

LAW OFFICE OF ALAN D. MANDL
90 GLEZEN LANE WAYLAND, MA 01778

*Admitted in Massachusetts
and Rhode Island*

Telephone: (508) 276-1365
Fax: (508) 276-0992
Email: alan@admlawoffice.com

August 31, 2011

Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

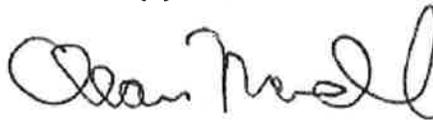
Re: Petition of True Wireless, LLC for Designation as an Eligible Telecommunications Carrier

Dear Luly:

On behalf of True Wireless, LLC ("True Wireless"), please find the Petition of True Wireless for Designation as an Eligible Telecommunications Carrier in the State of Rhode Island ("Petition") for consideration by the Commission.

Enclosed for filing are the original and nine copies (9) of the Petition. Please acknowledge receipt of this by date-stamping the extra copy of the Petition and returning it in the self-addressed stamped envelope provided for that purpose. Should you have any questions regarding this Petition, please do not hesitate to call.

Sincerely yours,



Alan D. Mandl, Bar No. 6590

Enclosures
cc: Cindy Wilson Frias-Commission Counsel
Jon Hagopian, Esq.
Brian Kent

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION

In the Matter of the Petition of True)
Wireless, LLC For Designation as an) Docket No. _____
Eligible Telecommunications Carrier)
Pursuant to 47 U.S.C. § 214(e) in Rhode)
Island

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

True Wireless, LLC (“True Wireless” or “Company”) hereby submits this Petition, pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the “Act”), and the Commission’s rules and regulations¹ for designation as an Eligible Telecommunications Carrier (“ETC”) throughout the State of Rhode Island (the “Designated Service Area”) for the purpose of receiving federal Low Income universal service support, *i.e.*, Lifeline and Link Up. As explained herein, the public interest would be served by granting this Petition, thereby enabling True Wireless to advance universal service by serving the basic and advanced communications needs of low income consumers. In support of this Petition, True Wireless states as follows:

I. INTRODUCTION

True Wireless is a wireless telecommunications carrier serving the basic telephone needs of consumers. True Wireless is a Texas limited liability company authorized to do business in Rhode Island, and throughout the requested Designated Service Area. True Wireless provides Commercial Mobile Radio Services (“CMRS”) as an ETC to qualifying low income consumers

¹ *Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund and Certification and Verification Processes for Compliance with Providing Lifeline and Linkup Service*, adopted by the Commission, effective February 4, 2010 (“Commission ETC Regulations”).

in Oklahoma and Texas (using the name “True Wireless”), and proposes to provide these services to Rhode Island consumers under the True Wireless name.² True Wireless has also been granted ETC designation in Maryland and plans to launch services soon in that state.³ A copy of the Company’s Certificate of Formation is attached as Exhibit A. True Wireless’ address and telephone number is set forth below:

True Wireless, LLC
3124 Brother Blvd., #104
Bartlett, TN 38133
(901) 415-1754

True Wireless’ counsel in this matter is set forth below:

Alan D. Mandl, Bar No. 6590
Law Office of Alan D. Mandl
90 Glezen Lane
Wayland, MA 01778
Phone: (508)276-1365
Email: alan@admlawoffice.com

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

True Wireless meets or commits to meet all the requirements for designation as an ETC as established under federal law (47 U.S.C. § 214(e)); Federal Communications Commission regulations (47 C.F.R. § 54.201); and Commission ETC Regulations. In particular, True Wireless:

- is a common carrier (*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d); Part III.a of Commission ETC Regulations);

² True Wireless was granted ETC designation in Texas in November 2009 in Docket No. 36164. *In re Application of True Wireless LLC for Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider*, Order (TX PUC Nov. 30, 2009). It was granted ETC designation in Oklahoma in October 2010 in Cause No. PUD 200800389. *In re Application of True Wireless, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214(e)*, Final Order Granting Designation as an Eligible Telecommunications Carrier (OK Corp. Comm’n Oct. 29, 2010).

³ True Wireless’ ETC designation in the state of Maryland became final on June 17, 2011. Letter from Terry J. Romine, Executive Secretary to Richard A. Gibbs, Davis Wright Tremaine LLP, counsel to True Wireless, LLC, ML#s 129112 and 130685 TE-10425 (May 18, 2011).

- will offer the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) (*see also* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1); Part II of Commission ETC Regulations);
- will use a combination of its own facilities and resold services to provide the supported services (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1); Part II of Commission ETC Regulations);
- will provide the supported services throughout its designated service area (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d); Part III.b of Commission ETC Regulations);
- will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2); Part III.b of Commission ETC Regulations);
- will make available Low Income service to qualifying low income consumers (47 C.F.R. § 54.405; Part IV of Commission ETC Regulations); and
- will comply with all additional Commission ETC Regulations.

A. True Wireless Is A Common Carrier (47 U.S.C. § 214(e)(1) and Part III.a of Commission ETC Regulations)

True Wireless will provide CMRS throughout its requested Designated Service Area, and as a CMRS provider, True Wireless is regulated as a common carrier (47 C.F.R. § 20.9), subject to all applicable regulations, and therefore meets the ETC requirement of being a common carrier. Further, True Wireless is concurrently submitting the CMRS registration required by the Commission in order to obtain its authorization to operate in Rhode Island.

B. True Wireless Offers The Services Supported By Federal Universal Service Support Mechanisms (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. §§ 54.201(d)(1), 54.101; Part II of Commission ETC Regulations)

True Wireless will provide each of the nine services supported by federal universal service support mechanisms upon designation as an ETC as set forth below.

1. Voice Grade Access To The Public Switched Telephone Network - the ability to transmit and receive voice communications with a minimum

bandwidth of 300 to 3,000 Hertz (47 C.F.R. § 54.101(a)(1); Part II. A.2 of Commission ETC Regulations). True Wireless will meet this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.

2. Local Usage – an amount of minutes of use provided free of charge (47 C.F.R. § 54.101(a)(2)). True Wireless commits to meeting this requirement and Part III.c of the Commission’s ETC Regulations by providing three attractive pricing plans for nationwide calling for customers qualifying for Low Income: (1) 90 minutes of nationwide calling \$13.35 per month (free to the customer after the Lifeline discount); (2) 350 minutes nationwide for \$40 per month (\$26.65 per month to the customer after the Lifeline discount); or (3) 2500 minutes of nationwide calling for \$63.50 per month (\$50.15 per month to the customer after the Lifeline discount). Each package provides Low Income customers with large local calling areas, as well as long distance calling at competitive prices.
3. Dual Tone Multi-Frequency (“DTMF”) Signaling Or Its Functional Equivalent – a method of signaling that facilitates the transportation of call set-up and call detail information (47 C.F.R. § 54.101(a)(3); Part II. A.3 of Commission ETC Regulations). The FCC has recognized that, with respect to wireless carriers, it “is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling.”⁴ True Wireless will meet this requirement by providing out-of-band digital signaling and in-band multi-frequency signaling for call set-up and termination.
4. Single Party Service Or Its Functional Equivalent – a dedicated message path for the length of a user’s particular transmission (47 C.F.R. § 54.101(a)(4); Part II. A.1 of Commission ETC Regulations). With respect to wireless carriers, “single-party service” affords a user a dedicated message path for the length of a user’s particular transmission. True Wireless will meet this requirement with respect to each of its service offerings.
5. Access To Emergency Services – access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services (47 C.F.R. § 54.101(a)(5); Part II. A.4 of Commission ETC Regulations). True Wireless commits to meet this requirement by providing access to 911 service and meeting all requests for access to E911 service through local public service answering points (“PSAPs”).

⁴ *In Re Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, at ¶ 71 (FCC rel. May 8, 1997).

6. Access To Operator Services – access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call (47 C.F.R. § 54.101(a)(6); Part II. A.5 of Commission ETC Regulations). True Wireless commits to meet this requirement by providing access via a switch owned by True Wireless, which will route customers to True Wireless’ call center.
7. Access To Interexchange Service – ability to make and receive calls using an interexchange carrier’s network (47 C.F.R. § 54.101(a)(7); Part II. A.6 of Commission ETC Regulations). True Wireless commits to meeting this requirement by providing its customers with access to the ability to make and receive calls over interexchange network facilities. The FCC has determined that wireless carriers are not required to provide equal access to interexchange service, but may be required to provide equal access in certain special situations.⁵
8. Access To Directory Assistance – making available to customers, among other services, access to information contained in directory listings (47 C.F.R. § 54.101(a)(8); Part II. A.7 of Commission ETC Regulations). True Wireless commits to meeting this requirement by providing all of its customers with access to directory assistance by dialing 411. True Wireless commits to meeting this requirement by providing access via a switch owned by True Wireless, which will route customers to True Wireless’ call center.
9. Toll Limitation For Qualifying Low-Income Consumers – toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control (47 C.F.R. § 54.101(a)(9); 47 C.F.R. § 54.400(d); Part II. A.8 of Commission ETC Regulations). True Wireless commits to meeting this requirement by offering service on a prepaid, or pay-as-you-go, basis. Moreover, its calling plans do not distinguish between local or toll services and offer nationwide calling. As the FCC found in its grant of ETC designation to Virgin Mobile, “the prepaid nature of [a prepaid wireless carrier’s] service offering works as an effective toll control.”⁶ True Wireless will provide this toll control to qualifying low income consumers at no additional charge. True Wireless will shortly have the ability to offer toll blocking and toll limitation through the switch owned by True Wireless.

⁵ *Id.* at ¶ 78.

⁶ *In Re Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); etc.*, Order, 24 FCC Rcd 3381, 3394 at ¶ 34 (FCC rel. Mar. 5, 2009).

C. True Wireless Will Use A Combination of Its Own Facilities and Resold Facilities To Provide The Supported Services

True Wireless provides the supported services using a combination of its own facilities, which include a switch, and resale of another carrier's services. Consistent with Section 214 of the Communications Act of 1934, as amended,⁷ and the FCC's rules, these facilities are physical components of the telecommunications network that are used in the transmission or routing of the service for which support is requested. In addition, the FCC has stated that:

... we find that the statute does not dictate that a carrier use a specific level of its 'own facilities' in providing the services designated for universal service support given that the statute provides only that a carrier may use a 'combination of its own facilities and resale' with respect to the amount of facilities a carrier must use. For the same reason, we find that the statute does not require a carrier to use its own facilities to provide each of the designated services but, instead, permits a carrier to use its own facilities to provide at least one of the supported services.⁸

Because these facilities include a switch owned by True Wireless and leased communications lines, which True Wireless will use to provide two of the supported services, True Wireless meet's the own facilities requirement as required under the FCC's rules.⁹

D. True Wireless Will Provide The Supported Services Throughout Its Designated Service Area Upon Reasonable Request

True Wireless commits to provide the supported services throughout its Designated Service Area, consistent with all applicable requirements, including the FCC's ETC service provisioning requirements found in 47 C.F.R. § 54.202. True Wireless' service area encompasses the service and coverage area of the carrier from which it anticipates purchasing wholesale wireless services. To the extent a potential customer requests service within True Wireless' Designated Service Area, but outside its anticipated network coverage, True Wireless

⁷ 47 U.S.C. § 214(e)(1)(A).

⁸ *USF Order*, para. 169.

⁹ *See* 47 C.F.R. § 54.201(e), (f).

will, in cooperation with its carrier vendor, follow the six-step process specified in 47 C.F.R. § 54.202(a)(1)(i). Specifically, True Wireless will determine if service can be provided with the cooperation of its vendor at reasonable cost to the requesting customer by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.

E. True Wireless Will Advertise The Availability Of Its Universal Service Offerings And Charges For Such Offerings Using Media Of General Circulation (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2); Part III. b of Commission ETC Regulations)

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

F. True Wireless Will Make Available Low Income Service To Qualifying Low-Income Consumers

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

Income: (1) 90 minutes of nationwide calling free after the discount; (2) 350 minutes of nationwide calling for \$26.65 per month after the discount; or (3) 2500 minutes of nationwide calling for \$50.15 per month after the discount. Each package provides low income consumers with local, as well as long distance, calling at competitive prices.

G. Satisfaction of Applicable Consumer Protection and Service Quality Standards

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

H. True Wireless Will Participate in the Federal Link Up Program, the Rhode Island Linkup Program and Federal and State Lifeline Programs

True Wireless will participate in the federal and Rhode Island Linkup and Lifeline programs and offer services that fully comply with federal and state requirements, as prescribed under Parts II.C and III.c of the Commission's ETC Regulations.

I. True Wireless Will Satisfy the Additional Commission Requirements for ETC Designation (Parts IV-VII of Commission ETC Regulations)

In compliance with Commission ETC Regulations, True Wireless states as follows. Its Petition satisfies Part III of the Commission's ETC Regulations regarding the content of Petitions for Certification. In addition:

- **Eligibility for Enrolling in and Retaining Lifeline Discounts.** True Wireless will adhere to all eligibility for enrollment in and retention of lifeline discounts requirements set forth in Part IV of the Commission’s ETC Regulations.
- **Enrollment and Certification of Initial Eligibility.** True Wireless will comply with the enrollment and certification of initial eligibility requirements set forth in Part V of the Commission’s ETC Regulations.
- **Verification of Continued Eligibility.** True Wireless will comply with the verification of continued eligibility requirements set forth in Part VI of the Commission’s ETC Regulations, including conducting an annual verification of continued eligibility of its customers in accordance with the verification process set forth in Part VI-A.
- **Submission of Form 497.** True Wireless will submit its FCC Form 497 on a monthly basis with the Universal Service Administrative Company.
- **Record Keeping.** True Wireless will maintain records in accordance with the record keeping requirements set forth in Part VII of the Commission’s ETC Regulations.

III. Designation of True Wireless As An ETC In Rhode Island Is In The Public Interest

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

Access to wireless services is no longer a luxury, but a necessity for many economically disadvantaged Americans. Low income consumers are mobile and transient, often balancing multiple jobs and moving far more frequently than consumers with higher incomes, making wireless telecommunications the only technology that truly suits their needs in most cases.

Because low income consumers spend less time during the day at a fixed location, and even less time at a fixed location with a phone available for their use, access to wireless telecommunications is of crucial importance to low income consumers.

True Wireless fulfills a critical role in the marketplace by ensuring that these low income consumers, who cannot afford the services provided by other wireless providers, can still access these important services. True Wireless' designation as an ETC will result in low income consumers having greater access to wireless telecommunications services in Rhode Island, thereby advancing the basic goal of preserving and advancing universal service.¹⁰ Indeed, True Wireless will pass through to its Low Income eligible customers all the federal and Rhode Island Low Income program discounts. Designating True Wireless as an ETC will improve its ability to serve these customers, and thus will serve the public interest.

IV. Certification For Use Of Universal Service Funds

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

¹⁰ See 47 U.S.C. § 254(b).

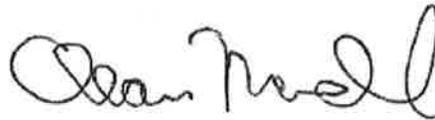
V. Conclusion

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

Respectfully submitted,

True Wireless, LLC

By its attorney,

A handwritten signature in black ink, appearing to read "Alan Mandl". The signature is written in a cursive style with a large initial "A" and "M".

Alan D. Mandl, Bar No. 6590
Law Office of Alan D. Mandl
90 Glezen Lane
Wayland, MA 01778
Phone: (508) 276-1365
Email: alan@admlawoffice.com

Dated: August 31, 2011

Exhibit A

Certificate of Formation

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709



Filed in the Office of the
Secretary of State of Texas
Filing #: 801001360 07/08/2008
Document #: 221532330002
Image Generated Electronically
for Web Filing

Filing Fee: \$300

**Certificate of Formation
Limited Liability Company**

Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

TRUE Wireless, LLC

The name of the entity must contain the words "Limited Liability Company" or "Limited Company," or an accepted abbreviation of such terms. The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

Article 2 - Registered Agent and Registered Office

A. The initial registered agent is an organization (cannot be company named above) by the name of:

National Registered Agents, Inc.

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

C. The business address of the registered agent and the registered office address is:

Street Address:

16055 Space Center, Suite 235 Houston TX 77062

Article 3 - Governing Authority

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: (Business Name) **Lost Key Telecom, Inc.**

Address: **5783 Grand Lagoon Blvd. Pensacola FL, USA 32507**

Managing Member 2: (Business Name) **Energycomnetwork, llc**

Address: **112 East Seminary Drive B Fort Worth TX, USA 76115**

Managing Member 3: (Business Name) **TELECOM CONSULTING AND SERVICES, LLC**

Address: **112 East Seminary Drive Suite B Fort Worth TX, USA 76115**

Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information