

**EXHIBIT 4**

**Infiniti Mobile's FCC Compliance Plan**

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July 5, 2012

**VIA ECFS**

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

Re: IM Telecom, LLC d/b/a Infiniti Mobile Revised Compliance Plan; WC Docket Nos. 09-197, 11-42

Dear Ms. Dortch:

On April 16, 2012, IM Telecom, LLC d/b/a Infiniti Mobile (“IM Telecom”) submitted its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.<sup>1</sup> On June 7, 2012 and June 18, 2012, IM Telecom submitted a revised Compliance Plan to provide additional details.

IM Telecom has further revised its Compliance Plan to: 1) confirm in footnote 3 that IM Telecom will follow the requirements of its Compliance Plan in all states where it provides Lifeline service and receives reimbursements from the federal Low-Income Fund, including in any state where the public utilities commission determines that IM Telecom provides service using its own facilities for purposes of a state universal service program; 2) note in Section I.B. that IM Telecom personnel will fill in, where available, the last four digits of an account or other identifying number on applicants’ proof of eligibility document, the date of the proof document and the expiration of the proof document; 3) revise its Lifeline application/certification forms included in Exhibit A to collect such information on the proof of eligibility document; 4) provide in Exhibit B an income eligibility worksheet that will be used

<sup>1</sup> 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).

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Marlene H. Dortch, Secretary  
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with applicants that apply for Lifeline service based on income; and 5) discuss further efforts that IM Telecom will undertake to prevent duplicate enrollments by participating in a pooled external duplicates database (Section I.F.).

IM Telecom hereby re-submits its complete Compliance Plan with the above revisions. Based on the minor nature of these changes, IM Telecom reiterates its request for expeditious approval of its Compliance Plan. 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 blue ink that reads "John J. Heitmann". The signature is written in a cursive style with a large initial "J".

John J. Heitmann  
Joshua T. Guyan

*Counsel to IM Telecom, LLC d/b/a Infiniti  
Mobile*

cc: Kim Scardino  
Divya Shenoy  
Garnet Hanly

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

In the Matter of IM Telecom, LLC d/b/a Infiniti Mobile  Telecommunications Carriers Eligible to Receive Universal Service Support  Lifeline and Link Up Reform and Modernization	  WC Docket No. 09-197   WC Docket No. 11-42
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**IM TELECOM, LLC d/b/a INFINITI MOBILE  
COMPLIANCE PLAN**

IM Telecom, LLC d/b/a Infiniti Mobile (“IM Telecom” or the “Company”),<sup>1</sup> 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*.<sup>2</sup>

IM Telecom commends the Commission’s commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including

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<sup>1</sup> The Company hereby also reports its corporate and trade names, identifiers, and its holding company, operating companies and affiliates as: Infiniti Mobile (dba), HJS Inc. (affiliate), MWW LLC (affiliate), WWUSA LLC (affiliate).

<sup>2</sup> 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).

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.<sup>3</sup>

IM Telecom 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.<sup>4</sup> 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 follows 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

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<sup>3</sup> 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. IM Telecom 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 IM Telecom provides service using its own facilities for purposes of a state universal service program.

<sup>4</sup> 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.

offer Lifeline services, the geographic areas in which it will offer services, and a detailed description of the Company's Lifeline service plan offerings.

#### **ACCESS TO 911 AND E911 SERVICES**<sup>5</sup>

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.<sup>6</sup> The Company will comply with these conditions when it begins providing service.

IM Telecom 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.

IM Telecom's will provide access to 911 and E911 services for all customers. The Company will use Verizon Wireless and Sprint as its underlying network providers/carriers.<sup>7</sup> Verizon Wireless and Sprint route 911 calls from the Company's customers in the same manner as 911 calls from Verizon Wireless's and Sprint's own

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<sup>5</sup> See Compliance Plan Public Notice at 3.

<sup>6</sup> See *Lifeline Reform Order*, ¶ 373.

<sup>7</sup> IM Telecom will receive minutes from its affiliate WWUSA, LLC, which purchases minutes from Ready Mobile, which, in turn, purchases minutes from Verizon Wireless and Sprint.

retail customers. To the extent that Verizon Wireless and Sprint are certified in a given PSAP territory, this 911 capability will function the same for the Company. IM Telecom also will 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.

**E911-Compliant Handsets.** IM Telecom will ensure that all handsets used in connection with the Lifeline service offering are E911-compliant. The Company will use phones from Verizon Wireless and Sprint that have been through a stringent certification process with Verizon Wireless and Sprint, which ensures that the handset models used meet all 911 and E911 requirements. As a result, any customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. 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 LIFELINE<sup>8</sup>**

##### **A. Policy**

IM Telecom 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.

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<sup>8</sup> See Compliance Plan Public Notice at 3.

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.

**B. Eligibility Determination**

Although IM Telecom is not yet providing Lifeline service, the Company expects that the vast majority of its Lifeline customer enrollment will be done in-person, as opposed to over the phone or the Internet. IM Telecom will enroll customers at existing retail store locations owned by its affiliate MWW, LLC and at mobile outreach units, which will arrive in particular towns on a set schedule each month to enroll customers, provide live customer service support to existing subscribers and allow subscribers to make payments.

IM Telecom will use laptops and tablets to complete enrollment in real-time. The electronic order process will provide the Company the opportunity to perform several database checks in real-time during the enrollment process. Only IM Telecom employees will enroll customers in its Lifeline service – the Company will not use agents or representatives for Lifeline enrollment. IM Telecom employees must log in to the software so that the customer enrollment is automatically tagged to a particular employee. The employee must sign his or her agreement not to take part in any fraud with respect to Lifeline enrollment. The employee will then advance through the



electronic windows with the prospective customer to provide disclosures, collect information and elicit certifications as detailed below. The first question that will be asked of the potential Lifeline customer is whether the customer or anyone in the customer's household is currently receiving a Lifeline benefit from any other Lifeline service provider. Employees in Oklahoma will be required to ask the potential customer whether anyone in the customer's household receives Lifeline service from YourTel, TerraCom, Assist Wireless or True Wireless. To complete the electronic enrollment, the customer signs the electronic application and the information collected is sent for several database checks, including an address verification, a geographic footprint match to the ETC's authorization to provide Lifeline service in the area, an internal duplicate check and a state database eligibility check (if available).

The electronic enrollment process includes the ability to scan customers' government-issued identification, proof of residence (if necessary because the address cannot be verified) and proof of eligibility. The proof will only be retained for a short period of time for verification and then deleted. All transfers of information and scans collected electronically are transmitted in encrypted form. When the checks described herein are completed in real-time, approved customers are enrolled and receive a handset to be activated as discussed below.

As discussed in further detail in Section I.F. below, all employees that conduct such in-person enrollments will be trained regarding the eligibility and certification requirements in the *Lifeline Reform Order* and this Compliance Plan, including the one-per-household requirement, and told to inform potential customers of those requirements. New employees will undergo an initial mandatory training session where they are given

training materials, including a compliance manual, as well as shown visual examples of documents acceptable to demonstrate eligibility for the Lifeline program.

If IM Telecom cannot determine a prospective subscriber's eligibility for Lifeline by accessing income databases or program eligibility databases, employees will review documentation establishing eligibility pursuant to the Lifeline rules.<sup>9</sup> 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.

Proof of Eligibility. Employees will be trained on acceptable documentation required to establish income-based and program-based eligibility.<sup>10</sup> 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.<sup>11</sup>

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<sup>9</sup> See *Lifeline Reform Order*, ¶ 100; section 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B).

<sup>10</sup> See *Lifeline Reform Order*, ¶ 101. See also USAC Guidance available at <http://www.usac.org/li/telecom-carriers/step06/default.aspx>.

<sup>11</sup> *Id.* and section 54.410(c)(1)(i)(B).

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 months time.<sup>12</sup>

Employees 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.<sup>13</sup> In addition, employees 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. IM Telecom will not retain a copy of this documentation, unless required by a state.<sup>14</sup> Where the employee concludes 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 an employee 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 IM Telecom's corporate headquarters in Tulsa, Oklahoma.

De-Enrollment for Ineligibility. If IM Telecom has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company

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<sup>12</sup> See *Lifeline Reform Order*, ¶101; section 54.410.(b)(1)(i)(B).

<sup>13</sup> See *Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(iii), 54.410(c)(1)(iii).

<sup>14</sup> See *Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(ii), 54.410(c)(1)(ii).

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.<sup>15</sup> 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.

### **C. Subscriber Certifications for Enrollment**

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to IM Telecom employees as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.<sup>16</sup> The 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.<sup>17</sup> Applicants that seek to enroll based on income eligibility will be referred to a worksheet showing the Federal Poverty Guidelines by household size.<sup>18</sup> 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, including

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<sup>15</sup> See *Lifeline Reform Order*, ¶ 143; section 54.405(e)(1).

<sup>16</sup> *Lifeline Reform Order*, ¶ 61; section 54.410(a).

<sup>17</sup> See Model Application/Certification Form, included as Exhibit A. See Compliance Plan Public Notice at 3.

<sup>18</sup> See Income Eligibility Worksheet, included as Exhibit B.

the required proof of eligibility. Any evidentiary documentation submitted with the application/certification is used strictly to verify a consumer's eligibility to participate in the Lifeline program. Upon approval of the customer's application, such proof of eligibility is either returned to the customer or destroyed and is not retained by IM Telecom, as previously stated in Section I.B. above. In addition, employees will verbally explain the certifications to consumers when they are enrolling in person or over the phone.<sup>19</sup>

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 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.<sup>20</sup>

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.<sup>21</sup>

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<sup>19</sup> See *Lifeline Reform Order*, ¶ 123.

<sup>20</sup> See *Lifeline Reform Order*, ¶ 121; section 54.410(d)(1).

<sup>21</sup> See section 54.405(c).

In addition, the Company will notify the applicant that the Lifeline 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.<sup>22</sup>

Information Collection. IM Telecom also will 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 sufficient<sup>23</sup>); (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.<sup>24</sup>

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,<sup>25</sup> 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

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<sup>22</sup> See *Lifeline Reform Order*, ¶ 257.

<sup>23</sup> See *Lifeline Reform Order*, ¶ 87.

<sup>24</sup> See section 54.410(d)(2).

<sup>25</sup> See *Lifeline Reform Order*, ¶¶ 168-69; section 54.419.

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.

In addition, the applicant will be required to authorize IM Telecom 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.<sup>26</sup>

#### **D. Annual Verification Procedures**

IM Telecom 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.<sup>27</sup> 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.<sup>28</sup>

2012 Verification. 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.<sup>29</sup> The Company 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

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<sup>26</sup> 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.*

<sup>27</sup> See *Lifeline Reform Order*, ¶ 120.

<sup>28</sup> See *Lifeline Reform Order*, ¶ 145.

<sup>29</sup> See *id.*, ¶ 130.



retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact IM Telecom in response to the re-certification requirement.

Verification De-Enrollment. IM Telecom will de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification.<sup>30</sup> 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**

IM Telecom will not consider a prepaid subscriber activated, and will not seek reimbursement for Lifeline for that subscriber, until the subscriber activates the Company's Lifeline service.<sup>31</sup> A customer that activates the Company's Lifeline service will affirmatively acknowledge that they are the applicant and that they have applied for, and wish to receive, Lifeline service from IM Telecom. Customers that apply for Lifeline service and receive phones in person will activate the phone and place a test call with the Company representative. Customers that receive a handset through the mail must contact IM Telecom's Welcome Activation Customer Service Center to activate service upon receipt of the handset. New activations are routed to a dedicated activation hotline where a trained Customer Support Agent validates the information contained in the customer's application, receives affirmative acknowledgment that the individual activating the

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<sup>30</sup> See *id.*, ¶ 142; section 54.54.405(e)(4).

<sup>31</sup> See *Lifeline Reform Order*, ¶ 257; section 54.407(c)(1).

handset is the application and that they have applied for an wish to receive Lifeline service from IM Telecom. The Customer Support Agent then activates the Lifeline service.

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.<sup>32</sup> 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.<sup>33</sup>

If the subscriber does not respond to the notice, the subscriber will be de-enrolled and IM Telecom 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.<sup>34</sup>

#### **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

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<sup>32</sup> See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

<sup>33</sup> See *Lifeline Reform Order*, ¶ 261; section 54.407(c)(2).

<sup>34</sup> See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

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, employees will emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with 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 employees 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. All employees receive such training upon being hired. This includes reviewing and signing the Company’s training manual and a training session. IM Telecom conducts an employee meeting once each month to refresh training and seek feedback from employees regarding enrollment. In addition, if employees have any questions regarding eligibility and enrollment, they can access an intranet site to see their management team and get contact information for questions.

Further, all employees must log in to the Company’s network to enroll customers and therefore can be tracked. The Company employs two forensic accountants that monitor accounts for irregularities, such as excessive activity. They also conduct random audits of activations whereby the forensic accountants contact customers to verify enrollment and ask questions relating to customer service.

Database. When the National Lifeline Accountability Database (“National Database”) becomes available, IM Telecom 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.<sup>35</sup>

One-Per-Household. IM Telecom will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household<sup>36</sup> through the use of its application and certification forms discussed above, database checks and its marketing materials discussed below. Upon receiving an application for IM Telecom'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.<sup>37</sup> If so, and the applicant lives at an address with multiple households, the Company will require the applicant to complete 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

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<sup>35</sup> See *Lifeline Reform Order*, ¶ 203. The 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, the 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).

<sup>36</sup> 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).

<sup>37</sup> See *Lifeline Reform Order*, ¶ 78.

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).<sup>38</sup> 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.<sup>39</sup>

In addition, IM Telecom employees 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.

Employees will be instructed ask potential customers whether the customer or any other member of the customer's household is currently receiving a Lifeline-supported service. Employees enrolling Oklahoma customers will ask whether the customer is currently receiving Lifeline-supported service from YourTel, Terracom, Assist Wireless or True Wireless. Finally, at the time of enrollment, IM Telecom will check each applicant against a pooled duplicates database established by CGM, LLC.

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, IM Telecom 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 assistance program, (3) the service is non-transferable, (4) only eligible

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<sup>38</sup> *Id.* The USAC worksheet is available at <http://www.usac.org/li/tools/news/default.aspx#582>.

<sup>39</sup> *See Lifeline Reform Order*, ¶ 89.

consumers may enroll in the program, (5) the program is limited to one discount per household; (6) that documentation is necessary for enrollment; (7) IM Telecom, LLC d/b/a Infiniti Mobile'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.<sup>40</sup> 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.<sup>41</sup> This specifically includes the Company's website (<http://MyInfinitiMobile.com>) and outdoor signage.<sup>42</sup> A sample of the Company's marketing materials is included as Exhibit C. Finally, IM Telecom has stated in its marketing sample that customers are not eligible for a second Lifeline benefit if they already have Lifeline service from True Wireless, Assist Wireless, Terracom, YourTel or any other Lifeline landline or wireless provider.

#### **G. Company Reimbursements From the Fund**

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, IM Telecom 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

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<sup>40</sup> See *Lifeline Reform Order*, ¶ 275; section 54.405(c).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

subscribers for whom it is seeking reimbursement.<sup>43</sup> Further, the Company will submit its FCC Forms 497 on the eighth day of each month in order to be reimbursed the same month.<sup>44</sup> In addition, the Company will keep accurate records as directed by USAC<sup>45</sup> and as required by new section 54.417 of the Commission's rules.

## **H. Annual Company Certifications**

IM Telecom 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;<sup>46</sup> (2) is in compliance with all federal Lifeline certification procedures;<sup>47</sup> and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.<sup>48</sup>

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).<sup>49</sup> Further, as discussed above, the Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.<sup>50</sup>

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<sup>43</sup> See *Lifeline Reform Order*, ¶ 128; section 54.407(d).

<sup>44</sup> See *Lifeline Reform Order*, ¶¶ 302-306.

<sup>45</sup> See section 54.407(e).

<sup>46</sup> See *Lifeline Reform Order*, ¶ 126; section 54.416(a)(1).

<sup>47</sup> See *Lifeline Reform Order*, ¶ 127; section 54.416(a)(2).

<sup>48</sup> See section 54.416(a)(3).

<sup>49</sup> See *Lifeline Reform Order*, ¶¶ 132,148; section 54.416(b).

<sup>50</sup> See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

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,<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup> 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 protection rules, as well as a certification that the Company is able to function in emergency situations.<sup>54</sup>

## **I. Cooperation with State and Federal Regulators**

IM Telecom has not yet provided Lifeline service, but it will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available 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

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<sup>51</sup> See section 54.422(c).

<sup>52</sup> See *Lifeline Reform Order*, ¶¶ 296, 390; section 54.422(a).

<sup>53</sup> See *Lifeline Reform Order*, ¶ 390; section 54.422(b)(5).

<sup>54</sup> See *Lifeline Reform Order*, ¶ 389; section 54.422(b)(1)-(4).



determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;<sup>55</sup>

- 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 believe<sup>56</sup> 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 Offerings<sup>57</sup>**

IM Telecom will offer its Lifeline service in the states where it is designated as an ETC<sup>58</sup> and throughout the coverage area of its underlying providers Verizon Wireless and Sprint.<sup>59</sup> The Company's Lifeline offerings in Oklahoma will be: (1) the Oklahoma 1000 Plan, which includes 1,000 anytime minutes or text messages per month for \$1.00,<sup>60</sup> with no rollover; or (2) the Oklahoma Unlimited Plan, which includes unlimited minutes for \$6.20<sup>61</sup> with no text messaging.<sup>62</sup> Text messaging is charged as one minute of talk time

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<sup>55</sup> The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

<sup>56</sup> See section 54.405(e)(1).

<sup>57</sup> See Compliance Plan Public Notice at 3.

<sup>58</sup> The Company has a petition for ETC designation currently pending in Oklahoma.

<sup>59</sup> IM Telecom will receive minutes from its affiliate WWUSA, LLC, which purchases minutes from Ready Mobile, which, in turn, purchases minutes from Verizon Wireless and Sprint.

<sup>60</sup> The price for this plan for non-Lifeline-eligible customers is \$35.25.

<sup>61</sup> The price for this plan for non-Lifeline-eligible customers is \$40.45.

per text message for the Oklahoma 1000 Plan. Lifeline and non-Lifeline customers will be able to purchase additional bundles of minutes in denominations of 100 minutes for \$5.00. Airtime “top-up” minutes will be available for purchase at the Company’s retail locations and on its website. Additional text messages can be purchased at the rate of \$0.05 each. Additional information regarding the Company’s plans, rates and services can be found on its website <http://MyInfinitiMobile.com>.

In addition to free voice services, the Company’s Lifeline plan will include a free handset and custom calling features at no charge, including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Voicemail. All plans include domestic long-distance at no extra per minute charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

IM Telecom is developing bundled packages of voice and broadband service and plans to apply to participate in the broadband pilot program outlined in the *Lifeline Reform Order*.<sup>63</sup>

### **III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation<sup>64</sup>**

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

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<sup>62</sup> There is no rollover for the Oklahoma Unlimited Plan, but that is irrelevant for an unlimited plan.

<sup>63</sup> See *Lifeline Reform Order*, ¶¶ 323-354.

<sup>64</sup> See Compliance Plan Public Notice at 3.

requirements.<sup>65</sup> The Compliance Plan Public Notice requires that carriers' compliance plan include this 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.

IM Telecom has not yet begun providing Lifeline or non-Lifeline wireless service. The Company is owned by Trevan Morrow, who also serves as its Chief Operating Officer. Mr. Morrow is an attorney and member of the Cherokee Indian Tribe with strong roots in Oklahoma. Mr. Morrow grew up in Oklahoma, attended Northeastern State University in Tahlequah, Oklahoma and received his Juris Doctor from the University of Oklahoma. Mr. Morrow has a legal practice in Oklahoma and has helped to establish several small companies in the state, including companies in the tech sector. Through those ventures Mr. Morrow met Gregg Iser, who serves as IM Telecom's Chief Executive Officer.

Mr. Iser has lived in Oklahoma since 1993 when he moved to the state to attend Oral Roberts University. Mr. Iser began a marketing company in Oklahoma in 1994 and entered the telecommunications business in 1998, becoming the top dealer in Oklahoma as a Sprint PCS dealer. In 1999, Mr. Iser was a top VoiceStream Wireless dealer, but in 2000 Mr. Iser sold his retail stores and became a wholesaler of wireless phones to dealers and carriers nationwide. Mr. Iser helped smaller carriers like Pioneer Cellular and

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<sup>65</sup> See *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

Carolina West to re-brand wireless phones to compete against larger carriers. Altogether, Mr. Iser has more than 14 years of wireless industry experience in retail, wholesale, programming and packaging, handset distribution and customer service.

Both Mr. Morrow and Mr. Iser have strong roots in Oklahoma where IM Telecom intends to provide service as an ETC. Further, they have a combination of backgrounds and skill sets that will allow IM Telecom to provide non-Lifeline and Lifeline wireless services to eligible consumers in a manner that meets the needs of low-income consumers, including residents of Tribal lands in Oklahoma, and is compliant with the Commission's requirements.

IM Telecom is affiliated through common ownership by Mr. Morrow with several companies. MWW, LLC is an affiliate that currently operates as an outlet for retail locations enrolling Lifeline customers and activating handsets for ETCs and will operate as retail locations for the new ETC IM Telecom. Once IM Telecom is designated as an ETC, MWW, LLC retail locations will only sign up customers for IM Telecom, both Lifeline and non-Lifeline. MWW, LLC will, at that time, no longer enroll customers for other ETCs. HJS, Inc. is another affiliate, which has been in business since 1998, and it programs and activates handsets, brokers handset sales and packages handsets for wireless carriers. HJS further handles all technical issues regarding handset provisioning of the PRL (Preferred Roaming List) for the Verizon Wireless and Sprint Networks. HJS has and will continue to generate revenue streams for IM Telecom. Finally, another affiliate WWUSA, LLC resells wholesale minutes and airtime from Verizon Wireless and Sprint, through Ready Wireless, to other wireless carriers.

In addition to its access to revenue streams from its affiliates, IM Telecom has also provided handset programming, sale brokering, and packaging to non-Lifeline customers and, consequently, IM Telecom has not and will not be relying exclusively on Lifeline reimbursements for the Company's operating revenues. The Company has other substantial cash reserves from Member Manager 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."<sup>66</sup> The Company certifies that it will comply with the service requirements applicable to the support the Company receives.<sup>67</sup> 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 planned 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

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<sup>66</sup> Compliance Plan Public Notice at 3.

<sup>67</sup> 47 C.F.R. § 54.202(a)(1).

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"). The Company, 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.<sup>68</sup>

#### **IV. Conclusion**

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

Respectfully submitted,



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<sup>68</sup> See *Lifeline Reform Order*, ¶ 230.