

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Carrier Oversight & Programs Branch**

**RESOLUTION T- 17481
JULY 23, 2015**

R E S O L U T I O N

Resolution T-17481. This Resolution grants, in part, the request of Air Voice Wireless, LLC (U-4451-C), an Eligible Telecommunications Carrier, to expand its service areas in California.

Summary

By this Resolution, the California Public Utilities Commission (CPUC or Commission) grants the request of Air Voice Wireless, LLC (Air Voice) (U-4451-C), a wireless Eligible Telecommunications Carrier (ETC) operating in California, to expand its ETC-designated service area statewide and to be exempt from the ZIP+4 requirement. Under the brand designation, "*Feel Safe Wireless*," Air Voice currently offers both federal Lifeline and California LifeLine wireless telephone services using the facilities of AT&T Wireless, its underlying carrier. We find the request reasonable and consistent with the public interest and should be granted to the extent allowed by this Resolution.

Background

In response to Air Voice's Advice Letter (AL) 1, the Commission, in Resolution T-17448 (August 28, 2014), designated Air Voice as an ETC to provide federal Lifeline services to qualifying households in California, but only within the areas of the Uniform Regulatory Framework (URF) carriers and excluding the Small Local Exchange carrier (Small LEC) territories. Moreover, under the conditions of its authorities granted in Resolution T-17448, the Commission required Air Voice to coordinate with the Small LECs by using their ZIP+4 data in order to prevent households in the Small LECs' territories from receiving discounted phone services from Air Voice.¹

In Resolution T-17448, the Commission also directed Air Voice to file a Tier 3 advice letter for future revisions of its service area.²

¹ Resolution T-17448 OPs 11 and 12.

² Resolution T-17448 OP 2 and p. 13, para. 2.

On December 29, 2014, the Communications Division (CD) accepted as supplemented Air Voice's AL 5, which authorized the company to become a California LifeLine provider.

Neither Air Voice's AL 1 nor AL 5 sought authority to serve the Small LECs' territories.

Notice/Protests

This advice letter was served via email to all parties on the ETC service list on February 12, 2015, and appeared in the Commission's Daily Calendar on February 20, 2015. No protests to this advice letter filing were received.

Discussion

Air Voice is a nationwide prepaid wireless service provider that uses wholesale network services from AT&T Wireless to provide service to its customers. Its principal offices are at 2425 Franklin Road, Bloomfield Hills, Michigan, 48302. The Commission issued Air Voice Wireless Identification Registration number U-4451-C on March 27, 2013, allowing it to operate as a reseller of Commercial Mobile Radio Services to the public in California.

Air Voice's Requests in AL 6:

On February 13, 2015, Air Voice filed AL 6³ requesting three items for the Commission's consideration. First, Air Voice requested authority to expand both its federal Lifeline and California LifeLine wireless service areas "to encompass all parts of California."⁴ Second, Air Voice sought "exemption from the ZIP+4 requirement."⁵ Air Voice still maintained AT&T Wireless as its only underlying facilities-based carrier, and requested that its "ETC-designated service area include all areas statewide where AT&T Wireless has coverage."⁶ Lastly, Air Voice also requested to be able to use a Tier 2 advice letter to change its service areas to expedite the review and approval process for this advice letter.

Authorization as a California LifeLine Provider:

The California LifeLine Program does not limit the geographic capability of California LifeLine providers operating in California, consistent with the California Legislature's intent to provide California LifeLine discounted telephone services to the greatest number of consumers in the state.⁷ When a telecommunications carrier becomes a California LifeLine Provider, it is authorized to provide California LifeLine services

³ Air Voice filed AL Supplement 6A (May 26, 2015) clarifying that its expansion request in AL6 does not seek authority to serve tribal territories at this time. Then Air Voice filed AL Supplement 6B (filed June 22, 2015) stating it made a clerical error in AL Supplement 6A. In AL Supplement 6B, Air Voice recognized that the service area of its underlying carrier, AT&T Wireless, already included federally-recognized tribal lands.

⁴ See Air Voice AL 6 (filed February 13, 2015).

⁵ *Id.*

⁶ See Air Voice AL 6B (filed June 22, 2015).

⁷ See Pub. Util. Code. § 871.5.

throughout California. Since Air Voice has been approved as a California LifeLine Provider in December of 2014, it is already authorized to provide California LifeLine services statewide without any geographic restrictions. Air Voice does not need to obtain any additional approvals from the Commission to serve the entire state of California.

In order to evaluate ALs 5, 5A, and 5B, CD assessed the company's compliance with the California LifeLine Program's rules for becoming a California LifeLine provider and offering California LifeLine services. Additionally, neither Air Voice's requests in ALs 5, 5A, and 5B nor CD's acceptance of these advice letters altered or re-authorized the company's approved ETC-designated service area as previously designated in Resolution T-17448.

Therefore, CD considers as moot Air Voice's request to expand the service area in California because it already has authority to offer California LifeLine services throughout California. CD recommends Air Voice to have continued authorization to offer California LifeLine supported services anywhere in California, including federally-recognized tribal lands.

Nevertheless, the issue still remains of Air Voice's ability to expand its service area for federal Lifeline services and receive federal Lifeline support for providing wireless telephone services in all parts of California.

ETC-Designated Service Area:

In Resolution T-17448, the Commission approved Air Voice's request to become an ETC and authorized it to offer federal Lifeline services in the service areas of the URF carriers, excluding the Small LECs' service areas. However, the Commission also limited Air Voice's ETC-designated service area "based on the build-out of the facilities and availability of service of its underlying facilities-based carrier, AT&T Wireless."⁸

Granting Air Voice's proposed expansion of its ETC-designated service area and exemption from the ZIP+4 requirement would enable the company to serve more eligible California's low-income households. CD believes Air Voice's proposal is in the public interest as it would increase choices for low-income consumers. Accordingly, CD recommends approval to expand Air Voice's ETC-designated service area to all of California and to exempt Air Voice from the ZIP+4 requirement. However, since Air Voice maintains in AL 6 and AL Supplement 6B that AT&T Wireless is the only underlying facilities-based carrier it uses, its ETC-designated service area continues to be limited by AT&T Wireless' build-out of facilities and availability of service.

Tier 2 Advice Letter for Changes to ETC-Designated Service Area:

In Resolution T-17448, based on CD's recommendation for Air Voice to file a Tier 3 advice letter to change its ETC-designated service area, the Commission ordered Air

⁸ Resolution T-17448 p. 8, para. 3

Voice to use the Tier 3 advice letter filing process to change its service area.⁹ A Tier 3 advice letter requires Commission approval via the formal resolution process for disposition of the advice letter. Therefore, CD denied Air Voice's request to use a Tier 2 advice letter filing for AL 6, and thus put forth this Resolution.

CD now recommends that for any future changes to Air Voice's designated service area that the company file a Tier 2 advice letter (as opposed to a Tier 3 advice letter). Enabling Air Voice to file a Tier 2 advice letter to change its ETC-designated service area would be consistent with how all of the other ETCs in California revise their ETC-designated service areas. For example, if Air Voice desired to use other facilities-based carriers to provide Air Voice's wireless telephone services, then Air Voice should file a Tier 2 advice letter.

Safety Considerations:

While wireless mobile phone service and E-911 and/or 911 connection has limitations, approval of Air Voice's request will expand the service area to more consumers resulting in improved safety from greater access of mobile services.

Obligations as a California LifeLine Provider and an ETC:

This Resolution does not relieve Air Voice from other requirements of its previously approved Commission authorities (both as an ETC and a California LifeLine provider), including, but not limited to: filing copies of Federal Communications Commission and Universal Service Administrative Committee annual reports with the CD Director, all processes, transmission requirements, eligibility rules, and validation checks administered by the California LifeLine Administrator, submitting marketing materials for CD staff review and approval, requesting service plan changes via the advice letter process, sending outage reports to CD staff, abiding to continued commitment of consumer protections and 911 safety requirements, and submitting its CPUC Annual User Fees and universal service public purpose program surcharges.

Conclusions and Recommendations:

CD staff finds it in the public interest to recommend approval of Air Voice's requests: 1) to expand its ETC-designated service area to include all of California including the Small LECs' territories for federal Lifeline services; 2) to exempt Air Voice from the ZIP+4 requirement; and 3) to file a Tier 2 advice letter for future requests to modify its ETC-designated service area. Lastly, CD recommends the company to have continued authorization to offer California LifeLine supported services in California, including federally-recognized tribal lands, without any geographic restrictions.

⁹ Resolution T-17448 OP 2.

COMMENTS

In compliance with P.U. Code § 311(g), the Commission emailed a notice letter on June 22, 2015, informing all parties on the ETC service list and the California LifeLine Program proceeding service list of the availability of this Resolution for public comments at the Commission's website www.cpuc.ca.gov. The notice letter also informed parties that the final conformed resolution adopted by the Commission will be posted and available at this same website.

CD did not receive comments on this resolution.

FINDINGS AND CONCLUSIONS

1. Air Voice Wireless, LLC is a nationwide prepaid wireless service provider that offers federal Lifeline and California LifeLine services under the brand, "*Feel Safe Wireless,*" and uses wholesale network services from AT&T Wireless. Its principal offices are at 2425 Franklin Road, Bloomfield Hills, Michigan, 48302.
2. The Commission issued Air Voice Wireless, LLC its Wireless Identification Registration number U-4451-C allowing it to operate as a Commercial Mobile Radio Services provider to the public in California (March 27, 2013).
3. The Commission approved Air Voice Wireless, LLC's Eligible Telecommunications Carrier designation in Resolution T-17448 (August 28, 2014) allowing it to offer federal Lifeline wireless service in the Uniform Regulatory Framework carriers' service areas, excluding Small Local Exchange Carriers' service areas, that are in the service area of its underlying carrier, AT&T Wireless.
4. On December 29, 2014, Communications Division accepted as supplemented Air Voice Wireless, LLC's Advice Letter 5, thus authorizing the company as a California LifeLine provider.
5. On February 13, 2015, Air Voice Wireless, LLC filed Advice Letter 6 requesting authority to expand its service area designation throughout California for both its federal Lifeline and California LifeLine wireless services and an exemption from the ZIP+4 requirement.
6. The California LifeLine Program does not limit the geographic capability of California LifeLine providers operating in California.
7. As an approved California LifeLine provider, Air Voice Wireless, LLC already has the authority to provide California LifeLine services statewide without any geographic restrictions imposed by the state program.

8. Air Voice Wireless, LLC also requested Tier 2 treatment of Advice Letter 6 consistent with other eligible telecommunications carriers' ability to modify their service areas using the Tier 2 advice letter filing process.
9. In Resolution T-17448 (August 28, 2014), Ordering Paragraph 2, the Commission directed Air Voice Wireless, LCC to file a Tier 3 advice letter to request changes to its ETC-designated service area. A Tier 3 advice letter requires Commission approval via the formal resolution process for disposition of the advice letter.
10. Communications Division finds it in the public interest to approve Air Voice Wireless, LLC's request to expand its ETC-designated service area to all of California, including the Small LECs' territories, to exempt Air Voice Wireless, LLC from the ZIP+4 requirement, and to allow Air Voice Wireless, LLC to file Tier 2 advice letters to request future changes to its ETC-designated service area.
11. Air Voice Wireless, LLC's continued authorization to offer California LifeLine supported services throughout California, including federally-recognized tribal lands, is consistent with the California LifeLine Program's rules and the California Legislature's long-standing goal to provide California LifeLine phone services to the greatest number of consumers in the state.
12. Air Voice Wireless, LLC is required to continue to fulfill all other requirements of its previously approved authorities (both as an eligible telecommunications carrier and a California LifeLine provider), including, but not limited to: filing copies of Federal Communications Commission and Universal Service Administrative Committee annual reports with the CD Director, all processes, transmission requirements, eligibility rules, and validation checks administered by the California LifeLine Administrator, submitting marketing materials for CD staff review and approval, requesting service plan changes via the advice letter process, sending outage reports to CD staff, abiding to continued commitment of consumer protections and 911 safety requirements, and submitting its CPUC Annual User Fees and universal service public purpose program surcharges.
13. On June 22, 2015, the Commission emailed a draft of this resolution to the eligible telecommunications carrier service list and the California LifeLine Program proceeding service list for public comments.
14. Communications Division did not receive comments on this resolution.

THEREFORE, IT IS ORDERED that:

1. The Commission approves Air Voice Wireless, LLC (U-4451-C), under the brand designation, "*Feel Safe Wireless*," to expand its eligible telecommunications carrier-designated service area statewide for federal Lifeline services and to be exempt

from the ZIP+4 data requirement. However, Air Voice Wireless, LLC's eligible telecommunications carrier-designated service area shall continue to be limited by AT&T Wireless' network.

2. Air Voice Wireless, LLC shall use a Tier 2 Advice Letter to request future changes to its eligible telecommunications carrier-designated service area.
3. Air Voice Wireless, LLC's shall continue to be obligated to all previously approved Commission requirements including, but not limited to: filing copies of Federal Communications Commission and Universal Service Administrative Company annual reports with the Communications Division Director, all processes, transmission requirements, eligibility rules, and validation checks administered by the California LifeLine Administrator, submitting marketing materials for Communications Division staff review and approval, requesting service plan changes via the advice letter process, sending outage reports to Communications Division staff, abiding to continued commitment of consumer protections and 911 safety requirements, and submitting its California Public Utilities Commission Annual User Fees and universal service public purpose program surcharges.
4. Air Voice Wireless, LLC shall have continued authorization to offer California LifeLine supported services in California, including federally-recognized tribal lands, without any geographic restrictions.

This Resolution is effective today.

I certify that the foregoing Resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on July 23, 2015, the following Commissioners voting favorably thereon:

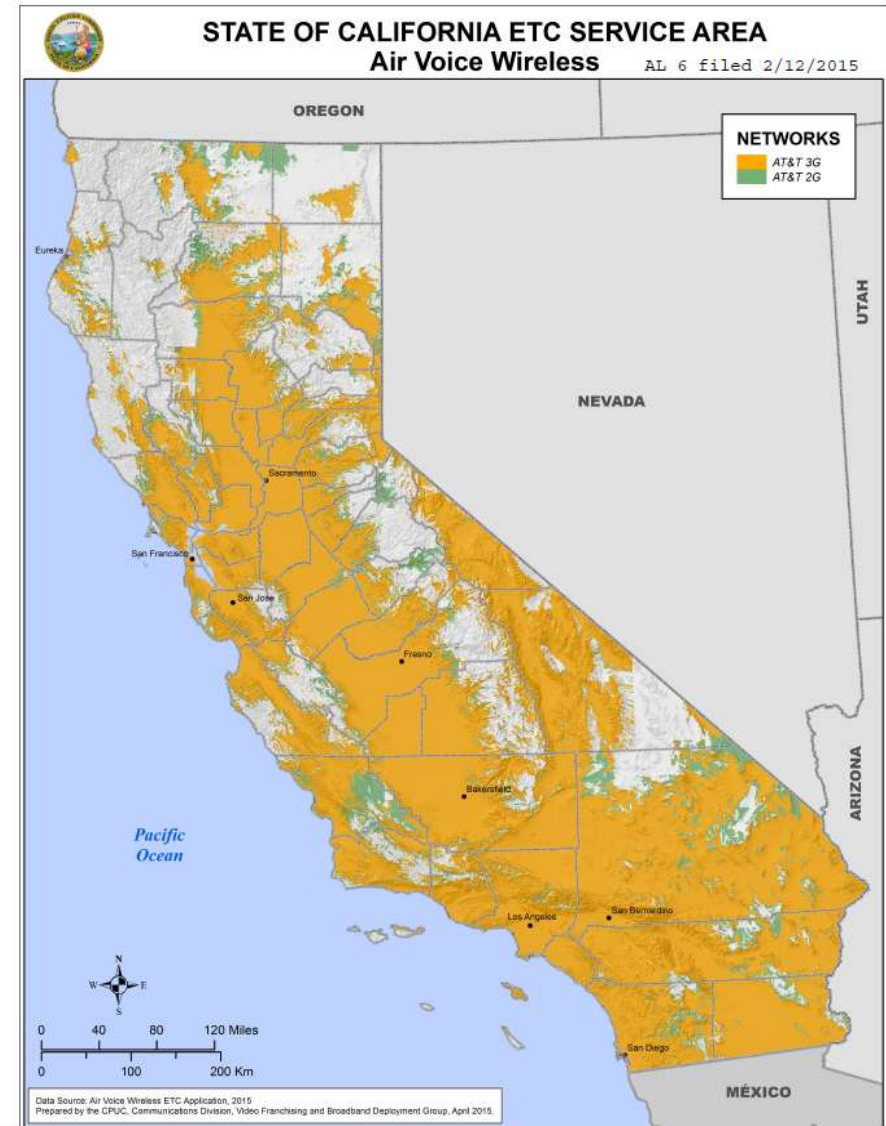
TIMOTHY J. SULLIVAN
Executive Director

Resolution T- 17481
CD/ABA

APPENDIX A
Resolution T-17481

Attachment A
Resolution T-17481
Air Voice Wireless, LLC

Proposed Service Area for Federal Lifeline Wireless
ETC Service in California



(END OF APPENDIX A)