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PUBLIC UTILITIES COMMISSION

December 5, 2012

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

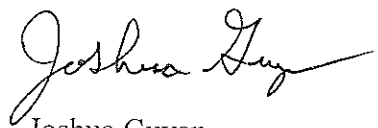
Re: Petition of Blue Jay Wireless, LLC for Designation as an Eligible
Telecommunications Carrier

Dear Ms. Massaro:

Blue Jay Wireless, LLC ("Blue Jay"), by its attorneys, submits one original and four copies of the enclosed (1) Petition for Designation as an Eligible Telecommunications Carrier and (2) Commercial Mobile Radio Service (Class VI) Application Package. As required, Blue Jay also submits herewith a check in the amount of \$300.

Please contact the undersigned at (202) 342-8566 or by e-mail at jguyan@kelleydrye.com, if you should have any questions regarding this filing.

Respectfully submitted,


Joshua Guyan

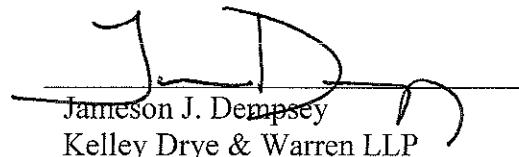
Counsel to Blue Jay Wireless, LLC

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2012, one original (1) and four (4) copies of the foregoing *Petition of Blue Jay Wireless, LLC for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis and Commercial Mobile Radio Service (Class VI) Application Package* were served via overnight courier (United Parcel Service) on the following:

RI Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888


Jameson J. Dempsey
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, D.C. 20007

BEFORE THE
RHODE ISLAND PUBLIC UTILITIES COMMISSION

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2012 DEC -6 PM 4: 29
PUBLIC UTILITIES COMMISSION

Petition of Blue Jay Wireless, LLC)
For Designation as an Eligible)
Telecommunications Carrier for the) Docket No. _____
Purpose of Offering Lifeline Service)
on a Wireless Basis)

PETITION OF BLUE JAY WIRELESS, LLC

Blue Jay Wireless, LLC (“Blue Jay” or the “Company”), by its counsel, respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”), Section 54.201 *et seq.* of the Rules of the Federal Communications Commission (“FCC”), Sections 42-35-1 *et seq.* and 39-2-5(9)(i) of the Rhode Island General Laws, and Section 4.0 of the Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund (the “Commission Rules”).¹ Blue Jay requests that the Rhode Island Public Utilities Commission (“Commission”) grant it designation as a wireless ETC in Rhode Island for the sole purpose of receiving federal universal service Lifeline support in the geographic areas specified in this Petition. Blue Jay does not request ETC status for the purpose of receiving support from any of the other Universal Service Funds (“USF”).

As discussed in more detail below, Blue Jay meets the statutory and regulatory requirements for designation as an ETC and is able and prepared to offer Lifeline-supported services throughout its designated service area in Rhode Island. Granting ETC status to Blue Jay

¹ Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund, effective August 30, 2012.

will benefit the public interest by making the Company's services available to a broad range of low-income consumers. Because the availability of Blue Jay's services so clearly serves the interests of Rhode Island consumers, Blue Jay respectfully requests that the Commission grant this Petition expeditiously. In support of this Petition, Blue Jay provides the following information:

I. OVERVIEW OF PETITIONER AND SERVICE OFFERINGS.

Blue Jay is a Texas limited liability company with principal offices at 5010 Addison Circle, Addison, TX 75001. The Company has filed a registration with the Rhode Island Secretary of State as a foreign limited liability company operating in Rhode Island, as well as its application package for certification as an authorized telecommunications carrier under the laws of the State of Rhode Island pursuant to section 4.1 of the Commission's Rules. Blue Jay does not presently provide service to customers in Rhode Island.

Blue Jay has applications pending for ETC designation in the following states: Arizona, Colorado, Hawaii, Minnesota, Missouri, Oklahoma, Pennsylvania, South Carolina, Utah, and Washington. In addition, Blue Jay is awaiting designation as an ETC by the FCC in the states of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, as well as the District of Columbia. Further, the Company is preparing to file petitions for ETC designation in additional states. None of Blue Jay's petitions for ETC designation have been denied.

Blue Jay operates as a common carrier, providing wireless mobile phone services to consumers in Texas and will provide this common carrier service in many states, including Rhode Island. Blue Jay will provide domestic and international voice and data services, primarily to low-income consumers. As a reseller of wireless services, Blue Jay will purchase

wireless network infrastructure and wireless transmission facilities from Sprint and Verizon Wireless on a wholesale basis and resell these services to its customers.² Blue Jay will provide affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets and high quality customer service. Blue Jay's products and plans will be specially geared toward serving lower income communities, and its service models and pricing plans will reflect this mission. The Company will not require service contracts from its customers and it will always ensure competitively low pricing for its services and products. By providing affordable service, Blue Jay can reach out to those who are often ignored by traditional carriers.

Blue Jay will manage all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and live customer service. The Company's prepaid, budget-friendly pricing will give many low-income consumers the option of having basic mobile phone service without the burden of hidden costs, varying monthly charges, or contractual commitments. Customers will be able to customize their mobile phone service to suit their needs with Blue Jay's pay-as-you-go rechargeable mobile phone plans.

Blue Jay's customer base likely will be low-income consumers and the majority are unlikely to have phone service of any kind prior to enrollment. Blue Jay's customers will depend on and benefit greatly from Blue Jay's inexpensive and flexible pricing plans. Blue Jay will not impose credit checks nor will it require any deposits or contractual commitments. Most of Blue Jay's customers likely will turn to Blue Jay because they cannot afford the postpaid services provided by traditional wireless carriers. Blue Jay will affirmatively reach out to the low-income sector of the consumer base to offer attractive and affordable communications

² Blue Jay will purchase the services of Sprint and Verizon Wireless through a Mobile Virtual Network Enabler ("MVNE") intermediary such as Natel Networks, LLC.

options. As such, Blue Jay will contribute to the expansion of mobile wireless services for low-income consumers and intends to seek ETC designation in additional states and territories so that it may continue to expand the service options for these consumers.

II. BLUE JAY SATISFIES THE COMMISSION'S AND THE FCC'S REQUIREMENTS FOR ETC DESIGNATION.

Per the Commission's Rules, petitioners seeking ETC designation in Rhode Island are largely evaluated under the standards set by the FCC.³ Section 214(e)(2) of the Act provides that, upon request and consistent with the public interest, convenience and necessity, the Commission may designate more than one common carrier as an ETC in areas served by a rural telephone company and shall do so with respect to all other areas, provided that the requesting carrier (i) offers services that are supported by federal universal service support mechanisms and (ii) advertises the availability of such services.⁴ FCC rules impose additional requirements on a carrier requesting ETC designation. As demonstrated below, Blue Jay satisfies each of these requirements.

1. Blue Jay Will Operate as a Common Carrier.

Blue Jay will operate as a common carrier as defined in 47 U.S.C. § 153(10) in Rhode Island and thus is eligible for designation as an ETC. The FCC has consistently held that providers of wireless services are to be treated as common carriers for regulatory purposes. Moreover, Blue Jay is a CMRS provider. Section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.⁵

³ See generally Commission Rules § 4.0.

⁴ See 47 U.S.C. §214(e)(2); see also 47 C.F.R. § 54.201(d).

⁵ See 47 U.S.C. § 332(c)(1)(A).

2. Blue Jay Will Provide the Services Designated for Lifeline Support.

The FCC has determined that “voice telephony services” shall be supported by the federal USF program.⁶ Eligible voice telephony services must provide:

- voice grade access to the public switched network;
- local usage;
- access to emergency services; and
- toll limitation for qualifying low-income consumers.

Upon receiving the requested designation as an ETC, Blue Jay will provide each of these required services throughout its designated service area, as described in more detail below. Indeed, Blue Jay will provide all of these services in each state in which it receives ETC designation. Blue Jay’s Lifeline service offerings will be provided pursuant to the Company’s established rates, as provided in this Petition, and its terms and conditions of service, which are available at Blue Jay’s website at <http://www.bluejaywireless.com/terms/>. Blue Jay will offer Lifeline subscribers attractive voice telephony service plans. The Company’s Lifeline subscribers will be eligible to receive the same service plans that Blue Jay generally will make available to the public.

A. Means of providing Lifeline service.

The Company will provide service via resale of underlying carrier services provided by Verizon Wireless and Sprint. Section 214(e)(1)(A) of the Act provides that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”⁷ Pursuant to the FCC’s *Lifeline Reform Order*, however, resellers are granted blanket forbearance from this facilities requirement, subject to conditions, in connection

⁶ 47 C.F.R. § 54.101(a).; *see also* Commission Rules § 4.2 (requiring petitioners to “[d]emonstrate that the carrier will provide Voice Telephony services that meet each part of ‘Services designated for support’ set forth in 47 C.F.R. § 54.101”).

⁷ 47 U.S.C. § 214(e)(1)(A).

with limited ETC designation to participate in the Lifeline program.⁸ The FCC conditioned blanket forbearance on the reseller's compliance with certain ETC obligations, including providing 911 and E911 service regardless of activation status and prepaid minutes available, providing E911-compliant handsets, and replacing E911 non-compliant handsets at no charge to the Lifeline customer.⁹ In addition, the reseller must adhere to an FCC-approved compliance plan that includes specific information about the reseller's service offerings and that outlines the measures that the reseller will take to implement the obligations established in the *Lifeline Reform Order*.¹⁰

Blue Jay commits to compliance with all of these conditions. To this end, and consistent with section 4.4.1.2 of the Commission's Rules, on May 11, 2012, Blue Jay submitted to the FCC a compliance plan that meets the requirements of the *Lifeline Reform Order*. On November 30, 2012, Blue Jay most recently filed a revised compliance plan with the FCC. As required by section 4.5 of the Commission's Rules,¹¹ a copy of this revised plan ("Compliance Plan") is appended as **Exhibit A**. Upon FCC approval of its Compliance Plan, Blue Jay will not be required to meet the "own facilities" requirement of Section 214(e)(1)(A). Consequently, the Company's proposal to operate as an ETC in Rhode Island using resold services will be entirely compliant with FCC requirements.

⁸ 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, 27 FCC Rcd 6656, ¶ 368 (2012) ("*Lifeline Reform Order*").

⁹ See *id.*, at ¶ 373.

¹⁰ See *id.*, at ¶ 368.

¹¹ See Commission Rules § 4.5 (requiring a carrier to submit "a copy of [its] Lifeline plan to demonstrate that it meets the criteria set forth in Subpart E of 47 C.F.R. Part 54 and describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls and rates for each such plan").

Section 4.4 of the Commission's Rules requires a petitioner to certify that it will offer services supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carriers' services. Since the FCC has granted blanket forbearance of this requirement for non-facilities-based wireless resellers, and Blue Jay's Compliance Plan has been filed with the FCC, the Company respectfully requests a waiver of the requirements of section 4.4.

Pursuant to its ETC designation, Blue Jay will provide supported services as follows.

B. Voice Grade Access.

The FCC has stated that voice-grade access consists of the ability for a user to make and receive telephone calls within a specified bandwidth.¹² Blue Jay will provide this service via resale of Verizon Wireless and Sprint mobile services to low-income customers in its designated service area.

C. Local Usage.

The FCC's rules require a petitioner for ETC designation to demonstrate that its proposed local usage plan is comparable to one offered by the incumbent local exchange carrier ("ILEC") in the same designated service area. The determination of comparability requires a case-by-case review, taking into account value-added capabilities and services included within a service plan.

The Company will offer two basic Lifeline service packages throughout its designated service area in Rhode Island, except to any "eligible resident of tribal lands"¹³ located

¹² See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, First Report and Order, 12 FCC Rcd 8776, 8810-11 (1997).

¹³ See 47 C.F.R. § 54.400.

in the designated service area. In addition, Blue Jay will offer two plans that are only available to eligible residents of tribal lands. The Company's four Lifeline programs are listed below.

- **125 anytime prepaid minutes per month**, with rollover, and with text messaging assessed at a rate of one (1) minute per text message for sending and one (1) minute per text message for receiving text messages.
- **250 anytime prepaid minutes per month**, without rollover, and with text messaging assessed at a rate of one (1) minute per text message for sending and one (1) minute per text message for receiving text messages.
- **Enhanced Lifeline 1000 Plan.** Each month the customer will receive 1,000 anytime voice minutes or 1,000 text messages for \$1.00 per month plus fees and taxes. Text messaging will be assessed at a rate of 1 minute per text message for sending and 1 minute per text message for receiving text messages. There are no rollover minutes with this plan. Unused minutes will expire each month on the service expiration date. This plan will only be available to eligible residents of tribal lands.
- **Enhanced Lifeline Unlimited Plan.** Each month the customer will receive unlimited anytime voice minutes for \$5.00 per month plus fees and taxes. Text messaging will not be available with the unlimited talk plan. There are no rollover minutes with this plan as minutes are unlimited. This plan will only be available to eligible residents of tribal lands.

All plans will include nationwide domestic long-distance at no extra per-minute charge, as well as caller ID, voice mail, call waiting and three-way calling. Therefore, Blue Jay's usage plan is different from, but comparable to, one offered by the ILEC in the same designated service area.

With these plans, customer service (611) and emergency (911) calls will be free, regardless of service activation or availability of minutes, and will not count against the customer's airtime. Directory assistance calls (411) will be free; however, they will count as airtime minutes of usage. Lifeline customers can purchase additional bundles of minutes for as low as \$0.05/minute depending on the minute package purchased. For example, customers can

purchase a 200-minute package for \$10.00. Airtime “top-up” minutes will be available for purchase at the Company’s retail locations and on its website.

In addition to free voice services, customers can select either a free wireless handset or purchase an upgraded phone, such as a smartphone. For those customers choosing to upgrade to a smartphone, data can be added to any phone plan starting at \$0.10 per megabyte – a price that can be reduced on a “per megabyte” basis when the customer purchases multiple megabytes of data. In this manner, the Company will enable low-income customers to add affordable data usage to their free voice/text minutes, thereby supporting greater smartphone utilization, consistent with the Commission’s goal of promoting broadband access to all Americans.

Additional information regarding the Company’s plans, rates and services can be found on its website, <http://www.bluejaywireless.com>.

D. Access to emergency services.

Pursuant to the FCC’s rules and section 4.4.1.1 of the Commission’s Rules, the Company will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. In addition, Blue Jay will comply with any FCC or Commission requirements regarding customer access to 911 and E911 services as well as the provision of E911-compatible handsets, specifically including those obligations imposed as part of the FCC’s forbearance grant conditions.

E. Toll limitation for qualifying low-income consumers.

In its initial operations, Blue Jay will not provide toll limitation service (“TLS”). Like most wireless carriers, Blue Jay does not differentiate domestic long distance usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such “all-distance” services are not considered to have voluntarily elected to receive TLS.¹⁴ If, in the future, Blue Jay should offer a Lifeline service which differentiates between local usage and long distance usage, the Company commits to provide TLS to customers of that service.

F. Service area.

Sections 214(e)(2) and 214(e)(5) of the Act provide that ETC designations shall be made for a “service area,” defined as a geographic area established by the state commission. The Company seeks certification to operate as an ETC in the geographic service areas throughout Rhode Island where its underlying carriers, Sprint and Verizon Wireless, provide coverage.¹⁵

3. Blue Jay Will Advertise its Lifeline Service Offerings.

Blue Jay will advertise the availability of its services and charges in a manner reasonably designed to reach Lifeline-eligible consumers, as required by Section 54.201(d)(2) and 54.405(b) of the FCC Rules.¹⁶ The Company intends to advertise its Lifeline services using media of general distribution.¹⁷ Moreover, Blue Jay will expand its advertising efforts as

¹⁴ See *Lifeline Reform Order*, ¶ 230.

¹⁵ Consistent with FCC holdings, there is no need for a “creamskimming” analysis in connection with Blue Jay’s Petition because the Company is seeking ETC designation only for purposes of receiving federal low-income support. See, e.g., *Virgin Mobile USA, L.P.*, Order, 24 FCC Rcd 3381, ¶ 39 n. 101 (2009).

¹⁶ 47 C.F.R. §§ 54.201(d)(2), 54.405(b).

¹⁷ See 47 U.S.C. § 214(e)(1)(B) and 47 C.F.R. § 54.201(d)(2).

necessary to ensure that Lifeline-eligible customers are aware of the Company's service offerings.¹⁸

In addition, Blue Jay will comply with the FCC's revised rules regarding information to be included in marketing materials, including FCC revised rule section 54.405(c). Specifically, Blue Jay'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 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) Blue Jay is the provider of the services. Moreover, Blue Jay's Lifeline application/certification form¹⁹ 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. As required by section 4.6 of the Commission's Rules, Blue Jay's Compliance Plan contains an example of the type of advertising materials that Blue Jay intends to use in Rhode Island.

¹⁸ See 47 C.F.R. § 54.405(b).

¹⁹ 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, Erratum, ¶ 63 (rel. May 16, 2012).

4. Blue Jay Complies with the Commission's and the FCC's Additional Obligations for ETCs.

A. Blue Jay certifies that it will comply with the applicable FCC service requirements.

Per the requirements of 47 C.F.R. § 54.202(a)(1)(i), Blue Jay certifies that it will comply with the service requirements applicable to the low-income support it receives as a result of designation as an ETC for the purposes of receiving Lifeline.

B. Blue Jay has the ability to remain functional in emergency situations.²⁰

Blue Jay's Lifeline services will remain functional in emergency situations. As discussed herein, Blue Jay will utilize the extensive and well-established Sprint and Verizon Wireless networks and facilities to provide Blue Jay's mobile services. The Company believes that the Sprint and Verizon Wireless networks are capable of managing traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. Blue Jay also understands that each carrier has sufficient back-up power to ensure functionality if its external power supply is unavailable. Indeed, both companies have repeatedly certified to the FCC that their networks function in emergency situations.²¹ Sprint and Verizon Wireless will provide the same functionality to Blue Jay and Blue Jay's customers as these carriers provide to themselves and their own customers.

C. Blue Jay will satisfy applicable consumer protection and service quality standards.

The FCC's rules require the petitioner to demonstrate that it satisfies applicable consumer protection and service quality standards. The FCC has stated that a wireless

²⁰ See, e.g., 47 C.F.R. § 54.202(a)(2).

²¹ See, e.g., *Sprint Nextel Corporation Verified Filing in Compliance with 47 C.F.R. § 54.209*, CC Docket No. 96-45, at 6 (filed Sept. 30, 2011); *Alltel Communications, LLC d/b/a Verizon Wireless 2011 Eligible Telecommunications Carrier Certification and Annual Report for the State of Georgia / Study Area Code (SAC) 229004*, WC Docket No. 09-197, at 7-9 (filed Sept. 30, 2011).

petitioner's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this requirement. Blue Jay commits to comply with the CTIA Consumer Code to ensure that the Company offers its subscribers the highest level of protection and quality service.²²

Blue Jay's pledge to provide quality service and to comply with the CTIA Consumer Code evidences Blue Jay's commitment to satisfy all of the consumer protection and service quality standards applicable to Lifeline services. The Company will make every effort to resolve expeditiously complaints received by the Commission and will designate a specific contact person to work with Commission staff to resolve any complaints or other compliance issues.

D. Blue Jay is financially and technically capable of providing Lifeline services in compliance with the FCC's rules.

The FCC's rules, as revised,²³ and section 4.4.1.3 of the Commission's Rules require ETC petitioners to demonstrate financial and technical capability to comply with the FCC's Lifeline service requirements.²⁴ Among the factors to be considered 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.

Through its affiliates, Blue Jay has provided marketing services, including those directed to low-income customers, since 2004. One of the Company's affiliates, Splash Media,

²² See, e.g., 47 C.F.R. § 54.202(a)(3). Blue Jay has not obtained certification of its compliance with the CTIA Consumer Code from CTIA. To the best of Blue Jay's knowledge, CTIA does not presently certify carrier compliance with the CTIA Consumer Code.

²³ See, e.g., revised 47 C.F.R. § 54.202(a)(4).

²⁴ See *Lifeline Reform Order*, ¶¶ 387-388 (revising 47 C.F.R. § 54.202(a)(4)).

LP, is among the largest providers of full-service social media marketing services in the world. Another affiliate, Link Distributors, LLC, is a leading distributor of wireless handsets and Lifeline enrollment for ETCs. Both businesses have substantial revenues with long-term profitability, are in good standing with all of their vendors and have been providing customers with services for a combined total of nine (9) years. As a core part of its marketing strategy, Blue Jay will be actively marketing to non-Lifeline customers, targeting the prepaid, credit challenged and underbanked sector. In fact, on September 7, 2012, Blue Jay began selling non-Lifeline prepaid wireless service in Texas. Consequently, Blue Jay will not be relying exclusively on Lifeline reimbursement for the Company's operating revenues. Blue Jay also has access to other financial resources including substantial cash reserves from its owners. The Company has not been subject to enforcement sanctions or ETC revocation proceedings in any state.

E. Blue Jay will comply with FCC requirements for certification and verification.

The Commission's Rules require a petitioner to provide a copy of the carrier's enrollment form for ETC customers, a description of the carrier's annual re-certification process, and a copy of any documents that will be provided to the customer.²⁵ These requirements are addressed in this section and in the Company's Compliance Plan.

Blue Jay is aware of the FCC's and the Commission's current requirements regarding certification and verification of a customer's qualification for Lifeline service and has implemented procedures to ensure these requirements are met. As described in Blue Jay's Compliance Plan, the Company has set in place detailed and comprehensive procedures to address customer certification and verification requirements as well as requirements concerning

²⁵ See Commission Rules §§ 4.7, 4.8.

de-enrollment and duplication of service. These procedures comply with the FCC's recently-revised customer certification and verification requirements and, in fact, go beyond those requirements.²⁶ Blue Jay also will comply with both the FCC's annual certification and reporting requirements and the FCC's measures to prevent waste, fraud and abuse of Lifeline services.²⁷ In particular, Section I.E. of Blue Jay's Compliance Plan discusses steps that the Company will take to ensure activation of service and to implement de-enrollment in the event of non-usage for a period of 60 days.

F. Blue Jay will comply with Commission and FCC requirements for fees, charges, and reports.

Blue Jay will comply with all applicable Commission and FCC requirements with respect to fees, charges, and reports. The Company will not collect service deposits for its plans and will not charge a number-portability fee for Lifeline accounts.²⁸

Blue Jay will timely pay all applicable federal, state, and local regulatory fees, including universal service and E911 fees. Furthermore, Blue Jay will comply with the FCC's annual reporting requirements for ETCs as set forth in Section 54.422 of the FCC's Rules,²⁹ and with the Commission's annual reporting requirements, as set forth in Docket No. 2011-0052, Order 30230, or hereafter amended.

G. Blue Jay will comply with Commission and FCC requirements on relinquishment of ETC designation.

If at some point in the future, Blue Jay seeks to relinquish its ETC designation, Blue Jay will comply with the requirements of 47 C.F.R. § 54.205.

²⁶ See 47 C.F.R. § 54.410.

²⁷ See 47 C.F.R. §§ 54.416, 54.422; See also *In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, 25 FCC Rcd 17797, ¶ 24 (2010).

²⁸ See 47 C.F.R. § 54.401(c), (e).

²⁹ See 47 C.F.R. § 54.422.

III. DESIGNATED CONTACT INFORMATION.

The legal name, address and telephone number of the Company and its designated contact person is:

Blue Jay Wireless, LLC
5010 Addison Circle
Addison, TX 75001
(972) 788-8860

Designated contact person: David Wareikis, Chief Executive Officer

The name, address and telephone number of the Company's attorney is:

John J. Heitmann
Joshua T. Guyan
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, D.C. 20007
(202) 342-8566

IV. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST.

Designation of Blue Jay as an ETC for Lifeline purposes will further the Commission's universal service goals and thus benefit Rhode Island consumers. Specifically, the Company will offer prepaid low cost wireless service to low-income consumers, thereby increasing consumer choice. In addition, increasing customer choice will spur wireless ETC providers to compete for eligible customers by providing the highest value (*e.g.*, higher quality handsets, superior customer service). Further, grant of the Petition will provide consumers with access to high quality service and the benefits of a mobile service.³⁰ The mobility of the service will be particularly attractive to Lifeline-eligible consumers who may frequently change residences or work in migratory jobs. Wireless service offers a stable contact method where traditional landline service would be unavailable or not a viable option. Blue Jay's prepaid

³⁰ As discussed above, Blue Jay will comply with the Consumer Code for Wireless Service of CTIA – The Wireless Association, and applicable Rhode Island consumer protection and service quality standards.

wireless service is an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long term contract issues.

Many consumers in Rhode Island are faced with making difficult choices about how to allocate and spend their limited resources. The ability to meet their communications needs while at the same time anticipating and controlling the associated costs is critical. Blue Jay's prepaid service offerings and rechargeable mobile phone plans will enable customers to tailor their wireless services to their needs and budgets. The prepaid nature of the service also will provide an alternative for "unbanked" consumers. Further, Blue Jay will not require credit checks, thereby providing an alternative for those low-income consumers unable to obtain credit for post-paid services provided by traditional carriers.

Blue Jay's prepaid mobile calling service packages will provide low-income consumers in Rhode Island with a generous number of anytime minutes at low cost as well as 911 emergency calling. These low-cost minutes and services are an invaluable resource for cash-strapped consumers who may be seeking employment and need a means to contact potential employers. The packages are also useful for those consumers that need to stay in touch with children or other family members and ensure access to 911 emergency services when needed. Blue Jay's services will provide consumers with a valuable alternative for obtaining telephone service. This competition, in turn, could spur other service providers to improve their service options.

V. CONCLUSION

Blue Jay respectfully requests that the Commission expeditiously issue an order designating the Company as an ETC in Rhode Island throughout the service area specified above

for the purpose of receiving federal support and reimbursement for provision of low-income communications services on a wireless basis to qualified low-income customers.

BLUE JAY WIRELESS, LLC

By 
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Joshua T. Guyan
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Attorneys for Blue Jay Wireless, LLC

Date: December 5, 2012

VERIFICATION

STATE OF TEXAS)
) ss.
County of Dallas)

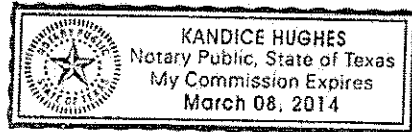
I, David A. Wareikis, being first duly sworn upon oath, depose and say that I am the Chief Executive Officer of Blue Jay Wireless, LLC, and as such am authorized to make this verification on its behalf; that I have read the foregoing Petition; that I know the contents thereof; and that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

David A. Wareikis

Subscribed and sworn to before me this 5th day of December, 2012.

Kandice Hughes
Notary Public

My Commission expires: 3-8-14



CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2012, one original (1) and four (4) copies of the foregoing *Petition of Blue Jay Wireless, LLC for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis, Commercial Mobile Radio Service Registration (Classification VI) and Informational Tariff* were served via overnight courier (United Parcel Service) on the following:

RI Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

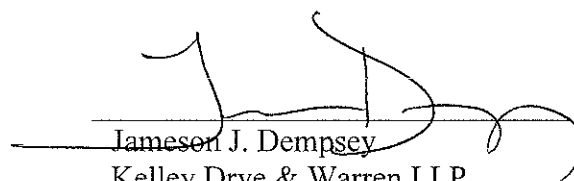

Jameson J. Dempsey
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, D.C. 20007

Exhibit A

Blue Jay Wireless, LLC

FCC Compliance Plan

(filed May 11, 2012; revised November 30, 2012)

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

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November 30, 2012

VIA ECFS

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

Re: Blue Jay Wireless, LLC Revised Compliance Plan; WC Docket Nos. 09-197, 11-42

Dear Ms. Dortch:

On May 11, 2012, Blue Jay Wireless, LLC (“Blue Jay”) submitted its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.¹ On July 5, July 23 and August 14, Blue Jay revised its Compliance Plan to provide additional details and clarifications.

Blue Jay has further revised its Compliance Plan (pp. 8-9) to state that a Blue Jay employee will be responsible for overseeing and finalizing Lifeline enrollments. Nothing else in the Compliance Plan has been changed.

Blue Jay hereby re-submits its complete Compliance Plan with the above revision. Based on the minor nature of this addition, Blue Jay reiterates its request for expeditious approval of its Compliance Plan.

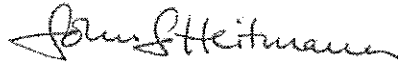
¹ See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012).

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary
November 30, 2012
Page Two

This letter and revised Compliance Plan is 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,

A handwritten signature in black ink, appearing to read "John J. Heitmann". The signature is written in a cursive style with a large initial "J".

John J. Heitmann
Joshua T. Guyan

Counsel to Blue Jay Wireless, LLC

cc: Kim Scardino
Jonathan Lechter
Divya Shenoy
Garnet Hanly

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

In the Matter of	
Telecommunications Carriers Eligible to Receive Universal Service Support	WC Docket No. 09-197
Lifeline and Link Up Reform and Modernization	WC Docket No. 11-42
Blue Jay Wireless, LLC	

BLUE JAY WIRELESS, LLC COMPLIANCE PLAN

Blue Jay Wireless, LLC (“Blue Jay” or the “Company”),¹ through its undersigned counsel, hereby respectfully submits and requests expeditious treatment of its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.²

¹ The Company hereby also reports its corporate and trade names, identifiers, and its holding company, operating companies and affiliates as: Link Distributors, LLC (affiliate), Cardinal Wireless Distributors, LLC (affiliate), Timber Creek Wireless Fund I, LLC (affiliate), Splash Media, LP (affiliate), Agency Matrix, LLC (affiliate), Drivers Insurance Group, LLC (affiliate), Cobalt Real Estate Services, LLC (affiliate), P.C. Processing, Inc. (affiliate), Team Systems, LLC (affiliate), LeadStart, LLC (affiliate), CenCal Holdings, LLC (affiliate), Timber Creek Capital, LP (affiliate), Timber Creek Ranch, LP (affiliate) and Ajax Partners II, LLC (affiliate).

² 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) (“*Lifeline Reform Order*”). The Company 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 Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012).

The Company commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. The Company will comply with 911 requirements as described below and it is submitting this Compliance Plan in order 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.³

The Company will comply fully with all conditions set forth in the *Lifeline Reform Order*, as well as with the Commission's Lifeline rules and policies more generally.⁴ This Compliance Plan describes the specific measures that the Company intends to implement to achieve these objectives. Specifically, this Compliance Plan: (1) describes the specific measures that the Company will take to implement the obligations contained in the *Lifeline Reform Order*, including the procedures the Company will follow 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 will offer Lifeline services, the geographic areas in which it will offer services, and a detailed description of the Company's Lifeline service plan offerings.

³ See *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. The Company 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 Blue Jay provides service using its own facilities for purposes of a state universal service program.

⁴ In addition, this Compliance Plan is consistent with the compliance plan filed by Global Connection Inc. of America. See *Global Connection of America Inc. Compliance Plan*, WC Docket Nos. 09-197, 11-42 (Apr. 30, 2012). The Global Connection compliance plan was approved on May 25, 2012. See *Public Notice*, DA 12-828.

ACCESS TO 911 AND E911 SERVICES⁵

Pursuant to the *Lifeline Reform Order*, forbearance is conditioned upon the Company: (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) 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.⁶ The Company will comply with these conditions on the first day that it begins providing service.

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

The Company will use Sprint Nextel and Verizon Wireless its underlying wireless network providers/carriers through a Mobile Virtual Network Enabler (MVNE) intermediary – Natel Networks, LLC (“Natel Networks”). Sprint Nextel and Verizon Wireless will route 911 calls from the Company’s customers in the same manner as 911 calls from their own retail customers. To the extent that these underlying wireless network providers/carriers are certified in a given PSAP territory, this 911 capability will function the same for the Company. The Company will also enable 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 will transmit all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

⁵ See Compliance Plan Public Notice at 3.

⁶ See *Lifeline Reform Order*, ¶ 373.

E911-Compliant Handsets. The Company will ensure that all handsets used in connection with the Lifeline service offering are E911-compliant. All of the Company's phones will be E911-capable handsets. The Company will use phones from suppliers that have been through a stringent certification process to ensure that the handset models used meet all 911 and E911 requirements. As a result, any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

COMPLIANCE PLAN

I. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE⁷

A. Policy

The Company will comply with the uniform eligibility criteria established in new 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 will be 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 new sections 54.409(a)(2) or 54.409(a)(3) of the Commission's rules. In addition, through the certification requirements described below, the Company will confirm 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.

⁷ See Compliance Plan Public Notice at 3.

B. Eligibility Determination

Blue Jay will qualify and enroll Lifeline customers through five primary input channels including: 1) Internet/Web Form Transaction, 2) Store and Field Form Transaction, 3) Toll-Free Facsimile Form Transaction, 4) USPS Mail Form Transaction and 5) Voice/IVR Form Transaction. Regardless of which channel the customer uses to apply for service, each customer will receive the same disclosures, be required to supply the same information and make the same certifications via Blue Jay's standard application/certification form (discussed further below and provided in Exhibit A).

Initially Blue Jay will enroll the vast majority of its Lifeline customers in-person at Blue Jay branded storefronts. Through its affiliation with Drivers Insurance Group, LLC, which sells state minimum required car insurance to predominantly low-income consumers, Blue Jay has access to 1,000 storefronts nationwide that can be co-branded to sell Blue Jay wireless Lifeline service. By using permanent storefront locations Blue Jay customers will always know where they can go to ask questions, get replacement equipment (*e.g.*, batteries and chargers) and purchase additional services or upgrades.

As part of its enrollment process, Blue Jay will route all enrollment documentation through a common validation backbone that will perform five relevant verification checks in real-time before approving qualifying subscribers for Lifeline service. These five checks are: 1) Service Availability Verification (validates the availability of service to qualifying subscribers through a database of approved Blue Jay service areas); 2) Service Address Verification (validates the service address of qualifying subscribers through USPS and/or Melissa databases); 3) Non-Duplicate Subscriber Verification (confirms internal non-duplicate status of qualifying subscribers by a combination of name, address, telephone number, date of birth and last four

digits of Social Security number); 4) Identity Verification (validates the identity of qualifying subscribers through viewing government-issued identification or Lexis Nexis); and 5) Eligibility Verification (where available, validates the eligibility of qualifying subscribers through state-specific and program-specific Internet databases). In the event that such web services are unavailable or the qualifying subscriber shows proof of eligibility via physical documentation, Blue Jay will note the type of documentation presented; the timestamp of presentation; the Blue Jay employee, agent or representative (“Company personnel”) to whom the documentation was presented; and the deletion timestamp (for documentation that was physically received by Blue Jay). When available, Blue Jay will validate the eligibility and non-duplication of qualifying subscribers through the national database.

The manner in which the sales will be made will be slightly different, but the obligations imposed by the new rules will be addressed directly by Blue Jay. All employees will be thoroughly trained on the enrollment process to ensure all five relevant verification checks are made before approving qualified subscribers for Lifeline service.

If the Company cannot determine a prospective subscriber’s eligibility for Lifeline by accessing income databases or program eligibility databases, Company personnel will review documentation establishing eligibility pursuant to the Lifeline rules.⁸ All personnel who interact with current or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on the federal and state-specific income-based and/or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies the *Lifeline Reform Order* and state-specific eligibility requirements using state-specific checklists.

⁸ See *Lifeline Reform Order*, ¶ 100; section 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B).

Proof of Eligibility. Company personnel will be trained on acceptable documentation required to establish income-based and program-based eligibility.⁹ Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance 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 state, federal or Tribal program.¹⁰

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 for at least three consecutive months' time.¹¹

Company personnel will examine this documentation for each Lifeline applicant, and will record the type of documentation used to satisfy the income- or program-based criteria by checking the appropriate box on the application form.¹² In addition, Company personnel will fill in, where available, the last four digits of an account or other identifying number on the proof document, the date of the proof document and the expiration of the proof document. The

⁹ See *Lifeline Reform Order*, ¶ 101. See also USAC Guidance available at <http://www.usac.org/li/telecom-carriers/step06/default.aspx>.

¹⁰ *Id.* and section 54.410(c)(1)(i)(B).

¹¹ See *Lifeline Reform Order*, ¶101; section 54.410.(b)(1)(i)(B).

¹² See *Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(iii), 54.410(c)(1)(iii).

Company will not retain a copy of this documentation, except where state rules require such retention.¹³ For customers enrolled via the Internet, Toll-Free Facsimile, USPS Mail, or Voice/IVR, the customer will be required to fax or e-mail proof of eligibility documentation to the Company. Proof will be reviewed by Company personnel prior to service activation and then deleted. Where the Company personnel conclude that proffered documentation is insufficient to establish such eligibility, the Company will deny the associated application and inform the applicant of the reason for such rejection. In the event that Company personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel at the Company's corporate headquarters.¹⁴ In addition, a Blue Jay employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on an FCC Form 497 for reimbursement.

Further, Blue Jay will not enroll customers at retail locations where Blue Jay does not have an agency agreement with the retailer. Blue Jay will require an agent retailer to have any employees involved in the enrollment process go through the standard Blue Jay training process, same as it would for any other agent. By establishing agency relationships with all of its Company personnel, including future retail outlets, Blue Jay meets the "deal directly" requirement adopted in the TracFone Forbearance Order.¹⁵

The Commission determined in the *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 '[l]icensees and other Commission regulatees are

¹³ See *Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(ii), 54.410(c)(1)(ii).

¹⁴ See *id.*

¹⁵ 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).

responsible for the acts and omissions of their employees and independent contractors.”¹⁶

Because Blue Jay is responsible for the actions of all of its employees and agents, including those enrolling customers in any Blue Jay owned or affiliated retail locations, and a Blue Jay employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on an FCC Form 497 for reimbursement, the Company will always “deal directly” with its customers to certify and verify the customer’s Lifeline eligibility.

De-Enrollment for Ineligibility. If the Company 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.¹⁷ A demonstration of eligibility must comply with the annual verification procedures below and found in new rule section 54.410(f), including the submission of a certification form. If a customer contacts the Company and states that he or she is not eligible for Lifeline or wishes to de-enroll for any reason, the Company will de-enroll the customer within five business days. Customers can make this request by calling the Company’s customer service number and will not be required to submit any documents.

C. Subscriber Certifications for Enrollment

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.¹⁸ The

¹⁶ *Lifeline Reform Order*, ¶ 110.

¹⁷ *See Lifeline Reform Order*, ¶ 143; section 54.405(e)(1).

¹⁸ *Lifeline Reform Order*, ¶ 61; section 54.410(a).

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 will be required to complete an application/certification form containing disclosures, and collecting certain information and certifications as discussed below.¹⁹ Applicants that seek to enroll based on income eligibility will be referred to a worksheet showing the Federal Poverty Guidelines by household size.²⁰ Applicants that do not complete the form in person will be required to return the signed application/certification to the Company by mail, facsimile, electronic mail or other electronic transmission. In addition, Company personnel will verbally explain the certifications to consumers when they are enrolling in person or over the phone.²¹

Disclosures. The Company's application and certification forms will 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

¹⁹ See Model Application/Certification Form, included as Exhibit A. See Compliance Plan Public Notice at 3.

²⁰ See Income Eligibility Worksheet, included as Exhibit B.

²¹ See *Lifeline Reform Order*, ¶ 123.

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.²²

Applications and certification forms will 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.²³

In addition, the Company will notify the applicant that the prepaid service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days.²⁴

Information Collection. The Company will also collect 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 sufficient²⁵); (3) whether the applicant's residential address is permanent or temporary; (4) the applicant's billing address, if different from the applicant's residential address; (5) the applicant's date of birth; (6) the last four digits of the applicant's Social Security number (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.²⁶

²² See *id.*, ¶ 121; section 54.410(d)(1).

²³ See section 54.405(c).

²⁴ See *Lifeline Reform Order*, ¶ 257.

²⁵ See *Lifeline Reform Order*, ¶ 87.

²⁶ See section 54.410(d)(2).

Applicant Certification. Consistent with new rule section 54.410(d)(3), the Company will require the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,²⁷ 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) if the applicant provided a temporary residential address to the Company, the applicant will be required to verify his or her temporary residential address every 90 days; (6) 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; (7) the information contained in the applicant's certification form is true and correct to the best of the applicant's knowledge; (8) the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and (9) 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.

²⁷ See *Lifeline Reform Order*. ¶¶ 168-69; section 54.419.

In addition, the applicant will be required to authorize the Company 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.²⁸

D. Annual Verification Procedures

The Company will annually re-certify all subscribers by querying the appropriate eligibility databases or obtaining a signed certification from each subscriber consistent with the certification requirements above and new section 54.410(d) of the Commission's rules. This certification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.²⁹ Further, the verification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled in the program.³⁰

2012 Verification. Blue Jay does not currently have any Lifeline customers. In the (unlikely) event that the Company has any Lifeline subscribers as of June 1, 2012, the Company will re-certify the eligibility of each of its existing subscribers as of June 1, 2012 on a rolling basis by the end of 2012 and report the results to USAC by January 31, 2013.³¹ The Company

²⁸ 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.*

²⁹ *See Lifeline Reform Order*, ¶ 120.

³⁰ *See id.*, ¶ 145.

³¹ *See id.*, ¶ 130.

will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, email or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

Verification De-Enrollment. The Company will de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification.³² The Company will give subscribers 30 days to respond to the annual verification inquiry. If the subscriber does not respond, the Company will send a separate written notice explaining that failure to respond within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days, the Company will de-enroll the subscriber within five business days.

E. Activation and Non-Usage

The Company will not consider a prepaid subscriber activated, and will not seek reimbursement for Lifeline for that subscriber, until the subscriber activates the Company's prepaid service by completing an outbound call. An outbound call must be made in order for the service to be activated and for Blue Jay to seek Lifeline reimbursement for that customer. For phones sold in-person, the customer must complete an outbound call in front of the representative upon taking possession of the phone in order to complete the enrollment process. In the event phones are mailed to the customer's address, the customer must dial an activation code which will connect them to a customer service representative. The customer then has to provide the customer service representative with identification information and confirm Lifeline service was ordered.

³² See *id.*, ¶ 142; section 54.54.405(e)(4).

In addition, after service activation, the Company will provide a de-enrollment notice to subscribers that have not used their service for 60 days. After 60 days of non-use, the Company will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.³³ Subscribers can “use” the service by: (1) completing an outbound call; (2) purchasing minutes from the Company to add to the subscriber’s plan; (3) answering an incoming call from a party other than the Company; or (4) responding to a direct contact from the Company and confirming that the subscriber wants to continue receiving the service.³⁴

If the subscriber does not respond to the notice, the subscriber will be de-enrolled and the Company will not request further Lifeline reimbursement for the subscriber. The Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.³⁵

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 will implement 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 database when it becomes available, Company personnel will emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with

³³ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

³⁴ See *Lifeline Reform Order*, ¶ 261; section 54.407(c)(2).

³⁵ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

potential customers. Training materials will 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 will undergo training regarding the eligibility and certification requirements in the *Lifeline Reform Order* and this Compliance Plan.

Blue Jay Company personnel that will interact with existing and potential Lifeline customers will be required to complete a rigorous training program upon commencing employment and prior to performing other duties for the Company. During this program, Company personnel are thoroughly trained on compliance practices, policies and procedures including, among other areas, a thorough training on the enrollment process. For example, Company personnel that will perform customer enrollment are trained on how to use the Company's office support systems, to read aloud the appropriate disclosures to prospective customers such as the "one-per-household" and activation and non-usage requirement disclosures, request additional documentation proving identity and address verification and what constitutes proof of eligibility, among other important practices.

Company personnel are also trained to display Blue Jay approved marketing materials and banners and wear Blue Jay branded t-shirts with name badges and pictures when performing in-person enrollment. Blue Jay will have a designated employee compliance training manager who is accessible to Company personnel for questions after training. Company personnel are also trained what to do in the event they suspect fraud or any violation. The Company has a whistleblower policy for Company personnel to immediately report any violation of compliance policies and procedures. If Company personnel violates any of the Company's or program's compliance policies and procedures, the terms and conditions of his or her employee or vendor

agreement, or engages in any illegal, fraudulent, deceptive, or unethical business conduct, Blue Jay will invoke immediate disciplinary action and may contact appropriate authorities.

Database. When the National Lifeline Accountability Database (“National Database”) becomes available, the Company will comply with the requirements of new rule section 54.404. The Company will query the National Database 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.³⁶

One-Per-Household. The Company will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household³⁷ through the use of its application and certification forms discussed above, database checks and its marketing materials discussed below. Upon receiving an application for the Company’s Lifeline service, the Company will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.³⁸ If so, and the applicant lives at an address with multiple households, the Company will require the applicant to complete

³⁶ See *Lifeline Reform Order*, ¶ 203. Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *Lifeline Reform Order*, ¶¶ 189-195; section 54.404(b)(6). Further, Company will update each subscriber’s information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. See section 54.404(b)(8),(10).

³⁷ 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 *Lifeline Reform Order*, ¶ 74; section 54.400(h).

³⁸ See *Lifeline Reform Order*, ¶ 78.

and submit a written USAC document 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 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).³⁹ Further, if a subscriber provides a temporary address on his or her application/certification form collected as described above, the Company will verify with the subscriber every 90 days that the subscriber continues to rely on that address.⁴⁰

In addition, Company personnel will 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," and ability to determine whether he or she is already benefiting from Lifeline support, by informing the consumer that all Lifeline services may not be currently marketed under the name Lifeline. Blue Jay will also ask each customer whether they are receiving Lifeline service from one of the other major Lifeline providers in the state (*e.g.*, SafeLink, Assurance). Finally, at the time of enrollment, Blue Jay will check each applicant against a pooled duplicates database established by CGM, LLC.

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, the Company will include 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

³⁹ *Id.* The USAC worksheet is available at <http://www.usac.org/li/tools/news/default.aspx#582>.

⁴⁰ *See Lifeline Reform Order*, ¶ 89.

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; (7) Blue Jay's name (the ETC); and (8) the Company's application/certification form will state 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.⁴¹ 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.⁴² This specifically includes the Company's website (www.bluejaywireless.com) and outdoor signage.⁴³ A sample of the Company's marketing materials is included as Exhibit C.

G. Company Reimbursements From the Fund

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, the Company will certify, as part of each reimbursement request, that it is in compliance with 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.⁴⁴ Further, the Company will submit its FCC Forms 497 to the eighth day of each month in order to be reimbursed the same month.⁴⁵

⁴¹ See *Lifeline Reform Order*, ¶ 275; section 54.405(c).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ See *Lifeline Reform Order*, ¶ 128; section 54.407(d).

⁴⁵ See *Lifeline Reform Order*, ¶¶ 302-306.

In addition, the Company will keep accurate records as directed by USAC⁴⁶ and as required by new section 54.417 of the Commission's rules. For example, Blue Jay will keep the following records for each subscriber's individual Lifeline account, among other records, if applicable and as permitted: 1) date that Blue Jay queried the duplicates database; 2) date and information that Blue Jay transmitted to the duplicates database; 3) date of transmission of updated customer information to database; 4) date and database upon which the ETC determined income-based eligibility where available; 5) date and documentation/data source used to determine income-based eligibility if no database was available to determine subscriber eligibility;⁴⁷ 6) date, database, and program on which ETC determined subscriber eligibility; 7) date and records detailing the documentation a subscriber provided to demonstrate Lifeline eligibility; 8) state Lifeline administrator documentation of customer eligibility, and subscriber's certification of eligibility; 9) date of customer service activation; 10) application/certification and annual re-certification forms for each subscriber associated with a date and time of signature; and 11) date of transmission of customer de-enrollment to database.

H. Annual Company Certifications

The Company will 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 review consumers' documentation of income- and program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁴⁸ (2) is in compliance with all federal

⁴⁶ See section 54.407(e).

⁴⁷ Such documentation includes the documentation listed in Section I.B. *supra*.

⁴⁸ See *Lifeline Reform Order*, ¶ 126; section 54.416(a)(1).

Lifeline certification procedures;⁴⁹ and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.⁵⁰

In addition, the Company will provide the results of its annual re-certifications/verifications on an annual basis to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands).⁵¹ Further, as discussed above, the Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁵²

The Company will also annually report to the Commission, USAC, and relevant state commissions and the relevant authority in a U.S. territory or Tribal government as appropriate,⁵³ 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.⁵⁴ The Company will report 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.⁵⁵ Finally, the Company will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer

⁴⁹ See *Lifeline Reform Order*, ¶ 127; section 54.416(a)(2).

⁵⁰ See section 54.416(a)(3).

⁵¹ See *Lifeline Reform Order*, ¶¶ 132, 148; section 54.416(b).

⁵² See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

⁵³ See section 54.422(c).

⁵⁴ See *Lifeline Reform Order*, ¶¶ 296, 390; section 54.422(a).

⁵⁵ See *Lifeline Reform Order*, ¶ 390; section 54.422(b)(5).

protection rules, as well as a certification that the Company is able to function in emergency situations.⁵⁶

I. Cooperation with State and Federal Regulators

The Company has cooperated and will continue to cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available, upon request, state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;⁵⁷
- 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 believe⁵⁸ is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.

II. Description of Lifeline Service Offerings⁵⁹

The Company will offer its Lifeline service in the states where it is designated as an ETC⁶⁰ and throughout the coverage area of the Sprint Nextel and Verizon Wireless footprints.

⁵⁶ See *Lifeline Reform Order*, ¶ 389; section 54.422(b)(1)-(4).

⁵⁷ The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

⁵⁸ See section 54.405(e)(1).

⁵⁹ See Compliance Plan Public Notice at 3.

⁶⁰ The Company is not yet designated as an ETC in any states, but it filed a petition for ETC designation in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia with the Commission on

Blue Jay purchases wireless minutes from an intermediary, Natel Networks, which purchases wholesale minutes from Sprint Nextel and Verizon Wireless. Blue Jay's Lifeline offering will provide all non-Tribal customers with the option to choose a plan with 250 anytime prepaid minutes per month at no charge. Tribal customers will all have the option to choose an unlimited plan. 611 customer service and 911 emergency calls will all be free, regardless of service activation or availability of minutes, and will not count against the customer's airtime. All plans will include domestic long-distance at no extra per minute charge. Directory assistance calls (411) will be free, however, they will count as airtime minutes of usage. Lifeline customers can purchase additional bundles of minutes for as low as \$0.05/minute depending on the minute package purchased. For example, customers can purchase a 200 minute package for \$10.00. Airtime "top-up" minutes will be available for purchase at the Company's retail locations and on its website.

The Company will offer two basic Lifeline service packages throughout all of its service territories, except for Tribal areas where the Company will offer two plans that are only available to Tribal residents. The Company's basic Lifeline programs are listed below.

Lifeline Free Plan 125. Each month the customer will receive 125 free anytime voice minutes. Text messaging will be assessed at a rate of 1 minute per text message for sending and 1 minute per text message for receiving text messages. Unused minutes will rollover from month to month. This plan will be available in all states where the Company offers service except in Tribal areas.

Lifeline Free Plan 250. Each month the customer will receive 250 free anytime voice minutes. Text messaging will be assessed at a rate of 1 minute per text message for sending and

May 21, 2012, and applications for ETC designation in Oklahoma, Arizona and Colorado. The Company intends to prepare additional petitions and file where permitted.

1 minute per text message for receiving text messages. There are no rollover minutes with this plan. Unused minutes will expire each month on the service expiration date. This plan will be available in all states where the Company offers service except in Tribal areas.⁶¹

Tribal Resident Lifeline Unlimited Plan. Each month the customer will receive unlimited anytime voice minutes for \$5.00 per month plus fees and taxes. Text messaging will not be available with the unlimited talk plan. There are no rollover minutes with this plan as minutes are unlimited. This plan will only be available to Tribal residents.

Tribal Resident Lifeline 1000 Plan. Each month the customer will receive 1,000 anytime voice minutes or 1,000 text messages for \$1.00 per month plus fees and taxes. Text messaging will be assessed at a rate of 1 minute per text message for sending and 1 minute per text message for receiving text messages. There are no rollover minutes with this plan. Unused minutes will expire each month on the service expiration date. This plan will only be available to Tribal residents.

Additionally, customers can select either a free wireless handset or purchase an upgraded phone, such as a smartphone. For those customers choosing to upgrade to a smartphone, data can be added to any phone plan starting at \$1.25 per megabyte – a price that can be reduced on a “per megabyte” basis when the customer purchases multiple megabytes of data. The Company will also allow low-income customers to add affordable data usage to their free voice/text minutes thereby supporting greater smartphone utilization, consistent with the Commission’s goal of promoting broadband access to all Americans. Additional information regarding the Company’s plans, rates and services can be found on its website www.bluejaywireless.com.

⁶¹ Lifeline customers can add \$5.00 per month to get 500 total anytime minutes or \$20.00 per month to get 1,000 total anytime minutes plus 1,000 texts.

Although Blue Jay is not yet providing service to either Lifeline or non-Lifeline customers, Blue Jay plans to begin providing prepaid wireless service to non-Lifeline customers within 45 days. Blue Jay has access to an extensive network of potential customers through partnerships with its Drivers Insurance Group, LLC affiliate, which will provide storefront locations for the sale of Blue Jay Lifeline and non-Lifeline wireless service. Blue Jay has also established relationships with BeQuick, CGM, LLC and other vendors that will be necessary to enroll Lifeline customers and process applications and reimbursements. However, once its compliance plan is approved, Blue Jay will likely need at least 60 days to further train its employees, put up branding and signage in its storefronts, and implement its various systems before it will be able to begin processing Lifeline applications and enrolling customers for service.

At the same time, Blue Jay must receive ETC designations from various state public utility commissions or the FCC, and in many states such as Texas, Blue Jay cannot file its ETC applications until its Compliance Plan is approved. Therefore, Blue Jay expects that it will be several months after its Compliance Plan is approved before it can begin providing Lifeline service.

III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation⁶²

Financial and Technical Capabilities. Revised Commission rule 54.202(a)(4), 47 C.F.R. 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.⁶³ The Compliance Plan Public Notice requires that carriers' compliance plan include this

⁶² See Compliance Plan Public Notice at 3.

⁶³ See *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

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.

Through its affiliates, Blue Jay has provided marketing services including to low-income customers since 2004. One of the Company's affiliates, Splash Media, LP, is among the largest providers of full-service social media marketing services in the world. Another affiliate, Link Distributors, LLC, is a leading distributor of wireless handsets and Lifeline enrollment for ETCs. Both businesses have substantial revenues with a long-term profitability, are in good standing with all of their vendors and have been providing customers with services for a combined nine years. As a core part of its marketing strategy, Blue Jay will be actively marketing to non-Lifeline customers targeting the prepaid, credit challenged and underbanked sector, and, consequently, will not be relying exclusively on Lifeline reimbursement for the Company's operating revenues. Blue Jay plans to begin providing non-Lifeline service within 45 days. Blue Jay also has access to other financial resources including substantial cash reserves from its owners. The Company has not been subject to enforcement sanctions 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."⁶⁴ The Company certifies that it will comply with the service

⁶⁴ Compliance Plan Public Notice at 3.

requirements applicable to the support the Company receives.⁶⁵ The Company will provide all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout the states in which it is designated as an ETC. The Company's services will include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, the Company's service offerings will provide its customers with a set number of minutes of use for local service at no charge to the customer. The Company's proposed Lifeline offerings include packages in Section II *supra* that can be used for local and domestic toll service.

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

Finally, the Company will not provide toll limitation service ("TLS"). Blue Jay, 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 *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.⁶⁶

IV. Conclusion


Blue Jay submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's *Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules.

⁶⁵ 47 C.F.R. § 54.202(a)(1).

⁶⁶ See *Lifeline Reform Order*, ¶ 230.

Accordingly, the Company respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,



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(202) 342-8544

Counsel to Blue Jay Wireless, LLC

November 30, 2012

EXHIBIT A



Blue Jay Wireless, LLC
[State] Wireless Lifeline Service Application and Certification (Tribal)

Mail or fax form completed and signed form to:
5010 Addison Circle Addison, TX 75001
Fax XXX-XXX-XXXX / Customer Service: X-XXX-XXX-XXXX

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in Blue Jay Wireless, LLC's ("the Company's") 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 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 a 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 that I have read and understood the disclosures listed above and 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 at least one of the following programs (check one):

- | | |
|---|--|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) | <input type="checkbox"/> Food Distribution Program on Indian Reservations (FDPIR) |
| <input type="checkbox"/> Section 8 Federal Public Housing Assistance (FPHA) | <input type="checkbox"/> Bureau of Indian Affairs General Assistance (BIA) |
| <input type="checkbox"/> Medicaid (not Medicare) | <input type="checkbox"/> Tribally Administered TANF (TATNF) |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Head Start (meeting income qualifying standards) (Tribal) |
| <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) | |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) | |
| <input type="checkbox"/> National School Lunch Program's free lunch program | |

OR, I hereby certify that I qualify for Lifeline pursuant to income eligibility:

- Income at or below 135% of Federal Poverty Guidelines

Tribal eligibility:

- I hereby certify that I reside on Federally-recognized Tribal lands.

Customer Application Information:

First Name: _____ Middle Name: _____ Last Name: _____
Date of Birth: Month: ___ Day: ___ Year: _____ Last Four Digits of Social Security Number (or Tribal ID Number): _____
If Qualifying for Lifeline by income, number of Individuals in Household: _____
Home Telephone Number (if available): _____

Residential Address (P.O. Box NOT sufficient)

Number: _____ Apt: _____ Street _____ City _____

State: _____ Zip Code: _____

Address is (choose one): Permanent Temporary

Billing Address (if different from Residential Address) (P.O. Box IS sufficient)

Number: _____ Apt: _____ Street _____ City _____

State: _____ Zip Code: _____

Multiple households sharing and address:

- 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 calling [IVR call-in number]. To keep your account active, you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes from Company, answering an in-bound call from someone other than Company, or by responding to a direct contact from Company confirming that you want to continue receiving Lifeline service from Company. If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 611 and 911 calls and calls to the Company's customer care center) subject to a 30 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.

I hereby certify that I have read and understood the disclosures listed above regarding activation and usage requirements.

Authorizations:

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, 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.

Additional certifications: I hereby certify, under penalty of perjury, that (check each box):

- I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- 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 address listed below 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
- If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 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 within 30 days 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

Applicant's Signature: _____ **Date:** _____

For Agent Use Only (check the appropriate boxes for the proof of eligibility viewed and provide information requested; do not copy or retain documentation):

Documents Acceptable Proof for Income-Eligibility (check 1):

- 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 for at least three months time.

Documents Acceptable Proof for Program-Eligibility (choose 1 from each list A and B below):

List A - Choose 1

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Section 8 Federal Public Housing Assistance (FPHA)
- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- Low Income Home Energy Assistance Program (LIHEAP)
- National School Lunch Program's free lunch program
- Food Distribution Program on Indian Reservations (FDPIR)
- Bureau of Indian Affairs General Assistance (BIA)
- Tribally Administered TANF (TATNF)
- Head Start (meeting income qualifying standards)

List B - Choose 1:

- Program participation card/document
- Prior year's statement of benefits
- Notice letter of participation
- Other official document evidencing participation _____

Last 4 digits of Document from List B _____

Date of Proof Document: ____/____/____

Expiration Date of Proof Document: ____/____/____

Applicant Account Number	Rep/Agent Signature



Blue Jay Wireless, LLC
[State] Wireless Lifeline Service Application and Certification

Mail or fax form completed and signed form to:
5010 Addison Circle Addison, TX 75001
Fax XXX-XXX-XXXX / Customer Service: X-XXX-XXX-XXXX

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in Blue Jay Wireless, LLC's ("the Company's") 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 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 a 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 that I have read and understood the disclosures listed above and 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 at least one of the following programs (check one):

- | | |
|---|---|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) | <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) |
| <input type="checkbox"/> Section 8 Federal Public Housing Assistance (FPHA) | <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) |
| <input type="checkbox"/> Medicaid (not Medicare) | <input type="checkbox"/> National School Lunch Program's free lunch program |
| <input type="checkbox"/> Supplemental Security Income (SSI) | |

OR, I hereby certify that I qualify for Lifeline pursuant to income eligibility:

- Income at or below 135% of Federal Poverty Guidelines

Customer Application Information:

First Name: _____ Middle Name: _____ Last Name: _____

Date of Birth: Month: ___ Day: ___ Year: _____ Last Four Digits of Social Security Number: _____

If Qualifying for Lifeline by Income, number of Individuals in Household: _____

Home Telephone Number (if available): _____

Residential Address (P.O. Box NOT sufficient)

Number: _____ Apt: _____ Street _____ City _____

State: _____ Zip Code: _____

Address is (choose one): Permanent Temporary

Billing Address (if different from Residential Address) (P.O. Box IS sufficient)

Number: _____ Apt: _____ Street _____ City _____

State: _____ Zip Code: _____

Multiple households sharing and address:

- 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 calling [IVR call-in number]. To keep your account active, you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes from Company, answering an in-bound call from someone other than Company, or by responding to a direct contact from Company confirming that you want to continue receiving Lifeline service from Company. If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be

suspended (allowing only 611 and 911 calls and calls to the Company's customer care center) subject to a 30 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.

I hereby certify that I have read and understood the disclosures listed above regarding activation and usage requirements.

Authorizations:

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, 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.

Additional certifications: I hereby certify, under penalty of perjury, that (check each box):

- I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- 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 address listed below 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
- If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 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 within 30 days 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

Applicant's Signature: _____ **Date:** _____

For Agent Use Only (check the appropriate boxes for the proof of eligibility viewed and provide information requested; do not copy or retain documentation):

Documents Acceptable Proof for Income-Eligibility (check 1):

- The prior year's state or federal 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 notice letter of participation in General Assistance, or
- A divorce decree, child support award, or other official document containing income information for at least three months time.

Documents Acceptable Proof for Program-Eligibility (choose 1 from each list A and B below):

List A - Choose 1

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Section 8 Federal Public Housing Assistance (FPHA)
- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- Low Income Home Energy Assistance Program (LIHEAP)
- National School Lunch Program's free lunch program

List B - Choose 1:

- Program participation card/document
- Prior year's statement of benefits
- Notice letter of participation
- Other official document evidencing participation _____

Last 4 digits of Document from List B _____

Date of Proof Document: ____/____/____

Expiration Date of Proof Document: ____/____/____

Applicant Account Number	Rep/Agent Signature

EXHIBIT B



Blue Jay Wireless, LLC 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	\$15,080
2	\$20,426
3	\$25,772
4	\$31,118
5	\$36,464
6	\$41,810
7	\$47,156
8	\$52,502
For each additional person	Add \$5,346

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

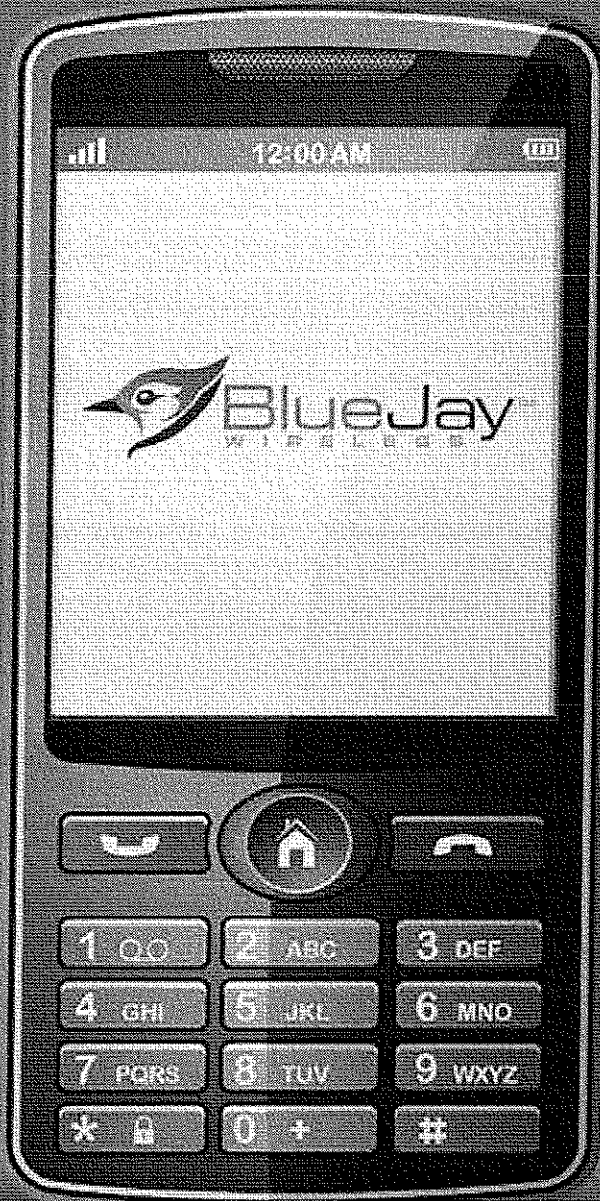
This is a Lifeline service provided by Blue Jay Wireless, LLC. Lifeline is a government assistance program. Only one Lifeline service is available per household. Households are not permitted to receive multiple Lifeline benefits whether they are from one or multiple companies, wireless or wireline. Proof 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 C

250 FREE

Minutes Every Month!

500 & 1000 Minute Plans Also Available



**Must
qualify to
be eligible.**

- This is a Lifeline service provided by Blue Jay Wireless, LLC, which is an eligible telecommunications carrier.
- Lifeline is a government assistance program.
- Service is non-transferable.
- Only one Lifeline discount may be received per household.
- Only eligible consumers may enroll in the program.
- 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.
- Customers must present proper documentation confirming eligibility for the Lifeline program through participation in Federal Public Housing Assistance, Food Stamps, Low-Income Home Energy Assistance Program (LIHEAP), Income below 135% of the Federal Poverty Guidelines, Medicaid, National School Lunch's Free Lunch Program, Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF). Additional Program Based Eligibility criteria varies by state. Proof of eligibility includes an eligible program card or statement of benefits.

www.BlueJayWireless.com