



May 23, 2012

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

FILED/ACCEPTED

MAY 23 2012

Federal Communications Commission
Office of the Secretary

Re: WC Docket No. 09-197

Dear Ms. Dortch:

Enclosed please find an original and four copies of the Amendment to Petition of Cintex Wireless, LLC, for Designation as an Eligible Telecommunications Carrier on a Wireless Basis in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia.

Please date stamp the enclosed extra copy of this transmittal letter.

If you have any questions, please contact the undersigned at (301) 363-4306.

Regards,

A handwritten signature in black ink that reads "Robert Felgar".

Robert Felgar
General Counsel

Number of Copies made 0+4
BY: [unclear]

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

_____)	
In the Matter of)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	
)	
CINTEX WIRELESS, LLC)	WC Docket No. 09-197
)	
Petition for limited Designation as)	
An Eligible Telecommunications)	
Carrier in Alabama, Connecticut, Delaware)	
the District of Columbia, Florida,)	
New Hampshire, New York, North Carolina,)	
Tennessee and Virginia)	
_____)	

**AMENDMENT TO PETITION OF CINTEX WIRELESS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
ON A WIRELESS BASIS IN ALABAMA, CONNECTICUT, DELAWARE, THE
DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW YORK, NORTH
CAROLINA, TENNESSEE, AND VIRGINIA**

Robert Felgar
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Rockville, MD 20852
(301) 363-4306

*General Counsel
Cintex Wireless, LLC*

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DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW YORK, NORTH
CAROLINA, TENNESSEE, AND VIRGINIA**

Cintex Wireless, LLC (“Cintex” or “Company”), pursuant to Section 214(e) of the Communications Act of 1934, as Amended (the “Act”), 47 U.S.C. § 214(e) and Section 54.201 and 54.202 of the rules of the Federal Communications Commission (“Commission”), 47 C.F.R. §§ 54.201 – 54.202, hereby amends its request for limited designation as an eligible telecommunications carrier (“ETC”) in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia

(hereinafter, “Federal Jurisdiction States”), for the sole purpose of receiving universal service Lifeline support.¹

The states listed above all have affirmatively stated that they lack jurisdiction or will not assign ETC status to commercial mobile radio service (“CMRS”) providers. Accordingly, the Commission has jurisdiction, pursuant to Section 214(e)(6), to review and grant the Company’s request for designation as an ETC in the Federal Jurisdiction States.

As discussed in detail below, Cintex meets the new requirements for designation as an ETC pursuant to the Commission’s *Lifeline Reform Order*² and is able and prepared to offer the USF-supported services throughout the Federal Jurisdiction States. Further, on February 21, 2012, Cintex filed with the Wireline Competition Bureau its Compliance Plan, which was revised on March 14, 2012, which will allow Cintex to receive blanket forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act and participates as an ETC in the Lifeline program.³ Finally, as demonstrated in Cintex’s Petition, granting Cintex ETC status will benefit the public interest by enabling Cintex to provide its competitive services to a broad range of consumers.

¹ See Petition of Cintex Wireless, LLC for Designation as an Eligible Telecommunications Carrier on a Wireless Basis in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia, WC Docket No. 09-197 (filed August 29, 2011) (“Cintex Petition”), included as Exhibit A.

² See *Lifeline and Link Up Reform Order 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) (“*Lifeline Reform Order*”).

³ See *Lifeline Reform Order*, ¶ 368 and Cintex Wireless, LLC’s Revised Compliance Plan, WC Docket Nos. 09-197, 11-42 (filed Mar. 6, 2012) (“Cintex Compliance Plan”) included as Exhibit B.

I. BACKGROUND AND BLANKET FACILITIES FORBEARANCE

In Cintex’s original Petition for ETC designation, it provided a demonstration of its facilities-based Mobile Virtual Network Operator (“MVNO”) operations using facilities owned by Cintex.⁴ Due to the Commission’s decision in the *Lifeline Reform Order* to grant blanket forbearance from the facilities requirement of Section 214(e)(1)(A),⁵ Cintex seeks to amend its Petition to seek ETC designation in the Federal Jurisdiction States as a reseller pursuant to blanket forbearance from the facilities requirement.

In the *Lifeline Reform Order*, the Commission granted blanket forbearance from the facilities requirement subject to two conditions: “(1) the carrier must comply with certain 911 requirements ...and (2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier’s service offerings and outlining the measures the carrier will take to implement the obligations contained in this order...”⁶

Cintex submitted its Compliance Plan pursuant to the *Lifeline Reform Order*. With respect to emergency services, forbearance is conditioned upon Cintex: (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.⁷ Cintex is complying with these conditions, and will continue to comply with the conditions.

⁴ See Cintex Petition at 12-13.

⁵ See *Lifeline Reform Order*, ¶ 368.

⁶ *Id.*

⁷ See *id.*, ¶ 373.

Cintex always has, and will continue, to provide its customers with access to 911 and E911 services immediately upon activation of service, and that such access will continue even if the account associated with the handset has no minutes remaining.

Cintex currently provides access to 911 and E911 services for all customers. Cintex uses Sprint as its underlying network carrier. Sprint routes 911 calls from Cintex's customers in the same manner as 911 calls from Sprint's own retail customers. To the extent that Sprint is certified in a given PSAP territory, this 911 capability will function the same for Cintex. Cintex 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. Finally, Cintex transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

E911-Compliant Handsets. All handsets used in connection with Cintex's Lifeline service will be E911-compliant. Indeed, Cintex's phones have always been and will continue to be 911 and E-911 compliant. Cintex only purchases phones that satisfy the 911 and E-911 requirements. All of Cintex's Lifeline customers receive a 911/E-911 compliant handset free of charge. Cintex has never received a customer complaint alleging that he or she could not place an emergency call.

II. CİNTEX MEETS THE COMMISSION'S REQUIREMENTS FOR ETC DESIGNATION

New Sections 54.201 and 54.202 of the Commission's rules outline the requirements that must be met before a carrier can be designated an ETC. As discussed in the Cintex Petition and in further detail below, Cintex satisfies these requirements.

1) *Cintex Certifies That it Will Comply With the Service Requirements Applicable to the Support it Receives*⁸

Cintex will comply with the emergency service, and consumer protection and service quality standards applicable to Lifeline-only ETCs. Further, Cintex will comply with the eligibility, certification and verification requirements detailed in its Compliance Plan.⁹ Finally, Cintex will offer the voice telephony services that are supported by federal universal service support mechanisms as detailed in revised rule Section 54.101.¹⁰

Voice grade access to the public switched network. Cintex has the ability to provide voice grade access to the PSTN through Sprint, its underlying carrier.

Minutes of use for local service provided at no additional charge to end users. Cintex will provide its customers in the Federal Jurisdiction States 250 anytime voice minutes of use per month, at no charge.¹¹ In addition, customers can purchase additional minutes as needed.

Access to emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911. As discussed in Cintex's Petition, Cintex's Lifeline customers can place 911/E911 emergency calls with Cintex's service from their E911 capable handsets.¹² Further, Cintex is capable of delivering automatic numbering information ("ANI") and automatic location information ("ALI") over its existing network, and otherwise satisfies all applicable state and federal E911 requirements. Finally, as described above and in

⁸ See 47 C.F.R. § 54.202(a)(1)(i).

⁹ The description of Cintex's application, certification and verification policies contained in Cintex's original petition are superseded by this amendment and its Compliance Plan filed on march 6, 2012 (included as Exhibit B). See Cintex Petition at 12.

¹⁰ See 47 C.F.R. § 54.201(d)(1).

¹¹ Cintex's original petition provided that Cintex would offer each eligible customer 90 free anytime local and long distance minutes per month. See Cintex Petition at 3. Cintex has decided to increase that amount to 250 minutes.

¹² See Cintex Petition at 7.

the Cintex Compliance Plan, 911 and E911 emergency services are available to Cintex customers even when all of their minutes have expired or their handset is currently inactive.¹³

Toll limitation services to qualifying low-income consumers. As discussed in Cintex's Petition, there is no need for Cintex to offer a toll limitation feature to qualifying low-income customers.¹⁴ Since Cintex's service is a prepaid service, no customers will be disconnected for failure to pay toll charges or, for that matter, any other charges. Because all Cintex services are prepaid, there is no danger that that low income customers will incur large charges for heavy toll (or other) calling and no risk that they will be disconnected for nonpayment.

2) *Cintex's Wireless Service Will Remain Functional in Emergency Situations*

Cintex offers a fully compliant E911 solution that is as resilient during emergencies as any provider or wireless service and will ordinarily continue to function even in emergency situations. Further, as a reseller, Cintex's wireless service will remain functional to the same extent as its underlying carrier networks are functional. This includes a reasonable amount of back-up power to ensure functionality without an external power source, rerouting traffic around damaged facilities and managing traffic spikes resulting from emergency situations.

3) *Cintex will Satisfy Applicable Consumer Protection and Service Quality Standards.*

Cintex complies with all current consumer protection standards placed on it by the Commission and, where applicable, state regulators. Cintex commits to reporting information regarding outages, consumer complaints and service quality on an annual basis consistent with Commission regulations.

¹³ See Cintex Compliance Plan at 12.

¹⁴ See Cintex Petition at 8.

Section 54.202(a)(3) of the Commission's rules state that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this consumer protection and service quality requirement. Cintex intends to fully comply with applicable consumer protection requirements and commits to comply with the CTIA Consumer Code.¹⁵

4) *Demonstration of Financial and Technical Capability*

As stated in its Compliance Plan, Cintex is both financially and technically capable of providing Lifeline service.¹⁶ Approximately forty percent of the revenue generated by Cintex, and its affiliate Cintex Group, LLC, is generated from sources other than Lifeline customers. Moreover, the business expects non-Lifeline revenue to further increase as a percentage of overall revenue, as it actively deploys new opportunities. Cintex's financial and technical capability is demonstrated by the fact that it has had wireless operations since January 2008, well before it was designated an eligible telecommunications carrier in mid 2011. Cintex executives have many years of experience in the telecommunications industry.

5) *Terms and Conditions of Cintex's Voice Telephony Service Plans*¹⁷

Cintex will provide its Lifeline customers in the Federal Jurisdiction States with 250 anytime voice minutes per month, and text messaging at a rate of 1 text per voice minute, at no charge. Unused minutes will not roll over from month-to-month. Cintex does not charge a monthly recurring fee; the service is a strictly pay-as-you-go service.

¹⁵ *Id.* at 11.

¹⁶ *See* Cintex Compliance Plan at 3.

¹⁷ *See* 47 C.F.R. § 54.202(a)(5).

In the event that a subscriber uses all of his or her minutes, the subscriber may purchase additional airtime minutes as follows:

Airtime Card Face Value	Total Minutes	Actual Cost Per Minute
\$3.00	20	\$0.15
\$5.00	33	\$0.15
\$10.00	200	\$0.05
\$20.00	500	\$0.04

As was the case with the 250 free voice minutes, text messaging is available at the rate of one text per voice minute. These “top-up” minutes can be purchased at retail stores, its website or by calling Cintex customer service.

Wireless handsets are provided to qualifying Lifeline customers free of charge. The service will include caller ID, call waiting, call forwarding, 3-way calling and voicemail. All plans include domestic long-distance at no extra cost per minute. Calls to 911 emergency services are free, regardless of service activation or availability of minutes. Additional information regarding Cintex’s terms and conditions can be found on its website at www.cintexwireless.com.

6) *Cintex Advertising*

In addition, in its Petition, Cintex confirmed that it will advertise its Lifeline services where it provides service in its service area and will publicize the availability of Lifeline services

in a manner reasonably designed to reach those likely to qualify for those services.¹⁸ Cintex confirms that it will advertise using media of general distribution.

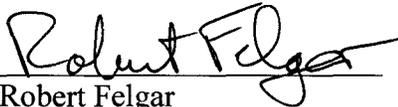
III. ANTI-DRUG ABUSE CERTIFICATION

Cintex certifies that no party to this petition is subject to a denial of federal benefits that includes Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

IV. CONCLUSION

For the foregoing reasons, Cintex asserts that grant of its Petition for limited Designation as an Eligible telecommunications carrier as amended herein is in the public interest and is warranted in accordance with 47 U.S.C. § 214(e)(6) of the Act.

Respectfully submitted,



Robert Felgar
1800 I Rockville Pike
Rockville, MD 20852
(301) 363-4306

*General Counsel
Cintex Wireless, LLC*

May 23, 2012

¹⁸ See Cintex Petition at 9.

ATTACHMENT 1



August 29, 2011

FILED/ACCEPTED

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

AUG 29 2011

Federal Communications Commission
Office of the Secretary

Re: WC Docket No. 09-197

Dear Ms. Dortch

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Robert Felgar
General Counsel

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AUG 29 2011

Federal Communications Commission
Office of the Secretary

WC Docket No. 09-197

**PETITION OF CINTEX WIRELESS, LLC FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER ON A WIRELESS BASIS IN ALABAMA, CONNECTICUT,
DELAWARE, THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW
YORK, NORTH CAROLINA, TENNESSEE, AND VIRGINIA**

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SUMMARY

Cintex Wireless, LLC (“Cintex”), requests designation as an eligible telecommunications carrier (“ETC”) in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee, Virginia and the District of Columbia. Each of these states has declined jurisdiction over ETC petitions of wireless providers. Accordingly, jurisdiction lies with the Commission.

Cintex is a facilities-based provider that provides the services supported by the federal universal service support mechanisms over a combination of its own facilities and the facilities of its underlying wireless carrier. Further, Cintex satisfies all other Commission requirements to be designated an ETC.

Designating Cintex an ETC is in the public interest by promoting greater penetration of telecommunications services among low income consumers and increasing the competitive choices that they have available.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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Telecommunications carriers Eligible to)
Receive universal Service Support)
Cintex Wireless, LLC)
)
Petition for Designation as an Eligible)
Telecommunications Carrier in Alabama,) Docket No. _____
Connecticut, Delaware, the District of)
Columbia, Florida, New Hampshire,)
New York, North Carolina, Tennessee,)
and Virginia)

**PETITION OF CINTEX WIRELESS, LLC FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER ON A WIRELESS BASIS IN ALABAMA, CONNECTICUT,
DELAWARE, THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW
YORK, NORTH CAROLINA, TENNESSEE, AND VIRGINIA**

Cintex Wireless, LLC (“Cintex”), by its undersigned counsel, hereby petitions the Federal Communications Commission (the “Commission”) for designation as an eligible telecommunications carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”),¹ and Sections 54.201 through 54.207 of the Rules of the Federal Communications Commission (the “Commission”).² Cintex seeks designation as an ETC only to participate in the Lifeline and Link Up programs in the States of Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North

¹ 47 U.S.C. § 214(e)(6).

² 47 CFR §§54.201 – 54.207.

Carolina, Tennessee and Virginia. Cintex will not seek funds from the Universal Service Fund to provide service to high-cost areas.

I. ABOUT CINTEX

Cintex is a Delaware limited liability company with headquarters located at 11910 Parklawn Drive, Suite U, Rockville, Maryland 20852. Cintex has been designated an eligible telecommunications carrier in the states of Maryland, Rhode Island, West Virginia, Arkansas and Maine.

Cintex currently obtains service from Sprint-Nextel. The agreement with Sprint-Nextel enables Cintex to offer service wherever Sprint-Nextel offers service.

Cintex's marketing and distribution model is focused directly towards low-income communities and neighborhoods. Cintex will market its phones and services through mass media advertisements (i.e., television, radio and newspapers), direct mail and sales teams that will engage in in-person sales at locations and events frequented by low-income consumers. In addition, consumers will have the ability to purchase additional minutes at various retail locations, such as 7-Eleven stores, as well as by calling customer service and online. By providing service to this market segment, Cintex will ensure that many Americans who cannot afford or access the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications.

Cintex will provide its customers prepaid services. It does not require customers to sign long-term contracts nor does it impose early termination fees. Cintex will also provide a wide choice of handsets.

II. THE COMMISSION HAS JURISDICTION TO DESIGNATE CINTEX AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”), the Commission has the jurisdiction to designate telecommunications carriers as ETCs in states where common carriers are “not subject to the jurisdiction of a state commission.”³

Exhibit I to the Petition includes documentation demonstrating that the states in which Cintex seeks ETC status have stated that they do not wish to exercise jurisdiction over ETC petitions from wireless carriers.

III. CINTEX’S LIFELINE AND LINK UP OFFERING

Cintex will offer its Lifeline service through its own facilities and through the resale agreement with Sprint-Nextel or another underlying carrier. *Cintex will offer each eligible customer 90 free anytime local and long distance minutes per month. Any unused minutes will roll over from month-to-month. Cintex will not charge a monthly recurring fee; the service will be strictly a pay-as-you-go service.*

In the event that a customer uses all of his minutes, the customer may purchase additional airtime minutes in accordance with the following:

Airtime Card Face Value	Total Minutes	Actual Cost Per Minute
\$3.00	20	\$0.15
\$5.00	33	\$0.15
\$10.00	67	\$0.15
\$20.00	500	\$0.04

³ 47 U.S.C. § 214(e)(6).

The cost per minute associated with these buckets compares favorably with the rates offered by other wireless ETCs.

Airtime cards will be available at various retail outlets frequented by low income consumers; airtime minutes may also be purchased by calling Cintex's customer service number or online.

Wireless handsets will be provided to qualifying Lifeline customers free of charge. The service will include caller ID, call waiting, call forwarding, 3-way calling and voicemail.

Cintex also seeks Link-Up support for its customers. Link Up support offers customers "[a] reduction in the carrier's customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence. The reduction shall be half of the customary charge or \$30.00, whichever is less."⁴

IV. CİNTEX REQUESTS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN ITS SERVICE AREA

Cintex is not a rural carrier as defined in Section 153(37) of the Act.⁵ Accordingly, Cintex must describe the geographic service area(s) within which it requests designation as an ETC.⁶ Cintex requests designation in the entire area of each state. Cintex will offer its Lifeline-supported service wherever its underlying CMRS provider (currently Sprint-Nextel) has coverage.

⁴ 47 C.F.R. § 54.411(a)(1).

⁵ 47 U.S.C. § 153(37).

⁶ Public Notice – Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, FCC 97-419, 12 FCC Rcd 22947 (1997).

V. CİNTEX WILL PROVIDE THE NINE SUPPORTED SERVICES

In order to be designated an ETC, a carrier must offer all of the services “supported by the universal service support mechanisms”⁷ which are enumerated in Section § 54.101(a) of the Commission’s rules. Cıntex provides each of the enumerated services, other than toll limitation, which Cıntex is not required to provide for reasons discussed below. Each of the supported services is discussed in turn.

1. Voice grade access to the public switched network.

Voice grade access to the public switched telecommunications network (“PSTN”) means the ability to make and receive traditional voice phone calls between the approximately 500 Hertz and 4,000 Hertz for a bandwidth of approximately 3500 Hertz.⁸ The voice grade access provided by Cıntex enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving signals indicating there is an incoming call.

2. Local usage.

As part of the voice grade access to the PSTN, an ETC must provide local calling. Cıntex provides subscribers the ability to send and receive local phone calls wherever it provides service. Moreover, local usage is in all of Cıntex’s calling plans, including those plans which will comprise Lifeline offerings. Commission Rule 54.202(a)(4) requires an ETC applicant to “demonstrate that it offers a local usage plan comparable to the one offered by the incumbent

⁷ 47 U.S.C. § 214(e)(1)(A).

⁸ See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776, 8810-11 (1997) (“USF Order”).

LEC in the service areas for which it seeks designation.”⁹ The Commission has explained that an ETC applicant’s local usage plans should be reviewed on a case-by-case basis to ensure that each ETC provides a local usage component in its universal service offering that is comparable to the plan offered by the incumbent LEC in the area.¹⁰ The Commission has not adopted any minimum local usage requirements.¹¹ As a designated ETC, Cintex will comply with any minimum local usage requirements adopted by the Commission. Most importantly, as described in section III above, Cintex’s Lifeline offerings will go beyond those of some other ETCs in a very important respect. Cintex’s Lifeline customers will receive as part of their Lifeline service, specified amounts of *free* wireless service. That is, Lifeline customers will be able to use Cintex’s service to initiate and receive specified amounts of wireless calling – local and long distance – with no charge to the customers.

3. Dual tone multi-frequency (“DTMF”) signaling or its functional equivalent.

DTMF signaling allows carriers to provide expeditious call set-up and call detail information and enables modem usage.¹² The Commission permits carriers to provide signaling that is functionally equivalent to DTMF to satisfy the DTMF requirement. All telephone handsets provided by Cintex are DTMF-capable.

⁹ 47 C.F.R. § 54.202(a)(4).

¹⁰ Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371 (2005).

¹¹ Id. ¶ 32.

¹² USF Order, 12 FCC Rcd at 8814.

4. Single-party service or its functional equivalent.

Single-party service means that only one party will be served by a subscriber line or access for the duration of every phone call. Cintex does not provide “multi-party” or “party line” services.

5. Access to 911 and E911 emergency service.

The Commission has declared that access to emergency services is essential.¹³ Cintex provides universal access to the 911 system for its customers. Cintex offers enhanced 911 (“E-911”) services wherever such services are offered by Sprint-Nextel. In particular, Cintex will comply fully with the Commission’s E-911 requirement applicable to wireless resellers.¹⁴ Pursuant to the Commission’s E-911 Order, providers that use other carriers’ facilities to provide wireless voice service to customers have an obligation to comply with the Commission’s E-911 rules “to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP [public service answering point].”¹⁵

6. Access to operator services.

Cintex offers all of its customers access to operator services, in part through its own facilities. This is explained further in section VIII below.

¹³ Id. at 8815.

¹⁴ See Revision of the Commission’s Rules to Ensure Compatibility With Enhanced 911 Emergency calling Systems, Report and Order and Second Further Notice of proposed Rulemaking, 18 FCC Rcd 25340 (2003) (“E-911 Order”).

¹⁵ Id. ¶ 91.

7. Access to interexchange service.

Cintex customers can use Cintex services to complete toll calls. In fact, Cintex does not impose separate charges for interexchange calls. Long distance calling is included in Cintex service with no additional charge.

8. Access to directory assistance.

All Cintex customers receive access to directory assistance service in part through Cintex's own facilities. This is explained further in section VIII.

In addition, Cintex will offer its customers directory assistance at no charge. Calls to directory assistance will not consume any free minutes.

9. Toll limitation for qualified low-income customers.

There is no need for Cintex to offer a toll limitation feature to qualifying low-income customers. Since Cintex's service is a prepaid service, no customers will be disconnected for failure to pay toll charges or, for that matter, any other charges. Inasmuch as all Cintex services are prepaid, there is no danger that low income customers will incur large charges for heavy toll (or other) calling and no risk that they will be disconnected for nonpayment. Since customers pay for the service in advance – they can use only what they already have paid for or what service quantities have been provided to them under the Lifeline program. Thus, Cintex's prepaid services are especially beneficial to lower income users since the consumers' enjoy the ability to control or limit their charges for toll services (as well as local service) in a manner that customers of traditional post-paid do not.

VI. CINTEX WILL ADVERTISE THE AVAILABILITY OF THE SUPPORTED SERVICES

Section 54.201(d)(2) of the Commission's rules provide that an ETC must "[a]dvertise the availability of such services and the charges therefore using media of general distribution."¹⁶ Further, a carrier offering Lifeline must "[p]ublicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service."¹⁷ Similarly, a carrier must "publicize the availability of Link Up support in a manner reasonably designed to reach those likely to qualify for the support."¹⁸

Cintex will advertise its Lifeline and Link Up offerings in traditional media such as television, radio and print. The advertisements will be published and/or viewed on programming and in newspapers that target low income audiences. Cintex may also make potential customers aware of its service through direct mail. Direct mail advertising will be targeted towards low income consumers. Attached as Exhibit 2 is an example of a Cintex flyer describing its Lifeline offering.

VII. CINTEX SATISFIES ALL ADDITIONAL REQUIREMENTS FOR DESIGNATION AS AN ETC

In addition to providing the supported services discussed in section V above, Cintex satisfies the Commission's remaining requirements for designation as an ETC. These additional requirements are discussed below.

A. Cintex is a Common Carrier

Wireless resellers provide commercial mobile services and are therefore common carriers. Section 332(c)(1) of the Act provides that "[a] person engaged in the provision of a

¹⁶ 47 CFR § 54.201(d)(2).

¹⁷ 47 CFR § 54.405(b).

¹⁸ 47 CFR § 54.411(d).

service that is a commercial mobile service shall . . . be treated as a common carrier.”¹⁹ Section 332(d)(1), in turn, defines commercial mobile service as “any mobile service . . . that is provided for profit and makes interconnected service available (A) to the public or (B) such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.”²⁰ Cintex offers its services to the public for profit. Accordingly, Cintex is a common carrier.

B. Cintex Will Offer Service to Requesting Customers Within a Reasonable Time

Cintex offers service through a combination of its own facilities and the facilities of Sprint-Nextel. The network is operational and Cintex will be able to activate customers “on a timely basis” throughout its proposed designated service area, as required by Section 54.202(a)(1) of the Commission’s rules.²¹ Moreover, Cintex will be in a position to offer its Lifeline service quickly after the Commission approves this petition.

C. Cintex Can Remain Functional in Emergency Situations

Section 54.202(a)(2) of the Commission’s rules requires that a carrier seeking to be designated an ETC demonstrate that it has the ability to remain functional in emergency situations.²² Cintex has the same ability to remain functional in emergency situations as Sprint-Nextel, its underlying provider.

¹⁹ 47 U.S.C. § 332(c)(1).

²⁰ 47 U.S.C. § 332(d)(1).

²¹ 47 C.F.R. § 54.202(a)(1).

²² 47 C.F.R. § 54.202(a)(2).