

**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)

January 11, 2024

**VIA EMAIL to [psc@utah.gov](mailto:psc@utah.gov)**

Utah Public Service Commission  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, UT 84111  
Commission Administrator

Re: IM Telecom, LLC d/b/a Infiniti Mobile – DOCKET NO. 23-2644-01  
Direct Testimony of Jason Welch

Dear Sir/Madam:

Attached please find for filing IM Telecom, LLC d/b/a Infiniti Mobile's Direct Testimony of Jason Welch for Docket No. 23-2644-01.

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

Respectfully submitted,



Lance J.M. Steinhart, Esq.  
Managing Attorney  
Lance J.M. Steinhart, P.C.  
*Attorneys for IM Telecom, LLC d/b/a Infiniti Mobile*

Attachments

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

---

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

---

)  
)  
)  
) **DOCKET NO. 23-2644-01**  
)  
)  
)

**PETITIONER’S SUBMISSION OF**  
**PRE-FILED DIRECT TESTIMONY OF JASON WELCH**

IM Telecom, LLC d/b/a Infiniti Mobile (“Petitioner”), by counsel, respectfully submits the attached pre-filed testimony of Jason Welch.

Respectfully submitted,



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*

January 11, 2024

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

---

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

---

)  
)  
)  
)  
)  
)  
)

**DOCKET NO. 23-2644-01**

**PRE-FILED DIRECT TESTIMONY OF JASON WELCH**

**ON BEHALF OF**

**IM TELECOM, LLC D/B/A INFINITI MOBILE**

**January 11, 2024**

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

3 **A:** My name is Jason Welch. I am the President of IM Telecom, LLC d/b/a Infiniti Mobile  
4 (hereinafter referred to as “INFINITI” or the “Company”). My business address is 500 N  
5 Central Expressway, Ste. 202, Plano, TX 75074.

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

8 **A:** I graduated in 1991 from Fountain Gate College completing their School of Sacred Music  
9 Certificate program. I serve as President of INFINITI, a wholly owned subsidiary of  
10 KonaTel and wireless service provider specializing in discounted phone and broadband  
11 service through government support programs. I oversee all company strategy, sales,  
12 distribution, and operations.

13 Immediately prior to joining INFINITI, I served as Chief Operating Officer of 46 Labs. In  
14 my 25+ years of telecommunications industry experience, I have held various  
15 VP/SVP/EVP carrier management, sales and operational roles within the wireless and  
16 wireline space spanning domestic and international communications service offerings. I  
17 successfully served in management roles across companies such as Frontier  
18 Communications, Global Crossing, Telco Group Inc., KDDI Global, XO Communication  
19 and Impact Telecom.

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

21 **A:** The purpose of my testimony, combined with the Petition that INFINITI filed in this  
22 proceeding on December 15, 2023, is to demonstrate to the Public Service Commission of  
23 Utah (“Commission”) that INFINITI meets the state and federal requirements for

1 designation as an ETC for the limited purpose of offering Lifeline services to qualified  
2 households in Utah and to Participate in the Utah Universal Service Funds (“Utah USF”).  
3 I will address the overall requirements for designation as an ETC and the public interest  
4 benefits that will be realized by designating INFINITI as an ETC.

5 **Q: DO YOU VERIFY THE STATEMENTS AND FACTS MADE IN INFINITI’S**  
6 **VERIFIED PETITION AND THE EXHIBITS ATTACHED THERETO?**

7 **A:** Yes, I verify the statements and facts made in INFINITI’s Petition and the exhibits attached  
8 thereto, filed in this proceeding on December 15, 2023 (the “Verified Petition”), and adopt  
9 the Verified Petition as my own testimony.

10 **Q: PLEASE PROVIDE A BRIEF DESCRIPTION OF INFINITI.**

11 **A:** INFINITI is an Oklahoma Limited Liability Company. Its principal office is located at  
12 500 N. Central Expressway, Suite 202, Plano, Texas 75074. INFINITI is a wholly owned  
13 subsidiary of KonaTel, Inc., a Delaware corporation (“KonaTel”) which acquired  
14 INFINITI on January 31, 2019, and received all required approvals from the FCC and state  
15 commissions. INFINITI is a provider of commercial mobile radio service (“CMRS”) and  
16 provides prepaid wireless telecommunications services to consumers by using the  
17 underlying wireless networks of AT&T Mobility (“AT&T”), Verizon Wireless  
18 (“Verizon”) and T Mobile USA, Inc. (“T-Mobile”) (collectively “Underlying Carriers”) on  
19 a wholesale basis. INFINITI has been designated as a Lifeline-only wireless ETC in  
20 California, Georgia, Kentucky, Maryland, Nevada, New York, Oklahoma, Pennsylvania,  
21 South Carolina, Vermont and Wisconsin. INFINITI is also authorized by the FCC and  
22 USAC to participate in the Affordable Connectivity Program (the “ACP”) throughout the  
23 United States, including Utah.

1 **Q: DOES INFINITI CURRENTLY PROVIDE TELECOMMUNICATIONS SERVICE**  
2 **IN UTAH?**

3 **A:** Yes, INFINITI does currently offer wireless telecommunications service in Utah supported  
4 through the ACP. At this time, INFINITI does not have any active subscribers in Utah.  
5 INFINITI plans to launch its Lifeline wireless services in Utah upon approval of its  
6 Verified Petition.

7 **Q: IN WHICH STATES DOES INFINITI HAVE REQUESTS FOR ETC**  
8 **DESIGNATION PENDING?**

9 **A:** INFINITI has recently applied for ETC Designation in the following jurisdictions:  
10 Alabama, Alaska, Arkansas, Colorado, Idaho, Iowa, Louisiana, Massachusetts, Michigan,  
11 Minnesota, Missouri, Montana, Nebraska, New Jersey, North Dakota, Ohio, Tennessee,  
12 Virginia, Washington, West Virginia, and Wyoming.

13 **Q: DOES INFINITI CURRENTLY CONTRIBUTE TO THE FUNDING FOR**  
14 **UNIVERSAL SERVICE?**

15 **A:** To the best of my knowledge, INFINITI's account is current with the FCC in regard to  
16 regulatory fees, and its account is current with USAC in regard to Universal Service Fund  
17 ("USF") contributions.

18 **Q: WHAT IS THE NATURE OF INFINITI'S ETC DESIGNATION REQUEST?**

19 **A:** INFINITI seeks ETC designation solely to provide Lifeline service to qualifying Utah  
20 households and to Participate in the Utah USF; it does not seek access to funds from the  
21 federal USF for the purpose of participating in the Link-Up program or providing service  
22 to high cost areas.

23 **Q: DOES INFINITI MEET THE REQUIREMENTS FOR OBTAINING ETC**

1           **DESIGNATION?**

2   **A:**    Yes.  INFINITI meets the requirements for ETC designation contained in federal  
3           regulations.  Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide  
4           that Petitioners for ETC designation must be common carriers that will offer all of the  
5           services supported by universal service, either using their own facilities or a combination  
6           of their own facilities and the resale of another carrier’s services, except where the FCC  
7           has forbore from the “own facilities” requirement.  Petitioners also must commit to  
8           advertise the availability and rates of such services and provide additional information set  
9           forth in 47 C.F.R. § 54.202(a).  INFINITI satisfies each of the above-listed requirements.  
10          CMRS resellers like INFINITI are treated as common carriers.  INFINITI recognizes that  
11          Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over  
12          their own facilities and that the FCC’s Rules (47 C.F.R. § 54.201(i)) prohibit state  
13          commissions from designating as an ETC a telecommunications carrier that offers services  
14          exclusively through the resale of another carrier’s services.  However, the FCC granted  
15          forbearance from enforcement of this facilities requirement to carriers seeking Lifeline-  
16          only ETC designation.<sup>1</sup>

17          In accordance with the Lifeline and Link Up Reform Order, INFINITI filed its Compliance  
18          Plan with the FCC, which the FCC approved on August 8, 2012.<sup>2</sup>  The Company’s Revised  
19          Compliance Plan, which updated terms and conditions and reflected the acquisition by

---

<sup>1</sup> See *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline and Link Up Reform Order*”) ¶ 368.

<sup>2</sup> See FCC Public Notice DA 12-1286, <https://www.fcc.gov/document/wcb-approves-compliance-plans-birch-communications>.

1 KonaTel, was approved by the FCC on October 23, 2018.<sup>3</sup> INFINITI commits to  
2 providing Lifeline service in Utah in accordance with its approved Compliance Plan, as  
3 revised, and in compliance with applicable state and federal regulations, to the extent  
4 amendments thereto may supersede commitments made in the Compliance Plan.

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

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

15 **Q: HAS INFINITI BEEN DESIGNATED AS AN ETC IN OTHER STATES OR**  
16 **TERRITORIES?**

17 **A:** Yes, as mentioned previously, INFINITI has been designated as a Lifeline-only wireless  
18 ETC in California, Georgia, Kentucky, Maryland, Nevada, New York, Oklahoma,  
19 Pennsylvania, South Carolina, Vermont and Wisconsin.

20 **Q: HAVE THE STATE COMMISSIONS DETERMINED THAT THE PUBLIC**  
21 **INTEREST WOULD BE SERVED BY THE DESIGNATION OF INFINITI AS AN**

---

<sup>3</sup> See FCC Public Notice DA 18-1081, <https://www.fcc.gov/document/wcb-approves-wireless-compliance-plan-im-telecom>.



1           **ETC?**

2   **A:**    Yes, in each of the jurisdictions where INFINITI has been granted ETC status, the state  
3           commissions determined that the public interest would be served by designating INFINITI  
4           as an ETC.

5   **Q:**    **WHAT FUNCTIONS WILL INFINITI OFFER TO LIFELINE SUBSCRIBERS IF**  
6           **GRANTED ETC STATUS?**

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

15          Voice Grade Access to the Public Switched Telephone Network. INFINITI provides  
16          voice grade access to the public switched telephone network (“PSTN”) through the  
17          purchase of wholesale CMRS services from its Underlying Carriers.

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

20          Access to Emergency Services. INFINITI provides 911 and E911 access for all of its  
21          customers to the extent the local government in its service area has implemented 911 or  
22          E911 systems. As noted, calls to 911 emergency services will always be free and will be  
23          available regardless of service activation status or availability of minutes. INFINITI also

1 complies with the FCC’s regulations governing the deployment and availability of E911  
2 compatible handsets.

3 Toll Limitation. In its *Lifeline and Link Up Reform Order*, the FCC provided that toll  
4 limitation would no longer be deemed a supported service.<sup>4</sup> “ETCs are not required to  
5 offer toll limitation service to low-income consumers if the Lifeline offering provides a set  
6 amount of minutes that do not distinguish between toll and non-toll calls.”<sup>5</sup> Nonetheless,  
7 INFINITI’s offerings inherently allow Lifeline subscribers to control their usage, as its  
8 wireless service is offered on a prepaid, or pay-as-you-go, basis. INFINITI’s service,  
9 moreover, is not offered on a distance-sensitive basis and local and domestic long distance  
10 minutes are treated the same.

11 **Q: IN WHAT SERVICE AREAS IS INFINITI SEEKING DESIGNATION AS AN**  
12 **ETC?**

13 **A:** INFINITI is not a rural telephone company as defined in Section 153(37) of the Act (47  
14 U.S.C. § 153(37)). Accordingly, INFINITI is required to describe the geographic area(s)  
15 within which it requests designation as an ETC. INFINITI requests ETC designation that  
16 is statewide in scope to allow the Company to provide Lifeline service wherever its  
17 underlying, facilities-based providers have wireless coverage. The Company’s coverage  
18 area, including federally recognized tribal lands, is attached to the Verified Petition as  
19 Exhibit 3. INFINITI understands that its service area overlaps with rural carriers in Utah,  
20 but maintains that the public interest factors described below justify its designation in these  
21 carriers’ service areas, especially because it seeks ETC designation solely to utilize USF

---

<sup>4</sup> See *Lifeline and Link Up Reform Order* at ¶ 367.

<sup>5</sup> See *id.* at ¶ 49.

1 funding to provide Lifeline service to qualified low-income consumers. INFINITI is not  
2 eligible for and does not seek Link-Up or high-cost support.

3 Therefore, designation of INFINITI as an ETC will cause no growth in the high-cost  
4 portions of the USF and will not erode high-cost support from any rural telephone company.

5 In fact, the FCC has determined that “[d]esignation of competitive ETCs promotes  
6 competition and benefits consumers in rural and high-cost areas by increasing customer  
7 choice, innovative services, and new technologies.”<sup>6</sup> While federal rules (47 U.S.C. §§  
8 160, 214(e)(5) and 47 C.F.R. § 54.207(b)) require that the service area of an ETC conform  
9 to the service area of any rural telephone company serving the same area (the “service area  
10 conformance” requirement), the FCC’s *Lifeline and Link Up Reform Memorandum*  
11 *Opinion and Order* (FCC 13-44 released April 15, 2013) authorized forbearance from the  
12 service area conformance requirements with respect to carriers seeking to provide Lifeline-  
13 only service.<sup>7</sup> In light of this forbearance, the Commission has the authority to designate  
14 ETCs such as INFINITI in rural areas without concern for the service area conformance  
15 requirement.<sup>8</sup>

16 **Q: PLEASE EXPLAIN INFINITI’S SERVICE COMMITMENT THROUGHOUT**  
17 **THE PROPOSED SERVICE AREA.**

18 **A:** INFINITI will provide service in Utah by reselling service which it obtains from its  
19 Underlying Carriers whose networks are operational and largely built out. Thus, INFINITI  
20 will be able to commence offering its Lifeline service to all locations served by its

---

<sup>6</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>7</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>8</sup> See 47 C.F.R. § 54.207(c).

1 Underlying Carriers very soon after receiving approval from the Commission.

2 In accordance with 47 C.F.R. § 54.202(a)(1)(i), and by the certification attached in Exhibit  
3 1 to the Verified Petition, INFINITI commits to comply with the service requirements  
4 applicable to the low-income support that it receives. Pursuant to 47 C.F.R. §  
5 54.202(a)(1)(ii), a common carrier seeking designation as a Lifeline-only ETC is not  
6 required to submit a five-year network improvement plan as part of its application for  
7 designation as an ETC.

8 **Q: WILL INFINITI COMPLY WITH APPLICABLE CONSUMER PROTECTION**  
9 **AND SERVICE QUALITY STANDARDS?**

10 **A:** Yes, INFINITI's service is of the same quality and reliability as that of its Underlying  
11 Carriers. Under FCC guidelines (47 C.F.R. § 54.202(a)(3)), an ETC Petitioner must  
12 demonstrate that it will satisfy applicable consumer protection and service quality  
13 standards, and wireless Petitioners may satisfy this requirement with a commitment to  
14 comply with the Cellular Telecommunications and Internet Association's ("CTIA")  
15 Consumer Code for Wireless Service. The Company hereby commits to comply with the  
16 CTIA Consumer Code for Wireless Service.

17 **Q: IS INFINITI ABLE TO REMAIN FUNCTIONAL IN EMERGENCY**  
18 **SITUATIONS?**

19 **A:** Yes, in accordance with 47 CFR §54.202(a)(2), INFINITI has the ability to remain  
20 functional in emergency situations. Through its agreement with its Underlying Carriers,  
21 INFINITI provides to its customers the same ability to remain functional in emergency  
22 situations as currently provided by the underlying carrier(s) to their own customers,  
23 including access to a reasonable amount of back-up power to ensure functionality without

1 an external power source, the ability to reroute traffic around damaged facilities, and the  
2 capability of managing traffic spikes resulting from emergency situations.

3 **Q: PLEASE EXPLAIN INFINITI’S FINANCIAL AND TECHNICAL CAPABILITY**  
4 **TO PROVIDE LIFELINE SERVICE IN UTAH.**

5 **A:** In accordance with 47 C.F.R. § 54.202(a)(4), INFINITI is financially and technically  
6 capable of providing Lifeline-supported services. INFINITI currently provides service to  
7 both Lifeline and non-Lifeline customers. INFINITI has not been subject to enforcement  
8 action, and has not been subject to ETC revocation proceedings in any state except for  
9 Wisconsin which was reinstated.<sup>9</sup> INFINITI is financially able to provide Lifeline  
10 supported services; the Company does not, and does not intend to, offer exclusively  
11 Lifeline-supported services—and the Company is therefore not exclusively dependent on  
12 USAC for its revenue. INFINITI also has access to managerial, technical and financial  
13 resources from its parent company, KonaTel. INFINITI is fully capable of honoring all of  
14 its service obligations to customers and regulatory obligations to state and federal  
15 regulators. Furthermore, the senior management of INFINITI has great depth in the

---

<sup>9</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-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.

1 telecommunications industry and offers extensive telecommunications business technical  
2 and managerial expertise to the Company. INFINITI will be providing resold wireless  
3 service, and therefore INFINITI will also rely upon the managerial and technical expertise  
4 of its Underlying Carriers.

5 **Q: WHAT ARE THE RATES AND TERMS OF INFINITI'S LIFELINE OFFERING?**

6 **A:** INFINITI has the ability to provide all services supported by the universal service program,  
7 as detailed in 47 C.F.R. § 54.101(a), throughout Utah. INFINITI intends to be a leader in  
8 the prepaid marketplace by offering consumers exceptional value and competitive amounts  
9 of voice and broadband usage. INFINITI commits that its Lifeline-supported voice  
10 services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408,  
11 including as such standards are updated going forward. INFINITI'S Lifeline-supported  
12 broadband services will also meet the minimum service standards set forth in 47 C.F.R. §  
13 54.408 for mobile broadband internet access services, including for service speed and data  
14 usage allowance, as such standards are updated going forward. To the extent INFINITI  
15 provides devices for use with Lifeline-supported broadband service, such devices will meet  
16 the equipment requirements set forth in 47 C.F.R. § 54.408(f), and INFINITI will not  
17 impose an additional or separate tethering charge for mobile data usage below the  
18 minimum standard.

19 Attached as Exhibit 6 to the Verified Petition is a summary table of the Company's  
20 proposed Lifeline service offerings. Customers will be able to purchase additional minutes  
21 or data as needed. In addition to wholly-supported or discounted wireless services, prepaid  
22 Lifeline customers will receive access to voicemail, caller ID and call waiting features at  
23 no additional charge. All plans will include nationwide domestic long-distance at no extra

1 per-minute charge, and INFINITI will not assess any usage for access to its free customer  
2 services (611). Emergency (911) calls will be free, regardless of service activation or  
3 availability of minutes, and will not count against the customer's airtime. The Company's  
4 Lifeline offering will provide feature-rich mobile connectivity for qualifying subscribers  
5 without the burden of credit checks or service contracts. INFINITI's prepaid offering will  
6 be an attractive alternative for consumers who need the mobility, security, and convenience  
7 of a wireless phone, but who are concerned about usage charges or long-term contracts.

8 **Q: WILL INFINITI ADVERTISE THE AVAILABILITY OF ITS UNIVERSAL**  
9 **SERVICE OFFERINGS USING MEDIA OF GENERAL DISTRIBUTION?**

10 **A:** INFINITI will advertise the availability and rates for the services described above using  
11 media of general distribution as required by 47 C.F.R. § 54.201(d)(2). INFINITI will  
12 comply with the FCC's rules regarding information to be included in marketing materials,  
13 including FCC rule section 54.405(c). Specifically, INFINITI's marketing materials will  
14 state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline  
15 is a government assistance program; (iii) the service may not be transferred to someone  
16 else; (iv) consumers must meet certain eligibility requirements before enrolling in the  
17 Lifeline program; (v) the Lifeline program permits only one Lifeline discount per  
18 household; (vi) documentation is necessary for enrollment; and (vii) INFINITI is the  
19 provider of the services. Moreover, the Lifeline application/certification form will state  
20 that Lifeline is a federal benefit and that consumers who willfully make a false statement  
21 in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be  
22 barred from the program.

23 The Company will advertise its services in a manner reasonably designed to reach those

1 likely to qualify for Lifeline service, using mediums for outreach such as internet, radio,  
2 television, print advertising, and direct mailing.<sup>10</sup> Moreover, INFINITI will expand its  
3 advertising efforts as necessary to ensure that Lifeline-eligible customers are aware of the  
4 Company's service offerings.

5 **Q: WILL INFINITI COMPLY WITH THE LIFELINE CERTIFICATION AND**  
6 **VERIFICATION REQUIREMENTS?**

7 **A:** Yes. Customers interested in obtaining information on the Lifeline program will be  
8 directed to a toll-free telephone number and to the Company's website, which will contain  
9 information regarding the Company's Lifeline service plans, including a description of the  
10 Lifeline program and eligibility criteria. Customers must then apply through the National  
11 Lifeline Eligibility Verifier ("National Verifier"), which they may do online or by  
12 submitting all required documentation to the National Verifier by mail. Customers may  
13 download a copy of the application form from the Internet (from the National Verifier's  
14 website) or request that a copy be mailed to them. INFINITI utilizes the standard Lifeline  
15 application forms as required by FCC rules, and thus complies with the disclosure and  
16 information collection requirements in 47 C.F.R. § 54.410(d).<sup>11</sup> INFINITI will certify and  
17 verify initial and continued consumer eligibility in accordance with 47 C.F.R. § 54.410,  
18 and will notify the applicant that the prepaid service must be personally activated by the  
19 subscriber and the subscriber must use their service every thirty (30) days. INFINITI

---

<sup>10</sup> See attached Exhibit 4 to the Verified Petition for a sample advertisement. The advertisement will be updated if necessary to comply with any state specific requirements.

<sup>11</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>).



1 further confirms that it will not provide a consumer with an activated device and will not  
2 activate a Lifeline service unless or until it has confirmed that the consumer is a qualifying  
3 low-income household pursuant to 47 C.F.R. § 54.409, and completed the required  
4 eligibility determination and certification requirements of 47 C.F.R. §§ 54.410, 54.404-  
5 54.405. Processing of consumers' applications and determination of eligibility will be  
6 performed by the National Verifier.

7 **Q: HOW WILL CUSTOMERS COMMUNICATE WITH INFINITI REGARDING**  
8 **QUESTIONS, CONCERNS, OR COMPLAINTS?**

9 **A:** INFINITI's customer service representatives are located in Atmore, Alabama and the toll-  
10 free telephone number is 888-801-0012. Customer service is available Monday through  
11 Friday from 8:00AM to 8:00PM CST and Saturday from 8:00AM to 5:00PM CST via  
12 phone or online chat. Subscribers can also initiate support tickets 24 hours a day 7 days a  
13 week via an online chat and customer service representatives respond during the above-  
14 mentioned support hours. INFINITI will cooperate fully with the Commission to resolve  
15 all consumer complaints. At this time, the company does not plan to have physical  
16 locations and employees in Utah.

17 **Q: WHAT STEPS WILL INFINITI TAKE TO PREVENT WASTE, FRAUD, AND**  
18 **ABUSE OF THE LIFELINE PROGRAM?**

19 **A:** The FCC has taken steps to further curb abuse in the Lifeline program by establishing the  
20 National Verifier, which transfers the responsibility of eligibility determination away from  
21 Lifeline providers. INFINITI will rely on the National Verifier to determine initial and  
22 ongoing eligibility of Utah Lifeline subscribers. The National Verifier queries the National  
23 Lifeline Accountability Database ("NLAD") for every enrollment to determine whether a

1 prospective subscriber is currently receiving a Lifeline service from INFINITI or any other  
2 ETC, and whether anyone else living at the prospective subscriber's residential address is  
3 currently receiving Lifeline service. INFINITI thus complies with the requirements of  
4 section 54.404 of the FCC's rules. In addition, Company personnel emphasize the "one  
5 Lifeline service per household" restriction in their direct sales contacts with potential  
6 customers.

7 Consistent with federal regulations, the Company will not seek USF reimbursement for  
8 new subscribers until they have personally activated the service, either by initiation and/or  
9 actual use of the service, and will de-enroll any subscriber that has not used the Company's  
10 Lifeline service as set forth in 47 C.F.R. § 54.407(c)(2). An account will be considered  
11 active if the authorized subscriber establishes usage, as "usage" is defined by 47 C.F.R.  
12 § 54.407(c)(2), during the specified timeframe, currently a period of thirty (30) days, or  
13 during the notice period set forth in 47 C.F.R. § 54.405(e)(3), currently a period of fifteen  
14 (15) days. In accordance with 47 C.F.R. § 54.405(e)(3), INFINITI will provide the  
15 subscriber advanced notice, using clear, easily understood language, that the subscriber's  
16 failure to use the Lifeline service within the notice period will result in service termination  
17 for non-usage. Customers that have been deactivated may participate in the Company's  
18 Lifeline service in the future by reapplying and re-establishing eligibility.

19 **Q: HOW WILL INFINITI'S PRESENCE AS AN ETC IN UTAH SERVE THE**  
20 **PUBLIC INTEREST?**

21 **A:** One of the principal goals of the Act, as amended by the Telecommunications Act of 1996,  
22 is "to secure lower prices and higher quality services for American telecommunications  
23 consumers and encourage the rapid deployment of new telecommunications technologies"

1 to all citizens, regardless of geographic location or income.<sup>12</sup> Designation of INFINITI  
2 as an ETC in Utah will further that public interest. Whether because of financial  
3 constraints, poor credit history, or intermittent employment, many low-income consumers  
4 often lack the countless choices available to most consumers and thus have yet to reap the  
5 full benefits of the intensely competitive wireless market.

6 The instant request for ETC designation must be examined in light of the Act's goal of  
7 providing low-income consumers with access to telecommunications services. The  
8 primary purpose of universal service is to ensure that consumers—particularly low-income  
9 consumers—receive affordable and comparable telecommunications services. The FCC  
10 has in recent years expanded the Lifeline program to cover broadband services, noting that  
11 “Only half of all households in the lowest income tier subscribe to a broadband service and  
12 43 percent say the biggest reason for not subscribing is the cost of the service,” and “Of  
13 the low income consumers who have subscribed to mobile broadband, over 40 percent  
14 have to cancel or suspend their service due to financial constraints.”<sup>13</sup> Given this context,  
15 designating INFINITI as an ETC would significantly benefit low-income consumers  
16 eligible for Lifeline services in Utah—the intended beneficiaries of universal service.

17 **Q: WHAT ARE SOME OF THE BENEFITS OF INCREASED COMPETITIVE**  
18 **CHOICE?**

19 **A:** The FCC has acknowledged the benefits to consumers of being able to choose from among  
20 a variety of telecommunications service providers for more than three decades.<sup>14</sup>  
21 Increasing customer choice promotes promote competition and innovation, thus spurring

---

<sup>12</sup> *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

<sup>13</sup> See *Lifeline Modernization Order* ¶ 2.

<sup>14</sup> See, e.g., *Specialized Common Carrier Services*, 29 FCC Rcd 870 (1971).

1 other carriers to target low-income consumers with service offerings tailored to their needs,  
2 ultimately resulting in improved services to consumers. Designation of INFINITI as an  
3 ETC will help ensure that quality services are available at “just, reasonable, and affordable  
4 rates” as envisioned in the Act.<sup>15</sup> Introducing INFINITI into the market as an additional  
5 wireless ETC provider will afford low-income Utah residents a wider choice of providers  
6 and available services while creating a competitive marketplace as ETCs compete for a  
7 finite number of Lifeline-eligible customers. Increasing the competitive marketplace of  
8 providers has the potential to effectively increase the penetration rate and reduce the  
9 number of individuals not connected to the PSTN.

10 **Q: IF INFINITI’S PETITIOIN IS GRANTED, WILL THERE BE ANY FINANCIAL**  
11 **IMPACT ON THE UNIVERSAL SERVICE FUND?**

12 **A:** With Lifeline, ETCs only receive support for customers they obtain. The amount of  
13 support available to an eligible subscriber is exactly the same whether the support is given  
14 through a company such as INFINITI or the Incumbent LEC operating in the same service  
15 area. The number of persons eligible for Lifeline support is the same regardless of the  
16 number of ETCs; thus, INFINITI will only increase the amount of USF Lifeline funding in  
17 situations where it obtains Lifeline customers not already enrolled in another ETC’s  
18 Lifeline program. By implementing the safeguards set forth in the *Lifeline and Link Up*  
19 *Reform Order* and utilizing the NLAD and National Verifier, the likelihood that  
20 INFINITI’s customers are not eligible or are receiving duplicative support either  
21 individually or within their household is greatly minimized. INFINITI’s ability to increase

---

<sup>15</sup> See 47 U.S.C. § 254(b)(1).

1 the Lifeline participation rate of qualified low-income individuals will further the goal of  
2 Congress to provide all individuals with affordable access to telecommunications service,  
3 and thus any incremental increases in Lifeline expenditures are far outweighed by the  
4 significant public interest benefits of expanding the availability of affordable wireless  
5 services to low-income consumers.

6 **Q. DOES INFINITI COMMIT TO COMPLY WITH REGULATIONS IMPOSED BY**  
7 **THE COMMISSION?**

8 **A.** INFINITI hereby asserts its willingness and ability to comply with all the rules and  
9 regulations that the Commission may lawfully impose upon the Company's provision of  
10 service contemplated by this Petition. INFINITI will provide the Commission a copy of  
11 its annual certifications and Lifeline recertification results pursuant to 47 C.F.R. § 54.416  
12 (i.e., FCC Form 555), as well as a copy of its annual report filed pursuant to 47 C.F.R. §  
13 54.422 (i.e., FCC Form 481), and will comply with applicable Commission reporting  
14 requirements for Lifeline ETCs. INFINITI commits to pay all applicable state and local  
15 regulatory fees, including, but not limited to, universal service fees, emergency services,  
16 and relay services. Upon Commission request, the Company is prepared to answer  
17 questions or present additional testimony or other evidence about its services within the  
18 state.

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

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

6 A facilities-based *or non facilities-based* wireless telecommunications provider is  
7 eligible for distribution from the Universal Telecommunications Service Support  
8 Fund under the [L]ifeline program described in Subsection 3(b) for providing  
9 [L]ifeline service that is consistent with the Federal Communications  
10 Commission’s [L]ifeline program for low-income consumers.<sup>16</sup>

11  
12 The amended statute further provides that the Commission “may impose reasonable  
13 conditions for providing a distribution to a wireless telecommunications provider under the  
14 [L]ifeline program.”<sup>17</sup> However, the Commission “may not require a wireless  
15 telecommunications provider to offer unlimited local calling as a condition of receiving a  
16 distribution under the [L]ifeline program described in Subsection 3(b).”<sup>18</sup> Thus, the  
17 Commission has the right, but not the obligation, to impose conditions on wireless carriers’  
18 receipt of funds from the Utah USF. As a non-facilities-based wireless telecommunications  
19 provider, INFINITI meets the criteria as laid out in the amended Utah statute and is eligible  
20 for distributions from the Utah USF based on the requirements detailed in the Utah rules.  
21 The Commission has also adopted requirements for Lifeline support, which are outlined in  
22 Utah Administrative Code R746-8-403. The Commission’s rules stipulate that Utah

---

<sup>16</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>17</sup> Utah Code § 54-8b-15(15)(b).

<sup>18</sup> Utah Code § 54-8b-15(15)(c).

1 Lifeline support may not exceed \$3.50 per Lifeline subscriber per month of subscription to  
2 a service that, for wireless Lifeline, meets FCC broadband Lifeline requirements as set  
3 forth in 47 C.F.R. 54.408 and allows, at no charge beyond the basic monthly fee, unlimited  
4 texting and at least 750 voice minutes per month.”<sup>19</sup> Furthermore, the rules provide that  
5 ETCs will be eligible for ongoing Utah USF distribution if the company is an ongoing  
6 participant in a Commission-approved Lifeline program if the Commission finds it is in  
7 the public interest.<sup>20</sup> INFINITI’s offerings, as detailed herein (specifically Plans 2 and 3),  
8 meet the requirements outlined by this Commission for eligibility to receive Utah USF  
9 support.

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

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

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

18 **A:** Yes.

---

<sup>19</sup> Utah Admin. Code R746-8-403(2)(a)(ii).

<sup>20</sup> Utah Admin. Code R476-8-403(1).

## **VERIFICATION**

**Verification of Jason Welch, President of  
IM Telecom, LLC d/b/a Infiniti Mobile**

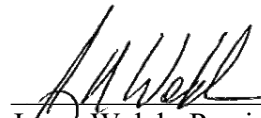


State of New Jersey        )  
  )  
County of Sussex            )

**VERIFICATION**

I, Jason Welch, affirm that I am the President of IM Telecom, LLC d/b/a Infiniti Mobile, and hereby state that the matters, facts and statements set forth in the foregoing Testimony are true to the best of my knowledge and belief.

Executed on January 10, 2024

  
\_\_\_\_\_  
Jason Welch, President  
IM Telecom, LLC  
d/b/a Infiniti Mobile

**ATTACHMENT 1**

Utah-specific Fact Sheet

## IMPORTANT INFORMATION ABOUT YOUR INFINITI MOBILE WIRELESS LIFELINE OFFERING

Infiniti Mobile Wireless Lifeline Offering is brought to you by IM Telecom, LLC d/b/a Infiniti Mobile, and includes the provision of a free SIM card or E911-compliant, data-capable wireless device. This government-sponsored Lifeline telephone service is subject to continuing eligibility and annual recertification. Only one Lifeline subsidy per household is allowed; your participation in this program requires that you do not receive Lifeline subsidy on any other phone, either wireless or wireline. A household, for purposes of the Lifeline program, is defined as any individual or group of individuals who live together at the same address and share income and expenses. Violation of the one-per-household requirement would constitute a violation of the FCC's rules and would result in the consumer's de-enrollment from the program, and potentially, prosecution by the United States government. If you no longer receive the low-income assistance or your income exceeds the qualifying amount, you must notify Infiniti Mobile. As a recipient of Lifeline service, you may not transfer your service to any other individual, including another eligible low-income consumer or give away or sell this phone.

- Your enrollment in the program will be for 12 months (unless your eligibility status changes, you select a different carrier, or there is no activity on your phone for thirty (30) consecutive days).
- Plan 1 is \$14.00 per month to Lifeline Subscribers, and you will receive 1,000 voice minutes, 1,000 text messages, and 1 gigabyte ("GB") of data per month. Plan 2 is \$16.00 per month to Lifeline Subscribers, and you will receive 3,000 voice minutes, unlimited text messages, and 4.5 GB of data per month after application of Lifeline and Utah USF support. Plan 3 is \$0.00 per month to Tribal Lifeline Subscribers, and you will receive 3,000 voice minutes and unlimited text with 6 GB data after application of Lifeline and Utah USF support. Infiniti Mobile will inform you of any plan changes.
- Unused minutes and data will not carry over to the following month.
- Minutes will be charged for both outgoing and incoming calls.
  - Emergency calls to 911 will not count against your available minutes.
  - Calls to Infiniti Mobile customer service will not count against your minutes.
- To contact Infiniti Mobile customer service, please dial 611 from your Infiniti Mobile handset device, or call toll-free at 888-801-0012. You can also contact Infiniti Mobile customer service representatives via Infiniti Mobile's website: <https://infinitimobile.com/>.
- Emergency calls to 911 CAN be made even if you have NO remaining minutes available.
- Before the end of 12 months the National Verifier will verify your continued eligibility for Lifeline support. If your continued eligibility for Lifeline support cannot be determined by accessing the appropriate eligibility or income databases, the National Verifier may request a signed certification from you verifying that you are still eligible for Lifeline support to continue to receive your discounted service.

YOU ARE ENCOURAGED TO READ YOUR WELCOME KIT CAREFULLY FOR COMPLETE DETAILS REGARDING YOUR INFINITI MOBILE LIFELINE OFFERING.

DOCKET NO. 23-2644-01

CERTIFICATE OF SERVICE

I CERTIFY that on January 11, 2024, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Patrick Grecu ([pgrecu@agutah.gov](mailto:pgrecu@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Alyson Anderson ([akanderson@utah.gov](mailto:akanderson@utah.gov))  
Bela Vastag ([bvastag@utah.gov](mailto:bvastag@utah.gov))  
Alex Ware ([aware@utah.gov](mailto:aware@utah.gov))  
Jacob Zachary ([jzachary@utah.gov](mailto:jzachary@utah.gov))

([ocs@utah.gov](mailto:ocs@utah.gov))  
Office of Consumer Services

By:  
Fallin Steinhart, Telecom Specialist  
Lance J.M. Steinhart ([lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com))  
Lance J.M. Steinhart, P.C.  
*Attorneys for IM Telecom, LLC d/b/a Infiniti Mobile*