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May 23, 2022

VIA ELECTRONIC DELIVERY

Public Utilities Commission
Capitol Building, 1st Floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

Re: Air Voice Wireless, LLC., d/b/a Air Talk Wireless
Docket No. TC22-009

Dear Sir or Madam:

Enclosed please find Air Voice Wireless, LLC., d/b/a Air Talk Wireless Responses to South Dakota Public Utilities Commission Staff's First Data Request.

Please note, Exhibit 1-7 and 1-14 contain confidential information, have been attached as separate documents, and have been marked accordingly. Air Voice Wireless, LLC., d/b/a Air Talk Wireless respectfully requests confidential treatment of the Exhibits 1-7 and 1-14, as well as responses to 1-14, 1-19 and 1-28. The Applicant expects that this information will be restricted to counsel, agents and employees who are specifically assigned to this application by the Commission.

If you have any questions or if I may provide you with additional information, please contact me at the above address or telephone number. Thank you for your attention to this matter.

Respectfully submitted,

/s/ Lance J.M. Steinhart

Lance J.M. Steinhart, Esq.
Lance J.M. Steinhart, P.C.
Attorneys for *AirVoice Wireless, LLC*
d/b/a AirTalk Wireless

Enclosures

cc: Henry Do

Docket Number: TC22-009
Subject Matter: First Data Request
Request to: AirVoice Wireless, LLC
dba AirTalk Wireless (AirVoice or Company)
Request from: South Dakota Public Utilities Commission Staff
Date of Request: April 22, 2022
Responses Due: May 6, 2022

- 1-1) Explain how AirVoice will comply with the minimum service standards imposed on ETCs designated for Lifeline under 47 C.F.R. 54.408. Will all of AirVoice's Lifeline plans in South Dakota meet these minimum service standards?

AirVoice will offer a single Lifeline plan in South Dakota for subscribers not residing on tribal lands that meets the minimum service standards including 4.5GB data allotted per month. A second plan offered to subscribers residing on tribal lands includes unlimited talk/text and data.

- 1-2) Provide a description of the plans, including details and pricing, for non-Lifeline customers in South Dakota. Are all the Lifeline plans available to non-Lifeline subscribers without the Lifeline discount?

AirVoice Prepaid customers are offered the following plans.

\$20.00 – Unlimited Talk/Text and 3GB data

\$30.00 – Unlimited Talk/Text and 6 GB data

\$50.00 – Unlimited Talk/Text and 15 GB data

\$70.00 – Unlimited Talk/Text and 25 GB data

\$110.00 – Unlimited Talk/Text and unlimited data.

The AirVoice Lifeline plan is not offered to prepaid customers.

- 1-3) Will AirVoice offer any other Lifeline plans in South Dakota besides what is provided in Exhibit 5? If so, provide the details and pricing of the other plans.

No.

- 1-4) For each of AirVoice's Lifeline offerings in South Dakota, provide a breakdown of AirVoice's fixed cost and variable cost to serve a single Lifeline subscriber.

Since AirVoice's contracts with AT&T and T-Mobile are confidential, AirVoice objects to this question, since it cannot provide its primary cost, i.e., carrier airtime and data.

- 1-5) Confirm that AirVoice will not collect service deposits nor charge a number-portability fee on its Lifeline plans.

AirVoice will not collect service deposits nor charge a number-portability fee on its Lifeline plans.

- 1-6) Provide AirVoice's customer service phone number and explain how AirVoice handles consumer complaints. Confirm AirVoice will agree to cooperate with the South Dakota Public Utilities Commission to resolve consumer complaints.

AirVoice's customer service phone number is 855-924-7825. Customer service is available Monday through Friday from 8:00AM to 5:00PM CST and Saturday from 10:00AM to 7:00PM CST. AirVoice will cooperate fully with the South Dakota Public Utilities Commission to resolve all consumer complaints.

- 1-7) Are there any locations in AirVoice's proposed service area that do not currently have a wireless Lifeline offering available to them? Are there any locations that do not have a prepaid wireless Lifeline offering available to them? Do AT&T Mobility LLC and/or T-Mobile USA, Inc. provide a postpaid and/or prepaid wireless Lifeline offering?

To the best of AirVoice's knowledge, there are locations in AirVoice's proposed service area that do not currently have a wireless Lifeline offering available to them (or at minimum are not being marketed to), nor that do not have a prepaid wireless Lifeline offering available to them. See attached Exhibit 1-7, which shows Lifeline reimbursements in South Dakota from USAC for April of 2022. All companies appear to be rural providers, except Boomerang, which has less than 100 subscribers.

To the best of AirVoice's knowledge, neither AT&T Mobility LLC nor T-Mobile USA, Inc. provide a postpaid and/or prepaid wireless Lifeline offering.

- 1-8) Provide the details and pricing (including handset costs) of any prepaid Lifeline offerings by the wireless providers currently serving AirVoice's proposed service area. Provide the details and pricing (including handset costs) of any postpaid Lifeline offerings by the wireless providers currently serving AirVoice's proposed service area.

The details and pricing (including handset costs) of any prepaid Lifeline offerings by the wireless providers currently serving AirVoice's proposed service area are contained in tariffs and web-sites of each Lifeline provider, which is publicly available information, and the tariffs are filed with the Commission. To the best of

AirVoice's knowledge, there are no postpaid Lifeline offerings offered by the wireless Lifeline providers currently serving AirVoice's proposed service area.

1-9) Refer to footnote 10 on page 7 of the Petition.

- a. Did NewPhone file its response to the LOI on November 23, 2021 or November 23, 2020?

NewPhone submitted its response on November 23rd 2020.

- b. What specific enrollment errors did the Marketing Agents make involving improper use of beneficiary data?

Enrollment agents were found to use the same benefit qualifying person (BQP) for more than one enrollment or enrolling a person previously used on another application as a benefit qualifying person as a subscriber themselves.

- c. Did Henry Hung Do have an ownership interest at the time of this improper use of beneficiary data?

Yes.

- d. What procedures does AirVoice have in place to assure its Marketing Agents do not misuse beneficiary data?

AirVoice does not utilize enrollment agents at this time. AirVoice's enrollment platform performs checks of all applications to detect the use of a duplicate benefit qualifying person (BQP).

- 1-10) Provide AirVoice's service area map that is mentioned on page 14 of the Petition to be attached as Exhibit 7.

AirVoice has diligently tried to obtain detailed service area maps from AT&T and T-Mobile without success. General coverage maps are publicly available on AT&T and T-Mobile web-sites.

- 1-11) Provide the "Terms and Conditions" that is mentioned on the sample advertisement in Exhibit 6. Are the Terms and Conditions normally provided with the advertisement? If not, is the potential customer aware of where to find them?
The "Terms and Conditions" that is mentioned on the sample advertisement in Exhibit 6 Are not normally provided with the advertisement.

See Exhibit 1-11 - revised Exhibit 6 hereto, with a reference to the web-site. The potential customer is aware that the terms and conditions are included in the company's web-site.

- 1-12) Refer to page 16 of the Petition. Explain how the retail partnerships work, including the financial arrangements.

The company currently is only providing enrollment on-line. No retail partnerships have been established yet.

- 1-13) Refer to footnote 28 on page 18 of the Petition. Provide the most recent docket where T-Mobile USA, Inc. certified to the FCC that its network functions in emergency situations.

WC Docket No. 09-197

- 1-14) Provide calendar year 2021 financials for AirVoice, including a balance sheet, income statement, and statement of cash flows, audited if available.

Please see attached financial statements for which the company is requesting confidential and proprietary treatment.

- 1-15) What jurisdictions does AirVoice provide services that generate revenue outside of the Lifeline program? What was the breakdown of Lifeline revenue versus non-Lifeline revenue in 2021?

AirVoice provide services that generate revenue outside of the Lifeline program in all states except Alaska, Montana, North Dakota and Wyoming?

The breakdown of Lifeline revenue versus non-Lifeline revenue in 2021 was approximately 85% non-Lifeline and 15% Lifeline.

- 1-16) Refer to the chart on page 16 of the FCC-Approved Compliance Plan. Why do the text messages differ from what is provided on page 20 of the Petition?

Since the change of ownership, the Lifeline plan now includes unlimited text messages. This change is not required to be filed with the FCC.

1-17) What is the cost for customers to purchase additional voice minutes and data? What percent of AirVoice's current subscribers purchase additional voice minutes and/or data?

Data

\$5.00 500 MB

\$15.00 1GB

\$20.00 2GB

\$25.00 3GB

\$35.00 4GB

\$35.00 5GB

Bundle

\$10.00 Unlimited Talk & Text + 500 MB

\$15.00 Unlimited Talk & Text + 1 GB

\$25.00 Unlimited Talk & Text + 2 GB

\$30.00 Unlimited Talk & Text + 3 GB

\$40.00 Unlimited Talk & Text + 4 GB

\$45.00 Unlimited Talk & Text + 5 GB

\$45.00 Unlimited Talk & Text + Unlimited Data

Minutes

\$5.00 Unlimited Talk Top Up

Less than 10% of AirVoice's current subscribers purchase additional voice minutes and/or data.

1-18) Will AirVoice also use the underlying wireless networks of Verizon on a wholesale basis?

AirVoice will not use the underlying wireless networks of Verizon.

1-19) How many subscribers does AirVoice currently have for its prepaid wireless Lifeline plan in its other jurisdictions?

[REDACTED]

How many subscribers does AirVoice currently have for its prepaid wireless non-Lifeline plan in its other jurisdictions?

[REDACTED]

How many of the Lifeline subscribers are Tribal Lifeline subscribers?

[REDACTED]

1-20) Does AirVoice offer the rollover of voice minutes and/or data on its Lifeline and/or non-Lifeline plans?

No

1-21) Provide coverage maps for AT&T Mobility LLC and T-Mobile USA, Inc. outlining their voice and internet connectivity. Will AirVoice furnish its own coverage information and maps to potential customers or rely on maps and coverage information from the underlying carriers?

See response to question 2-4) above. AirVoice does not intend to furnish its own coverage information and maps to potential customers, but instead, will rely on maps and coverage information from the underlying carriers.

1-22) How does AirVoice determine which underlying mobile carrier will provide the voice and broadband services to its customers?

Underlying carrier is selected based on best coverage available at service address.

1-23) Does AirVoice plan to provide home internet or home telephone Lifeline services in South Dakota? Explain.

AirVoice does not plan to provide home internet or home telephone Lifeline services in South Dakota.

1-24) How will AirVoice verify a potential customer resides in a tribal area? Does the National Verifier confirm a potential customer resides in a tribal area?

Tribal eligibility is determined by NLAD at time of enrollment or transfer.

1-25) Does AirVoice utilize tribal/reservation government or other tribal/reservation administrative services to distribute phones to customers? Does AirVoice plan to enter into any agreements with a Tribe where AirVoice would receive compensation for serving tribal areas?

AirVoice does not currently have agreements with tribal/reservation governments to distribute phones to eligible customers however AirVoice will be seeking such agreements in South Dakota upon receipt of ETC designation and will engage tribes per FCC rules.

1-26) Provide a copy of all media sources used in the advertising of AirVoice's services and charges, including point of sale materials, customer direct mail, customer brochures, and print media.

At this time all AirVoice enrollments are completed online, and all of our marketing materials are in digital format.

1-27) Does AirVoice pay any commission to salespersons or agents for the number of Lifeline customers that are signed up?

AirVoice does not pay any commission to salespersons or agents for the number of Lifeline customers that are signed up.

1-28) List all reservations in AirVoice's other jurisdictions where AirVoice services are currently offered and the number of customers they currently serve with Tribal Lifeline service on each reservation.

[REDACTED]

1-29) List the states in which AirVoice has ETC status to serve the entire state.

In all states in which AirVoice is designated as an ETC, it has authority to provide service statewide, subject to AT&T and T-Mobile network availability.

1-30) Does AirVoice anticipate geographic areas in South Dakota wherein customers may experience service issues due to inadequate coverage by the companies you have contracted with or intend to contract with? If so, what is the process and procedure for handling customer service issues after signing the individual up for services? Also, do you intend to make potential customers aware of potential coverage issues.

AirVoice does not anticipate geographic areas in South Dakota wherein customers may experience service issues due to inadequate coverage by T-Mobile or AT&T.

1-31) Does AirVoice intend to have any storefronts in South Dakota? If so, provide the location of the planned storefronts.

AirVoice does not intend to have any storefronts in South Dakota.

1-32) Has AirVoice had any quality issues with its refurbished handsets compared to new handsets? Confirm that AirVoice will not misrepresent refurbished phones as new phones in advertisements and when signing new customers up for service.

AirVoice has not had any quality issues with refurbished handsets compared to new handsets. AirVoice will not misrepresent refurbished phones as new phones in advertisements and when signing new customers up for service

1-33) Have the Tribes in South Dakota expressed interest in having AirVoice serve them? Explain.

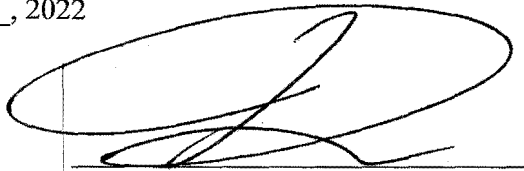
At this time, no Tribes in South Dakota expressed interest in having AirVoice serve them. AirVoice will perform outreach to the Tribes per FCC requirements.

State of Texas)
)
County of Harris)

VERIFICATION

I, Henry Do, affirm that I am the CEO of Air Voice Wireless, LCC d/b/a AirTalk Wireless, and hereby state that the matters, facts and statements set forth in the foregoing are true to the best of my knowledge and belief.

Executed on 17 MAY, 2022



Henry Do, CEO
Air Voice Wireless, LLC
d/b/a AirTalk Wireless