

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

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

This Stipulation is hereby made and agreed to by and among Air Voice Wireless, LLC d/b/a AirTalk Wireless (“AirVoice”), and the South Dakota Telecommunications Association (“SDTA”) (AirVoice and SDTA 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.

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 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 Commission Staff (“Staff”) and engaged in discussions with Staff and the SDTA to address areas of concern. Based on these discussions, the Parties entered into this 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 to all Lifeline subscribers. 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 seeks to communicate and advertise its service with residents on federally recognized Tribal Lands through various outreach initiatives within its service area, including working with Tribal entities located on Tribal lands. At this time, AirVoice does not intend to have any physical storefront presence within the Service Area.

9. Unless requested by the Tribal entities, AirVoice will not rely on tribal resources to either enroll consumers or to distribute phones to consumers. When enrolling residents on Tribal Lands, and when distributing telephones to enrolled residents on Tribal Lands, AirVoice will either: (i) be physically present on the reservation through company representatives; or (ii) it will engage with the resident directly through the telephone or on-line for the enrollment process and utilize a shipment method for telephone distribution directly to the consumer.
10. With respect to serving Tribal Lands, AirVoice will take all reasonable steps to engage and coordinate with Tribal governments and Tribal service organizations as part of its efforts to (i) engage with Tribes, (ii) undertake outreach initiatives to inform residents of its Lifeline offerings, (iii) enroll new consumers in the Lifeline program, and (iv) provide on-going customer service. Residents of Tribal Lands will be able to obtain Lifeline service by working directly with AirVoice on the application filing process.
11. AirVoice will coordinate with Tribal governments prior to offering Lifeline service within their reservation boundaries.
12. In all areas outside of Tribal Lands within its service area, AirVoice will work with consumers to ensure all applicable requirements are met during the application filing process.
13. AirVoice's 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](mailto: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

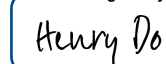
1. The Parties agree the Petition shall be amended as follows:
  - a. Service Area. AirVoice withdraws its request for statewide ETC designation. The Parties agree, if the PUC grants ETC designation, the service area shall be limited to: (i) South Dakota CenturyLink wire centers; and (ii) the federally recognized Tribal lands in South Dakota as defined in 47 CFR § 54.400(e), excluding Cheyenne River. Specifically, Tribal lands shall include Crow Creek, Flandreau Santee, Lower Brule, Pine Ridge, Rosebud, Sisseton-Wahpeton Oyate, Standing Rock, and Yankton.
  - 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 evaluate coverage and disclose to the potential customer the reliability of service.
  - c. Prior to customer enrollment, AirVoice shall inform potential customers of wireless coverage within its service area. AirVoice shall make wireless coverage maps available to new and existing customers either directly or by reference to underlying carrier maps.

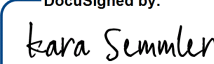
- d. Prior to customer enrollment, consistent with applicable rules, AirVoice shall, among other things, inform consumers that only one Lifeline service is available per household.
3. AirVoice shall allow any Lifeline customer to cancel service at any time, for any reason, without any penalties.
4. Tribal Engagement. AirVoice shall use all reasonable efforts to engage with the Tribal government authorities for each Tribal land consistent with applicable Federal Communications Commission (“FCC”) Office of Native Affairs and Policy (“ONAP”) Tribal Engagement Guidelines and shall not serve (*e.g.*, provide Lifeline service) any Tribal lands in South Dakota where Tribal governments oppose AirVoice’s provision of service on Tribal lands.
5. AirVoice shall comply with all applicable Tribal, local, state, and federal rules and regulations governing the provision of Lifeline service.
6. AirVoice agrees to provide the Commission a report, annually with its ETC certification, which includes:
  - a. maps of its underlying carriers’ wireless coverage; and
  - b. a report on Lifeline subscribers, including new subscribers and subscribers that have discontinued Lifeline service.
7. AirVoice agrees to work with the Commission and Commission Staff to resolve customer complaints including, but not limited to concerns regarding service area or quality of service issues.

8. **Universal Service and Lifeline Requirements.** AirVoice shall comply with all applicable universal service and Lifeline requirements established by the FCC, the Commission, and Tribal governments.

Dated: July 1, 2022

Agreed to by and on:

DocuSigned by:  
  
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