

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE PETITION OF)
AIRVOICE WIRELESS, LLC DBA AIR TALK WIRELESS)
FOR DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS CARRIER IN) Docket No. TC22-009
THE STATE OF SOUTH DAKOTA)**

AMENDED STIPULATION

This Amended Stipulation is hereby made and agreed to by and among Air Voice Wireless, LLC d/b/a AirTalk Wireless (“AirVoice”), the South Dakota Telecommunications Association (“SDTA”), and Staff of the Public Utilities Commission (“Staff”) (AirVoice, SDTA, and Staff are hereinafter referred to individually as a “Party” or collectively as the “Parties”); and that this Stipulation may be adopted by the South Dakota Public Utilities Commission (the “Commission”) in the above-captioned Docket. This Amended Stipulation replaces the Stipulation filed on July 15, 2022 (signed by AirVoice and SDTA on July 1, 2022).

In support of its Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of providing Lifeline-only wireless service in South Dakota (the “Petition”), AirVoice submits this Amended Stipulation and respectfully requests that Commission designate AirVoice as an ETC for the purpose of providing Lifeline service in the service area identified herein (the “Service Area”).

The Petition was filed with the Commission on March 28, 2022. Thereafter, AirVoice provided responses to discovery requests by Staff, and engaged in discussions with Staff and the SDTA to address areas of concern. Based on these discussions, the Parties entered into this

Amended Stipulation in support of the approval of the Petition, as modified by the agreed terms set forth herein.

RECITALS

1. AirVoice is seeking ETC designation for the purpose of providing wireless Lifeline-only service in South Dakota.
2. AirVoice resells Commercial Mobile Radio Services (“CMRS”) and has no plans to establish facilities in South Dakota. Specifically, at this time, AirVoice resells T-Mobile and AT&T services.
3. AirVoice acknowledges that reliable CMRS service may not be available throughout all areas of South Dakota.
4. AirVoice provides its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes. However, a consumer cannot dial 911 or E911 absent a sufficient wireless signal.
5. AirVoice provides Lifeline subscribers with E911-compliant smartphone handsets with Wi-Fi and hotspot capability. At this time, AirVoice makes available many smartphones, including Apple and Androids for Lifeline subscribers, but subscribers can use any compatible smartphone on the underlying carriers’ networks.
6. AirVoice no longer requests statewide ETC designation and limits the scope of its service area consistent with the terms specified herein.
7. AirVoice does not currently provide Lifeline service in South Dakota.

8. AirVoice does provide wireless services to low income customers in the State of South Dakota through the FCC's Affordable Connectivity Program, and has received no customer complaints from subscribers in the State of South Dakota, including complaints regarding coverage or lack of access to its network.
9. AirVoice will work with consumers to ensure all applicable federal and state requirements are met during the application filing and enrollment processes.
10. AirVoice will provide Lifeline Customer Support Call Center which is available as a free call via 611 and is currently open 8:00 AM CST to 8:00 PM CST Monday through Friday, and Saturday 10:00 AM CST to 7:00 PM CST. Customers are also able to contact AirVoice's Customer Service department at any time of day by (1) dialing AirVoice's toll-free number 1-855 924-7825 (after hours, prompts are still available for customers to access information, just not a live person); (2) email at support@airtalkwireless.com; and (3) mail to Air Voice Wireless, 9920 Brooklet Drive, Houston, 77099. Customers may also access assistance online through the various sections of the Company's website.

AGREEMENT

1. The Parties agree that the Petition shall be amended as follows:
 - a. Service Area. AirVoice withdraws its request for statewide ETC designation. The Parties agree, that if the Commission grants ETC designation, the service area shall be limited to South Dakota CenturyLink wire centers.
 - b. AirVoice will provide Lifeline service as a wireless reseller, subject to all applicable federal and state requirements.

2. Service Availability and Quality:

- a. AirVoice agrees only to enroll eligible low-income consumers if it can reliably provide “Supported Services.” “Supported Services” for purposes of this paragraph are defined by 47 CFR § 54.101(a), including access to emergency services, such as 911 service.
 - b. Prior to customer enrollment, AirVoice shall provide customers with access to wireless coverage maps which will be available on the company’s website, www.airtalkwireless.com.
 - c. Prior to customer enrollment, consistent with applicable federal and state rules, AirVoice shall, among other things, inform consumers that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) documentation is necessary for enrollment; and (vii) AirVoice is the provider of the services.
3. AirVoice shall allow any Lifeline customer to cancel service at any time, for any reason, without any penalties.
 4. AirVoice shall comply with all applicable local, state, and federal rules and regulations governing the provision of Lifeline service.
 5. AirVoice agrees to work with the Commission and Staff to resolve customer complaints including, but not limited to concerns regarding service area or quality of service issues.

6. Universal Service and Lifeline Requirements. AirVoice shall comply with all applicable universal service and Lifeline requirements established by the FCC and the Commission,
7. AirVoice agrees to make an informational filing with the Commission of each FCC Form 481 and FCC Form 555 within 30 days of each such filing with the FCC.

Dated: September 14, 2022

Agreed to by and on:

DocuSigned by:

Henry Do

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AirVoice Wireless, LLC dba AirTalk Wireless

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