

**EXHIBIT 2**

**FCC-Approved Compliance Plan**

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May 17, 2021

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

Re: AirVoice Wireless, LLC Revised Compliance Plan, WC Docket Nos. 09-197  
and 11-42

Dear Ms. Dortch:

On December 7, 2012, AirVoice Wireless, LLC (“AirVoice” or the “Company”) submitted its Compliance Plan for wireless Lifeline services, outlining the measures it would take to implement the conditions imposed by the Federal Communications Commission (“FCC” or the “Commission”) in its 2012 Lifeline Reform Order.<sup>1</sup> The Wireline Competition Bureau (Bureau) approved AirVoice’s Compliance Plan on December 26, 2012.<sup>2</sup>

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<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 Nos. 11-42 and 03-109, CC Docket No. 96-45, and WC Docket No. 12-23, Report and Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012).*

<sup>2</sup> *Wireline Competition Bureau Approves the Compliance Plans of AirVoice Wireless, LLC (AirVoice); AmeriMex Communications Corp. (AmeriMex); Blue Jay Wireless, LLC (Blue Jay); Millennium 2000, Inc. (Millennium 2000); Nexus Communications, Inc. (Nexus); PlatinumTel Communications, LLC (PlatinumTel); Sage Telecom, Inc. (Sage); Telrite Corporation (Telrite); and Telscape Communications, Inc. d/b/a Telscape Wireless (Telscape), WC Dckt. Nos. 09-197 and 11-42, Public Notice, DA 12-2063 (rel. December 26, 2012).*

AirVoice now seeks expedited approval of the enclosed Revised Compliance Plan, which has been revised to: (1) reflect a proposed change in ownership of the Company; and (2) update the information provided in the Company's approved Compliance Plan due to Commission rule changes and the passage of time.

### **Change in Ownership**

Pursuant to the terms of the Membership Interest Purchase Agreement dated May 17, 2021, by and among AirVoice Wireless, LLC, a Michigan limited liability company; Jim Bahri, Falah Bahri, Wail Dickow, Kenny Hannawa, Nick Hannawa, and Kyle Hannawa, all individual residents of the State of Michigan (collectively the "Seller"); and VTel Holdings, LLC, a Texas Limited liability company (hereinafter "VTel"), VTel will purchase one hundred percent (100%) of the membership interests of AirVoice (the "Transaction"). The consummation of the Transaction is contingent upon any required regulatory approvals including this Revised Compliance Plan. Following the proposed change in AirVoice's ownership, the Company's corporate and trade names and identifiers will remain unchanged. The transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

### **Updates Due to Rule Changes and Passage of Time**

AirVoice also files this Revised Compliance Plan to update its policies and practices to account for changes in the Commission's Lifeline rules, orders, and guidance and due to the passage of time. This includes, without limitation, full implementation of the Lifeline National Verifier, use of standardized application and recertification forms, and new requirements for Lifeline enrollment representatives.

Respectfully submitted,

*s/ Lance Steinhart*

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Enclosures

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

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

**AIRVOICE WIRELESS, LLC REVISED COMPLIANCE PLAN**

AirVoice Wireless, LLC (“AIRVOICE” or the “Company”),<sup>1</sup> through its undersigned counsel, hereby respectfully submits and requests expeditious approval of these revisions to its approved Compliance Plan (this “Revised Compliance Plan”) outlining the measures it will take to comply with the Federal Communications Commission’s (“Commission” or “FCC”) 2012 Lifeline Reform Order, 2015 Lifeline Second Report and Order,<sup>2</sup> and Third Report and Order.<sup>3</sup>

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<sup>1</sup> Changes in the Company’s affiliates following a proposed change in ownership are discussed in Section III herein; upon consummation, the Company’s names and identifiers will remain the same.

<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) (“2012 Lifeline Reform Order”). See *Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71, ¶ 249 (rel. June 22, 2015) (Order on Reconsideration). 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) (Compliance Plan Public Notice).

<sup>3</sup> See *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,

AIRVOICE's Compliance Plan was originally approved by the Wireline Competition Bureau ("Bureau") on December 26, 2012.<sup>4</sup> AIRVOICE is designated as an eligible telecommunications carrier ("ETC") to provide Lifeline services to low-income consumers on a wireless basis in California, Kentucky, Michigan, Mississippi, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, and Wisconsin. AIRVOICE files this Revised Compliance Plan to update the information provided due to the passage of time and to reflect a proposed change in ownership described in Section III below.

AIRVOICE commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. AIRVOICE complies with 911 requirements as described below and qualifies for blanket forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act to participate as an ETC in the Lifeline program.<sup>5</sup>

AIRVOICE complies fully with all conditions set forth in the 2012 Lifeline Reform Order and Third Report and Order, as well as with the Commission's Lifeline rules and policies more

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WC Docket No. 00-197, WC Docket No. 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38 (rel. Apr. 27, 2016) ("*Third Report and Order*").

<sup>4</sup> *Wireline Competition Bureau Approves the Compliance Plans of AirVoice Wireless, LLC* (AirVoice); AmeriMex Communications Corp. (AmeriMex); Blue Jay Wireless, LLC (Blue Jay); Millennium 2000, Inc. (Millennium 2000); Nexus Communications, Inc. (Nexus); PlatinumTel Communications, LLC (PlatinumTel); Sage Telecom, Inc. (Sage); Telrite Corporation (Telrite); and Telscape Communications, Inc. d/b/a Telscape Wireless (Telscape), WC Dckt. Nos. 09-197 and 11-42, Public Notice, DA 12-2063 (rel. December 26, 2012).

<sup>5</sup> See 2012 Lifeline Reform Order ¶ 368. Although AIRVOICE 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. AIRVOICE 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 AIRVOICE provides service using its own facilities for purposes of a state universal service program.

generally.<sup>6</sup> This Revised Compliance Plan describes the specific measures that the Company has implemented to achieve these objectives. Specifically, this Revised Compliance Plan: (1) describes in detail the measures that AIRVOICE takes to implement the obligations contained in the 2012 Lifeline Reform Order and Third Report and Order, including (a) the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Low Income Fund and (b) materials related to initial and ongoing certifications and sample marketing materials; and (2) provides a detailed description of how AIRVOICE offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

#### **ACCESS TO 911 AND E911 SERVICES**<sup>7</sup>

Pursuant to the 2012 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 wireless Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of wireless Lifeline-eligible subscribers who obtain Lifeline-supported services.<sup>8</sup> The Company will provide its wireless Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all AIRVOICE customers will have available access to emergency calling services at the time that Lifeline voice telephony 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.

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<sup>6</sup> AIRVOICE will update its associated Lifeline program forms and advertising, whenever necessary, to reflect Commission changes to the applicable Lifeline program rules.

<sup>7</sup> See Compliance Plan Public Notice at 3.

<sup>8</sup> See 2012 Lifeline Reform Order ¶ 373.

AIRVOICE's existing practices currently provide access to 911 and E911 services for all customers. AIRVOICE currently uses AT&T, and intends to use T-Mobile, as its underlying wireless network providers/carriers ("Underlying Carriers"). These Underlying Carriers route 911 calls from the Company's customers in the same manner as 911 calls from their own retail customers. To the extent that AIRVOICE's Underlying Carriers are certified in a given PSAP territory, this 911 capability will function the same for the Company. AIRVOICE also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active or suspended or has any remaining minutes.

**E911-Compliant Handsets.** AIRVOICE's handsets used in connection with the wireless Lifeline service offering have always been and will continue to be 911 and E911-compliant. The Company's phones have passed a stringent certification process, which ensures that the handset models used meet all 911 and E911 requirements. As a result, any existing wireless 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. To the extent AIRVOICE offers handsets for use with its Lifeline service, any new customer that qualifies for and enrolls in AIRVOICE's Lifeline voice telephony service is assured of receiving a 911/E911-compliant handset.

To further obtain the benefits of a modernized Lifeline program, the Commission's Third Report and Order also set forth the requirement that Lifeline providers providing both mobile broadband services and devices to their consumers provide handset devices that are Wi-Fi enabled.<sup>9</sup> The Commission further requires such providers to offer the choice to Lifeline customers of devices

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<sup>9</sup> See Third Report and Order at ¶ 366.

that are equipped with hotspot functionality.<sup>10</sup> To the extent AIRVOICE offers devices for use with its Lifeline-supported broadband service, it commits to provide devices that meet the equipment requirements set forth in 47 C.F.R. § 54.408(f).

## COMPLIANCE PLAN

### **I. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE<sup>11</sup>**

#### **A. Policy**

AIRVOICE will comply with the uniform eligibility criteria established in section 54.409 of the Commission’s rules, as amended by and through the Third Report and Order. Therefore, all subscribers will be required to demonstrate eligibility, as determined by the National Lifeline Eligibility Verifier (“National Verifier”),<sup>12</sup> based on: (1) household income at or below one hundred-thirty five percent (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 sections 54.409 of the Commission’s rules. In addition, through the certification requirements described below and the use of the National Lifeline Accountability Database (“NLAD”), the Company confirms 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.

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<sup>10</sup> *See id.* The Third Report and Order clarifies that the requirement to provide Wi-Fi-enabled handsets does not apply to devices provided prior to the effective date of the rule (December 2, 2016).

<sup>11</sup> *See* Compliance Plan Public Notice at 3.

<sup>12</sup> The National Verifier is fully operational, except in NLAD Opt-out states where it is undergoing a modified launch (*see Wireline Competition Bureau Announces the Next National Lifeline Eligibility Verifier Launch in Three States*, WC Docket No. 11-42, Public Notice, DA 19-1290 (Released Dec. 18, 2019)). In these states, AIRVOICE will rely upon the National Verifier in conjunction with the state administrator (together, the “National Verifier”) for eligibility determination.



## **B. Eligibility Determination**

AIRVOICE relies on the National Verifier and NLAD (except in California where the Company follows state requirements) to determine an applicant's eligibility for Lifeline service. Eligible customers can enroll in AIRVOICE's Lifeline service in-person with field representatives, AIRVOICE retail locations, apply electronically on the Company's website, or through live agents at the company's call center. Customers may also apply directly with the National Verifier online or by mail. Regardless of enrollment method, AIRVOICE relies upon the National Verifier for determination of consumer eligibility for Lifeline.

AIRVOICE uses a web-based electronic Lifeline enrollment application ("ECP") for all Lifeline customer enrollments. Applications are processed using CGM, LLC's ECP—used by more than a dozen other ETCs—which works in conjunction with the National Verifier and NLAD. The ECP works on a tablet or computer in tandem with the National Verifier Service Provider portal to provide the required disclosures and collect applicant information, identity documentation, and proof of eligibility, all of which is uploaded to the National Verifier for eligibility determination and NLAD duplicate check. Each prospective customer is checked against the NLAD to ensure that the applicant does not already receive Lifeline service before the customer is enrolled.<sup>13</sup> Upon approval in a state, AIRVOICE provides an approved Zip Code list to CGM. This list is loaded into the ECP to ensure all prospective subscribers reside within AIRVOICE's approved service area as designated by the state commission or the FCC.

When in person, AIRVOICE requires all prospective customers to provide a copy of their valid government-issued identification.<sup>14</sup> Customers that enroll electronically will use the National

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<sup>13</sup> See *infra* Section I.F. regarding use of the NLAD.

<sup>14</sup> Any identification documentation collected, including documentation used in NLAD processes to verify identity are now retained pursuant to the Order on Reconsideration. See Order on Reconsideration ¶ 224.

Verifier consumer portal to submit their Lifeline application, eligibility proof and copy of government-issued identification directly to the National Verifier, or customers may submit such documentation directly to the National Verifier by mail.

AIRVOICE does not collect, review, or maintain eligibility documentation, other than in NLAD-opt out states (such as California). Additionally, the CGM application currently performs additional checks, such as a check of AIRVOICE's subscriber database to identify and prevent intra-company duplicate enrollments.

As discussed in further detail in Section I.F. below, all employees or representatives (“Representatives”) who interact with current or prospective customers are trained regarding all applicable eligibility and certification requirements, including the one-per-household requirement, and told to inform potential customers of those requirements.

Further, AIRVOICE will not enroll customers at retail locations where AIRVOICE does not have an agency agreement with the retailer. AIRVOICE will require a retailer to have any employees involved in the enrollment process go through the standard AIRVOICE training process, just as it would for any other Company Representative. By establishing contractual relationships with all of its Representatives, including future retail outlets, AIRVOICE meets the “deal directly” requirement adopted in the TracFone Forbearance Order.<sup>15</sup>

The Commission determined in the 2012 Lifeline Reform Order that ETCs may permit representatives to assist with the Lifeline application process because “the Commission has consistently found that “[l]icensees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.”<sup>16</sup> AIRVOICE further commits to comply with the Commission’s *Fifth Report and Order* which set forth reforms to strengthen the

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<sup>15</sup> See Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket No. 96-45, Order, FCC 05-165, ¶ 19 (2005).

<sup>16</sup> 2012 Lifeline Reform Order ¶ 110.

Lifeline program's enrollment, recertification, and reimbursement processes including involvement of representatives.<sup>17</sup>

AIRVOICE is responsible for the actions of all of its Representatives, and a non-commissioned AIRVOICE employee will be responsible for overseeing and finalizing every Lifeline enrollment and request for reimbursement. The Company will therefore always “deal directly” with its customers to certify and verify the customer's Lifeline eligibility.

All Representatives are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify the compliance team if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit. In addition, if personnel have any questions or concerns regarding eligibility and enrollment, the Company strongly encourages them to bring such questions and concerns to the AIRVOICE compliance team so that they can be researched and resolved in accordance with the Commission's Lifeline rules and regulations. AIRVOICE provides personnel with refresher training, including to inform them of changes to Lifeline program rules and regulations, including eligibility requirements. Personnel will be disciplined, up to and including termination, for failing to comply with Lifeline rules and regulations. AIRVOICE also provides comprehensive training to its internal compliance personnel.

De-Enrollment for Ineligibility. If AIRVOICE has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the subscriber of impending termination in writing, will comply with any state dispute resolution

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<sup>17</sup> *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) (“*Fifth Report and Order*”).

procedures applicable to Lifeline termination, and will give the subscriber thirty (30) days to demonstrate continued eligibility.<sup>18</sup> A demonstration of eligibility must comply with the annual verification procedures below and found in rule section 54.410(f), including the submission of a certification form.

As required by the Commission's rules, if a customer contacts the Company and states that he or she is not eligible for Lifeline or wishes to de-enroll for any reason, the Company will de-enroll the customer within two (2) business days.<sup>19</sup> Live customer service and bilingual operators can currently be reached for Lifeline service support from 10 AM to 10 PM Eastern, Monday through Saturday, with 24/7 access to assistance via IVR and online web portal.

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

AIRVOICE has implemented certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance in compliance with 47 C.F.R. § 54.410(a). 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 the universal or National Verifier Lifeline application forms required by FCC rules ("Universal Forms"), and thus AIRVOICE complies with the disclosure and information collection requirements in 47 C.F.R. § 54.410(d).<sup>20</sup> The Universal Forms, whether online or paper format, indicate qualifying programs as well as a breakdown of

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<sup>18</sup> See 2012 Lifeline Reform Order ¶ 143; 47 C.F.R. § 54.405(e)(1).

<sup>19</sup> See 47 C.F.R. § 54.405(e)(5).

<sup>20</sup> See *FCC Wireline Competition Bureau Provides Guidance on Universal Forms for the Lifeline Program*, WC Docket No. 11-42, Public Notice, DA 18-161 (rel. Feb. 20, 2018). The standard application/certification forms are available on USAC's website (See USAC, Lifeline Forms, <https://www.usac.org/lifeline/additional-requirements/forms/>). See Compliance Plan Public Notice at 3.

income eligibility based upon the Federal Poverty Guidelines by household size. When enrolling with AIRVOICE's assistance via the service provider portal, Company personnel will orally explain the certifications to consumers.<sup>21</sup>

Disclosures. The Universal Forms include the following disclosures, which the Company also includes on its website or electronic application platform: (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>22</sup> The Universal Forms further collect the information and certifications required by 47 C.F.R. §§ 54.410(d)(2)-(3), and require the applicant to consent to transmission of the subscriber's information to the Administrator to ensure the proper administration of the Lifeline program.<sup>23</sup>

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

AIRVOICE relies upon the National Verifier to annually re-certify all subscribers in compliance with section 54.410(f)(3) of the Commission's rules (the Company follows prescribed modified processes in NLAD opt-out states such as California). The National Verifier is

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<sup>21</sup> See 2012 Lifeline Reform Order ¶ 123.

<sup>22</sup> See *id.* ¶ 121; 47 C.F.R. § 54.410(d)(1).

<sup>23</sup> See 47 C.F.R. § 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 47 C.F.R. § 54.404(b)(9).

responsible to annually confirm a subscriber's current eligibility to receive Lifeline by querying the appropriate income or eligibility databases, or contacting subscribers as needed to obtain a signed certification from the subscriber on a form that meets the certification requirements in section 54.410(d). The National Verifier is responsible for sending notice to the subscriber explaining that failure to respond to the re-certification request within sixty (60) days will result in the subscriber's de-enrollment from the Lifeline program. If AIRVOICE is notified by the National Verifier that it is unable to re-certify a subscriber, AIRVOICE will comply with the de-enrollment requirements provided for in §54.405(e)(4).<sup>24</sup>

#### **E. Activation and Non-Usage**

To the extent AIRVOICE offers Lifeline service that does not require the Company to assess and collect a monthly fee from its subscribers, AIRVOICE will not consider a subscriber activated, and will not seek Lifeline reimbursement for that subscriber, until the subscriber activates the Company's service either by initiation and/or actual qualified use of the service by the subscriber.<sup>25</sup>

After service activation, AIRVOICE will not seek reimbursement from the USF for and will de-enroll any subscriber that has not used AIRVOICE'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

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<sup>24</sup> AIRVOICE may send messages to its customers, as permitted by National Verifier recertification processes, to educate them regarding the annual recertification process and requirement, as contemplated by the 2012 Lifeline Reform Order. This type of educational recertification message is consistent with the 2012 Lifeline Reform Order, which states that "ETCs and states may also choose to notify subscribers about the re-certification requirements in their Lifeline outreach materials. By taking these actions, ETCs and states will ensure that consumers are aware of the importance of responding to re-certification efforts, and that they are not inadvertently disconnected due to a lack of understanding of program rules." 2012 Lifeline Reform Order ¶ 145.

<sup>25</sup> See 2012 Lifeline Reform Order ¶ 257; 47 C.F.R. § 54.407(c)(1).

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), AIRVOICE 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. AIRVOICE will update the NLAD within one (1) business day of de-enrolling a subscriber for non-use and will submit a non-usage de-enrollment report annually to USAC.<sup>26</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, AIRVOICE has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

Database. The Company complies with the requirements of the NLAD and section 54.404 of the Commission's rules. Through use of the National Verifier, the Company queries the NLAD for every enrollment<sup>27</sup> 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>28</sup>

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<sup>26</sup> See 2012 Lifeline Reform Order at ¶ 257; see also 47 C.F.R. §§ 54.404(b)(10) and 54.405(e)(3), respectively.

<sup>27</sup> With the limited exception of states that have opted out of the NLAD. In those states, AIRVOICE will follow the duplicates detection process required by the state.

<sup>28</sup> See 2012 Lifeline Reform Order ¶ 203. The Company transmits to the NLAD the information required for each new Lifeline subscriber. See *id.*, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, the Company updates each subscriber's information in the NLAD within ten (10) business days of any change, except for de-enrollment, which will be transmitted within one business day. See 47 C.F.R. § 54.404(b)(8),(10). These statements may not be applicable in states that have opted out of the NLAD.

In addition to checking the NLAD, Company personnel emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with potential customers. Training materials include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. All Company personnel interacting with existing and potential Lifeline customers undergo training regarding eligibility and certification requirements. Representatives must acknowledge completion of the training and agree to follow the procedures outlined therein. Further, Representatives assisting with National Verifier or NLAD transactions will be required to participate in the Representative Accountability Database (RAD) in accordance with FCC rules. All Representatives are given a toll-free hotline and an email address that can be used for any issues or questions regarding Lifeline services.

One-Per-Household Certification. AIRVOICE has implemented the requirements of the 2012 Lifeline Reform Order to ensure that it provides only one Lifeline benefit per household<sup>29</sup> through the use of Universal Forms discussed above, National Verifier and NLAD database checks, and its marketing materials discussed below. Upon receiving an application for the Company’s Lifeline service, AIRVOICE 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>30</sup> If an applicant shares an address with one or more existing Lifeline subscribers according to the NLAD or National Verifier, the prospective subscriber may complete a form certifying compliance with

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<sup>29</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* 2012 Lifeline Reform Order ¶ 74; section 54.400(h).

<sup>30</sup> *See* 2012 Lifeline Reform Order ¶ 78.



the one-per-household rule in accordance with 47 C.F.R. § 54.410(g).<sup>31</sup>

If an applicant is determined to have an existing Lifeline service, AIRVOICE will explain that a subscriber cannot have multiple Lifeline Program benefits with the same or different service providers, and will obtain consent from the subscriber that the subscriber wishes to transfer their existing Lifeline service to AIRVOICE (and acknowledges doing so will result in loss of the Lifeline benefit with their former Lifeline service provider) prior to initiating a benefit transfer.

Marketing Materials. The Company includes 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 consumers may enroll in the program, (5) the program is limited to one discount per household; (6) that documentation is necessary for enrollment; and (7) the name of the ETC (AirVoice Wireless).<sup>32</sup> These statements are 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.<sup>33</sup> This specifically includes the Company's website as well as outdoor signage.<sup>34</sup> In addition, the application forms 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.

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

To ensure that AIRVOICE does not seek reimbursement from the Fund without a subscriber's consent, the Company certifies, as part of each reimbursement request, that it is in

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<sup>31</sup> The Household Worksheet is available at <https://www.usac.org/lifeline/additional-requirements/forms/>.

<sup>32</sup> See 2012 Lifeline Reform Order ¶ 275; 47 C.F.R. § 54.405(c).

<sup>33</sup> See 2012 Lifeline Reform Order ¶ 275; 47 C.F.R. § 54.405(c).

<sup>34</sup> See 2012 Lifeline Reform Order ¶ 275; 47 C.F.R. § 54.405(c).

compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.<sup>35</sup> Further, the Company will comply with the Commission's requirement to use a first day of the month uniform snapshot date to request reimbursement from USAC for the provision of Lifeline support.<sup>36</sup> In addition, the Company will keep accurate records as directed by USAC<sup>37</sup> and as required by section 54.417 of the Commission's rules.

#### **H. Annual Company Certifications**

The Company submits an annual FCC Form 481 filing to the Commission by July 1<sup>st</sup> of each year, providing the Company's business and affiliate information, terms and conditions of any voice telephony plans offered to Lifeline subscribers, and all other required information and certifications.<sup>38</sup> The Company also submits an annual Form 555 filing to the Commission certifying, under penalty of perjury, that the Company: (1) has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services; (2) that the Company is in compliance with all federal Lifeline certification procedures; and (3) that the Company is in compliance with the minimum service levels set forth in 47 C.F.R. §54.408.<sup>39</sup> The Company provides the results of its re-certification efforts, performed pursuant to section 54.410(f) of the Commission's rules, as amended, annually by January 31<sup>st</sup>, for its re-certification efforts of the previous year.<sup>40</sup>

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<sup>35</sup> See *2012 Lifeline Reform Order* ¶ 128; 47 C.F.R. § 54.407(d).

<sup>36</sup> See 47 C.F.R. § 54.407(a).

<sup>37</sup> See *id.* at § 54.407(e).

<sup>38</sup> See *id.* at § 54.422.

<sup>39</sup> See *id.* at § 54.416(a).

<sup>40</sup> See *id.* at § 54.416(b).

## II. Description of Lifeline Service Offerings<sup>41</sup>

AIRVOICE will offer its Lifeline service in the service areas in the states where it is designated as an ETC and throughout the coverage area of its respective underlying provider(s), currently AT&T and T-Mobile. AIRVOICE’s Lifeline-supported services will meet or exceed the minimum service standards set forth in 47 C.F.R. § 54.408. AIRVOICE offers its Lifeline service under the brand designation “FeelSafe Wireless.”

AIRVOICE’s current wireless Lifeline offering based upon minimum service standards effective December 1, 2020 consists of the following plan option(s):

PLAN DESCRIPTION	VOICE	TEXT	DATA	LIFELINE PRICE
1000 Voice/500 Text/ 4.5 GB Data	1000	500 (SMS)	4.5 GB	\$0.00

In addition to allotments of voice, text and broadband services, AIRVOICE’s current wireless Lifeline offering includes a free handset or SIM card and access to custom calling features at no charge, including Caller ID, Call Waiting, and Voicemail. All wireless Lifeline 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. Lifeline customers can purchase additional minutes or data through customer service, the Company’s website, Point of Sale locations, and through IVR. Additional information regarding the Company’s wireless Lifeline plans, rates and services can be found on its website (<https://www.feelsafewireless.com/>).

## III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation<sup>42</sup>

Financial and Technical Capabilities. Section 54.202(a)(4)<sup>43</sup> requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the

<sup>41</sup> See Compliance Plan Public Notice at 3.

<sup>42</sup> See Compliance Plan Public Notice at 3.

Commission's Lifeline service requirements,<sup>44</sup> and the Compliance Plan Public Notice requires that carriers' compliance plan include this demonstration. Among the factors the Commission will consider are the following: 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.

Pursuant to the terms of the Membership Interest Purchase Agreement dated May 17, 2021, 2021, by and among AirVoice Wireless, LLC, a Michigan limited liability company; Jim Bahri, Falah Bahri, Wail Dickow, Kenny Hannawa, Nick Hannawa, and Kyle Hannawa, all individual residents of the State of Michigan (hereafter collectively the "Seller"); and VTel Holdings, LLC, a Texas Limited liability company (hereinafter the "Buyer" or "VTel"), Buyer will purchase one hundred percent (100%) of the membership interests of AIRVOICE (the "Transaction"). The consummation of the Transaction is contingent upon any required regulatory approval, including this Revised Compliance Plan and FCC Section 214 international approval.

VTel is a Texas limited liability company with its principal offices located at 9920 Brooklet Drive, Houston, Texas 77009. VTel was created for purposes of the Transaction. VTel has established considerable financial resources that will be available, as needed, to support AIRVOICE in its operations and continuing growth. VTel is wholly owned by Henry Hung Do, a United States citizen and resident of the State of Texas. Henry Hung Do also owns 100% of: (a) Cintex Wireless, LLC d/b/a SFone Wireless, a Delaware limited liability company ("Cintex"), that provides non-Lifeline wireless services throughout the United States, and provides Lifeline-only

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<sup>43</sup> See 47 C.F.R. § 54.202(a)(4).

<sup>44</sup> See 2012 Lifeline Reform Order ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

wireless services in Arkansas, Maryland, Maine, Rhode Island and West Virginia, in which it has been designated as an ETC to provide Lifeline services to low-income consumers; (b) NewPhone Wireless, LLC, a Louisiana limited liability company, that provides Lifeline-only wireless services in Louisiana in which it has been designated as an ETC to provide Lifeline services to low-income consumers, and is authorized to provide non-Lifeline wireless services throughout the United States; (c) HTH Communications, LLC, a Texas limited liability company, a global and one of the largest mobile device distributors in the United States, which has been in business for more than thirteen (13) years; and (d) SoftTel Technologies, a Texas limited liability, that provides distribution services to Lifeline-only wireless providers. Neither VTel nor any of its affiliates have foreign ownership and, like AIRVOICE, are not foreign carriers or affiliated with foreign carriers in any market.

VTel brings to AIRVOICE not only financial stability, but also managerial and technical resources available to VTel through its affiliates which have been providing telecommunications service and handsets, including wireless Lifeline service, for over thirteen (13) years. VTel and its affiliates receive revenue from a number of sources which are independent from the revenue it receives in the form of Lifeline reimbursements, such as the following wholesale and non-Lifeline wireless services: income from the sale of prepaid wireless services to non-Lifeline consumers as well as the sale of replenishment airtime minutes and data to Lifeline consumers, the sale of various other ancillary services, and the sale of wireless handsets. VTel will similarly move forward with AIRVOICE operations such that AIRVOICE provides non-Lifeline services wholly separate from and/or complementary to its Lifeline services. AIRVOICE has provided non-Lifeline wireless services since 1999, and will continue to do so after the closing of the Transaction. Consequently, AIRVOICE never has and will not be relying exclusively on Lifeline reimbursement for its operating revenues. Under current ownership, neither VTel nor its affiliates

have been subject to enforcement sanctions related to the Low Income Fund or ETC revocation proceedings in any state.<sup>45</sup> Cintex and NewPhone currently provide wireless Lifeline services to approximately 75,000 subscribers.

With respect to technical expertise, VTel and its affiliates have considerable experience complying with the requirements of the federal Lifeline program. In addition, key members of AIRVOICE's current operations team will remain with the Company post-Transaction, continuing to work on day-to-day operations. As a result, the Transaction will bring together AIRVOICE's current valued personnel, and the full strength of VTel and its affiliates' proven telecommunications capabilities and business expertise, particularly with respect to compliance and marketing in the low-income consumer sector. As a result, VTel's ownership will enable AIRVOICE to achieve measurable growth at the same time as it develops improved operating efficiencies, both necessary components for the Company to thrive. In addition, the Transaction will not result in any loss or impairment of service for any customer, and customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.

Service Requirements Applicable to the 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>46</sup> AIRVOICE certifies that it will comply with the service requirements applicable to the support the Company receives.<sup>47</sup> AIRVOICE's Lifeline supported voice services will meet the minimum service standards set forth in 47 C.F.R. § 54.408. AIRVOICE's Lifeline

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<sup>45</sup> Pursuant to a Membership Interest Purchase Agreement dated February 6, 2019, Henry Hung Do purchased 100% of the equity of Cintex. Pursuant to an Order and Consent Decree adopted on December 22, 2017, Cintex settled a Notice of Apparent Liability with the FCC (See File No. EB-IHD-13-00010671).

<sup>46</sup> Compliance Plan Public Notice at 3.

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

supported broadband services will 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 on an annual basis. To the extent AIRVOICE 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 AIRVOICE will not impose an additional or separate tethering charge for mobile data usage below the minimum standard.

The Company provides all of the telecommunications services 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 include broadband Internet access service ("BIAS"), a supported service as of December 2, 2016, as well as voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, the Company's wireless service offerings included in Section II *supra* provide its customers with a set number of minutes of use at no additional charge to the customer beyond the monthly plan rate, and 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-compliant handsets. As discussed above, the Company will comply with the Commission's applicable forbearance grant conditions relating to the provision of 911 and E911 services and handsets (when applicable).

Finally, AIRVOICE will not provide toll limitation service ("TLS"), which allows low-income consumers to avoid unexpected toll charges. However, since AIRVOICE is a prepaid service provider, customers cannot be disconnected for failure to pay toll charges, nor are there additional charges for exceeding their preset minutes. 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 2012 Lifeline Reform Order, subscribers to such services are not considered to have voluntarily elected to receive TLS.<sup>48</sup>

#### **IV. Conclusion**

AIRVOICE submits that its Revised Compliance Plan fully satisfies the conditions set forth in the Commission's 2012 Lifeline Reform Order, the Compliance Plan Public Notice and the Lifeline rules. Timely approval of this Revised Compliance Plan is essential to allow AIRVOICE to consummate the ownership change as described herein and demonstrably strengthen the Company's operating capabilities to the direct benefit of its Lifeline customers. Accordingly, the Company respectfully requests that the Commission expeditiously approve the revisions to its Compliance Plan.

Respectfully submitted,

*/s/ Lance J.M. Steinhart*

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May 17, 2021

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<sup>48</sup> See 2012 Lifeline Reform Order ¶ 230.