BEFORE THE
NEW YORK STATE PUBLIC SERVICE COMMISSION

Prepaid Wireless Group, LLC Petition for Designation as an Eligible Telecommunications Carrier	)))))	Case No. 24-C-____

PETITION

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I. INTRODUCTION

Prepaid Wireless Group, LLC ("PWG" or the "Company"), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"),[1] Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),[2] and the rules and regulations of the New York State Public Service Commission ("Commission")—namely, New York Public Service Law ("PSL") §5 as recently amended, hereby submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of New York ("Petition").

PWG seeks ETC designation solely to provide Lifeline service to qualifying New York consumers; at this time, it does not seek access to funds from the federal Universal Service Fund ("USF") for the purpose of participating in the Link-Up program or providing service to high cost areas.[3] Once designated as an ETC, PWG will be eligible to receive distributions from New York's Targeted Accessibility Fund ("TAF") and plans to apply for such support; PWG does not, however, seek to establish a TAF distribution amount by the instant Petition.

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[1] 47 U.S.C. § 214(e)(2)

[2] 47 C.F.R. §§ 54.101-54.207.

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

As demonstrated herein, and as certified in Exhibit 2 attached hereto, PWG meets all the statutory and regulatory requirements for designation as an ETC in the State of New York, including the requirements outlined in the FCC's *Lifeline and Link Up Reform Order,*[4] *Lifeline Modernization Order*,[5] and *Fifth Report and Order*.[6] Furthermore, PWG is positioned to reach unserved and underserved Lifeline-eligible consumers. Rapid grant of PWG's request, therefore, would advance the public interest because it would enable the Company to commence much needed Lifeline services to a wide array of low-income New York residents as soon as possible. Accordingly, the Company respectfully requests that the Commission expeditiously approve this Petition.

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

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[4] *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) ("*Lifeline and Link Up Reform Order*").

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

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

II. COMPANY OVERVIEW

PWG is one of the nation's longest standing aggregators of wireless services. PWG owns and operates a carrier grade voice, text, and mobile data telecommunications infrastructure. PWG provides integrated communications solutions - including Mobile Virtual Network Operator ("MVNO") enablement, cellular carrier access aggregation, voice/text/data services, machine-to-machine ("M2M"), and Internet of Things ("IoT") connectivity. PWG is financially strong, carrying zero debt or outside investment. PWG participates in the Lifeline consortium to lobby for favorable rules and regulations that promote longevity and stability of the program.

In addition to being a facilities-based provider of wireless telecommunications services, PWG is a provider of commercial mobile radio service ("CMRS") and provides prepaid wireless telecommunications services to consumers by using its own facilities, as well as access to the wireless network of T-Mobile on a wholesale basis.

With support from the FCC Lifeline Program's subsidies, PWG will be able to access federal funds to provide broadband access to low-income New Yorkers and will be able to discount its phone plans to affordable levels for public housing residents, the homeless, students, the elderly, and New Yorkers that are in desperate need of broadband access.

PWG is a is a limited liability company that was organized in the State of Maryland on June 29, 2012. A copy of Petitioner's Articles of Organization is attached hereto as **Exhibit 1.**

PWG's service offerings include prepaid mobile phone service, high-speed broadband, SMS, and high-quality customer service.

PWG's service offering parallels that of major corporate providers, and includes: (1) local and long distance calling; (2) access to the following custom calling features at no charge: (a) Caller ID; (b) Call Waiting; (c) Call Forwarding; (d) 3-Way Calling; and (e) Voicemail; (3) text messaging; (4) broadband access; and (5) the option for a consumer to "bring their own device. PWG may provide user-friendly handsets or hotspot devices. PWG products and plans are specially geared toward serving lower-income communities. The Company does not require service contracts from its customers, and it will always ensure competitively low pricing for its services and products. PWG manages all aspects of the customer experience, including setting service pricing, handset and device selection, marketing materials, and customer service.

PWG's customers will depend on and benefit greatly from PWG's inexpensive and flexible pricing plans and access to federal Lifeline funds to make it possible for the company to provide service for free or at low cost. PWG will not impose credit checks, nor will it require any deposits or contractual commitments. Most of PWG's customers turn to PWG because they cannot afford the postpaid services provided by traditional wireless and broadband providers. Another reason consumer's turn to PWG is because local government has not provided resources for students and residents of homeless shelters and public housing access to get online during the COVID-19 pandemic and post pandemic society. PWG affirmatively reaches out to the needy to offer attractive and affordable communications options through partnerships with local government entities, social service providers, homeless shelter operators, and community organizations. As such, PWG will contribute to the expansion of mobile wireless and broadband services to bridge the digital divide for low-income consumers in New York.

III. THE COMMISSION HAS JURISDICTION OVER DESIGNATION OF WIRELESS ETCS

Section 214(e)(2) of the Act provides state public utility commissions with the "primary responsibility" for the designation of ETCs.[7] Although Section 332(c)(3)(A) of the Act prohibits states from regulating the entry of or the rates charged by any provider of commercial mobile service or any private mobile service, this prohibition does not allow states to deny wireless carriers ETC status.[8] Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier as an ETC if the carrier satisfies the requirements of Section 214(e)(1). Senate Bill 5782-A amended PSL §5 effective December 6, 2019, as follows:

> "Subdivision 6 of section 5 of the public service law is amended by adding a new paragraph c to read as follows: c. Notwithstanding paragraph a of this subdivision, the commission may designate any commercial mobile radio or cellular telephone service providers as an eligible telecommunications carrier for purposes of providing lifeline service, in addition to any commercial mobile radio or cellular telephone service providers designated as such pursuant to 47 U.S.C. § 214(e) and 47 U.S.C. § 214(e)(2), without requiring any such provider to obtain a certificate of public convenience and necessity pursuant to section ninety-nine of this chapter. The commissioner is authorized to promulgate all rules and regulations necessary to implement the provisions of this paragraph."

Thus, the Commission now has jurisdiction over wireless ETC designation requests. PWG applauds the Commission for taking action to increase the number of ETCs in New York, and thus increase the ability to reach additional eligible Lifeline subscribers. PWG estimates there are around two (2) million unserved Lifeline-eligible customers in New York. PWG is ready, capable, and willing to serve these customers.

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[7] 47 U.S.C. § 214(e)(2).

[8] *USF Order*, at 8858–59, ¶ 145.

According to USAC,[9] the 2017 estimated Lifeline adoption rate ("take rate") in New York was 29%. Based on February 2019 data, approximately 90% of existing New York Lifeline customers were served by TracFone, Virgin Mobile and i-wireless combined. Clearly, customers are interested in wireless service, and clearly, more market competition is needed in order to reach more Lifeline-eligible customers. PWG therefore requests that the Commission expeditiously process the instant Petition so that PWG can quickly begin expanding the availability of affordable Lifeline-supported wireless services to qualifying low-income customers in New York City's public housing developments, low-income households, and homeless shelters.

PWG recognizes that Section 214(e)(1)(A) of the Act states that ETCs shall offer services, at least in part, over their own facilities and that Section 54.201(i) of the FCC's Rules (47 C.F.R. § 54.201(i)) prohibits state commissions from designating as an ETC a telecommunications carrier that offers services exclusively through the resale of another carrier's services. PWG does utilize its own facilities, in combination with T-Mobile facilities, to provide service. Therefore, the Commission has the authority under Section 214(e)(2) of the Act to grant PWG's request for designation as an ETC throughout the State of New York.

[9] https://www.usac.org/li/about/process-overview/stats/participation.aspx

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

Section 254(e) of the Act provides that, "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support." Section 214(e)(2) of the Act authorizes state commissions, such as the Commission, to designate ETC status for federal universal service purposes and authorizes the Commission to designate wireless ETCs.[10] Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules provide that applicants for ETC designation must be common carriers that shall, throughout the designated service area, offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier's services, except where the FCC has forborne from the "own facilities" requirement. Applicants also must commit to advertise the availability and rates of such services.[11] As detailed below, PWG satisfies each of the above-listed requirements.

A. PWG Will Provide Service Consistent with the FCC's Section 214 Facilities Requirements

Section 214 requires ETCs to provide services using their facilities, at least in part, and PWG uses its own facilities in part to provide service.

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[10] *See Federal-State Joint Board on Universal Service*, *First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) ("*USF Order*").

[11] *See* 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2).

B. PWG Is a Common Carrier

CMRS providers like PWG are treated as common carriers.[12]

C. PWG Will Provide All Supported Services

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

1. Voice Telephony Service

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

Voice Grade Access to the Public Switched Telephone Network. PWG provides voice grade access to the public switched telephone network ("PSTN").

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

Access to Emergency Services. PWG provides 911 and E911 access for all of its customers to the extent the local government in its service area has implemented 911 or E911 systems. As noted, calls to 911 emergency services will always be free and will be available regardless of service activation status or availability of minutes. PWG also complies with the FCC's regulations governing the deployment and availability of E911 compatible handsets.

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

Toll Limitation. In its *Lifeline and Link Up Reform Order*, the FCC provided that toll limitation would no longer be deemed a supported service.[13] "ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls."[14] Nonetheless, PWG's offerings inherently allow Lifeline subscribers to control their usage, as its wireless service is offered on a prepaid, or pay-as-you-go, basis. PWG's service, moreover, is not offered on a distance-sensitive basis and local and domestic long-distance minutes are treated the same.

[13] *See Lifeline and Link Up Reform Order* at ¶ 367.

[14] *See id.* at ¶ 49.

2. Broadband Internet Access Services

PWG provides Broadband Internet access service ("BIAS") to ensure its Lifeline customers receive full Lifeline support. The FCC has stated that BIAS consists of the ability for a user to receive "the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service."[15] PWG provides BIAS to low-income consumers both via resale of its Underlying Carrier's services and its own network.

D. PWG Requests Designation Throughout Its Service Area

PWG is not a rural telephone company as defined in Section 153(37) of the Act (47 U.S.C. § 153(37)). Accordingly, PWG is required to describe the geographic area(s) within which it requests designation as an ETC. PWG requests ETC designation that is statewide in scope to allow the Company to provide Lifeline service wherever PWG or its underlying, facilities-based providers have wireless coverage. The Company's coverage maps, showing statewide coverage, are attached hereto as Exhibit 3. PWG understands that its service area overlaps with rural carriers in New York but maintains that the public interest factors described below justify its designation in these carriers' service areas, especially because it seeks ETC designation solely to utilize USF funding to provide Lifeline service to qualified low-income consumers. PWG does not seek Link-Up or high-cost support at this time.

Therefore, designation of PWG as an ETC will cause no growth in the high-cost portions of the USF and will not erode high-cost support from any rural telephone company. In fact, the FCC has determined that "[d]esignation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and

[15] *See* 47 C.F.R. § 8.2(a).

new technologies."[16] While federal rules (47 U.S.C. §§ 160, 214(e)(5) and 47 C.F.R. § 54.207(b)) require that the service area of an ETC conform to the service area of any rural telephone company serving the same area (the "service area conformance" requirement), the FCC's *Lifeline and Link Up Reform Memorandum Opinion and Order* (FCC 13-44 released April 15, 2013) authorized forbearance from the service area conformance requirements with respect to carriers seeking to provide Lifeline-only service.[17] In light of this forbearance, the Commission has the authority to designate ETCs such as PWG in rural areas without concern for the service area conformance requirement.[18]

E. PWG Will Advertise the Availability of Supported Services

PWG will advertise the availability and rates for the services described above using media of general distribution as required by 47 C.F.R. § 54.201(d)(2). PWG will comply with the FCC's rules regarding information to be included in marketing materials, including FCC rule section 54.405(c). Specifically, PWG'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) PWG is the provider of the services. Moreover, the Lifeline application/certification form will state that Lifeline is a federal benefit and that consumers who willfully make a false statement in order to

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

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

[18] *See* 47 C.F.R. § 54.207(c).

obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program. Additionally, PWG will disclose the company name under which it does business and the details of its Lifeline service offerings in any Lifeline-related marketing and advertising.

PWG will engage in advertising campaigns specifically targeted to reach those likely to qualify for Lifeline service, promoting the availability of cost-effective wireless services to this neglected consumer segment. PWG may also promote the availability of its Lifeline offering by distributing brochures at various state and local social service agencies, community organizations, churches, and unions that have a membership of low-income consumers. PWG will provide partner organizations and retail vendors with signage to be displayed where Company products are sold, and with printed materials describing the Company's Lifeline program. PWG will also do on-line marketing which may include social media and other on-line channels.

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

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

A. Service Commitment Throughout the Proposed Designated Service Area

PWG will provide service in New York by utilizing its own facilities and by reselling service which it obtains directly from T-Mobile. T-Mobile's network is operational and largely built out. Thus, PWG will be able to commence offering its Lifeline service to all locations in its proposed service area very soon after receiving approval from the Commission.

In accordance with 47 C.F.R. § 54.202(a)(1)(i), and by the certification attached in Exhibit 2, PWG commits to comply with the service requirements applicable to the low-income support that it receives. PWG will comply with the FCC's *Fifth Report and Order*.[19] Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a common carrier seeking designation as a Lifeline-only ETC is not required to submit a five-year network improvement plan as part of its application for designation as an ETC.

[19] The order is effective January 27, 2020, except for section 54.406(b) ["*Prohibition of commissions for enrollment representatives*"], which is effective February 25, 2020, and section 54.406(a) ["*Enrollment representative registration*"], which is effective March 26, 2020. Revisions to Sections 54.404(b)(12) [*relating to not enrolling/claiming a subscriber unless they are verified to be alive*] and 54.410(f) [*changes to recertification*] are delayed and the FCC will publish a document announcing the effective date.

B. Ability to Remain Functional in Emergency Situations

In accordance with 47 C.F.R. § 54.202(a)(2), PWG has the ability to remain functional in emergency situations. As discussed, PWG will utilize its own facilities in addition to the extensive and well-established T-Mobile network and facilities to provide its Lifeline services. The Company understands that T-Mobile and its own network has access to a reasonable amount of back-up power to ensure functionality without an external power source, are able to reroute traffic around damaged facilities, and are capable of managing traffic spikes resulting from emergency situations.

C. Commitment to Consumer Protection and Service Quality

In accordance with 47 C.F.R. § 54.202(a)(3), an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards, and wireless applicants may satisfy this requirement with a commitment to comply with the Cellular Telecommunications and Internet Association's ("CTIA") Consumer Code for Wireless Service. PWG hereby commits to comply with the CTIA Consumer Code for Wireless Service. See Exhibit 7 which is attached hereto.

D. PWG is Financially and Technically Capable

In accordance with 47 C.F.R. § 54.202(a)(4), PWG is financially and technically capable of providing Lifeline-supported services PWG does not and will not rely exclusively on USF disbursements to operate.

Furthermore, the senior management of PWG has great depth in the telecommunications industry and offers extensive telecommunications business technical and managerial expertise to PWG.

E. Terms and Conditions of Proposed Lifeline Offering

PWG has the ability to provide all services supported by the universal service program, as detailed in 47 C.F.R. § 54.101(a), throughout New York. PWG intends to be a leader in the prepaid marketplace by offering consumers exceptional value and competitive amounts of voice and broadband usage. PWG commits that its Lifeline-supported voice services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408, including as such standards are updated going forward. PWG's Lifeline-supported broadband services will also meet the minimum service standards set forth in 47 C.F.R. § 54.408 for mobile broadband internet access services, including for service speed and data usage allowance, as such standards are updated going forward. To the extent PWG provides devices for use with Lifeline-supported broadband service, such devices will meet the equipment requirements set forth in 47 C.F.R. § 54.408(f), and PWG will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

Attached hereto as Exhibit 5 is a summary table of the Company's proposed Lifeline service offerings. Customers will be able to purchase additional minutes or data as needed. All plans will include nationwide domestic long-distance calling and local calling, and PWG will not assess any usage for access to its free customer services (611). Emergency (911) calls will be free, regardless of service activation or availability of minutes, and will not count against the customer's airtime. The Company's Lifeline offering will provide feature-rich mobile connectivity for qualifying subscribers without the burden of credit checks or service contracts. PWG's prepaid offering will be an attractive alternative for consumers who need the mobility, security, and convenience of a wireless phone, but who are concerned about usage charges or long-term contracts.

F. PWG Will Comply with the Lifeline Certification and Verification Requirements

Customers interested in obtaining information on the Lifeline program will be directed to a toll-free telephone number and to the Company's website which will contain information regarding the Company's Lifeline service plans, including a description of the Lifeline program and eligibility criteria. Customers must then apply directly through the National Lifeline Eligibility Verifier ("National Verifier"), which they may do online or by submitting all required documentation to the National Verifier by mail. Customers may download a copy of the application form from the Internet (either from the National Verifier's or Company's website) or request that a copy be mailed to them. PWG utilizes the standard Lifeline application forms as required by FCC rules, and thus complies with the disclosure and information collection requirements in 47 C.F.R. § 54.410(d).[20] PWG will certify and verify initial and continued consumer eligibility in accordance with 47 C.F.R. § 54.410, and will notify the applicant that the prepaid service must be personally activated by the subscriber and the subscriber must use their service every thirty (30) days. PWG further confirms that it will not provide a consumer with an activated device and will not activate a Lifeline service unless or until it has confirmed that the consumer is a qualifying low-income household pursuant to 47 C.F.R. § 54.409 and completed the required eligibility determination and certification requirements of 47 C.F.R. §§ 54.410, 54.404-54.405. Processing of consumers' applications and determination of eligibility will be performed by the National Verifier.

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

G. Prevention of Waste, Fraud and Abuse

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

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

VI. DESIGNATION OF PWG AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is "to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies" to all citizens, regardless of geographic location or income.[21] Designation of PWG as an ETC in New York will further that public interest.

The instant request for ETC designation must be examined in light of the Act's goal of providing low-income consumers with access to telecommunications services and the dire crisis faced by low-income New Yorkers who lack broadband access during the COVID-19 pandemic. The primary purpose of universal service is to ensure that consumers—particularly low-income consumers—receive affordable and comparable telecommunications services. The FCC has in recent years expanded the Lifeline program to cover broadband services, noting that "Only half of all households in the lowest income tier subscribe to a broadband service and 43 percent say the biggest reason for not subscribing is the cost of the service," and "Of the low income consumers who have subscribed to mobile broadband, over 40 percent have to cancel or suspend their service due to financial constraints."[22] Given this context, designating PWG as an ETC would significantly benefit low-income consumers eligible for Lifeline services in New York—the intended beneficiaries of universal service, and allow PWG to fulfill its mission of providing Internet access to the low-income New Yorkers who need it most.

[21] *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56.

[22] *See Lifeline Modernization Order* ¶ 2.

A. Advantages of PWG's Service Offering

PWG offers a unique, easy to use, competitive, and highly affordable wireless telecommunications service, which benefits qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional service. The public interest benefits of PWG's wireless service include larger calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile service, and a generous amount of voice and broadband access included without cost (after application of the Lifeline support), as well as free access to caller ID, call waiting, and Voicemail features, and access to 911 services regardless of the number of voice minutes remaining on the Lifeline consumer's plan. These no cost to consumer services and low-cost minutes are an invaluable resource for cash-strapped consumers, and the prepaid nature of the service also provides an alternative for "unbanked" consumers.

PWG's Lifeline offerings compare favorably with those of other competitive ETCs, and provide Lifeline customers with voice minutes, text messages, and a data allotment (meeting or exceeding the voice and broadband minimum service standards) at no net cost to the customer after application of Lifeline support. PWG's prepaid wireless service is likely to be an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long-term contract issues.

In today's market, consumers, including qualified Lifeline customers, view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents wherever they may be, allows a person seeking employment greater ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers regardless of location. Mobile service often also serves as a key bridge in closing the homework gap for students who live in rural areas with limited access to broadband.

Without question, prepaid wireless services and broadband access have become essential for low-income customers, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents. Providing PWG with the authority necessary to offer discounted Lifeline service to those without wireless service—or most in danger of losing service altogether—undoubtedly promotes the public interest.

B. The Benefits of Competitive Choice

The FCC has acknowledged the benefits to consumers of being able to choose from among a variety of telecommunications service providers for more than three decades.[23] Increasing customer choice promotes competition and innovation, thus spurring other carriers to target low-income consumers with service offerings tailored to their needs, ultimately resulting in improved services to consumers. Designation of PWG as an ETC will help ensure that quality services are available at "just, reasonable, and affordable rates" as envisioned in the Act.[24] Introducing PWG into the market as an additional wireless ETC provider will afford low-income New York residents a wider choice of providers and available services while creating a competitive marketplace as ETCs compete for a finite number of Lifeline-eligible customers. Increasing the competitive marketplace of providers has the potential to effectively increase the penetration rate and reduce the number of individuals not connected to the PSTN.

[23] *See, e.g., Specialized Common Carrier Services,* 29 FCC Rcd 870 (1971).

[24] *See* 47 U.S.C. § 254(b)(1).

C. Impact on the Universal Service Fund

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

VII. CONCLUSION

Based on the foregoing, designation of PWG as an ETC in the State of New York complies with the requirements of Section 214(e)(2) of the Act and is in the public interest.

WHEREFORE, PWG respectfully requests that the Commission promptly designate PWG as an ETC in the State of New York for the purpose of participating in the Lifeline program.

Respectfully submitted,

/s/ Lance J.M. Steinhart

Lance J.M. Steinhart
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New York Bar No. 2066041
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Attorneys for Prepaid Wireless Group, LLC

March 20, 2024

EXHIBIT 1

Articles of Organization

CORPORATE CHARTER APPROVAL SHEET

**** EXPEDITED SERVICE**   ** KEEP WITH DOCUMENT ****

DOCUMENT CODE 40   BUSINESS CODE 20

Affix Barcode Label Here

1000362003495506

\# ____________

Close ____ Stock ____ Nonstock ____

P.A. ____ Religious ____

Merging (Transferor) ____________

Affix Barcode Label Here

ID # W14748057 ACK # 1000362003495506
PAGES: 0003
PREPAID WIRELESS GROUP, LLC

MAIL
BACK

06/29/2012 AT 03:03 P WO # 0003992307

Surviving (Transferee) ____________

New Name ____________

FEES REMITTED

Base Fee:	100
Org. & Cap. Fee:	
Expedite Fee:	50
Penalty:	
State Recordation Tax:	
State Transfer Tax:	
____ Certified Copies	
Copy Fee:	
____ Certificates	
Certificate of Status Fee:	
Personal Property Filings:	
Mail Processing Fee:	5
Other:	
TOTAL FEES:	155

____ Change of Name
____ Change of Principal Office
____ Change of Resident Agent
____ Change of Resident Agent Address
____ Resignation of Resident Agent
____ Designation of Resident Agent and Resident Agent's Address
____ Change of Business Code

____ Adoption of Assumed Name

____ Other Change(s)

Credit Card ____ Check X Cash ____

____ Documents on ____ Checks

Code 367

Attention: David Sellman

Mail: Name and Address

SELLMAN HOFF LLC
DAVID SELLMAN
STE. 1331
201 N. CHARLES ST
BALTIMORE MD 21201-4102

Approved By: A.01

Keyed By: ____________

COMMENT(S):

Stamp Work Order and Customer Number HERE

CUST ID:0002775727
WORK ORDER:0003992307
DATE:06-29-2012 03:03 PM
AMT. PAID:$155.00

ARTICLES OF ORGANIZATION
OF
PREPAID WIRELESS GROUP, LLC

The undersigned, acting at the direction of and on behalf of persons desiring to be members of and having agreed to form Prepaid Wireless Group, LLC as a limited liability company pursuant to the Maryland Limited Liability Company Act, hereby acknowledges and certifies as follows:

1. The name of the Limited Liability Company (the "Company") is:

Prepaid Wireless Group, LLC

2. The existence of the Company shall be perpetual.

3. The purposes of the Company are as follows:

a. To engage generally in the sale, licensing and distribution, at wholesale and retail, of wireless cellular products and technologies, and all related and ancillary services.

b. To engage in all activities permitted under the Maryland Limited Liability Company Act, as amended from time to time, and to engage in any other business agreed to by the Members.

c. To trade and deal in and with goods, commodities, wares and merchandise of every kind, nature and description; to engage and participate in any mercantile, manufacturing or trading business of any kind or character whatsoever; and to do any and every act or acts, thing or things necessary or incident to, growing out of, or connected with the usual conduct of such businesses, or any of them, or of any part or parts thereof, for the accomplishment of any such purposes.

4. The address of the principal office of the Company is: 1800-I Rockville Pike, Rockville, Maryland, 20852. The name of the resident agent of the Company is David S. Sellman, 201 N. Charles Street, Suite 1331, Baltimore, Maryland 21201.

5. The rights and authority of the members of the Company are governed by a separate written Operating Agreement among the members and no member by virtue of being a member shall have authority to bind the Company. The Operating Agreement in its entirety and its amendments shall be in writing.

6. David S. Sellman shall be the "Authorized Person" of the Company solely for the purpose of executing and filing these Articles of Organization and for no other purpose, subject wholly to the direction of the members pursuant to the Operating Agreement, and when so authorized may execute or file such other documents or effect action in the name of and on behalf of the Company.

IN WITNESS WHEREOF, the undersigned organizer of the Company has executed these Articles of Organization this 29th day of June, 2012.

David S. Sellman

I, David S. Sellman, do hereby consent to serve as the resident agent of the aforesaid limited liability company.

David S. Sellman

CUST ID:0002775727
WORK ORDER:0003992307
DATE:06-29-2012 03:03 PM
AMT. PAID:$155.00

EXHIBIT 2

Certification

STATE OF MARLYAND)
)
COUNTY OF MONTGOMERY)

I, Paul Greene, Chief Executive Officer of Prepaid Wireless Group, LLC, hereby state upon oath and affirmation of belief and personal knowledge that the matters, facts and statements set forth in the foregoing Petition are true to the best of my knowledge and belief.

DocuSigned by:
Paul Greene
F41C844D11A54F7...

Paul Greene, CEO
Prepaid Wireless Group, LLC

EXHIBIT 3

Coverage Area

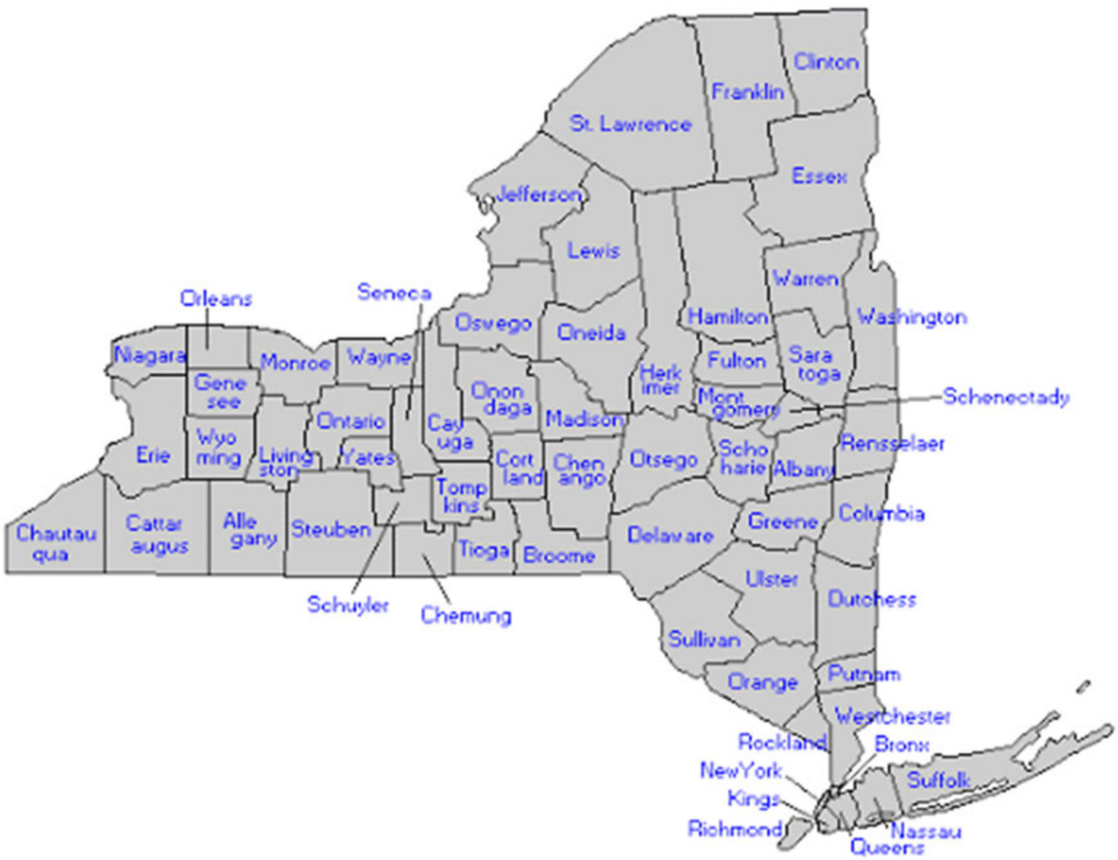

EXHIBIT 4

Key Management Bios

Paul Greene

CEO

About

I have over 20 years of experience in the wireless telecommunications industry. I have a proven track record of driving growth, innovation, and customer satisfaction in this dynamic and competitive field.

My core competencies include new business development, marketing strategy, search engine optimization, negotiation, sales, entrepreneurship, and strategic planning. I am passionate about delivering affordable and accessible wireless solutions that empower low-income and underserved communities across the US. I also strive to create a positive and collaborative work environment that fosters creativity, agility, and excellence among our team.

Experience

Chief Executive Officer
StandUp Wireless **Dec 2011 - Present**

CEO
Prepaid Wireless Group **Jan 2011 – Present**

CEO
Liberty Wireless **Aug 2011 – Present**

CEO
Vortex Cellular **Mar 2009 - Present**

Education

Salisbury University – Perdue School of Business **1984-1987**

BS, Business Administration and Management, General

Activities and Societies: ECAC team of the year

#2 ranked football team (1986)

Skills & abilities

- Marketing Strategy
- Account Management
- Business Development
- Business Strategy
- Entrepreneurship
- Product Management

NATHAN STIERWALT

COO, CSO, CMO AT PWG NETWORK SOLUTIONS

About

As the Chief Sales and Marketing Officer at PWG Network Solutions, I have over 25 years of experience in the wireless industry, with a focus on delivering innovative and customer-centric solutions for MVNOs and IOT. I lead the sourcing, development, implementation, and management of worldwide MVNOs and IOT solutions, leveraging our MVNA platform and network aggregation capabilities.

I also serve as a board member of the National Lifeline Association (NaLA), where I advocate for the interests and needs of low-income wireless consumers and providers. My specialties include developing and executing marketing strategies, branding, advertising, and sales channels, as well as building and maintaining strong customer relationships and partnerships. I thrive on leading and empowering high-performing teams, fostering a culture of collaboration and excellence, and driving revenue and growth for PWG and our clients.

Experience

COO, CSO, CMO
PWG Network Solutions — **Jan 2024 – Present**

COO, CSO, CMO
StandUp Wireless — **Jun 2017 – Present**

Chief Sales and Marketing Officer
IOT and MVNO Wireless Aggregation Solutions — **Jan 2013 – Jan 2024**

Vice President Sales & Marketing
Prepaid Wireless Group, LLC — **Feb 2010 – Sep 2023**

Vice President Sales & Marketing
Cozac Wireless — **Feb 2010 - Sep 2023**

Director of Sales & Marketing
Powernet Global — **Apr 2008 – Feb 2010**

Sr. Marketing Manager
Cincinnati Bell — **May 2004 – Mar 2008**

Marketing Manager
Prepaid Wireless — **May 2003 – May 2004**

Marketing Manager
Home Phone Services, Long Distance, CPE — **Jan 2002 – May 2003**

Channel Manager — **Jan 2001 – Jan 2002**

Communications Consultant — **May 1998 – Jan 2001**

Education

University of Phoenix **2003-2005**

Marketing

Northern Kentucky University **1995 - 1998**

Skills & abilities

- Marketing
- Strategy
- Advertising
- Sales
- Vendor Management
- Management
- Sales Management
- Telecommunications

EXHIBIT 5

Proposed Lifeline Offering

	LIFELINE PLANS	VOICE	TEXT (SMS)	DATA High Speed	LIFELINE PRICE	TRIBAL LIFELINE PRICE
1a	Lifeline-Only Broadband	1,000	Unlimited	4.5 GB	$0.00	N/A
1b	Lifeline-Only Tribal	Unlimited	Unlimited	6.5 GB	N/A	$0.00

ADDITIONAL AIRTIME "TOP-UPs"	VOICE	TEXT (SMS)	DATA
$5.00	250	250	250 MB
$10.00	None	None	1.5 GB
$10.00	Unlimited	Unlimited	1 GB
$20.00	Unlimited	Unlimited	3 GB
$30.00	Unlimited	Unlimited	8 GB

Top-Ups expire after 30 days

All packages include:

- Free calls to STANDUP Customer Service
- Free calls to 611 services
- Free calls to 911 emergency services
- Free access to Voicemail, Caller-ID, and Call Waiting features
- Voice minutes may be used for Domestic Long Distance at no extra cost
- Free SIM Card

<u>EXHIBIT 6</u>

Description of Facilities

CONFIDENTIAL AND PROPRIETARY

EXHIBIT 7

Service Quality and Consumer Protection

The Company is committed to satisfying all applicable state and federal requirements related to consumer protection and service quality standards.

The Company complies with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

1. Disclose Rates and Terms of Service – These are fully disclosed in advertising as well as on the Company's website.
2. Make Coverage Maps Available –Coverage maps are available on the Company's website.
3. Provide contract terms – the Company does not employ contracts.
4. Allow a trial service – Since Lifeline customers receive free service, there is no commitment to the service on their part. If the service does not suit their needs, they can cancel service at any time without penalty.
5. Provide Specific Disclosure in advertising – All Company advertising, including its website, fully discloses charges and service parameters.
6. Separately Identify Carrier Charges from Tax on Billing Statements – the Company does not render billing statements to its prepaid customers, but for every transaction they make, service charges vs. taxes are fully described.
7. Provide Customers with the Right to Terminate Service Upon Changes to Their Contract – As mentioned, we don't employ contracts so this provision does not apply. Customers can, however, cancel service at any time without penalty.
8. Provide Ready Access to Customer Service – Customers can call customer service for free by dialing 611 or an 800 number. These numbers are disclosed on the Company's website and in advertising and customer welcome materials.
9. Promptly Respond to Customer Inquiries and Complaints from Government Agencies – We promptly respond to all complaints. If a customer care representative cannot help a customer, we have an escalation process. The Company is committed to resolving customer questions, concerns and complaints in a swift and satisfactory manner.
10. Privacy Policy – The Company protects the privacy of customer information in accordance with applicable federal and state laws. Our privacy policy is available, via link, on every page of the Company's website.
11. Provide Consumers with Free Notifications for Voice, Data and Messaging Usage, and International Roaming – Because the Company's service is prepaid, customers are not able to incur overage charges. However, the Company provides, at no charge, (a) a notification to consumers of domestic wireless plans that include limited data allowances when consumers approach their allowance for data usage; (b) a notification to consumers of domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach their allowance for those services; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. The Company also clearly and conspicuously discloses tools or services that enable consumers to track, monitor and/or set limits on voice, messaging and data usage.

12. <u>Abide by the following principles regarding the ability of customers, former customers, and individual owners of eligible devices to unlock phones and tablets, ("mobile wireless devices") that are locked by or at the direction of the carrier</u> –

(1) Disclosure. The Company has posted on its website its clear, concise, and readily accessible policy on postpaid and/or prepaid mobile wireless device unlocking.
(2) Postpaid Unlocking Policy. Not Applicable.
(3) Prepaid Unlocking Policy. Upon request, the Company will unlock prepaid mobile wireless devices no later than one year after initial activation, consistent with reasonable time, payment or usage requirements.
(4) Notice. The Company will clearly notify customers that their devices are eligible for unlocking at the time when their devices are eligible for unlocking or automatically unlock devices remotely when devices are eligible for unlocking, without additional fee. The Company reserves the right to charge non-customers/nonformer-customers with a reasonable fee for unlocking requests. Notice to prepaid customers may occur at point of sale, at the time of eligibility, or through a clear and concise statement of policy on the Company's website.
(5) Response Time. Within two business days after receiving a request, the Company will unlock eligible mobile wireless devices or initiate a request to the OEM to unlock the eligible device, or provide an explanation of why the device does not qualify for unlocking, or why the carrier reasonably needs additional time to process the request.
(6) Deployed Personnel Unlocking Policy. The Company will unlock mobile wireless devices for deployed military personnel who are customers in good standing upon provision of deployment papers.

The Company reserves the right to decline an unlock request if it has a reasonable basis to believe the request is fraudulent or the device is stolen.