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April 04, 2013

VIA ECFS

Ms. Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

RE: WC Docket Nos. 09-197 and 11-42; U-Phone, LLC Compliance Plan

Dear Ms. Dortch:

On behalf of U-Phone, LLC ("U-Phone"), please find the attached Compliance Plan. This redacted version of the filing is being submitted electronically for inclusion in the public record of the above-referenced proceeding. A confidential version of the Compliance Plan is being filed by hand delivery.

If you have any questions or concerns about this filing, please contact me at any time.

Respectfully,

Matthew A. Henry *Counsel for U-Phone, LLC.*

Enclosure

cc: Michelle Schaefer, Telecommunications Access Policy Division

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

In the Matter of

Lifeline and Link Up Reform and

Modernization

Telecommunications Carriers Eligible to Receive Universal Service Support

U-Phone, LLC

WC Docket No. 11-42

WC Docket No. 09-197

U-PHONE, LLC COMPLIANCE PLAN

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April 04, 2013

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SUMMARY

U-Phone, LLC ("U-Phone") seeks limited designation as an Eligible Telecommunications Carrier ("ETC") in the State of Texas pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act"), solely for purposes of offering Lifeline services supported by the Universal Service Fund's ("USF") Low-Income program. U-Phone is submitting a petition for designation as an ETC concurrently with this Compliance Plan. U-Phone certifies that, upon designation, it will fully comply with all conditions and rules established in the Commission's *Lifeline Reform Order*.

U-Phone is both technically and financially qualified to provide Lifeline service. U-Phone is financially stable and is fully capable of honoring all of its Lifeline service obligations. Its key management personnel have over two decades of combined experience in the telecommunications industry and have operated a successful wireless handset distribution and servicing company for the past eight years.

U-Phone will comply with all requirements pertaining to consumer qualifications for Lifeline set forth in 47 C.F.R. § 54.409. More specifically, U-Phone will rely on the Texas administrator of the Lifeline fund for all initial eligibility determinations and annual recertifications whenever possible. In the event that the Texas administrator cannot perform initial and/or annual eligibility certifications, U-Phone will perform subscriber eligibility determinations in a manner consistent with the Commission's rules. U-Phone will ensure that all subscribers demonstrate eligibility based on either household income at or below 135% of the Federal Poverty Guidelines or the household's participation in one of the federal assistance programs listed in the Commission's rules. U-Phone will also ensure that neither the subscriber nor anyone else in the subscriber's household is already subscribed to a Lifeline service.

U-Phone's practices comply with the 911/E911 access conditions established in the *Lifeline Reform Order*. Specifically, U-Phone will provide its Lifeline subscribers with 911/E911 access at the time service is initiated – regardless of activation status and availability of minutes – and will provide its Lifeline subscribers with E911-compliant handsets. U-Phone's practices provide access to 911/E911 services to the extent these services have been deployed by its underlying carrier.

U-Phone has incorporated in its marketing materials for its Lifeline services, in clear, easily-understood language, the various disclosures required by 47 C.F.R. § 54.405. U-Phone has attached a representative sample of its marketing materials incorporating these disclosures. U-Phone will offer Lifeline subscribers multiple wireless calling plans to choose from, all of which are also included with this Compliance Plan.

U-Phone shares the Commission's commitment to minimize waste, fraud and abuse of Lifeline benefits. Accordingly, U-Phone commits to implement procedures intended to prevent duplicate Lifeline benefits from being awarded to the same household or individual. These measures include practices intended to: (1) prevent duplicates within U-Phone's subscriber base; (2) avoid reimbursement for any subscriber until the subscriber activates service; (3) ceasing reimbursement for subscribers who fail to use the service for a 60-day period; and (4) ensuring that U-Phone provides only one Lifeline service per household.

As detailed below, U-Phone commits to implement practices and procedures that comply with the Commission's applicable Lifeline regulations and orders. Accordingly, U-Phone respectfully requests expeditious approval of its Petition for Limited Designation as an ETC in Texas and this Compliance Plan.

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

In the Matter of

Lifeline and Link Up Reform and

Modernization

Telecommunications Carriers Eligible to Receive Universal Service Support

U-Phone, LLC

WC Docket No. 11-42

WC Docket No. 09-197

U-PHONE, LLC COMPLIANCE PLAN

U-Phone, LLC ("U-Phone"), through its undersigned counsel, hereby respectfully submits and requests expeditious review of its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Federal Communications Commission ("the Commission") in the *Lifeline Reform Order*. U-Phone is submitting this Compliance Plan simultaneously with its Petition for Limited Designation as an Eligible Telecommunications Carrier ("ETC") in Texas.

As explained herein, U-Phone will fully comply with all conditions set forth in the Lifeline Reform Order, as well as all other Lifeline rules and policies of the Commission. This Compliance Plan describes the specific measures that U-Phone will implement to achieve full compliance with these conditions, rules and policies. U-Phone commits to maintaining these practices on a going forward basis.

WC Docket No. 12-23, 27 FCC Rcd 6656 (2012) ("Lifeline Reform Order").

Further Notice of Proposed Rulemaking, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109,

¹ In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training, Report and Order and

INFORMATION ABOUT U-PHONE I.

Company Information Α.

U-Phone is a limited liability company formed under Texas law and headquartered in Houston, Texas. U-Phone has no holding company or affiliates that provide telecommunications services. However, U-Phone is owned by Muhammad I. Usmani, whom also has majority ownership of a company named Usmani Wireless, LLC ("Usmani Wireless"), which sells and services mobile wireless devices in Houston, Texas. Usmani Wireless and U-Phone are therefore affiliated companies.

В. **U-Phone's Financial and Technical Qualifications**

Commission Rule 54.202(a)(4) requires carriers applying for ETC designation to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements.² Among the relevant considerations for a showing of financial and technical qualification are whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state.³

Although a new carrier, U-Phone is financially stable and fully capable of honoring its service obligations to its customers, the Commission, and the Public Utility Commission of Texas ("PUCT"). U-Phone has sufficient financial reserves to maintain its operations for a significant period of time in the event that Lifeline support is delayed for any unforeseen reason. The Commission's rules do not require a minimum showing of assets, but a recent bank account

 ² 47 C.F.R. § 54.202(a)(4).
 ³ See Lifeline Reform Order at ¶ 388.

statement indicating U-Phone's current financial reserves is attached hereto as Exhibit A. The statement constitutes confidential information and is redacted from the public version of this Compliance Plan. These reserves exceed the minimum equity demonstration required for certification by the PUCT for both resale carriers (\$25,000) and facilities-based carriers (\$100,000). U-Phone therefore also satisfies the statutory financial showing that was previously required of all wireless resale carriers granted ETC designation in the only state where U-Phone seeks designation.

Additionally, U-Phone is an affiliate of Usmani Wireless, a successful provider of mobile wireless devices that sells and services over 1,000,000 handsets per year. The key management personnel at Usmani Wireless have experience in the wireless telecommunications industry and will provide valuable expertise on the provision of wireless services. If necessary, U-Phone can rely on administrative and financial support available from Usmani Wireless. A recent financial statement for Usmani Wireless is also confidentially attached hereto as part of Exhibit A.

U-Phone's key management personnel have over 20 years of combined experience in the telecommunications industry. Muhammad I. Usmani, the founder, president and chief executive officer of U-Phone has held the same positions at Usmani Wireless for the past eight years. Muhammad Yawar Usmani (manager of sales) and Yasin Usmani (manager of purchasing) also have eight years of experience in the same positions at Usmani Wireless. These key managers have operated a successful and reputable business in the telecommunications industry and are sufficiently qualified for the Commission to designate U-Phone as an ETC. The combined experience of U-Phone's key management personnel exceed the minimum years of experience required for certification by the PUCT for both resale carriers (one year) and facilities-based

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⁴ PUCT SUBST. R. 26.111(f)(1) ("To obtain facilities-based certification, an applicant must demonstrate shareholders' equity of not less than \$100,000. To obtain resale-only or data-only certification, an applicant must demonstrate shareholders' equity of not less than \$25,000.").

carriers (five years).⁵ U-Phone therefore also satisfies the statutory showing of experience that was previously required of all wireless resale carriers granted ETC designation in the only state where U-Phone seeks designation.

C. Geographic Area of U-Phone's Lifeline Services

U-Phone will operate as a Lifeline-only ETC in the State of Texas. U-Phone's underlying wireless carrier, Sprint, has coverage throughout nearly the entirety of Texas. A list of the study areas for which U-Phone seeks designation is attached hereto as Exhibit B.

D. U-Phone's Service Plans

A description of U-Phone's service plans is attached hereto as Exhibit C.

E. U-Phone's Customer Support

U-Phone will provide its customers with live customer service 24 hours per day. Customers will be able to reach support by dialing 611 from their handset or (800) 530-9424 from any phone and no minutes will be decremented from their account. Customer service calls will be answered by live human beings, rather than the automated customer service lines maintained by other ETCs.

F. Additional Certifications Pursuant to 47 C.F.R. § 54.202

The Wireline Competition Bureau's *Public Notice* of February 29, 2012 requires carriers to include certain additional certifications with their Compliance Plans consistent with 47 C.F.R. § 54.202.⁶ U-Phone hereby certifies that it will comply with the service requirements applicable

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⁵ PUCT Subst. R. 26.111(g)(1) ("To obtain facilities-based certification, an applicant must have principals, consultants or permanent employees in managerial positions whose combined experience in the telecommunications industry equals or exceeds five years. To obtain resale-only or data-only certification, an applicant must have principals or permanent employees in managerial positions whose combined experience in the telecommunications industry equals or exceeds one year.").

⁶ Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order, Public Notice, DA 12-314 (Feb. 29, 2012) ("Public Notice").

to the support it will receive. Specifically, U-Phone's Lifeline services will: (1) include voice telephony services that provide voice grade access to the public switched network or its functional equivalent; (ii) provide subscribers with a defined number of minutes of usage for local service at no additional charges; (iii) provide subscribers with access to the emergency services provided by local government or other public safety organizations, such as 911/E911 to the extent the local governments in U-Phone's services areas have implemented 911/E911 systems; and (iv) toll limitations for qualifying low-income consumers.⁸

II. U-PHONE'S SUBSCRIBER ELIBILITY VERIFICATION PROCEDURES

U-Phone certifies that it will comply with the Commission's requirements for consumer qualifications for Lifeline set forth in Commission Rule 54.409, as well as any Texas-specific Specifically, U-Phone will require all potential customers to demonstrate requirements. eligibility based on either: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in 47 C.F.R. § 54.409(a)(2) and (3). U-Phone will also confirm that neither the potential subscriber, nor anyone else in his or her household, is already subscribed to a Lifeline service.

U-Phone will use a variety of outreach programs for its Lifeline supported services, which will include direct mail, Internet advertising, and television advertising. These media are intended to inform potential subscribers of the availability of Lifeline services and encourage them to contact U-Phone. In all cases, Lifeline applicants will be thoroughly screened to ensure that they are qualified before a handset is delivered.

⁷ 47 C.F.R. § 54.202(a)(1)(i).

⁸ U-Phone will meet the requirement to provide toll limitation to Lifeline subscribers by offering service on a prepaid basis, as well as toll blocking for international calls. See Section IV.C(4) to U-Phone's Petition for Limited Designation as an Eligible Telecommunications Carrier in Texas.

A. **U-Phone Initial Lifeline Subscriber Eligibility Determinations**

Sections 54.410(b) and (c) of the Commission's rules state than an ETC may rely on an initial eligibility determination made by a state agency or a state Lifeline administrator. ¹⁰ In Texas, the only state for which U-Phone is requesting designation, Lifeline is administered by Solix, Inc. ("Solix"). U-Phone will rely upon the initial eligibility determinations of Solix in order to satisfy the requirements of 47 C.F.R. § 54.410(b) and (c). U-Phone commits not to seek reimbursement for providing Lifeline service to a subscriber, whether the subscriber's eligibility is income-based or program-based, unless it has received from Solix (1) notice that the subscriber meets the eligibility criteria of 47 C.F.R. § 54.409, and (2) a copy of the subscriber's eligibility certification that complies with the requirements of 47 C.F.R. § 54.410(d). 11

In the event that U-Phone cannot determine a subscriber's eligibility for Lifeline through reliance on Solix, U-Phone employees will review documents to establish eligibility in accordance with the criteria set forth in 47 C.F.R. § 54.409. All U-Phone personnel who will interact with new Lifeline applicants or existing Lifeline subscribers will be fully trained to assist applicants and review required documentation to determine whether the applicant satisfies the Lifeline Reform Order requirements.

When performing any initial Lifeline subscriber eligibility determinations, U-Phone will follow the Commission's requirements pertaining to acceptable documentation to establish eligibility based either on income level or participation in a qualified government assistance program. Specifically, acceptable documentation of program eligibility includes: (1) a current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation

¹⁰ 47 C.F.R. § 54.410(b)-(c). ¹¹ 47 C.F.R. § 54.410(b)(2) and (c)(2).

documents (e.g., the consumer's Supplemental Nutrition Assistance Program ("SNAP") electronic benefit transfer card or Medicaid participation card (or copy thereof); or (4) another official document evidencing the consumer's participation in a qualifying program. ¹² Acceptable documentation of income eligibility includes: (1) a prior year's state, federal, or Tribal tax return; (2) current income statement from an employer or paycheck stub; (3) a Social Security statement of benefits; (4) a Veterans Administration statement of benefits; (5) a retirement/pension statement of benefits; (6) an Unemployment/Workers' Compensation statement of benefit; (7) federal or Tribal notice letter of participation in General Assistance; (8) or a divorce decree, child support award, or other official document containing income information. If the applicant presents U-Phone with documentation of income that does not cover a full year, the applicant must present the same type of documentation covering three consecutive months within the previous twelve months.¹³

In instances when U-Phone performs initial lifeline subscriber eligibility determinations, applicants may provide the documentation in person, via mail, fax or e-mail. U-Phone will maintain detailed, accurate records identifying the data source used to determine the subscriber's eligibility or the documentation the subscriber provided to demonstrate eligibility for Lifeline service. U-Phone personnel in charge of reviewing incoming Lifeline applications will examine and electronically record in its subscriber database the type of documentation presented by each prospective Lifeline subscriber, including the date of review, the form of documentation, the type of media, and the issuance and/or expiration of the documentation. ¹⁴ If an applicant is unable to provide documentary proof of eligibility based on either household income level or current participation in a qualified program, U-Phone will deny that application.

 ¹² Lifeline Reform Order at ¶ 101.
 13 47 C.F.R. § 54.410(b)(1)(i)(B).

¹⁴ 47 C.F.R. § 54.410(b)(1)(ii)-(iii); 47 C.F.R. § 54.410(c)(1)(ii)-(iii).

In accordance with 47 C.F.R. § 54.410(d), U-Phone will require all Lifeline applicants, for whom U-Phone performs the initial eligibility determination, to certify under penalty of perjury that: (1) the subscriber meets the income or program-based eligibility criteria for receiving Lifeline; (2) the subscriber will notify U-Phone within 30 days if, for any reason, he or she no longer satisfies the criteria for receiving Lifeline, including if the applicant no longer meets the income or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit; (3) if the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, that he or she lives on Tribal lands; (4) if the subscriber moves to a new address, that he or she will provide that new address to U-Phone within 30 days; (5) if the subscriber provided a temporary residential address to U-Phone, the subscriber will be required to verify his or her temporary residential address every 90 days; (6) the subscriber's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the subscriber's household is not already receiving a Lifeline service; (7) the information contained in the subscriber's application form is true and correct to the best of the subscriber's knowledge; (8) the subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; (9) the subscriber acknowledges that he or she may be required to re-certify his or her continued eligibility for Lifeline at any time, and that his or her failure to recertify as to continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits; and (10) that the applicant authorizes U-Phone to access any state or federal records or database to verify his or her eligibility, and authorizes U-Phone to release any records required for administration of the program, including to the Universal Service Administration Company ("USAC") to be used in the national Lifeline database and that failure

to so authorize U-Phone will result in a denial of Lifeline benefits. The Lifeline application form also explains that the information collected will be transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. Prospective applicants must affirmatively certify to each of these certifications in order for the application process to move forward, including those applying online. For those applying online, U-Phone's website will not permit the applicant to submit the application unless all certifications have been completed.

In accordance with 47 C.F.R. § 54.410(d)(1), U-Phone's Lifeline application form will disclose the following information: (1) Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the subscriber's deenrollment from the program; and (6) Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person. A sample U-Phone Lifeline application is attached hereto as Exhibit D.

Finally, in accordance with 47 C.F.R. § 54.405(c), U-Phone's Lifeline application form will indicate, using easily understood language, (1) that the service is a Lifeline service; (2) that Lifeline is a government assistance program; (3) that the service is non-transferrable; (4) that only eligible consumers may enroll in the program; and (5) that the program is limited to one discount per household.

B. U-Phone Annual Lifeline Subscriber Eligibility Re-certifications

Section 54.410(f) of the Commission's rules states than an ETC may rely on an annual eligibility re-certification made by a state agency or a state Lifeline administrator.¹⁵ U-Phone will rely upon the annual eligibility re-certifications of Solix in order to satisfy the requirements of 47 C.F.R. § 54.410(f). Pursuant to 47 C.F.R. § 54.410(f)(4), Solix will provide U-Phone with the results of its annual re-certifications of U-Phone's Lifeline customers. If Solix is unable to re-certify a U-Phone customer, U-Phone will comply with the de-enrollment requirements contained in 47 C.F.R. § 54.405(e)(4).¹⁶

In the event that U-Phone cannot determine any subscriber's continued eligibility for Lifeline through reliance on a Solix annual re-certification, U-Phone will annually re-certify such subscribers by obtaining a certification from the subscriber that meets the certification requirements set forth in 47 C.F.R. § 54.410(d). U-Phone's annual re-certification form will include a confirmation from the subscriber that his or her household receives only one Lifeline benefit. Additionally, U-Phone's re-certification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled from the program.¹⁷

III. U-PHONE'S 911/E911 ACCESS COMPLIANCE

U-Phone's practices will ensure its customers' access to 911/E911 services, as required by the *Lifeline Reform Order*. Specifically, U-Phone will (a) provide its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (b) provide its Lifeline subscribers with E911-compliant handsets. U-Phone will provide its Lifeline

¹⁶ 47 C.F.R. § 54.410(f)(5).

¹⁵ 47 C.F.R. § 54.410(f)(4).

¹⁷ 47 C.F.R. § 54.405(e)(4).

¹⁸ Lifeline Reform Order at ¶ 373.

subscribers with access to 911/E911 services upon activation of service, which ensures that they will have the ability to make emergency calls immediately, even if the account has no available minutes.

IV. U-PHONE'S LIFELINE MARKETING AND DISCLOSURE PROCEDURES

U-Phone's marketing materials for its Lifeline services explain in clear, easily understood language that the offering is a Lifeline-supported service; that only eligible consumers may enroll in the program; that documentation is necessary for enrollment; and that the program is limited to one benefit per household, consisting of either wireline or wireless service. U-Phone's marketing materials also explain that Lifeline is a government benefit program, and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.

These disclosures are intended to help ensure that only eligible consumers enroll in the program and that those consumers are fully informed of the limitations of the program, so as to prevent duplicative or ineligible service, as well as other forms of waste, fraud, and abuse. Additionally, U-Phone's marketing material will disclose the company's name under which it does business (*i.e.*, U-Phone, LLC) and the details of its Lifeline service offerings. Sample marketing material is attached hereto as Exhibit E.

V. PREVENTION OF WASTE, FRAUD AND ABUSE

U-Phone wholeheartedly supports the Commission's commitment to minimize waste, fraud and abuse of Lifeline benefits. Accordingly, U-Phone commits to implement certain procedures to prevent duplicate Lifeline benefits from being awarded to the same household or individual.

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¹⁹ See Lifeline Reform Order at ¶ 275.

Prevention of Duplicates within U-Phone's Subscriber Base

Lifeline applications submitted to U-Phone that are preliminarily deemed eligible will be submitted for verification by the Texas Lifeline administrator, Solix. Through Solix, U-Phone will ensure the validity of the prospective customer's address and ensure that neither the applicant, nor anyone else residing at the applicant's household, is presently a Lifeline service recipient.

In the event that Solix is unable to make initial eligibility determinations on behalf of U-Phone, then U-Phone will make such determinations in a manner consistent with the Commission's rules and, as part of that process, will take steps to prevent duplicate accounts. Specifically, Lifeline applications that are preliminarily deemed eligible will be submitted to a data entry process, including verifying the address against the United States Postal Service database file of valid U.S. addresses. A Lifeline applicant's address, name, and the last four digits of his or her social security number will then be queried against all of U-Phone's active Lifeline subscribers. If it is found that U-Phone is already providing Lifeline service to the same subscriber or household, the application will be rejected.

Service Activation

U-Phone will not seek reimbursement for any Lifeline services until the subscriber activates the service by completing an outbound call at the time of enrollment. If the subscriber completes the enrollment process in person, they will be provided with a partially-activated handset. The customer will be directed to use the handset to complete a telephone call in the presence of the U-Phone employee. When a subscriber applies for Lifeline service by sending in the application form and proof of eligibility through the mail, by facsimile or by email, the

subscriber will be mailed a partially-activated handset upon enrollment. When the subscriber attempts to make any outbound call, the account will be activated.²⁰

Non-usage Policy

U-Phone will voluntarily adopt a policy whereby a prepaid subscriber who has not used his or her handset within 60 days is de-enrolled from the Lifeline program (after a 30-day notice period).²¹ U-Phone's non-usage policy ensures that only subscribers who actually utilize their wireless service continue to receive Lifeline-subsidized service, and that U-Phone only receives Lifeline support for those subscribers who remain enrolled in the program. U-Phone commits to continuing this practice in strict conformance with the requirements of 47 C.F.R. § 54.405(e)(3).

Specifically, after 30 days of non-use, U-Phone will provide notice to the subscriber that failure to use the Lifeline service or provide other confirmation that the subscriber wishes to retain their Lifeline service within 30 days from the date of the notice will result in de-enrollment from the Lifeline program.²² If the subscriber does not respond to the notice, the subscriber will be de-enrolled. U-Phone will not request further Lifeline reimbursement for any de-enrolled customer and U-Phone will report annually to the Commission the number of subscribers deenrolled for non-usage by month.²³

De-enrollment and Disconnection

U-Phone subscribers may easily de-enroll from Lifeline or disconnect their service altogether. There will be a link on the home page of U-Phone's website www.myuphone.com for de-enrollments and disconnections. This link will permit subscribers to de-enroll from Lifeline service and either subscribe to a non-Lifeline service or cancel their service altogether.

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²⁰ 47 C.F.R. § 54.407(c).

²¹ 47 C.F.R. § 54.407(c)(2).

²² 47 C.F.R. § 54.405(e)(3).

 $^{^{23}}$ Id

Subscribers may also de-enroll or disconnect their service by calling U-Phone's customer service call center.

As described in U-Phone's petition, Lifeline subscribers that de-enroll from U-Phone's Lifeline service that were provided with a free smartphone, will be contractually obligated to return their smartphones if their de-enrollment occurs within one year of service activation. Alternatively, such subscribers may purchase their smartphone for \$49.95 upon de-enrollment. This practice will ensure that U-Phone can continue to offer free smartphones to new Lifeline subscribers and recover the company's investment in the advanced devices.

One Per Household Rule

U-Phone will implement policies and practices in accordance with the Commission's rules and the *Lifeline Reform Order* to ensure that it provides only one Lifeline service per household. Specifically, upon receiving an application for Lifeline service, U-Phone will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.²⁴ When the National Lifeline Accountability Database becomes available, U-Phone will fully comply with the requirements of 47 C.F.R. § 54.404 and will utilize the database to determine if an applicant is currently receiving Lifeline service from another carrier or if another person residing at the applicant's residential address is receiving Lifeline service.²⁵

In addition to checking the database when it becomes available, U-Phone employees will emphasize the "one Lifeline phone per household" restriction in their direct sales contacts with potential customers. Training materials will include a discussion of the limitation to one Lifeline

²⁴ *Lifeline Reform Order* at ¶ 78.

²⁵ *Id* at ¶ 203. U-Phone will also transmit to the National Database the information required for each new and existing Lifeline subscriber. *See Lifeline Reform Order*, ¶¶ 189-195 and 47 C.F.R. § 54.404(b)(6). Further, U-Phone will update each subscriber's information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. *See* 47 C.F.R. § 54.404(b)(8) and (10).

account per household, and the need to ensure that the customer is informed of this restriction. All employees that deal with customers must demonstrate understanding of the Commission's rules and policies by completing Lifeline training. U-Phone's employees will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name and ask applicants if they are receiving Lifeline services from another major Lifeline provider (*e.g.*, SafeLink Wireless, Assurance Wireless, etc.). U-Phone commits to ensuring employees receive refresher training regarding changes to the Lifeline program and applicant qualification requirements.

Finally, if U-Phone has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, for example, due to a violation of the one-per-household rule, U-Phone will initiate its termination process in accordance with the procedures set forth in 47 C.F.R. § 54.405(e)(1).

Company Reimbursements from the Universal Service Fund

To ensure that U-Phone does not seek reimbursement from the Universal Service Fund without a subscriber's consent, U-Phone will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.²⁶ Further, U-Phone will submit its FCC Forms 497 by the eighth day of each month in order to be reimbursed the same month.²⁷ In addition, the Company will maintain accurate records of the revenues it foregoes in providing Lifeline services,²⁸ and will document compliance with all Commission Lifeline requirements.²⁹

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²⁶ 47 C.F.R. § 54.407(d).

²⁷ See Lifeline Reform Order at ¶¶ 302-306.

²⁸ 47 C.F.R. § 54.407(e).

²⁹ 47 C.F.R. § 54.417(a).

Annual Certifications

U-Phone will submit an annual certification to USAC, signed by a U-Phone officer, confirming that U-Phone: (1) has policies and procedures in place to review consumers' documentation of income and ensure that its Lifeline subscribers are eligible to receive Lifeline services;³⁰ (2) is in compliance with all federal Lifeline certification procedures;³¹ and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.³²

In addition, U-Phone will provide the results of its annual verifications on an annual basis to the Commission, USAC, and, to the extent necessary, the PUCT.³³ Further, the Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.³⁴

U-Phone will also annually report to the Commission, USAC, and the PUCT, the company name, names of any holding company, operating companies or affiliates, and any branding (such as a "dba" or brand designation), as well as relevant universal service identifiers for each entity by study area code.³⁵ U-Phone will report annual information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.³⁶ Finally, U-Phone will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance

³⁰ 47 C.F.R. § 54.416(a)(1).

³¹ 47 C.F.R. § 54.416(a)(2).

³² 47 C.F.R. § 54.416(a)(3).

³³ 47 C.F.R. § 54.416(b).

³⁴ 47 C.F.R. § 54.405(e)(3).

³⁵ 47 C.F.R. § 54.422.

 $^{^{36}}$ Id

with applicable service quality standards and consumer protection rules, as well as a certification that the Company is able to function in emergency situations.³⁷

VI. CONCLUSION

U-Phone's Compliance Plan fully satisfies the conditions set forth in the *Lifeline Reform Order*, the *Public Notice*, and the Commission's rules pertaining to Lifeline. Accordingly, U-Phone respectfully requests expeditious approval of its this Compliance Plan and its Petition for Limited Designation as an ETC so that it may begin providing essential Lifeline service to eligible low-income Texans.

Respectfully submitted,

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³⁷ *Id*.

Exhibit A Confidential Financial Demonstration

Exhibit B Study Areas

Study Area Code	Study Area Name	Study Area Code	Study Area Name
440425	CAMERON TEL CO TEXAS	442130	PEOPLES TEL COOP -TX
441163	WINDSTREAM SW-TX#1	442131	POKA-LAMBRO TEL COOP
442038	BLOSSOM TEL CO	442134	RIVIERA TEL CO INC
442039	BIG BEND TEL CO INC	442135	SOUTHWEST TEXAS TEL
442040	BRAZORIA TEL CO	442140	CENTURYTEL-SAN MARCO
442041	BRAZOS TEL COOP INC	442141	SANTA ROSA TEL COOP
442043	NORTH TEXAS TEL. CO.	442143	SOUTH PLAINS TEL
442046	CAP ROCK TEL COOP	442147	WINDSTREAM SUGARLAND
442052	CENTRAL TEXAS CO-OP	442150	TATUM TEL CO
442057	COLEMAN COUNTY CO-OP	442151	TAYLOR TEL CO-OP INC
442059	COLORADO VALLEY TEL	442153	TEXAS WINDSTREAM
442060	COMANCHE COUNTY TEL	442154	GTE-SW VERIZON-TX
442061	COMMUNITY TEL CO	442159	VALLEY TEL CO-OP -TX
442065	CUMBY TEL COOP INC	442166	WEST TEXAS RURAL TEL
442066	DELL TEL. CO-OP - TX	442168	WES-TEX TEL CO-OP
442068	EASTEX TEL COOP INC	442170	XIT RURAL TEL CO-OP
442069	ELECTRA TELEPHONE CO	442262	ENMR TEL COOP-TX
442070	ETEX TEL COOP INC	445216	SOUTHWESTERN BELL-TX
442071	FIVE AREA TEL CO-OP	448001	Texas 10, LLC
442072	CONSOLIDATED FT BEND	448002	Texas 10, LLC
442073	BORDER TO BORDER	448003	Texas 10, LLC
442076	GANADO TELEPHONE CO	448004	Texas 10, LLC
442080	GTE SW VERIZON-TX	448005	Texas 10, LLC
442083	GUADALUPE VALLEY TEL	448006	Texas 10, LLC
442084	UTC OF TEXAS INC	448007	Texas 10, LLC
442086	HILL COUNTRY CO-OP	448008	Texas 10, LLC
442090	ALENCO COMMUNICATION	448009	Texas 10, LLC
442091	ETS TEL. CO., INC.	448010	Texas 10, LLC
442093	INDUSTRY TEL CO	448011	Texas 10, LLC
442097	WINDSTREAM KERRVILLE	448012	Texas 10, LLC
442101	CENTURYTEL-LK DALLAS	448013	Texas 10, LLC
442103	LA WARD TEL EXCHANGE	448014	Texas 10, LLC
442104	LAKE LIVINGSTON TEL	448015	Texas 10, LLC
442105	LIPAN TEL CO	448016	Texas 10, LLC
442107	LIVINGSTON TEL CO	448017	Texas 10, LLC
442109	CONSOLIDATED COMM-TX	448018	Texas 10, LLC
442112	MID-PLAINS RURAL TEL	448019	Texas 10, LLC
442114	CENTEL OF TEXAS	448020	Texas 10, LLC
442116	MUENSTER DBA NORTEX	448021	Texas 10, LLC
442117	CENTURYTEL-PORT ARAN	448022	Texas 10, LLC

Study Area Code	Study Area Name	Study Area Code	Study Area Name
448023	Texas 10, LLC	449004	CUMBY TEL COOP INC
448024	Texas 10, LLC	449005	NORTEX TELCOM L.L.C.
448025	Texas 10, LLC	449006	SANTA ROSA TEL COOP
448026	Texas 10, LLC		MCIMETRO ACCESS
448027	Texas 10, LLC	449007	TRANSMISSION SERVICES, INC.
448028	Texas 10, LLC	140000	
448029	Texas 10, LLC	449008	NII COMMUNICATIONS, LTD.
448030	Texas 10, LLC	449009	FEC COMMUNICATIONS LLP
448031	Texas 10, LLC	449010	SAGE TELECOM OF TEXAS,
448032	Texas 10, LLC		L.P. LOGIX COMMUNICATIONS
448033	Texas 10, LLC	449011	CORPORATION
448034	Texas 10, LLC	449012	CUTTER COMMUNICATIONS
448035	Texas 10, LLC		INC VALOR
448036	Texas 10, LLC	449013	TELECOMMUNICATIONS OF
448037	Texas 10, LLC		TEXAS, LP
448038	Texas 10, LLC	449014	WESTEX TELECOM
448039	Texas 10, LLC		GRANDE COMMUNICATIONS
448040	Texas 10, LLC	449015	NETWORKS, INC.
448041	Texas 10, LLC	449016	NPCR, INC.
448042	Texas 10, LLC		·
448043	TexNet 4G, LLC	449017	SPRINT SPECTRUM, LP
448044	TexNet 4G, LLC	449018	CT CUBE LP
448045	TexNet 4G, LLC	449019	PANHANDLE TELECOMMUNICATION
448046	TexNet 4G, LLC		SYSTEMS, INC.
448047	TexNet 4G, LLC	449020	AMA COMMUNICATIONS, LLC
448048	TexNet 4G, LLC		VYCERA COMMUNICATIONS,
448049	TexNet 4G, LLC	449021	INC.
448050	TexNet 4G, LLC	449022	New Cingular Wireless PCS, LLC
448051	T-Mobile West LLC	449023	CEDAR VALLEY
448052	T-Mobile West LLC		COMMUNICATIONS, INC.
448053	T-Mobile West LLC	449024	NTS COMMUNICATIONS
448054	T-Mobile West LLC	449025	CONCHO CELLULAR TELEPHONE COMPANY, INC.
448055	T-Mobile West LLC	140026	
448056	T-Mobile West LLC	449026	MID-TEX CELLULAR LTD.
448057	T-Mobile West LLC	449027	SMARTCOM TELEPHONE LLC
449001	W. T. SERVICES, INC.	449028	VANTAGE SYSTEMS
449002	XIT TELECOMMUNICATION AND TECHNOLOGY, INC.	449029	CONNECT PAGING, INC., D/B/A GET A PHONE
449003	WESTERN WIRELESS	449030	DIALTONE SERVICES, LP

Study Area Code	Study Area Name
449031	TEXAS RSA 1 LIMITED PARTNERSHIP
449032	CAPROCK CELLULAR LIMITED PARTNERSHIP
449033	VCI COMPANY
449034	ALLTEL COMMUNICATIONS, INC.
449035	XIT RURAL TELEPHONE COOPERATIVE WIRELESS
449036	TEXAS RSA 8 SOUTH LIMITED PARTNERSHIP
449037	PLATEAU TELECOMMUNICATIONS, INC.
449038	NEXUS COMMUNICATIONS, INC.
449039	CLEARTEL TELECOMMUNICATIONS
449040	Telenational Communications
449041	ETEX COMMUNICATIONS, LP DBA ETEX WIRELESS
449042	STATE TELEPHONE COMPANY TEXAS
449043	CGKC&H #2 RURAL LIMITED PARTNERSHIP
449044	NSN WIRELESS, L.P.
449045	TERRACOM INC.
449046	CGKC&H #1 L. P. FIVE STAR WIRELESS
449047	TALK NOW TELCO
449048	Peoples Wireless Services
449049	Matrix Business Tecnology
449050	VTX Telecom, LP
449051	DPI Teleconnect
449052	NTS Telephone Co., LLC dba NTS of Levelland
449053	USFon, Inc.
449054	DPI Teleconnect, LLC
449055	Worldcall Interconnect, Inc.
449056	Quailty Telephone, Inc.
449057	GTC Global Telecom, Inc.
449058	TracFone Wireless, Inc.
449059	SC TxLink, LLC
449060	True Wireless, LLC

Study Area Code	Study Area Name
449061	Sprint Prpaid/Virgin Mobile
449062	Texas Hearing and Telephone
449063	Quality Telephone
449064	TerraCom, Inc.
449065	Cricket Communications, Inc
449066	T-Mobile West Corporation
449067	Texas 10, LLC
449068	TexNet 4G, LLC
449069	I-Wireless, LLC
449070	Budget PrePay, Inc dba Budget Phone
449071	Q Link Wireless
449072	Total Call Mobile, Inc.
449073	Global Connection of America
449074	Boomerang Wireless dba EnTouch Wireless
449075	TAG Mobile, LLC
449076	Web Fire Communications, Inc.
449077	Telrite Corporation dba Life Wireless
449078	Guadalupe Valley Communications Systems, L.P.
449079	Guadalupe Valley Communications Systems, LP
449080	Nexus Communications dba Reachout Wireless

Exhibit C U-Phone Service Plans

U-Phone Service Plans Retail Price

Baseline Lifeline Plan

Free

Customers receive a free smartphone with 250 free voice minutes, 250 free text messages, and 150MB free data per month. In addition, customers receive free voicemail, call forwarding, call waiting, caller ID, and three-way calling.

Baseline Non-Lifeline Plan

\$14.95 per month

Customers receive a free smartphone with 250 free voice minutes, 250 free text messages, and 150MB free data per month. In addition, customers receive free voicemail, call forwarding, call waiting, caller ID, and three-way calling.

Unlimited Lifeline Plan

\$39.95 minus Lifeline discount per month

Customers receive a free smartphone with unlimited voice minutes, text messages, and data. In addition, customers receive free voicemail, call forwarding, call waiting, caller ID, and three-way calling.

Unlimited Non-Lifeline Plan

\$39.95 per month

Customers receive a free smartphone with unlimited voice minutes, text messages, and data. In addition, customers receive free voicemail, call forwarding, call waiting, caller ID, and three-way calling.

U-Phone Replenishment Increments

Retail Price

Voice Minutes:	100 minutes	\$5.00
Text Messaging:	200 text messages	\$5.00
Data:	100MB data	\$5.00

Replenishment minutes, text messages and data will expire after 180 days.

U-Phone Handset Devices*

Retail Price

U-Phone Smartphone

\$49.95

*Customers that do not purchase their handsets from U-Phone and instead receive a free smartphone as part of their service plan will be contractually bound to return their smartphone to U-Phone (or purchase it) if they de-enroll from their service within one year of activation. After one year of continuous service, customers that received a free smartphone will not be required to return or purchase their device upon de-enrollment. Customers will be permitted to activate service for their pre-owned handsets so long as such devices are compatible with U-Phone's network and are compliant with the FCC's rules.

Exhibit D Lifeline Application Form

U-Phone, LLC

Texas Wireless Lifeline Service Application and Certification

Mail, fax or e-mail completed form to: 2603 Sailfish Point Sugar Land, TX 77478-2375

Fax: (866) 668-7389 Customer Service: (800) 530-9424

enroll@myuphone.com

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in U-Phone, LLC's ("the Company's") Lifeline service program. This Certification is only for the purpose of verifying your eligibility for Lifeline service and will not be used for any other purpose. All representations made in this Certification must be true and correct, and made under penalty of perjury. Service requests will not be processed until this form has been received and verified by the Company.

One Lifeline subscriber per household disclosures: Lifeline is a federal government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment, or being barred from the program. Lifeline benefits are limited to a single line of service per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household may not receive multiple simultaneous Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Lifeline is a non-transferable benefit and you may not transfer your benefits to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in de-enrollment from the program, and potentially prosecution by the United States Government. Note that not all Lifeline services are currently marketed under the name Lifeline. ☐ I hereby certify that I have read and understand the disclosures listed above and that my household is not already receiving a Lifeline service benefit from another Lifeline provider (e.g., SafeLink Wireless or Assurance Wireless). Customer eligibility certification: I hereby certify that I participate in at least one of the following programs (check one): ☐ Supplemental Nutrition Assistance Program (SNAP) Income at or below 135% of Federal Poverty Guidelines Section 8 Federal Public Housing Assistance (FPHA) Food Distribution Program on Indian Reservations (FDPIR) П ■ Bureau of Indian Affairs General Assistance (BIA) ☐ Supplemental Security Income (SSI) Tribally Administered TANF (TATANF) Temporary Assistance for Needy Families (TANF) Head Start (meeting income qualifying standards) (Tribal) ☐ Low Income Home Energy Assistance Program (LIHEAP) National School Lunch Program's free lunch program Multiple households sharing one address: ☐ I hereby certify that I reside at an address occupied by multiple households, including adults who not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form. For Agent Use Only (check the appropriate boxes for the proof of eligibility) Documents Acceptable for Proof of Income Eligibility (check 1): ☐ The prior year's state, federal, or Tribal tax return ☐ Section 8 Federal Public Housing Assistance (FPHA) ☐ Current income statement from an employer or paycheck stub ☐ Supplemental Security Income (SSI) ☐ A Social Security statement of benefits ☐ Temporary Assistance for Needy Families (TANF) ☐ A Veterans Administration statement of benefits ☐ Low Income Home Energy Assistance Program (LIHEAP) $\hfill \square$ National School Lunch Program's free lunch program ☐ A retirement/pension statement of benefits ☐ An unemployment/Workmen's Compensation statement of benefits ☐ Food Distribution Program on Indian Reservations (FDPIR) ☐ Bureau of Indian Affairs General Assistance (BIA) ☐ Federal or Tribal notice letter of participation in General Assistance ☐ A divorce decree, child support award, or other official document ☐ Tribally Administered TANF (TATANF) containing income information for at least three months' time. ☐ Head Start (meeting income qualifying standards) ☐ State Program 1 ☐ State Program 2 Documents Acceptable Proof for Program Eligibility (choose 1 from each list A and B below) List A - Choose 1 List B - Choose 1 ☐ Supplemental Nutrition Assistance Program (SNAP) ☐ Program participation card/document ☐ Medicaid □ Prior year's statement of benefits ☐ Notice letter of participation ☐ Other official document evidencing participation **Applicant Account Number Employee**

Customer Application Information:	Date of Birth:
First Name:	
Middle Name:	Last 4 Digits of SSN (or Tribal ID Number):
Last Name:	Home Telephone Number:
If qualifying for lifeline by income, number of individuals	s in household:
Residential Address (P.O. Box is NOT sufficient):	
Billing Address (if different from Residential Address) (P.	O. Box IS sufficient):
someone other than the Company, or by responding to receiving Lifeline service from the Company. If your sending to benefits and your service will be suspended (allowing or a 30 day cure period that you may use the service or conservice from the Company.	minutes, texts or data from the Company, answering an in-bound call from a direct contract from the Company confirming that you want to continue service goes unused for 60 days, you will no longer be eligible for Lifeline ally 611 and 911 calls and calls to the Company's customer support) subject to contact the Company to confirm that you want to continue receiving Lifeline are disclosures listed above regarding activation and usage requirements.
for the Lifeline program. I authorize the Company t (e.g., name, telephone number and address), include	ords required to verify my statements on this form and confirm my eligibility to release any records required for the administration of the Lifeline program ling to the Universal Service Administration Company, to be used in a Lifeline of the Lifeline Program. Failure to consent will result in denial of service.
☐ I hereby certify that I reside on Federally-recognized	
☐ I will notify the Company within 30 days if for ar relevant, if I no longer meet the income-based or	ty criteria for Lifeline service and have provided documentation of eligibility. The reason I no longer satisfy the criteria for receiving Lifeline including, as program-based eligibility criteria, I begin receiving more than one Lifeline ceiving a Lifeline benefit. I understand that I may be subject to penalties if
☐ I am not listed as a dependent on another person's ☐ The address listed above is my primary address, not ☐ If I move to a new address, I will provide that new a ☐ If I provided a temporary residential address to the ☐ I acknowledge that providing false or fraudulent inf ☐ I acknowledge that I may be required to re-certify residential address.	a second home or business. ddress to the Company within 30 days. Company, I will verify my temporary residential address every 90 days. ormation to receive Lifeline benefits is punishable by law. my continued eligibility for Lifeline at any time, and my failure to re-certify as in de-enrollment and the termination of my Lifeline benefits.
Applicant's Signature:	Date:

Cell Phone Number (Including Area Code):

IF MAILING, FAXING OR E-MAILING YOU MUST SEND PROOF OF ELGIBILITY WITH APPLICATION

Exhibit E Sample Marketing Material

250 Free Texts Every Month!



Ask about our free unlimited VOIP plan that includes:

- 250 Minutes
- 250 Texts
- 150 MB Data
- VOIP App. that includes Unlimited Wi-fi Calls to USA and Canada "Free"
- Free Smart Phone



- This is a Lifeline service provided by U-Phone, LLC.
 Which is an eligible telecommunications carrier.
- Lifeline is a government assistance program.
- Service is non-transferable.
- Only one Lifeline discount may be received per household.
- Only eligible consumers may enroll in the program.
- Consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.
- Customers must present proper documentation confirming eligibility for the Lifeline program through participation in Federal Public Housing Assistance, Food Stamps, Low-Income Home Energy Assistance Program (LIHEAP), Income below 135% of the Federal Poverty Guidelines, Medicaid, National School Lunch's Free Lunch Program, Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF). Additional Program Based Eligibility criteria varies by state. Proof of eligibility includes an eligible program card or statement of benefits.