



STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES & CARRIERS

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Memorandum

To: Rhode Island Public Utilities Commission

From: Christy Hetherington, Esq.
Rhode Island Division of Public Utilities and Carriers

Date: May 13, 2022

Re: Docket 5243: Application of AirVoice Wireless, LLC d/b/a Airtalk Wireless for Designation as an Eligible Telecommunications Carrier in Rhode Island

On March 30, 2022, AirVoice Wireless, LLC d/b/a AirTalk Wireless (AirVoice) filed with the Rhode Island Public Utilities Commission (Commission) an application for designation as an Eligible Telecommunications Carrier (ETC) in the state of Rhode Island for the limited purpose of offering Lifeline Services to qualified households. Precisely, AirVoice seeks ETC designation solely to provide subsidized Lifeline wireless service to eligible/qualifying low-income consumers in the state. AirVoice does not seek access to funds from the federal Universal Service Fund (USF), nor does it seek “high-cost” support from the federal high-cost program. AirVoice’s submission was made pursuant to Section 214(e)(2) of the Communications Act of 1934, Sections 54.101-54.207 of the Rules of the Federal Communications Commission (FCC), and the applicable Commission rules and regulations. Although the Commission is herein tasked with ETC designation, these federal laws/rules provide the basis for the requisite requirements and standards by which the common carrier is to be vetted and a determination on ETC designation is made.

In support of designation as an ETC in Rhode Island, AirVoice included with its application a comprehensive yet targeted overview of the company/affiliates, its industry experience, past practice, regulatory record, and proposed dealings in Rhode Island. Through its explanatory papers, AirVoice asserts that it satisfies the requirements for designation as an ETC pursuant to FCC Rules 47 C.F.R. §54.201 and 47 C.F.R. §54.202(a), and that such designation is in the public interest. As additional support, AirVoice provided documentary evidence (Exhibits 1-6) that includes (1) AirVoice CEO certification; (2) FCC-Approved Compliance Plan; (3) Coverage Area (listing by town/city, zip code, county); (4) AirVoice Management Biographies; (5) Proposed Lifeline Offering (ie: Customer Package Plan – Minutes & Data, Customer and Emergency Service

– 911); (6) Sample Advertisement. AirVoice represents that its affordable prepaid mobile phone plans will provide a necessary service, that it will provide “high-quality” customer service and free 911 emergency call access, and that AirVoice/affiliates provide financial and technical capability given its experience providing Lifeline wireless service in ten (10) jurisdictions. *See* application at 18. Moreover, AirVoice commits to conforming with industry-accepted low-income verification systems, as well as all present and future regulatory/reporting requirements.

The Division of Public Utilities and Carriers (DPUC) has carefully reviewed AirVoice’s application materials, as well as the applicable federal and state regulatory requirements. All told, the DPUC’s review and verification of the contents of AirVoice’s application, coupled with an independent review of AirVoice’s/affiliates’ industry, consumer, financial and regulatory history and status, yields no major areas of concern as relates to the limited ETC status sought by the Commission in this docket. Further, the DPUC is not aware that any comments in opposition to the filing were submitted.

The DPUC finds that AirVoice’s application satisfies the threshold regulatory criteria and it recommends that the Commission grant the wireless ETC designation without the need for additional regulatory vetting at the state level.