer to have any employees involved in the enrollment process go through the standard IM Telecom field representative training, same as it would for any other agent. By establishing agency relationships with all of its field representatives, including future retail outlets, IM Telecom meets the “deal directly” requirement adopted in the TracFone Forbearance Order.<sup>14</sup>

The Commission determined in the *2012 Lifeline Reform Order* that ETCs may permit agents or representatives to review documentation of consumer program eligibility for Lifeline because “the Commission has consistently found that ‘[I]censees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.’”<sup>15</sup> Because IM Telecom is responsible for the actions of all of its employees and agents, including those enrolling customers in any IM Telecom owned or affiliated retail locations, and a IM Telecom employee is responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on a request for reimbursement, the Company always “deals directly” with its customers to certify and verify the customer’s Lifeline eligibility.

De-Enrollment for Ineligibility. If IM Telecom has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the subscriber of impending termination in writing and in compliance with any state dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.<sup>16</sup> A demonstration of eligibility must comply with the annual

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<sup>14</sup> See Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket no. 96-45, Order, FCC 05-165, ¶19 (2005).

<sup>15</sup> *2012 Lifeline Reform Order*, ¶ 110.

<sup>16</sup> See *2012 Lifeline Reform Order*, ¶ 143; section 54.405(e)(1).

verification procedures below and found in section 54.410(f), including the submission of a certification form.

### **C. Subscriber Certifications for Enrollment**

The Company has implemented certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to IM Telecom employees as defined by the Lifeline rules, together with any additional state certification requirements.<sup>17</sup> The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally. Every applicant is required to complete an application/certification form containing disclosures, and collecting certain information and certifications as discussed below.<sup>18</sup> Applicants that seek to enroll based on income eligibility are referred to the Federal Poverty Guidelines by household size.<sup>19</sup> Any evidentiary documentation submitted with the application/certification is used strictly to verify a consumer's eligibility to participate in the Lifeline program. Upon approval of the customer's application, a copy of such proof of eligibility is retained by IM Telecom, as previously stated in Section I.B. above.

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<sup>17</sup> *2012 Lifeline Reform Order*, ¶ 61; section 54.410(a).

<sup>18</sup> *See* Compliance Plan Public Notice at 3. A sample Application/Certification Form is included as **Exhibit B**. The certification on the sample form pertaining to a port freeze exemption will be deleted after the port freeze is eliminated on March 19, 2018. IM Telecom understands and will comply with the requirement to utilize the USAC standard application/certification form by July 1, 2018. *See* Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program, WC Docket No. 11-42, Public Notice, DA 18-161 (rel. Feb. 20, 2018) (*Lifeline Form Public Notice*).

<sup>19</sup> *See* Income Eligibility Worksheet, included as **Exhibit C**. (IM Telecom understands and will comply with the requirement to utilize the USAC standard application/certification form, which includes income eligibility information, by July 1, 2018. *See Lifeline Form Public Notice*.)

Disclosures. The Company's application and certification forms include the following disclosures: (1) Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the applicant's de-enrollment from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.<sup>20</sup>

Applications and certification forms also state that: (1) the service is a Lifeline service, (2) Lifeline is a government assistance program, and (3) only eligible consumers may enroll in the program.<sup>21</sup>

In addition, the Company notifies the applicant that the Lifeline service must be personally activated and verified by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 30 days.<sup>22</sup>

Information Collection. IM Telecom also collects the following information from the applicant in the application/certification form: (1) the applicant's full name; (2) the applicant's full residential address (P.O. Box is not sufficient<sup>23</sup>); (3) whether the applicant's residential address is permanent or temporary; (4) the applicant's billing address, if different from the

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<sup>20</sup> See 2012 Lifeline Reform Order, ¶ 121; section 54.410(d)(1).

<sup>21</sup> See section 54.405(c).

<sup>22</sup> See 2012 Lifeline Reform Order, ¶ 257.

<sup>23</sup> See 2012 Lifeline Reform Order, ¶ 87.

applicant's residential address; (5) the applicant's date of birth; (6) the full or last four digits of the applicant's Social Security number as determined by the federal or state specific requirements (or the applicant's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a Social Security number); (7) if the applicant is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits; and (8) if the applicant is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.<sup>24</sup>

Applicant Certification. Consistent with section 54.410(d)(3), the Company requires the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,<sup>25</sup> the following: (1) the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline; (2) the applicant will notify the Company within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, the applicant is receiving more than one Lifeline benefit, or another member of the applicant's household is receiving a Lifeline benefit; (3) if the applicant is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands; (4) if the applicant moves to a new address, he or she will provide that new address to the Company within 30 days; (5) the applicant's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the applicant's household is not already receiving a Lifeline service; (6) the information contained in the applicant's certification form is true and correct to the best of the applicant's knowledge; (7) the applicant acknowledges that providing

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<sup>24</sup> See section 54.410(d)(2).

<sup>25</sup> See *2012 Lifeline Reform Order*, ¶¶ 168-69; section 54.419.

false or fraudulent information to receive Lifeline benefits is punishable by law; and (8) the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to the applicant's continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits pursuant to the de-enrollment policy included below and in the Commission's rules.

In addition, the applicant is required to authorize IM Telecom to access any records required to verify the applicant's statements on the application/certification form and to confirm the applicant's eligibility for the Company Lifeline credit. The applicant must also authorize the Company to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in a Lifeline program database.<sup>26</sup>

#### **D. Annual Verification Procedures**

IM Telecom re-certifies all subscribers within 12 months after the subscriber's service initiation date and within every 12 months thereafter, except for subscribers in states where the National Verifier, state Lifeline administrator, or other state agency is responsible for the annual re-certification of subscribers' Lifeline eligibility in accordance with section 54.410(f). If the subscriber's program-based or income-based eligibility for Lifeline cannot be determined by accessing one or more state databases containing information regarding enrollment in qualifying assistance programs, then the Company obtains a signed certification from the subscriber on a form that meets the certification requirements in section 54.410(d) of the Commission's rules.

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<sup>26</sup> See Section 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. See *id.*



By July 1, 2018, IM Telecom will use the standard federal form to re-certify a qualifying low-income consumer.<sup>27</sup>

Verification De-Enrollment. As required by section 54.405(e)(4), IM Telecom de-enrolls Lifeline subscribers who does not respond to the Company's attempts to obtain recertification of the subscriber's continued eligibility or who fails to provide the annual one-per-household recertifications. Prior to de-enrolling a subscriber, the Company will notify the subscriber in writing, using clear, easily understood language, that failure to respond to the recertification request will trigger de-enrollment. The subscriber will be given 60 days to respond to recertification efforts. If the subscriber does not respond to the Company's notice of impending de-enrollment, the Company will de-enroll the subscriber from Lifeline within five business days after the expiration of the subscriber's time to respond to the recertification efforts.

#### **E.      **Activation and Non-Usage****

IM Telecom does not consider a prepaid subscriber activated and does not seek reimbursement for Lifeline for that subscriber, until the subscriber activates the Company's Lifeline service.<sup>28</sup> A customer that activates the Company's Lifeline service must affirmatively acknowledge that they are the applicant and that they have applied for, and wish to receive, Lifeline service from IM Telecom. Customers that apply for Lifeline service and receive phones in person must activate the phone and place a test call with the Company representative. Customers that receive a handset through the mail must contact IM Telecom's Welcome Activation Customer Service Center to activate service upon receipt of the handset. New activations are routed to a dedicated activation hotline where the information contained in the

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<sup>27</sup>      *See Lifeline Form Public Notice.*

<sup>28</sup>      *See 2012 Lifeline Reform Order, ¶ 257; section 54.407(c)(1).*

customer's application is validated, receives affirmative acknowledgment that the individual activating the handset is the applicant and that they have applied for and wish to receive Lifeline service from IM Telecom. The Lifeline service is then activated.

As defined in section 54.405(e)(3), if a Lifeline subscriber fails to use, as "usage" is defined in section 54.407(c)(2),<sup>29</sup> for 30 consecutive days a Lifeline service that does not require the Company to assess and collect a monthly fee from its subscribers, the Company provides the subscriber 15 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 15-day notice period will result in service termination for non-usage. The Company reports to the Commission annually the number of subscribers de-enrolled for non-usage. This de-enrollment information is reported by month and submitted to the Commission at the time the Company submits its annual certification report pursuant to section 54.416.

#### **F. Additional Measures to Prevent Waste, Fraud and Abuse**

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, the Company has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

In addition to checking the NLAD, Company personnel emphasize the "one Lifeline phone per household" restriction in their contacts with potential customers. Training materials

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<sup>29</sup> Subscribers can "use" the service by: (i) completing an outbound call or using data; (ii) purchasing minutes or data from IM Telecom to add to the subscriber's service plan; (iii) answering an incoming call from a party other than IM Telecom or the IM Telecom's agent or representative; (iv) responding to direct contact from IM Telecom and confirming that he or she wants to continue receiving Lifeline service; or (v) sending a text message.

include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. All Company personnel interacting with existing and potential Lifeline customers undergo training regarding the eligibility and certification requirements of the Lifeline program and this Compliance Plan. All Company personnel receive such training upon being hired. This includes reviewing and signing the Company's training manual and a training session. IM Telecom regularly provides refresher training and seek feedback from employees regarding enrollment. In addition, if Company personnel have any questions or concerns regarding eligibility and enrollment, the IM Telecom "open door" policy encourages them to bring such questions and concerns to a member of leadership to be researched and resolved ensuring the Company remains in compliance with all requirements and regulations.

Further, all Company personnel must log in to an enrollment software tool to enroll customers and therefore can be tracked. The Company regularly monitors accounts for irregularities, such as excessive activity and conducts random audits of activations to verify enrollment accuracy.

National Lifeline Accountability Database (NLAD). IM Telecom complies with the requirements of section 54.404 and checks the NLAD for all enrollments other than in NLAD opt-out states. The Company queries the NLAD to determine whether a prospective subscriber is currently receiving a Lifeline service from another ETC and whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service.<sup>30</sup>

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<sup>30</sup> See *2012 Lifeline Reform Order*, ¶ 203. The Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *2012 Lifeline Reform Order*, ¶¶ 189-195; section 54.404(b)(6). Further, the Company will update each subscriber's information in the National Database within ten business

One-Per-Household. IM Telecom ensures that it provides only one Lifeline benefit per household<sup>31</sup> through the use of its application and certification forms discussed above, its marketing materials, the NLAD and the use of a one-per-household form.<sup>32</sup> Upon receiving an application for IM Telecom’s Lifeline service, the Company searches its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address and checks the NLAD to determine if a Lifeline subscriber of another ETC resides at that address.<sup>33</sup> If so, and the applicant lives at an address with multiple households, the Company requires the applicant to complete and submit an independent economic household form, consistent with section 54.410(g) of the rules, containing the following: (1) an explanation of the Commission’s one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant’s household and share in the household’s expenses or benefit from the

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days of any change, except for de-enrollment, which will be transmitted within one business day. *See* section 54.404(b)(8),(10).

<sup>31</sup> A “household” is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. *See 2012 Lifeline Reform Order*, ¶ 74; section 54.400(h).

<sup>32</sup> IM Telecom understands and will comply with the requirement to utilize the USAC standard one-per-household worksheet by July 1, 2018. *See Lifeline Form Public Notice*.

<sup>33</sup> *See 2012 Lifeline Reform Order*, ¶ 78.

applicant's income, pursuant to the Commission's definition; and (4) the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).<sup>34</sup>

In addition, IM Telecom Company personnel inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and facilitate the applicant's understanding of what constitutes "Lifeline-supported services." Employees will be instructed ask potential customers whether the customer or any other member of the customer's household is currently receiving a Lifeline-supported service.

Marketing Materials. IM Telecom includes the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service, (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household; (6) that documentation is necessary for enrollment; and (7) IM Telecom, LLC d/b/a Infiniti Mobile's name (the ETC).<sup>35</sup> These statements will be included in all print, audio video and web materials (including social networking media) used to describe or enroll customers in the Company's Lifeline service offering, as well as the Company's application forms and certification forms.<sup>36</sup> This specifically includes the Company's website ([www.infinitimobile.com](http://www.infinitimobile.com)) and outdoor signage.<sup>37</sup> A sample of the Company's marketing materials is included as **Exhibit D**. In addition, the Company's application/certification form will state that consumers who willfully make a false statement to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

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<sup>34</sup> *Id.*

<sup>35</sup> *See 2012 Lifeline Reform Order*, ¶ 275; section 54.405(c).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

## **G. Company Reimbursements From the Fund**

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, IM Telecom certifies, as part of each reimbursement request, that it follows all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.<sup>38</sup> The Company submits all required information and follows all current processes as defined by the Commission and USAC in a timely manner in order to be reimbursed through USAC's Lifeline Claims System ("LCS"). In addition, the Company keeps accurate records as directed by USAC<sup>39</sup> and as required by section 54.417 of the Commission's rules.

## **H. Annual Company Certifications**

IM Telecom will continue to submit an annual certification to USAC, signed by a Company officer under penalty of perjury, that the Company: (1) has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services;<sup>40</sup> (2) is in compliance with all federal Lifeline certification procedures;<sup>41</sup> and (3) is in compliance with the minimum service levels set forth in section 54.408.<sup>42</sup>

In addition, the Company will continue to provide the results of its annual recertifications/verifications on an annual basis to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands).<sup>43</sup>

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<sup>38</sup> See 2012 Lifeline Reform Order, ¶ 128; section 54.407(d).

<sup>39</sup> See section 54.407(e).

<sup>40</sup> See 2012 Lifeline Reform Order, ¶ 126; section 54.416(a)(1).

<sup>41</sup> See 2012 Lifeline Reform Order, ¶ 127; section 54.416(a)(2).

<sup>42</sup> See section 54.416(a)(3).

<sup>43</sup> See 2012 Lifeline Reform Order, ¶¶ 132, 148; section 54.416(b).

Further, as discussed above, the Company will continue to report annually to the Commission the number of subscribers de-enrolled for non-usage by month.<sup>44</sup>

The Company also annually reports to the Commission, USAC, and relevant state commissions and the relevant authority in a U.S. territory or Tribal government as appropriate,<sup>45</sup> the company name, names of the company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation) as well as relevant universal service identifiers for each entity by Study Area Code.<sup>46</sup> The Company reports annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low-income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.<sup>47</sup> Finally, if the Company is designated as an ETC pursuant to section 214(e)(6) of the Act by the Commission, it will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable minimum service standards, as set forth in section 54.408, service quality standards and consumer protection rules, as well as a certification that the Company is able to function in emergency situations.<sup>48</sup>

## **I. Cooperation with State and Federal Regulators**

IM Telecom will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

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<sup>44</sup> See *2012 Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

<sup>45</sup> See section 54.422(c).

<sup>46</sup> See *2012 Lifeline Reform Order*, ¶¶ 296, 390; section 54.422(a).

<sup>47</sup> See *2012 Lifeline Reform Order*, ¶ 390; section 54.422(a)(2).

<sup>48</sup> See *2012 Lifeline Reform Order*, ¶ 389; section 54.422(b)(1)-(4).

- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and
- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe<sup>49</sup> is receiving Lifeline-supported service from another ETC or is no longer eligible.

## II. Description of Lifeline Service Offerings<sup>50</sup>

IM Telecom will offer its Lifeline service in the states where it is designated as an ETC<sup>51</sup> and throughout the coverage area of its underlying providers Verizon Wireless and T-Mobile.<sup>52</sup>

Subject to the annual increase in minimum service standard requirements, IM Telecom will offer the following service plan options:

Product Plans	Plan 1 (Non-Tribal)	Plan 2 (Non-Tribal)	Plan 3 (Non-Tribal)	Plan 4 (Tribal)
Data	None	500 MB at 4G or 3G speeds	2 GB at 4G or 3G speeds	2 GB at 4G or 3G speeds
Voice Minutes	750	1,000	1,000	1,000
Texts	Unlimited	Unlimited	Unlimited	Unlimited
Price to Lifeline Subscribers	\$0.00	\$15.00/month	\$25.00/month	\$1.00/month

Voice and broadband “top ups” will also be available at the following rates:

<sup>49</sup> See section 54.405(e)(1).

<sup>50</sup> See Compliance Plan Public Notice at 3.

<sup>51</sup> The Company currently holds ETC designations in Oklahoma, Georgia, South Carolina, Vermont, Wisconsin, Nevada and Maryland, and has requests for ETC designation pending in Pennsylvania, Michigan, Arizona, Kentucky, Washington and the 12 federal jurisdiction states (Alabama, Connecticut, Delaware, the District of Columbia, Florida, Maine, New Hampshire, New York, North Carolina, Texas, Tennessee, and Virginia).

<sup>52</sup> IM Telecom receives minutes from an intermediary, which purchases minutes from Verizon Wireless and T-Mobile.



<b>Top Ups</b>	<b>Price to Lifeline Subscribers</b>
100 Voice Minutes	\$4.00
500 Voice Minutes	\$12.00
1000 Voice Minutes	\$20.00
100 MB at 4G or 3G speeds	\$4.00
500 MB at 4G or 3G speeds	\$15.00
1 GB at 4G or 3G speeds	\$20.00

Additional information regarding the Company’s plans, rates and services can be found on its website [www.infinitimobile.com](http://www.infinitimobile.com).

In addition to free voice services, the Company’s Lifeline plan may include a free handset and includes custom calling features at no charge, including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voicemail. All plans include domestic long-distance at no extra per minute charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

### **III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation<sup>53</sup>**

Financial and Technical Capabilities. Section 54.202(a)(4) requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the Commission’s Lifeline service requirements.<sup>54</sup> The Compliance Plan Public Notice requires that carriers’ compliance plan include this demonstration. Among the factors the Commission will consider are: a carrier’s prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate, whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding in any state.

<sup>53</sup> See Compliance Plan Public Notice at 3.

<sup>54</sup> See 2012 Lifeline Reform Order, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

IM Telecom has successfully operated as a provider of wireless Lifeline service since 2012. Financial support for IM Telecom's continued operations will be enhanced pursuant to an Agreement for the Purchase and Sale of Membership Interest dated as of February 5, 2018, subject to regulatory approval, KonaTel Parent will acquire 100% of the membership interest in IM Telecom. IM Telecom customers will continue to receive their existing services at the same rates, terms and conditions currently in effect. In addition, as explained below, the transfer of ownership to KonaTel will ensure that IM Telecom will not rely exclusively on Lifeline reimbursement for the Company's operating revenues.

KonaTel, Inc. is an established provider of wireless telecommunications services. KonaTel has provided local and long distance voice services and broadband services, without interruption, for more than three years. KonaTel offers its wireless services throughout the coverage area of its underlying carriers, from which it purchases wireless network services on a wholesale basis and resells the services to its subscribers. With a subscriber base of more than 30,000 non-Lifeline subscribers, KonaTel produces substantial non-Lifeline net income. The Commission previously found that KonaTel's proven business model satisfies the requirements to participate in the Lifeline program when it granted KonaTel's request for designation as a Lifeline Broadband Provider on December 1, 2016.<sup>55</sup> Many members of KonaTel's leadership team have more than a decade of experience in the telecommunications and broadband industries. Information about KonaTel's management team and board members is attached as **Exhibit E**.

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<sup>55</sup> See *Telecommunications Carriers Eligible for Universal Service Support, Petitions for Designation as a Lifeline Broadband Provider*, WC Docket Nos. 09-197, 11-42, Order, DA 16-1325 (WCB rel. Dec. 1, 2016). The Bureau later reversed this order for all designated LBPs on procedural grounds. See *Telecommunications Carriers Eligible for Universal Service Support, Petitions for Designation as a Lifeline Broadband Provider*, WC Docket Nos. 09-197, 11-42, Order on Reconsideration, DA 17-128 (WCB rel. Feb. 3, 2017).

With respect to technical expertise, IM Telecom has demonstrated its capabilities over more than five years of operations, now providing service pursuant to wireless ETC designations in seven states. The Company has considerable experience complying with the requirements of the federal Lifeline program. Upon approval of the change in ownership, KonaTel's management team will be responsible for day-to-day oversight of the operations. Their collective expertise in the telecommunications compliance field and specific in-depth knowledge of the Lifeline program will guide the Company's decisions going forward and its adherence to this revised Compliance Plan. As a result, the transaction will bring together the full strength of IM Telecom's and KonaTel's proven telecommunications capabilities and business expertise. The resulting synergy will enable IM Telecom to achieve measurable growth at the same time as it develops improved operating efficiencies, both necessary components for the Company to thrive.

Finally, the Company has not been subject to enforcement sanctions related to the Low Income Fund or ETC revocation proceedings in any state.

Service Requirements Applicable to Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under newly amended section 54.202 of the Commission's rules."<sup>56</sup> The Company certifies that it will comply with the service requirements applicable to the support the Company receives.<sup>57</sup> The Company provides all of the services supported by the Lifeline program and makes the services available to all qualified consumers throughout the states in which it is designated as an ETC. The Company's services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent and broadband Internet access service that is a mass-market retail

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<sup>56</sup> Compliance Plan Public Notice at 3.

<sup>57</sup> 47 C.F.R. § 54.202(a)(1).

service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Further, the Company's voice service offerings provide its customers with a set number of minutes of use for local service at no charge to the customer. The Company's Lifeline offerings include packages in Section II *supra*.

The Company also provides access to emergency services provided by local government or public safety officials, including 911 and E911 where available and complies with any Commission requirements regarding E911-compatible handsets. As discussed above, the Company complies with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

Finally, the Company does not provide toll limitation service ("TLS"). The Company, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *2012 Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.<sup>58</sup>

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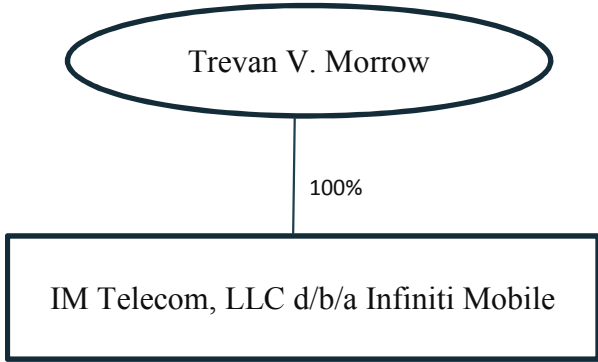
<sup>58</sup> See *2012 Lifeline Reform Order*, ¶ 230.

#### **IV. Conclusion**

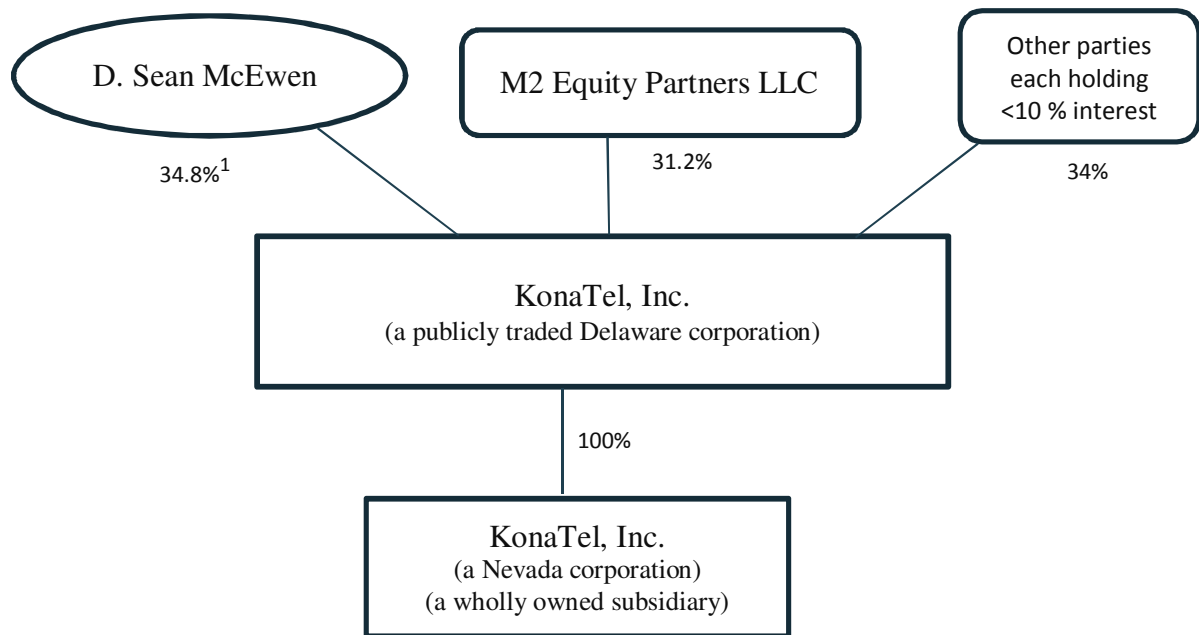
The Company submits that its revised Compliance Plan fully satisfies the conditions set forth in the Commission's *2012 Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules. Accordingly, the Company respectfully requests that the Commission expeditiously approve its revised Compliance Plan.

March 8, 2018

# EXHIBIT A



Pre-Close Corporate Structure of IM Telecom, LLC d/b/a Infiniti Mobile

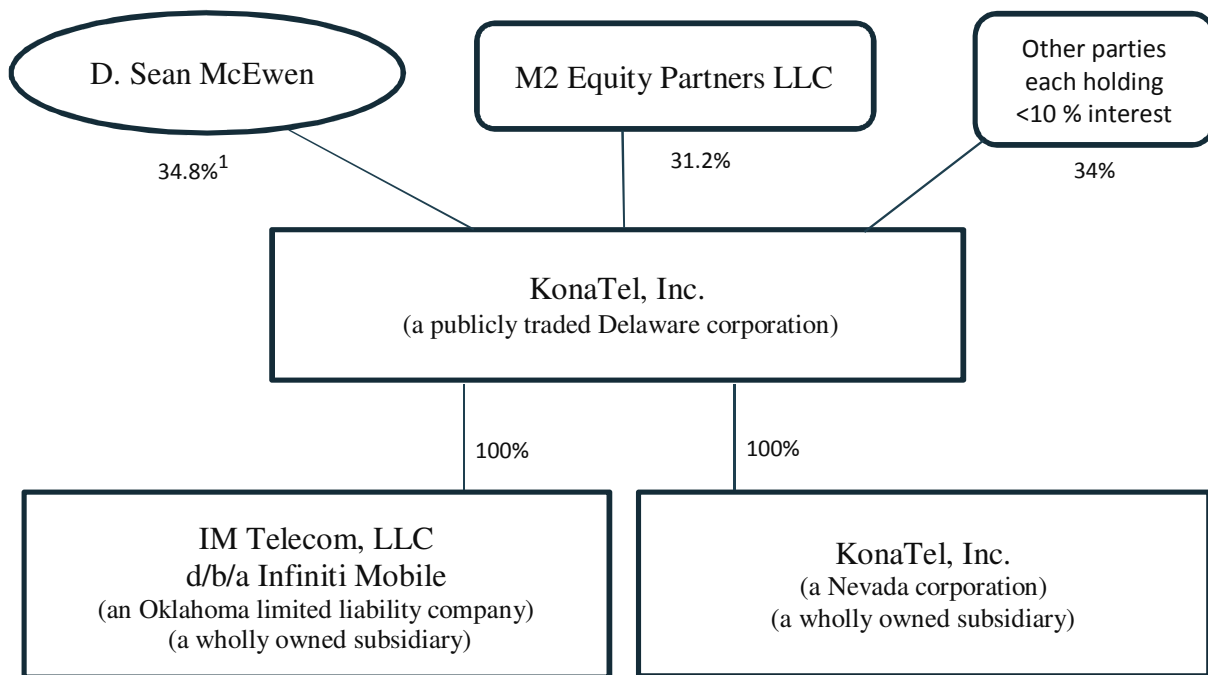


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<sup>1</sup> Pursuant to a Shareholder Voting Agreement, Mr. McEwen holds an irrevocable proxy to vote the shares of M2 Equity Partners LLC for a period of two years, vesting him with a controlling 66% of the voting shares of KonaTel, Inc. during that time

Pre-Close Corporate Structure of the KonaTel Companies






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<sup>1</sup> Pursuant to a Shareholder Voting Agreement, Mr. McEwen holds an irrevocable proxy to vote the shares of M2 Equity Partners LLC for a period of two years, vesting him with a controlling 66% of the voting shares of KonaTel, Inc. during that time

Post-Close Corporate Structure of  
IM Telecom, LLC d/b/a Infiniti Mobile and the KonaTel Companies

# EXHIBIT B



Lifeline Enrollment Application

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in IM Telecom dba Infiniti Mobile's ("Company") Lifeline service program in your state. This Certification is only for the purpose of verifying your eligibility for Lifeline service and will not be used for any other purpose. Service requests will not be processed until this Form has been received and verified by Company.

**One Lifeline service per household disclosures:** Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Lifeline benefits are limited to a single line of service per household. A household is defined, for the purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Note that not all Lifeline services are currently marketed under the name Lifeline. Lifeline is non-transferable benefit and you may not transfer your benefit to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and potentially prosecution by the United States Government.

           **I hereby certify, under penalty of perjury, that I have read and understood the disclosures listed above and**  
Initial **that, to the best of my knowledge, my household is not already receiving a Lifeline service benefit.**

**Customer eligibility certification:**

**I hereby certify that I participate in the following program (check one):**

- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance (FPHA)
- Veterans and Survivors Pension Benefit
- Medicaid
- Income at or below 135% of Federal Poverty Guidelines

**Household Member Information:**

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

DOB: Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Last Four SSN (or Tribal ID #): \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

**Personal Information:**

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

DOB: Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Last Four SSN (or Tribal ID #): \_\_\_\_\_

**If Qualifying for Lifeline by Income, number of Individuals in Household:** \_\_\_\_\_

Residential Address (*May not be a PO Box*) \_\_\_\_\_ Contact Number (if available): \_\_\_\_\_

Street address: \_\_\_\_\_ Apt: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

This address is (*choose one*):  Permanent  Temporary

Billing Address (if different from Above) (*P.O. Box is permitted*)

Street address: \_\_\_\_\_ Apt: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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**Multiple households sharing an address:**

Initial I hereby certify that I reside at an address occupied by multiple households, including adults who do not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form.

**Activation and usage requirement disclosures:** This service is a prepaid service and you must personally activate it by dialing 611 from your handset. *To keep your account active, you must use your Lifeline service at least once during any 30-day period by completing an outbound call, sending a text message, using your mobile broadband connection, purchasing additional minutes or data from Company, answering an in-bound call from someone other than the Company, or by responding to a direct contact from the Company confirming that you want to continue receiving Lifeline service from Company.* If your service goes unused for 30 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 911 calls and calls to the Company's customer care center) subject to a 15-day cure period during which you may use the service (as described above) or contact the Company to confirm that you want to continue receiving Lifeline service from Company.

Initial I hereby certify, under penalty of perjury, that I have read and understood the disclosures listed above regarding activation and usage requirements.

**Authorizations:**

Initial I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to release any records required for the administration of the Lifeline program (name, telephone number, address, date of birth, last 4 digits of SSN or Tribal ID Number, amount of support being sought, means of qualification for support, and dates of service initiation and termination), including to the Universal Service Administrative Company, to be used in a Lifeline database and to ensure the proper administration of the Lifeline Program. Failure to consent will result in denial of service.

Initial I understand I have the right to enroll in the Lifeline service using non-electronic methods. I further understand that I have the right to withdraw this consent at any time prior to activation of my service. The Company has advised me that I may request a paper copy of my contract and associated fees by calling 611 from my wireless handset.

Initial I hereby authorize the Company to send text messages to my Company provided wireless number about my Lifeline benefit. Text messages sent by the Company will not decrement my available wireless minutes or texts. Standard voice, data and text rates will apply to all messages to and from anyone other than the Company.

Initial I acknowledge that I am providing the information I have included in this application to CGM, LLC and further authorize CGM, LLC to receive and use my information for enrollment verification and waste, fraud and abuse mitigation purposes. Additionally, I authorize CGM to receive and use my historic Lifeline enrollment information for enrollment verification and waste, fraud and abuse mitigation purposes.

**Additional certifications:** I hereby certify, under penalty of perjury, that (**initial for each statement to which you certify**):

I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required.

I hereby certify that I participate in the following program [Lifeline program name ex: SoonerCare (Medicaid)].

I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement.

I am not listed as a dependent on another person's tax return (unless over the age of 60).

The Residential Address listed above is my primary residence, not a second home or business.

If I move to a new address, I will provide that new address to the Company within 30 days.

I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law.

I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility will result in de-enrollment and the termination of my Lifeline benefits.

The information contained in this certification form is true and correct to the best of my knowledge.

I reside on Federally-recognized Tribal lands or Hawaiian Home Lands (only applicable to enrollments in Hawaii).

I certify that the individual named on the documentation used to demonstrate program participation or income eligibility is part of my household.

- \_\_\_\_\_ I certify that the individual named on the documentation used to demonstrate program participation or income eligibility is not already receiving a Lifeline subsidy.
- \_\_\_\_\_ I certify that my household will receive only one Lifeline service and, to the best of my knowledge, no one in my household, including myself, is receiving a Lifeline-supported service from any other landline or wireless service provider.
- \_\_\_\_\_ If Infiniti Mobile finds that I am already receiving a Lifeline discount benefit from another provider, I agree that I want to transfer my Lifeline discount benefit from that Lifeline provider to Infiniti Mobile. I understand that once the transfer is complete, I will lose my Lifeline Program benefit with any other Lifeline provider from which I am currently receiving a Lifeline discount. Infiniti Mobile has explained to me and I understand that I may not have multiple Lifeline Program benefits with the same or different providers.
- \_\_\_\_\_ If I am subject to a benefit port freeze with another Lifeline provider and I am transferring my benefit to Infiniti Mobile pursuant to an exception to the benefit port freeze, I understand that I am not required to provide proof of eligibility for Lifeline until the end of my port freeze, but I consent to providing such proof of eligibility to Infiniti Mobile at this time.

**By my signature immediately below, I hereby certify, under penalty of perjury, that the information included in this certification form is true and correct to the best of my knowledge.**

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**For Agent Use Only (check only 1 eligibility category and only 1 box under that category):**

**Documents Acceptable Proof for Eligibility:**

- The prior year's state, federal, or Tribal tax return,
- Current income statement from an employer or paycheck stub,
- A Social Security statement of benefits,
- A Veterans Administration statement of benefits,
- A retirement/pension statement of benefits,
- An Unemployment/Workmen's Compensation statement of benefits,
- Federal or Tribal notice letter of participation in General Assistance, or
- A divorce decree, child support award, or other official document containing income information.

If the documentation of income does not cover a full year, the applicant must present the same type of documentation covering 3 consecutive months within the previous 12 months.

**List A - Choose 1**

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Section 8 Federal Public Housing Assistance (FPHA)
- Supplemental Security Income (SSI)
- Veterans and Survivors Pension Benefit

**Documents Acceptable Proof for Program-Eligibility: List A Cont.**

**List B - Choose 1**

- Program Participation card / document
- Prior year's statement of benefits
- Notice letter of participation
- Other official qualifying document: \_\_\_\_\_

Representative Name	Representative Signature

# EXHIBIT C



## Lifeline Service Application Income Eligibility Worksheet

Individuals in all states are able to enroll in the Lifeline program by demonstrating that their household's annual income is at or below 135% of the Federal Poverty Guidelines. This table should be used to determine whether a Lifeline applicant is eligible for Lifeline service based on the number of individuals in the applicant's household and the applicant's household annual income:

HOUSEHOLD SIZE	INCOME LEVEL
1	\$16,389
2	\$22,221
3	\$28,053
4	\$33,885
5	\$39,717
6	\$45,549
7	\$51,381
8	\$57,213
For each additional person	Add \$5,832

**Applicants must list the number of individuals in the applicant's household on the Lifeline application form.** Applicants seeking to qualify for Lifeline service based on their household income must present one of the following documents in order to prove eligibility:

- the prior year's state, federal, or Tribal tax return
- current income statement from an employer or paycheck stub
- a Social Security statement of benefits
- a Veterans Administration statement of benefits
- a retirement/pension statement of benefits
- an Unemployment/Workmen's Compensation statement of benefits
- Federal or Tribal notice letter of participation in General Assistance
- a divorce decree, child support award, or other official document containing income information for at least three months time

**This is a Lifeline service provided by IM Telecom, LLC dba Infiniti Mobile. Lifeline is a government assistance program. Only one Lifeline service is available per household. Households are not permitted to receive multiple Lifeline benefits whether they are from one or multiple companies, wireless or wireline. Proof of eligibility is required for enrollment and only eligible customers may enroll in Lifeline service. Consumers who willingly make false statements to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Lifeline is a non-transferable benefit. Lifeline customers may not transfer their benefits to any other person.**

# EXHIBIT D



**LifeLink** is a federal Lifeline Assistance program supported by the federal Universal Service Fund.

**Who Is Eligible?** Enrollment is available to individuals who are not already enrolled in Lifeline or wish to transfer service and meet the federal or state-specific eligibility requirements. You may qualify if you are on certain federal assistance programs, like **Medicaid** or **SNAP** (Supplemental Nutrition Assistance Program), or based on income.

**How to Apply?** You can start the **LifeLink** enrollment process by calling 918.960.0023, visiting our website at [www.infinitimobile.com](http://www.infinitimobile.com), or by visiting one of our many outreach locations. Proof of participation in a qualifying program or income and a valid photo ID will be needed to start the process. NO CREDIT CHECK will be performed.

**SIGN UP TODAY!**

<b>* Included Plan Features</b>				
Nationwide Calling	✓ 750 Minutes	✓ 1000 Minutes	✓ 1000 Minutes	✓ 1000 Minutes
Voice Mail	✓ Yes	✓ Yes	✓ Yes	✓ Yes
Free 911	✓ Yes	✓ Yes	✓ Yes	✓ Yes
Nationwide Texting	✓ Unlimited	✓ Unlimited	✓ Unlimited	✓ Unlimited
Picture Messaging	✓ Unlimited	✓ Unlimited	✓ Unlimited	✓ Unlimited
Nationwide Roaming	✓ Yes	✓ Yes	✓ Yes	✓ Yes
High Speed Data	✗ No	✓ 500 MB	✓ 2 GB	✓ 2 GB
Smartphone Included	✗ No	✓ Yes	✓ Yes	✓ Yes

\* Plans subject to change as mandated by the FCC.  
 \*\* Tribal Plan requires additional eligibility. See website for details.



Infiniti Mobile is a Lifeline supported service. Lifeline is a government assistance program, and only eligible subscribers may enroll. Customers who willfully make false statements to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Lifeline is available for only one line per household. A household is defined as any individual or group of individuals who live together at the same address and share income and expenses. A household is not permitted to receive Lifeline benefits from multiple providers. Violation of the one-per-household rule constitutes a violation of FCC rules, and will result in the Customer's de-enrollment from Lifeline. Lifeline is a non-transferable benefit, and a Customer may not transfer his or her benefit to another person. IM Telecom d/b/a Infiniti Mobile as the eligible telecommunications carrier is not available in all states/areas. For full details, go to [www.infinitimobile.com](http://www.infinitimobile.com).

# EXHIBIT E

## **KonaTel, Inc. Management and Board Member Biographies**

**Chuck Schneider**, CEO for KonaTel, has over 30 years of telecommunication experience at a Fortune 500 company, small/startup companies and other telecom companies in between. His experience includes executive management, finance, sales, network operations, engineering, and regulatory affairs. Mr. Schneider was the President & CEO for TAG Mobile, a mid-sized MVNO and wireless Lifeline carrier in over 20 states. Prior to TAG Mobile, he was the President & CEO for dPi Teleconnect a nationwide Competitive Local Exchange Carrier (CLEC) and wireline lifeline carrier operating in over 30 states.

Mr. Schneider served as Vice President, Business Operations at CMC Telecom, a regional CLEC. His responsibilities at CMC Telecom included overseeing the following back office functions: network operations, engineering, regulatory affairs, billing, IT, provisioning, customer care, and finance. His major accomplishment at CMC was taking the Company in a new direction by transforming the telecom provider from being a reseller to a facility-based carrier by installing a state-of-the-art Alcatel-Lucent and BroadSoft VoIP soft switch platform included lighting up 10 colocation facilities. Prior to joining CMC Telecom, Mr. Schneider was the Director, Business Development at BullsEye Telecom, a nationwide CLEC where he orchestrated the launch of voice services in 42 states. His duties at BullsEye included regulatory affairs, carrier access billing, financial assurance, network vendor invoice auditing, network cost & optimization, vendor relations, and program management.

Mr. Schneider began his career at Allnet/Frontier Communications, a nationwide long distance phone company, where he held positions in customer service, network provisioning, network planning and carrier relations.

Mr. Schneider holds a Bachelor of Business Administration degree from The University of Michigan.

**Nicholas Metherd**, Director of Operations for KonaTel, has over 15 years of operational management experience at a Fortune 100 telecom company, a publicly traded software company and other smaller telecom companies along the way. His experience includes PMO leadership, customer service management, information technology, business optimization, data analysis, and leadership development. He is responsible for executing the operational and support initiatives for the various product offerings of KonaTel. Mr. Metherd is currently working on a Bachelor of Computer Science degree from the University of Texas.

**Dale Bennett**, Director of Sales for KonaTel, has been achieving sales and profitability goals for Fortune 500 Companies, and smaller companies alike for nearly two decades. Starting his career as a Retail Master Agent for T-Mobile, Verizon and AT&T in the post-paid space, he quickly developed executive level relationships with sales partners that were profitable, and long-lasting. Dale has skillfully cultivated and leveraged his business relationships through a genuine desire to mentor and coach people from all walks of life. Prior to joining KonaTel in December 2016, Dale built a SafeLink master agent from 500 activations a month to over 15,000 activations a month within 12 months. Prior to that, Dale worked as a Sales Director for TAG Mobile. Building those sales from 1,000 a month to over 40,000 activations per month. Dale has a Bachelor of Arts degree in Management, Music Theory and Percussion from Musicians Institute.

**D. Sean McEwen**, Chairman of the KonaTel Board. Mr. McEwen founded KonaTel in 2014 when the company acquired the assets of Coast to Coast Cellular. Mr. McEwen began his career in 1983, when he co-founded TriTech Software Systems and served as its first chief executive for 17 years (1983 to 2000). TriTech is a mission critical software developer that pioneered modern-day 9-1-1 emergency dispatching systems used throughout the world. In 1998, while serving as TriTech's CEO, TriTech was named to the Inc. 500 as the 344th fastest growing private company in the U.S. Today, TriTech is the largest public safety software company in the world currently owned by Insight Venture Partners.

**Terry Addington**, KonaTel Board Member. Mr. Addington is 65 years of age and was the Chairman and CEO of SI Wireless, SI Spectrum and Twigby from late 2009 until his recent retirement on January 1, 2018. Mr. Addington has had a distinguished 30 year career in the Wireless Industry, having entered the industry in 1984. In 1990, Mr. Addington was involved in the founding of the entity that would become First Cellular of Southern Illinois. While at First Cellular, Mr. Addington succeeded in making the company a leader not only in the rural carrier community, but in the broader wireless industry as well. He was a 12-year Director of both the Cellular Telecommunications and Internet Association (CTIA) and the Rural Cellular Association ("RCA," now "CCA"). In 2004 – 2005, he served as Chairman of the Board of CTIA, and in 2001 – 2002, he served as Chairman of the Board of RCA.

Mr. Addington is the recipient of numerous honors and distinctions for his work in federal and state legislative, regulatory and policy matters, including the prestigious Wireless Industry Presidents Award, presented by CTIA in 1995, as well as the GTE Mobilnet President's Award. He has served on several early stage company boards of directors and was a past Consultant to Vantage Marketplace, LLC, a subsidiary of Goldman Sachs. His civic involvement activities include several years on the Board of Directors of the Illinois Telecommunications Association (ITA) and the Rend Lake College foundation and six (6) years as a Commissioner of the Mount Vernon, Illinois Economic Development Commission.

Mr. Addington was born and raised in Seattle, Washington, and earned a degree in Economics from Central Washington State University, Ellensburg, Washington.

**Robert Beaty**, KonaTel Board Member. Mr. Beaty is 49 years of age and is currently the President of AGS Construction Inc., a premier reconstruction company in the Denver Metropolitan area. Previously, he was the Founder and CEO of Impact Telecom, a leader in the telecommunications market, which focused on delivering flexible and effective solutions to carriers, businesses and homes. Impact Telecom is comprised of a family of brands all dedicated to innovation, affordability and execution.

Mr. Beaty brings to KonaTel 23 years of experience in telecommunications and managing wholesale and commercial customer bases. Prior to starting Impact Telecom in 2005, he served as the Senior Vice President of Sales for ICG Communications. He helped guide ICG through bankruptcy, and was a valued member of the senior executive team tasked with growing and managing the customer base.

He earned a B.A. in Psychology from the University of Kansas and his M.B.A. in Business Administration from Webster University.

**Dennis E. Miller**, KonaTel Board Member. Mr. Miller is 58 years of age and is currently serving on the Board of Directors of New Ulm Telecom, Inc., a diversified communication company headquartered in New Ulm, Minnesota (“New Ulm Telecom”). New Ulm Telecom is a publicly-held reporting company under the Exchange Act whose shares are traded on the OTC Markets Group OTCQB under the trading symbol “NULM.” Mr. Miller has been an Independent Director of New Ulm Technology since 2009. From 1995 to 2007, he has also served as the President and CEO of Midwest Wireless Holdings in Mankato, Minnesota, where he was responsible for strategic development, including consolidating partnerships; identifying, financing, acquiring and integrating new markets; integrating multiple network technologies; and innovating product development and deployment. Mr. Miller led Midwest Wireless from a start-up company, culminating in successfully completing its sale to Alltel Wireless for \$1.075 billion. Mr. Miller also served as Vice President - Minnesota Operations, for Pacific Telecom Cellular, Appleton, Wisconsin, from 1990 to 1995, where he was responsible for all operational aspects of five (5) Rural Service Area partnerships that combined to form Minnesota Wireless. He also has prior business experience in sales, including leading sales teams and developing sales and distribution programs and processes.

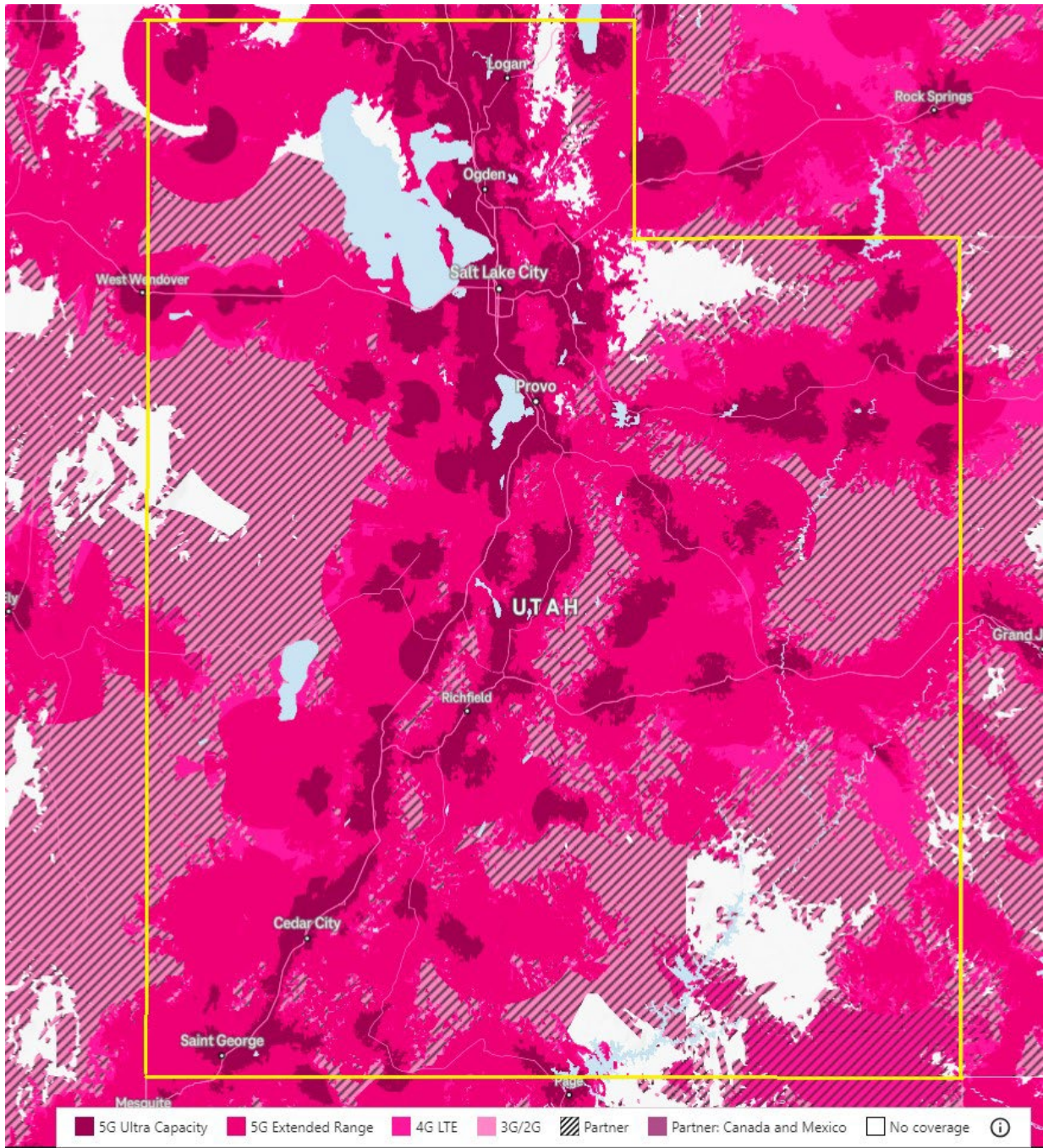
Mr. Miller brings to the Board his experience on numerous other boards and his wireless telecommunications experience, along with his experience in regulatory and legislative affairs, at both the state and federal level, and his participation on business and industry boards.

**EXHIBIT 3**

**Coverage Areas**

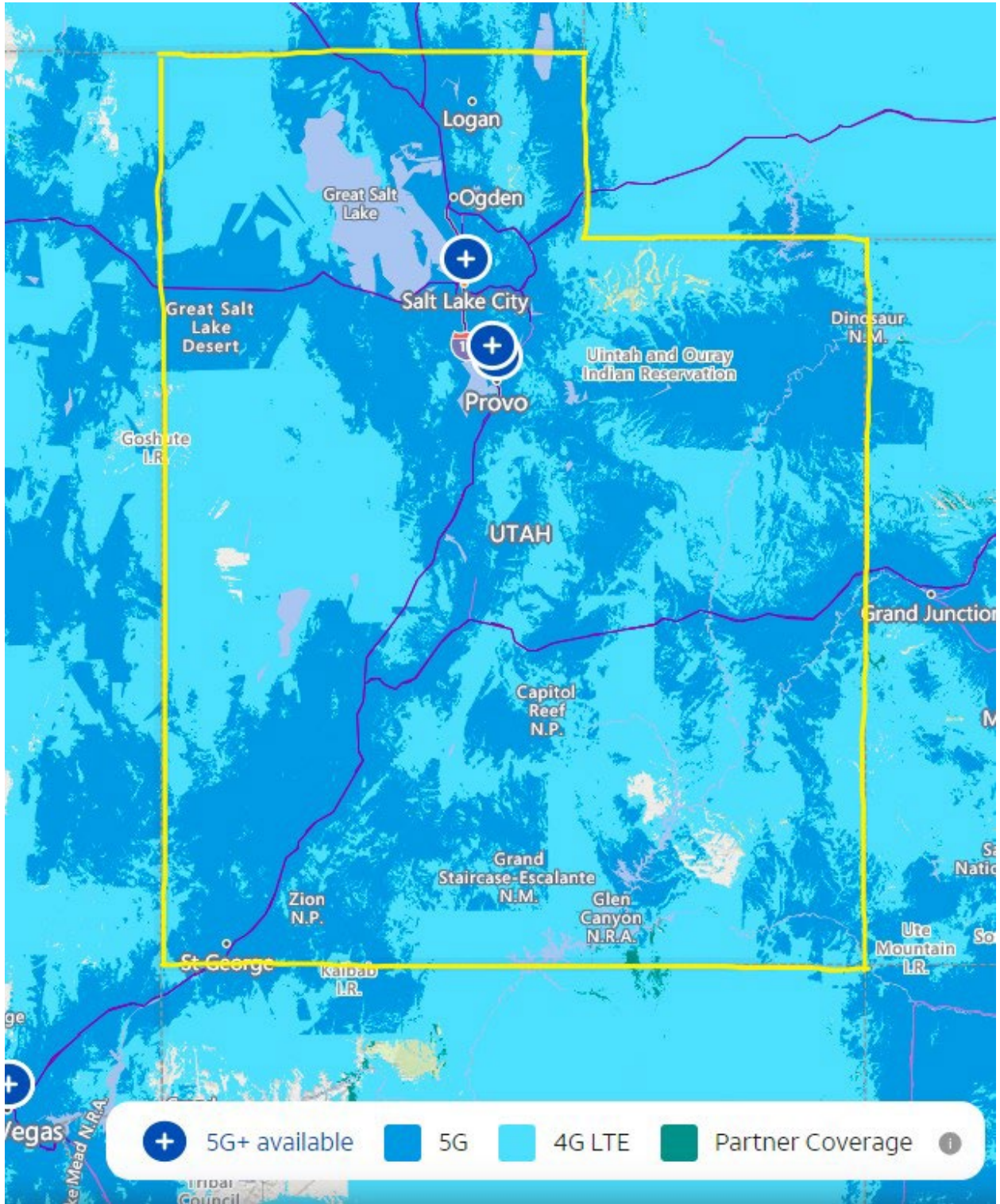


# T-Mobile Coverage



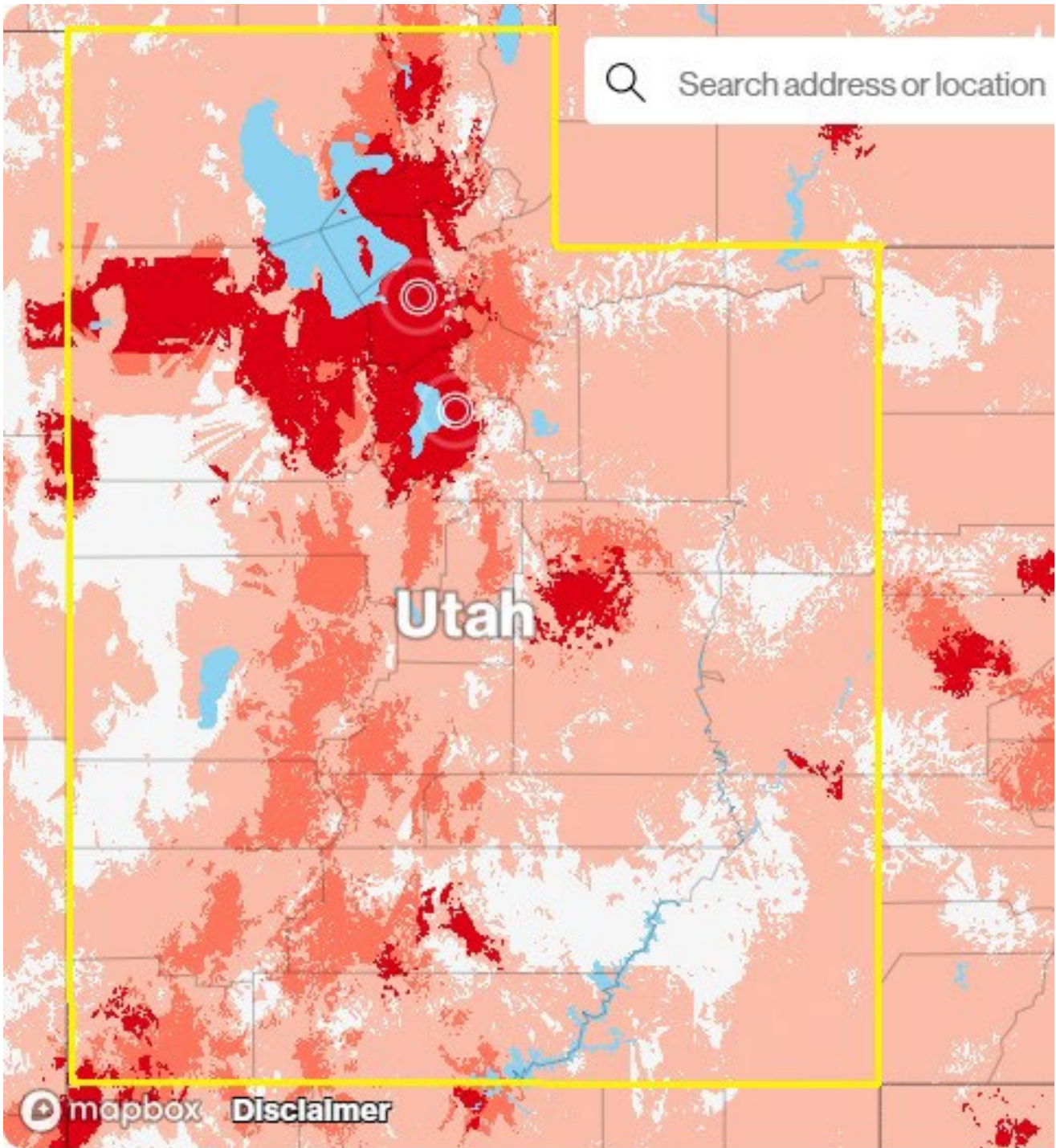


# AT&T Coverage





# Verizon Coverage



- 5G Ultra Wideband ⓘ
- 5G ⓘ
- 4G LTE ⓘ

**EXHIBIT 4**

**Sample Advertisement**

# INFINITI MOBILE



## Lifeline Mobile Phone Service in Wisconsin

### FREE Smartphone

- 3000 Talk Minutes
- Unlimited Text
- 4.5G of Data

*ALL FOR AS LOW AS \$20 PER MONTH!*

**CALL TODAY!**

**888-801-0012**

[www.Infinitimobile.com](http://www.Infinitimobile.com)

**IF YOU RECEIVE ONE OF THE FOLLOWING  
BENEFITS, YOU MAY QUALIFY FOR LIFELINE  
SERVICES**

- Supplemental Nutrition Assistance Program (SNAP)
- Section 8 Federal Public Housing Assistance (FPHA)
- Medicaid
- Veterans or Survivors Pension

AND/OR Income at or below 135% of Federal Poverty Guidelines

**Infiniti Mobile is an approved Lifeline Mobile Phone Service Provider**

The Lifeline Plan is a benefit provided by the US Government that offers discounted wireless phone service. This benefit is available to eligible households that participate in select government programs. Requirements and service offers vary by state so get started now to see if you qualify for **FREE Cellphone and Discounted Monthly Services!**

Each Lifeline benefit is limited to 1 per household and is nontransferable. You can take your benefit to any provider at any time.

**EXHIBIT 5**

**Key Management Bios**

## **OFFICER AND KEY MANGEMENT BIOS**

### **D. Sean McEwen (Chairman/CEO - KonaTel)**

Mr. McEwen founded KonaTel in 2014 as a Mobile Virtual Network Operator (MVNO) providing wireless voice and data services. Prior to creating KonaTel, from 2010 to 2013, he served as an executive management consultant to international MVNOs in the U.S., Peru, Croatia, Serbia and China, providing expertise in the areas of telecommunications technology procurement & deployment. From 2010 to 2011, Mr. McEwen also served as a founding board member of the exchange traded fund One Fund (NYSE: ONEF).

In early 1983, Mr. McEwen co-founded Online Data Corp, and through a series of acquisitions/mergers, the company eventually became TriTech Software Systems. From 1983 to 1990, TriTech developed enterprise software applications for numerous companies, including E. F. Hutton Life Insurance, Travel Lodge Hotels, Foodmaker (Jack in the Box restaurants), AT&T, and Visa's Plus Systems national ATM network. In 1990, TriTech evolved into an enterprise application and systems integration company specializing in telecommunications-oriented mission critical software solutions for public safety (Police, Fire, EMS). TriTech's flagship product, VisiCAD, was the world's first 9-1-1 emergency dispatching system based solely on Microsoft technology with integrated GPS based tracking and predictive routing technology.

In 1995, TriTech won Microsoft's Most Innovative Windows Application award, and in 1998, TriTech was named to the Inc. 500 as the 344th fastest growing privately-held company in the United States. Mr. McEwen served as Vice President of TriTech from 1983 to 1988, President from 1988 to 1996, Chairman/CEO from 1996 to 2000 and finally served as a member of the Board of Directors until successfully exiting the company when controlling interest was sold to Westview Capital Partners in 2006.

### **Chuck Griffin (President/COO KonaTel)**

Mr. Griffin brings more than 20 years of executive communications experience to the job and currently serves as President and Chief Operations Officer of KonaTel. Prior to joining KonaTel, he served as Chairman of the Board and Chief Executive Officer of Lingo Communications. Lingo successfully operates as a global provider of voice and data communications spanning residential, SMB, enterprise, and wholesale markets and servicing more than 250,000 customers worldwide.

Prior to Lingo communications, Mr. Griffin served as CEO for Impact Telecom. As CEO, he was instrumental in building Impact from a start-up company in four states to an international telecommunications facilities-based TDM and VoIP company with more than 25 billion voice minutes traversing its network worldwide. Using private equity investment, Impact grew to more than 400 employees and \$250M in revenue acquiring brands such as Excel, Matrix, AmericaTel, Startec, Vancouver Telecom, Touch 1, TNCI, PacWest, Unipoint and PacWest Telecom before successfully transacting for the sale of Impact with Lingo Communications in 2019.

Prior to Impact, Mr. Griffin held multiple executive leadership positions including CEO, Chief Operating Officer, VP of Business Development, VP of Sales in the telecom and data communications fields for companies such as ICG Communications, Idigi Wireless, @Link Networks, and iPath Communications. These opportunities spanned technologies such as ATM, MPLS, Ethernet over Copper (EoC), Point to Multi-Point fixed base wireless, Dedicated Internet Access (DIA), Class IV and Class V Voice over IP, and native SIP. A business development expert, Mr. Griffin has led organizations in many phases of growth including start-up, stacked acquisition, as well as restructuring and synergy efforts. Mr. Griffin graduated Summa Cum Laude in business communications from Metropolitan State University of Colorado. A lover of the outdoors, Mr. Griffin is a commercial pilot, alpinist, and lives in Colorado with his wife of over 32 years.

### **Brian Riffle (CFO)**

Mr. Riffle is a Certified Public Accountant with over 35 years of experience in various industries. He is the Managing Partner of a Certified Public Accounting firm and his industry experience has included retail, healthcare, financial services, cloud computing and telecommunications. He has also served as a master's level college accounting instructor since 1994.

Mr. Riffle holds certifications in several popular accounting system packages and cloud-based software applications, and he has implemented accounting systems and industry-specific operational software solutions for over 200 companies. He has served as KonaTel's corporate accountant since 2014 and CFO since becoming a publicly traded company in December 2017. Mr. Riffle earned a B.A. in Accounting from the University of Pittsburgh and became a Certified Public Accountant in 1987.

### **Jason N. Welch (President, IM Telecom d/b/a Infiniti Mobile)**

Mr. Welch serves as President of Infiniti Mobile, a wholly owned subsidiary of KonaTel and wireless service provider specializing in discounted phone and broadband service through government support programs. He oversees all company strategy, sales, distribution, and operations.

Immediately prior to joining Infiniti Mobile, Mr. Welch served as Chief Operating Officer of 46 Labs. In his 25+ years of telecommunications industry experience, he has held various VP/SVP/EVP carrier management, sales and operational roles within the wireless and wireline space spanning domestic and international communications service offerings. Mr. Welch successfully served in management roles across companies such as Frontier Communications, Global Crossing, Telco Group Inc., KDDI Global, XO Communication and Impact Telecom.

### **Todd Murcer (EVP Finance – KonaTel)**

Mr. Murcer serves as the Executive Vice President of Finance and the corporate Secretary for KonaTel.

Mr. Murcer previously served as Executive Vice President, FP&A and Treasury of Lingo Communications, a provider of IP-based Cloud voice and data solutions following its merger with Impact Telecom. At Lingo, Mr. Murcer had oversight of financial operations, planning, and implementing financial projections & reporting, as well as managing all banking activities/relationships for the U.S. and Canada.

Mr. Murcer has worked in the telecommunication industry for more than 20 years. He got his start with Matrix Telecom, Inc., a Platinum Equity portfolio company that ultimately divested to Impact. At Matrix, Mr. Murcer helped the company grow annual revenues from \$10 million to over \$400 million while serving in a variety of business development and financial roles as well as leading teams through multiple M&A transactions.

Mr. Murcer holds a Master of Science Management in Business Administration and Management from Boston University (Brussels, Belgium) and a Bachelor of Science in Economics from the University of Oklahoma.

## EXHIBIT 6

### Proposed Lifeline Offering

#### WIRELESS LIFELINE OFFERING

<b>Product Plans</b>	<b>Plan 1 (Non-Tribal)</b>	<b>Plan 2 (Non-Tribal)</b>	<b>Plan 3 (Tribal)</b>
Data	1 GB	4.5 GB	6 GB
Voice Minutes	1,000	3,000	3,000
Text	1,000	Unlimited	Unlimited
Price to Lifeline Subscribers	\$14.00/month	\$20.00/month	\$0.00/month

**All Plans include the following:**

- Free phone or SIM card
- Calls to 911 emergency services
- Calls to Customer Service
- Access to Voicemail, Caller-ID, Call-Waiting, Call-Forwarding, and 3-Way Calling features
- Domestic, Long-Distance Calls

**Top Ups:**

- \$10.00 for 1,000 minutes and 1,000 texts
- \$10.00 for 1GB Refill
- \$20.00 for 2GB Refill
- \$30.00 for 4GB Refill

Complete program terms of use located at <http://infinitemobile.com/terms/>