

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
MATTHEW H. OLSON

ATTORNEYS LICENSED IN
NORTH DAKOTA
MINNESOTA
MONTANA



LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

2525 ELK DRIVE
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702-1000
(701) 852-0381
FAX (701) 857-1361
E-mail: pringle@srt.com

OF COUNSEL
HERBERT L. MESCHKE
RETIRED
THOMAS A. WENTZ
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)
MARK F. PURDY
(1927-2011)

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JUL 13 2012

PUBLIC SERVICE COMMISSION

July 11, 2012

North Dakota Public Service Commission
ATTN: Mr. Darrell Nitschke
600 East Boulevard Ave., Twelfth Floor
Bismarck, ND 58505

RE: In the Matter of the Application of True Wireless, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214(e)

Dear Mr. Nitschke:

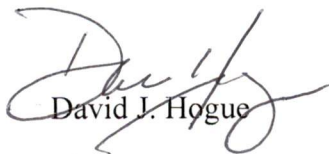
Enclosed please find an original and eight copies of the following document in the above-referenced matter:

1. Application for Designation as an Eligible Telecommunications Carrier.

I have also included a self-addressed stamped envelope. I would ask that you please "file stamp" the additional copy of the enclosed document, and return it to me in the envelope provided.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



David J. Hogue

DJH/klb

Enclosures

Cc: Alan J. Galloway

**BEFORE THE NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of)	Docket No. _____
)	
True Wireless, LLC for Designation as an)	APPLICATION OF TRUE WIRELESS,
Eligible Telecommunications Carrier)	LLC FOR DESIGNATION AS AN
Pursuant to 47 U.S.C. § 214(e))	ELIGIBLE TELECOMMUNICATIONS
)	CARRIER PURSUANT TO 47 U.S.C. §
)	214(e).

**APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

True Wireless, LLC (“True Wireless” or “Company”) hereby submits this Application, pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the “Act”), section 49-21-01.7(12) of the North Dakota Century Code, and the North Dakota Public Service Commission’s (“Commission”) rules¹ for designation as an Eligible Telecommunications Carrier (“ETC”) throughout the wire centers listed in Exhibit A (the “Designated Service Area”) for the purpose of receiving federal Lifeline universal service support.² As explained herein, the public interest would be served by granting this Application, thereby enabling True Wireless to advance universal service by serving the basic and advanced communications needs of low income consumers. In support of this Application, True Wireless states as follows:

I. INTRODUCTION

True Wireless is a wireless telecommunications carrier serving the basic telephone needs of consumers. True Wireless is a Texas limited liability company authorized to do business in

¹ See North Dakota Administrative Code (“NDAC”) § 69-09-05-12.

² Because True Wireless seeks only federal Universal Service Fund (“USF”) support from the low-income Lifeline program, ETC designation requirements for the high-cost program do not apply to this application.

North Dakota and throughout the requested Designated Service Area.³ True Wireless provides Commercial Mobile Radio Services (“CMRS”) to qualifying low income consumers in Arkansas, Maryland, Oklahoma, Rhode Island, and Texas, and proposes to provide these services in North Dakota. A copy of the Company’s Certificate of Formation is attached as Exhibit B. True Wireless’ address is set forth below:

True Wireless, LLC
3124 Brother Blvd., #104
Bartlett, TN 38133
(901) 415-1754

True Wireless’ counsel in this matter is set forth below:

David Hogue
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702
(701) 852-0381
dhogue@srt.com

Danielle Frappier
Davis Wright Tremaine, LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20006
(202) 973-4242
daniellefrappier@dwt.com

Alan J. Galloway
Davis Wright Tremaine, LLP
1300 SW 5th Ave, Suite 2400
Portland, OR 97201
(503) 778-5219
alangalloway@dwt.com

³ True Wireless, LLC registered as a foreign limited liability company with the North Dakota Secretary of State on March 24, 2011, and is active and in good standing (Sec. of State System ID 28704800). True Wireless registered as a telecommunications company with the Public Service Commission on July 5, 2012, in compliance with N.D. Cent. Code § 49-03.1-09.

II. THE FEDERAL LIFELINE PROGRAM AND LIFELINE REFORM ORDER

For over twenty-five years, the Federal Government has assisted low income Americans gain access to the telephone system that knits the nation together.⁴ The Lifeline program was created in 1996 as part of the formal, explicit Universal Service program established by the Telecommunications Act of 1996. It is intended to help ensure that “[q]uality services [will] be available at just, reasonable, and affordable rates” for *all* citizens.⁵ In the years since passage of the 1996 Act, services supported by the Lifeline program have grown more varied and sophisticated as technology has evolved. Much of this change has been driven by consumers themselves. Like everyone else, low income consumers look for new ways of communicating, new technologies, and new service offerings. And like everyone else, low income consumers know that they need wireless services to navigate in today’s economy.

The goals of the Universal Service program remain unchanged, but where 25 years ago universal service concerned just plain old wired telephone service, today the program operates in a communications industry that continues to evolve at an ever-increasing pace. It is a testament to Congress’s foresight – in declaring Universal Service to be an “evolving” standard, and one that is not bound to any particular technology – that the program has adapted and has come to encompass wireless services for low income Americans. Wireless, especially prepaid wireless, is one of the best tools presently available to combat the communications divide. Prepaid wireless has introduced new services and new power to low income customers, and they have responded positively and overwhelmingly. The result is an enlivened Lifeline program that

⁴ The Lifeline program was created by the FCC in 1984. *MTS and WATS Market Structure, and Amendment of Part 67 of the Commission’s Rules and Establishment of a Joint Board*, Recommended Decision, CC Docket nos. 78-72 and 80-286, 49 Fed. Reg. 48325 (rel. November 23, 1984) (recommending the adoption of federal Lifeline assistance measures); Decision and Order, CC Docket nos. 78-72 and 80-286, FCC 84-637, 50 Fed. Reg. 939 (rel. December 28, 1984) (adopting the Joint Board’s recommendation).

⁵ 47 U.S.C. § 254(b).

makes these services possible for these consumers and is on a trajectory to connect all Americans in a wireless century.

The overwhelming success of prepaid wireless among low income households has rejuvenated the Lifeline program. Unlike the High Cost program, Lifeline payments are directly tied to the exact number of qualifying low income customers that an ETC serves.⁶ Thus, while growth in the High Cost program might well be a basis for concern – if costs are so high, and growing, perhaps there is an underlying inefficiency in how the service is providing – growth in the Low Income program means that more and more of the population the program is trying to reach, is actually being reached. This is a success, not a problem. Where states have approved prepaid wireless providers as eligible telecommunications carriers (ETCs), participation rates in these programs have jumped. Texas saw an immediate 10% increase in Lifeline participation when it began approving wireless ETCs.⁷

Overall participation in the Lifeline and Link Up programs remains far from what it should be if the program's goals – all Americans, including low-income Americans, having access to modern, effective, affordable communications – are to be met. Unfortunately, less than half of eligible North Dakota households took part last year.⁸ The FCC has attributed past low

⁶ The High Cost program provides subsidies based on the total amount of cost a carrier incurs (incumbent eligible telecommunications carriers (ETCs)) or total volume of customers (competitive ETCs).

⁷ Memorandum from Edward Randolph, Director of the Office of Governmental Affairs, to the California Public Utilities Commission on AB 2213 (Fuentes) – Moore Universal Telephone Service Act as Amended (May 26, 2010), *available at* <http://docs.cpuc.ca.gov/PUBLISHED/REPORT/118920.htm>

⁸ USAC Lifeline Participation Rate Study (2009), *available at* <http://www.usac.org/li/about/participation-rate-information.aspx>

success rates for Lifeline, in part, to state restrictions on wireless ETCs, and urged reconsideration of such restrictions.⁹

Among the former restrictions on Lifeline participation were requirements that carriers use their “own facilities” to provide service. Beginning in 2005, the FCC began waiving requirements that ETCs participating in the Lifeline program use their “own facilities,” concluding that “the use of a carrier’s own facilities when participating in the Lifeline program is not necessary to ensure just and reasonable rates or to protect consumers and is in the public interest.”¹⁰ On February 6, 2012, the Federal Communications Commission (FCC) released its *Lifeline Reform Order*.¹¹ Recognizing the importance of expanding the reach of the Lifeline program, in the *Lifeline Reform Order* the FCC further opened the door for non-facilities-based carriers, including resellers, to obtain designation as Lifeline-only ETCs. Consistent with that Order, and as explained herein, True Wireless seeks designation as a Lifeline-only ETC in North Dakota.¹²

III. TRUE WIRELESS MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

True Wireless meets or commits to meet all the requirements for designation as an ETC as established under federal law and rules of the Federal Communications Commission (“FCC”) 47 U.S.C. § 214(e); 47 C.F.R. § 54.201, N.D. Cent. Code § 49-21-01.7(12), and under North Dakota Administrative Code (“NDAC”) § 69-09-05-12. In particular, True Wireless:

- is a common carrier (*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));

⁹ National Broadband Plan, Chapter 9, at 172.

¹⁰ *Lifeline Reform Order*, ¶ 369.

¹¹ *In re Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012) (hereinafter “*Lifeline Reform Order*”).

¹² *Lifeline Reform Order*, ¶ 368.

- will offer the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) (*see also* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1));
- will provide the supported services throughout its designated service area (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d); and NDAC § 69-09-05-12(3)(a));
- will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2); NDAC § 69-09-05-12(6)(b));
- will make available Lifeline service to qualifying low income consumers (47 C.F.R. § 54.405);
- has filed the necessary compliance plan with the FCC to receive forbearance from the “own facilities” requirement of 47 U.S.C. § 214(e)(1)(A); and
- will provide Lifeline services on the terms and conditions prescribed by the Commission in NDAC § 69-09-05-12;

A. True Wireless Is a Common Carrier

True Wireless will provide CMRS throughout its requested Designated Service Area, and as a CMRS provider, True Wireless is regulated as a common carrier (47 C.F.R. § 20.9), subject to all applicable regulations, and therefore meets the ETC requirement of being a common carrier.

B. True Wireless Offers the Services Supported by Federal Universal Service Support Mechanisms

True Wireless will provide the services supported by federal Lifeline universal service support mechanism upon designation as an ETC, as defined in recently revised 47 C.F.R. § 54.101(a), which reads as follows:

Services designated for support. Voice telephony services shall be supported by federal universal support mechanisms. Eligible voice telephony service must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible telecommunications carrier’s service area has

implemented 911 or enhanced 911 systems; and toll limitation for qualifying low-income consumers (as described in subpart E of this part).

True Wireless complies with the revised version of 47 C.F.R. § 54.101(a) and provides the services designated for support, as set forth below:

- Voice Grade Access to the Public Switched Network: Voice grade access permits a telecommunications user to transmit and receive voice communications with a minimum bandwidth of 300 to 3,000 Hertz. True Wireless will meet this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
- Minutes of Use for Local Service at No Additional Charge. Local usage is an amount of minutes of use provided free of charge. True Wireless will meet this requirement by providing a nationwide local calling area, permitting customers to call throughout the United States without toll charges.
- Access to Emergency Services. Access to emergency services includes both access to 911 and E911 services to the extent that the local government has implemented such services. True Wireless currently: (1) provides its Lifeline subscribers with 911/E911 access at the time Lifeline service is initiated, regardless of activation status and availability of minutes, and (2) provides its Lifeline subscribers with E911-compliant handsets and replaces, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.
- Toll Limitation Service for Qualifying Low-Income Consumers. Toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll

control.¹³ True Wireless will meet the requirement to provide toll limitation to Lifeline subscribers by offering service on a prepaid or pay-as-you-go basis, as well as toll blocking for international calls. As the FCC found in its grant of ETC designation to Virgin Mobile, “the prepaid nature of [a prepaid wireless carrier’s] service offering works as an effective toll control.”¹⁴ Moreover, True Wireless will provide traditional toll blocking for international calls to qualifying low income consumers at no additional charge. True Wireless also provides its users with the ability to monitor their minute usage and balance as an additional means of controlling their communications budget.

C. True Wireless Will Provide the Supported Services Throughout Its Designated Service Area Upon Reasonable Request

True Wireless commits to provide the supported services throughout its Designated Service Area, consistent with all applicable requirements. To the extent a potential customer requests service within True Wireless’ Designated Service Area, but outside its anticipated network coverage, True Wireless will, in cooperation with its underlying carriers, follow the six-step process specified in 47 C.F.R. § 54.202(a)(1)(i) and NDAC § 69-09-05-12(3)(a)(2). Specifically, True Wireless will determine if service can be provided with the cooperation of its underlying carriers at reasonable cost to the requesting customer by: (1) modifying or replacing the requesting customer’s equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier’s facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.

¹³ 47 C.F.R. § 54.400(d).

¹⁴ *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, Order, 24 FCC Rcd. 3381, 3394 at ¶ 34 (FCC 2009).

D. True Wireless Will Advertise the Availability of Its Universal Service Offerings and Charges for Such Offerings Using Media of General Distribution

True Wireless commits to advertise the availability of, and charges for, the supported services using media of general distribution. This advertising will occur through some combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet. In addition, True Wireless will use appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

E. True Wireless Will Make Available Lifeline Service to Qualifying Low-Income Consumers

Upon designation as an ETC, True Wireless will make available to qualified low income consumers a discounted service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on their mobile phones for their communications needs and qualifying low income consumers are no exception. Low-income consumers would be the primary beneficiaries of True Wireless' Lifeline service offering. True Wireless will offer an attractive plan of 90 minutes of nationwide calling free after application of the federal Lifeline discount, which includes local, as well as long distance calling.

F. Satisfaction of Applicable Consumer Protection and Service Quality Standards

True Wireless will comply with all applicable state and federal consumer protection and service quality standards. If designated as an ETC, True Wireless will continue to provide service on a timely basis to requesting customers within the Designated Service Area. Further, True Wireless will abide by the CTIA's Consumer Code for Wireless Service ("CTIA Code"). True Wireless has already adopted the CTIA Code and is committed to compliance with the

CTIA Code throughout its service areas, including in those areas where it is seeking designation as an ETC.

G. Forbearance from the Facilities Requirement of Section 214(e)(1)(A)

In its recent *Lifeline Reform Order*, the FCC granted conditional forbearance for Lifeline ETCs, provided that these ETCs receive FCC approval of a compliance plan.¹⁵ True Wireless has filed the necessary compliance plan with the FCC to receive forbearance from the “own facilities” requirement of 47 U.S.C. § 214(e)(1)(A), and expects that plan to be approved within approximately the next 30 to 60 days.¹⁶ True Wireless understands that Staff has indicated a willingness to move forward in processing applications prior to FCC compliance plan approval. True Wireless agrees that Staff’s approach is efficient by allowing True Wireless to address potential issues of Staff concern as soon as possible, thereby allowing North Dakota residents to benefit from True Wireless’ Lifeline offering sooner rather than later.

H. TRUE WIRELESS’ FINANCIAL AND TECHNICAL CAPABILITIES TO PROVIDE LIFELINE SERVICE

True Wireless has been providing service since mid-2010 and focuses on providing service to low income consumers. To date, the company has been designated as an ETC in five states: Arkansas, Maryland, Oklahoma, Rhode Island and Texas. True Wireless is successfully providing Lifeline supported services in these states and has a steadily increasing customer base. True Wireless owns and operates its own switching facilities, back-office, and operations support systems (“OSS”) that are ideally suited to serve lower revenue subscribers. True Wireless has invested millions of dollars to evaluate, design, develop and integrate these systems.

¹⁵ *Lifeline Reform Order* at 368.

¹⁶ *In re Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible to Receive Universal Service Support, et al.*, Compliance Plan of True Wireless, LLC, WC Dockets 11-42 and 09-197 (filed Mar. 29, 2012).

True Wireless is financially stable and fully capable of honoring its service obligations to customers and federal and state regulatory obligations. Although True Wireless derives the majority of its revenue from the sale of prepaid wireless services, True Wireless does not rely exclusively on Universal Service Fund disbursements to operate. For example, True Wireless derives additional revenue from the sale of wireless services with respect to certain of its wireless plans that are not fully covered by the Lifeline subsidy, the sale of wireless services to non-Lifeline customers, the sale of replenishment airtime minutes, and the sale of optional service packages (*e.g.*, Internet/text services).

I. TRUE WIRELESS MEETS APPLICABLE REQUIREMENTS ESTABLISHED BY THE COMMISSION FOR ETC DESIGNATION

True Wireless meets the requirements of the Commission's rules, set forth in NDAC § 69-09-05-12, that properly apply to wireless carriers seeking only low-income Lifeline support, such as True Wireless.

True Wireless has described the areas within North Dakota for which designation is sought in Exhibit A, and is committed to providing service throughout that area to customers making reasonable requests for service, as described above. *See* NDAC § 69-09-05-12(2)(a); NDAC § 69-09-05-12(3)(a)(1)-(2).

Although NDAC § 69-09-05-12(3)(b) requires a report on the amount and use of expected high-cost universal service funds expected, this requirement should not apply here because True Wireless seeks no high-cost support, and to the extent the Commission deems it applicable True Wireless respectfully requests that, pursuant to NDAC §§ 69-09-05-12(2)(c) and (d), the Commission waive NDAC § 69-09-05-12(3)(b) in this case because only low-income USF funds are sought here.

NDAC § 69-09-05-12(3)(c) requires a certification of the ability to remain functional in emergency situations, including certifications with respect to backup power, the ability to reroute traffic, and the capability of managing traffic spikes. These requirements appear to be directed towards facilities-based carriers. Because True Wireless has no network infrastructure of its own within North Dakota and will provide services by reselling services of other carriers, § 69-09-05-12(3)(c) should impose no obligations on True Wireless. True Wireless intends to provide services utilizing only large, national carriers able to remain functional in emergencies, and which specifically have reasonable backup power and generation capability, the ability to reroute traffic among damaged facilities, the capability of managing traffic spikes, and even the ability to deploy mobile cell sites as needed on an emergency basis. However, True Wireless' ability to function in an emergency will ultimately depend both on its underlying carriers and the function of the wireline network that provides connectivity between switches and cell sites. Accordingly, True Wireless asks the Commission to hold that NDAC § 69-09-05-12(3)(b) does not apply to non-facilities-based carriers, and in the alternative, requests a waiver from NDAC § 69-09-05-12(3)(c), pursuant to NDAC §§ 69-09-05-12(2)(c) and (d), in light of the compliance plan filed with the FCC which sets forth additional information concerning True Wireless role as a Mobile Virtual Network Operator (MVNO).

True Wireless meets NDAC § 69-09-05-12(3)(d)'s requirement that ETCs satisfy applicable consumer protection and service quality standards. As explained above, True Wireless will abide by the CTIA's Consumer Code for Wireless Service not only in the Designated Service Area but with respect to all services provided and areas served.

True Wireless also meets NDAC § 69-09-05-12(3)(e) because its Lifeline service offerings include numerous features that compare favorably to those of incumbent Local

Exchange Carriers (“LECs”). True Wireless’ plans offer an amount of free minutes that can be used across a nationwide local calling area, with no toll charges for calling anywhere in the United States, and also include caller ID, call waiting and voicemail. True Wireless’ calling plans compare especially favorably to plans offered by incumbent LECs, particularly with respect to price and local calling area, as well as offering the unique value of mobility. In sum, True Wireless’ offers low-income North Dakotans not just the combination of a wireless phone, and a nationwide local calling area, but the ability to obtain that combination free of charge.

Pursuant to NDAC §§ 69-09-05-12(3)(f) and 69-09-05-12(8), True Wireless hereby acknowledges that the Federal Communications Commission may require it to provide equal access to long-distance carriers in the event no other eligible telecommunications carrier is providing equal access within the proposed designated service area, thereby meeting the requirement of that provision for wireless carriers.

With respect to NDAC § 69-09-05-12(5), designation of True Wireless as an ETC is clearly in the public interest as discussed at length in section IV, below.

NDAC § 69-09-05-12(6)(a) requires a full description of available services in the “official telephone directory” of an ETC. As a wireless carrier, True Wireless has no such directory, and directories are not typically offered by wireless carriers.¹⁷ Accordingly, True Wireless requests that the Commission hold that the requirement does not apply where no official telephone directory exists. In the alternative, pursuant to NDAC §§ 69-09-05-12(2)(c) and (d), True Wireless respectfully asks the Commission to permanently waive NDAC § 69-09-

¹⁷ See California Public Utilities Commission Resolution T-17284, February 24, 2011 (February 24, 2011) (waiving directory requirement for ETC, noting that “no publicly available listing of wireless telephone numbers exists and wireless carriers do not offer white pages telephone directories. Therefore, [the Communications Division] does not believe that these two requirements can reasonably be applied to Virgin...”).

05-12(6)(a) as applied to True Wireless, for the reason that no such directory exists or is planned, and that publishing a directory by a wireless carrier primarily serving low-income North Dakotans would be unreasonable, serving no purpose but to publicly identify customers income status and drawing resources away from providing quality service to those low-income customers.

In full compliance with NDAC § 69-09-05-12(6)(b), True Wireless is committed to advertising the availability of its Lifeline service offerings in media of general circulation in the proposed Designated Service Area, and will select means calculated to communicate the availability of the service to eligible North Dakota residents, particularly those unable to afford traditional wireless service offerings.

Finally, True Wireless is committed to complying with the annual reporting requirements for ETCs. In particular, True Wireless:

1. will report the number of unfulfilled service requests in the past year and how True Wireless attempted to provide service (NDAC § 69-09-05-12.1(2));
2. will report the number of complaints per one thousand handsets (NDAC § 69-09-05-12.1(4));
3. will annually certify that it is complying with applicable service quality standards, *i.e.*, the CTIA Code (NDAC § 69-09-05-12.1(5)); and
4. will certify that True Wireless is offering a local usage plan comparable to that offered by the incumbent LECs in the Designated Service Area (NDAC § 69-09-05-12.1(7)).

With respect to the remaining requirements, True Wireless notes that the requirement in NDAC § 69-09-05-12.1(1) for an annual report on the use of high-cost funds should be

inapplicable to recipients of only low-income support, and therefore asks the Commission for such a finding, or in the alternative, a permanent waiver of NDAC § 69-09-05-12.1(1). With respect to the requirements set forth in NDAC § 69-09-05-12.1(3) on outage reporting, True Wireless, as a reseller, lacks unfettered access to data on outages experienced by its underlying carriers, and on that basis requests that the Commission permanently waive NDAC § 69-09-05-12.1(3). Similarly, for the reasons outlined above concerning certification of the ability to remain functional in an emergency, True Wireless would request a waiver of the corresponding annual report requirement set forth in NDAC § 69-09-05-12(6).

IV. DESIGNATION OF TRUE WIRELESS AS AN ETC IS IN THE PUBLIC INTEREST

NDAC § 69-09-05-12(5) states that before designating an ETC, the Commission “shall determine that such designation is in the public interest,” and requires that the Commission consider “the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant’s service offering.” Designation of True Wireless is plainly in the public interest. True Wireless meets all of the requirements for designation as an ETC by providing the supported services, committing to serve all consumers throughout its Designated Service Area, offering a Lifeline service consistent with all applicable requirements, advertising the availability of its universal service offerings, and furthering the goals of the universal service program.¹⁸ Moreover, designation of True Wireless as an ETC is in the public interest because

¹⁸ Because True Wireless seeks designation only for the Lifeline program, no creamskimming analysis will apply to this application. *See In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45, Order 09-18, ¶ 39 n. 101 (March 5, 2009) (explaining that “we need not perform a creamskimming analysis because Virgin Mobile is seeking eligibility for Lifeline support only”) (hereinafter “Virgin Mobile Order”). In any case, True Wireless is not seeking designation in less than a full rural study area. True Wireless seeks designation in the full areas served by SRT Communications, Inc. and Qwest Corporation d/b/a CenturyLink. *See* 47 CFR 54.202(c) (requiring such an analysis only

eligible consumers will benefit from competitive pricing and new services, such as True Wireless' Lifeline plan. As True Wireless extends its service offerings to North Dakota, consumers will benefit from a high level of service quality and more service options.

Access to wireless services is no longer a luxury, but a necessity for many economically disadvantaged Americans. Low income consumers are mobile and transient, often balancing multiple jobs and moving far more frequently than consumers with higher incomes, making wireless telecommunications the only technology that truly suits their needs in most cases. Because low income consumers spend less time during the day at a fixed location, and even less time at a fixed location with a phone available for their use, access to wireless telecommunications is of crucial importance to low income consumers.

True Wireless fulfills a critical role in the marketplace by ensuring that these low income consumers, who cannot afford the services provided by other wireless providers, can still access these important services. True Wireless' designation as an ETC will result in low income consumers having greater access to wireless telecommunications services in North Dakota, thereby advancing the basic goal of preserving and advancing universal service.¹⁹ Indeed, True Wireless will pass through to its Lifeline eligible customers the entirety of the federal Lifeline discount. Designating True Wireless as an ETC will improve its ability to serve these customers, and thus will serve the public interest.

V. CERTIFICATION FOR USE OF UNIVERSAL SERVICE FUNDS

True Wireless certifies that it will use federal low income universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, in accordance with 47 U.S.C. § 254(e).

“where an eligible telecommunications carrier applicant seeks designation below the study area level of a rural telephone company.”) (emphasis supplied).

¹⁹ See 47 U.S.C. § 254(b).

VI. CONCLUSION

True Wireless respectfully requests designation as an ETC for the Designated Service Area for purposes of receiving federal Lifeline universal service support.

Dated this 11th day of July, 2012.

Respectfully submitted,

True Wireless, LLC

By: 

David Hogue
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702
(701) 852-0381
dhogue@srt.com

Alan J. Galloway
Davis Wright Tremaine, LLP
1300 SW 5th Ave, Suite 2400
Portland, OR 97201
(503) 778-5219
alangalloway@dwt.com

Danielle Frappier
Davis Wright Tremaine, LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20006
(202) 973-4242
daniellefrappier@dwt.com

LIST OF EXHIBITS

Exhibit A – Designated Service Area

Exhibit B – Certificate of Formation

EXHIBIT A**DESIGNATED SERVICE AREA**

State	Rate Center	Carrier Name	CLLI
ND	BELFIELD	QWEST CORPORATION	BLFDNDBCRS1
ND	BISMARCK	QWEST CORPORATION	BSMRNDBCDS0
ND	BISMARCK	QWEST CORPORATION	MNDNNDBADSO
ND	CASSELTON	QWEST CORPORATION	CSLTNDBCRS3
ND	DICKINSON	QWEST CORPORATION	DCSNDBCDS1
ND	E FAIRVIEW	QWEST CORPORATION	FRVWMTMARS1
ND	EASTSIDNEY	QWEST CORPORATION	SDNYMTMARS1
ND	EMERADO	QWEST CORPORATION	GFABNDBCRS5
ND	EMERADO	QWEST CORPORATION	GFABNDBCRS7
ND	FARGO	QWEST CORPORATION	FARGNDBC23G
ND	FARGO	QWEST CORPORATION	MPLSMNDT3IB
ND	FARGO	QWEST CORPORATION	WFRGNDBC28G
ND	GARDNER	QWEST CORPORATION	GRNRNDBCRS4
ND	GRAFTON	QWEST CORPORATION	GFTNNDBAR3
ND	GRANDFORKS	QWEST CORPORATION	GDFRNDBC77G
ND	HATTON	QWEST CORPORATION	HTTNNDBCRS5
ND	HICKSON	QWEST CORPORATION	CMSTMNCORS6
ND	HILLSBORO	QWEST CORPORATION	HLBONDBCRS4
ND	JAMESTOWN	QWEST CORPORATION	JMTWNDBC25G
ND	KINDRED	QWEST CORPORATION	KNDRNDBCRS4
ND	LARIMORE	QWEST CORPORATION	LRMRNDBAR3
ND	LEONARD	QWEST CORPORATION	LNRDNMWR56
ND	MANVEL	QWEST CORPORATION	MANVNDBCRS6
ND	MAYVILLE	QWEST CORPORATION	MYVLNDBCRS7
ND	MINTO	QWEST CORPORATION	MINTNDBAR2
ND	NOMCINTOSH	QWEST CORPORATION	MCINSDCODS0
ND	NOMORRISTN	QWEST CORPORATION	MRTWSDCORS2
ND	NORTHWOOD	QWEST CORPORATION	NWODNDBCRS5
ND	REYNOLDS	QWEST CORPORATION	RYNLNDBCRS8
ND	THOMPSON	QWEST CORPORATION	THSNNDBCRS5
ND	VALLEYCITY	QWEST CORPORATION	VLCYNDBCRS8
ND	WAHPETON	QWEST CORPORATION	WHTNNDBCDS0

State	Rate Center	Carrier Name	CLLI
ND	ANTLER	SRT COMMUNICATIONS, INC.	ANTLNDXARS1
ND	BERTHOLD	SRT COMMUNICATIONS, INC.	BRTHNDXARS4
ND	BUTTE	SRT COMMUNICATIONS, INC.	BUTTNDXARS6
ND	CARPIO	SRT COMMUNICATIONS, INC.	CRPONDXARS4
ND	DEERING	SRT COMMUNICATIONS, INC.	DRNGNDXARS7
ND	DES LACS	SRT COMMUNICATIONS, INC.	DELCNDXARS7
ND	DONNYBROOK	SRT COMMUNICATIONS, INC.	DNYBNDXARS4
ND	GLENBURN	SRT COMMUNICATIONS, INC.	GLBNNDXARS3
ND	KARLSRUHE	SRT COMMUNICATIONS, INC.	KRLSNDXARS5
ND	LANDA	SRT COMMUNICATIONS, INC.	LNDANDXARS1
ND	LANSFORD	SRT COMMUNICATIONS, INC.	LNFRNDXARS7
ND	MARTIN	SRT COMMUNICATIONS, INC.	MARTNDXARS6
ND	MAXBASS	SRT COMMUNICATIONS, INC.	MXBSNDXARS1
ND	METIGOSHE	SRT COMMUNICATIONS, INC.	MTGSNDXARS2
ND	MINOT	SRT COMMUNICATIONS, INC.	MNOTNDXADS0
ND	MINOT AFB	SRT COMMUNICATIONS, INC.	MNABNDXA72G
ND	MOHALL	SRT COMMUNICATIONS, INC.	MHLLNDXARS7
ND	NEWBURG	SRT COMMUNICATIONS, INC.	NWBGNDXARS1
ND	SAWYER	SRT COMMUNICATIONS, INC.	SWYRNDXARS6
ND	SHERWOOD	SRT COMMUNICATIONS, INC.	SHWDNDXARS4
ND	SO PRAIRIE	SRT COMMUNICATIONS, INC.	SPRRNDXARS7
ND	TOLLEY	SRT COMMUNICATIONS, INC.	TOLYNDXARS3
ND	TOWNER	SRT COMMUNICATIONS, INC.	TWNRNDXARS5
ND	UPHAM	SRT COMMUNICATIONS, INC.	UPHMNDXARS7
ND	VELVA	SRT COMMUNICATIONS, INC.	VLVANDXARS3
ND	WESTHOPE	SRT COMMUNICATIONS, INC.	WHOPNDXARS2

EXHIBIT B
CERTIFICATE OF FORMATION

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

In the Matter of the Application of)
)
True Wireless, LLC for Designation as an)
Eligible Telecommunications Carrier)
Pursuant to 47 U.S.C. § 214(e))

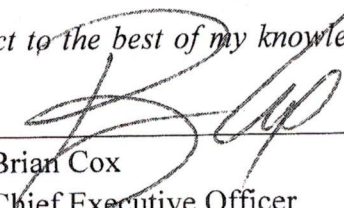
Docket No. _____

CERTIFICATION OF BRIAN COX

I, the undersigned, Brian Cox, do hereby certify under penalty of perjury as follows:

1. I serve as Chief Executive Officer of True Wireless, LLC (“True Wireless”), a Texas Limited Liability Company with its principal place of business at 3124 Brother Blvd. #104, Bartlett, TN 38133.
2. This Certification is submitted in support of True Wireless’ Application for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214(e) (“Application”).
3. I have reviewed the Application and that the facts stated therein are true and correct to the best of my knowledge.
4. To the best of my knowledge, True Wireless, including all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) of the Company are not subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.
5. I further declare that the federal universal service fund support received by True Wireless will be used only for the purposes for which the support is intended.

I certify that the foregoing is true and correct to the best of my knowledge, information and belief.



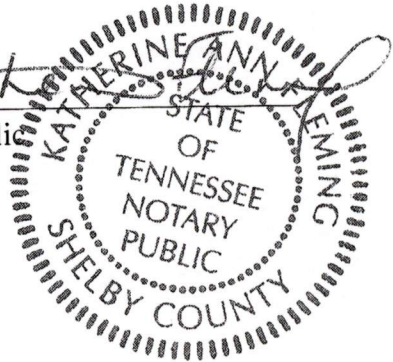
Brian Cox
Chief Executive Officer
True Wireless, LLC

Executed at BARTLETT, TN

July 9, 2012

STATE OF TENNESSEE)
) ss.
COUNTY OF SHELBY)

On this 9 day of July, 2012, before me, a Notary Public in and for said County and State, personally appeared Brian Cox, known to me to be the Chief Executive Officer of True Wireless, LLC, the company that is described in and that executed the within instrument, and acknowledged to me that such company executed the same.

Katherine Ann Fleming
Notary Public


Form 424
(Revised 12/09)
 Submit in duplicate to:
 Secretary of State
 P.O. Box 13697
 Austin, TX 78711-3697
 512 463-5555
 FAX: 512/463-5709
 Filing Fee: See instructions



Certificate of Amendment

This space reserved for office use.

FILED
 In the Office of the
 Secretary of State of Texas
FEB 02 2011
Corporations Section

Entity Information

The name of the filing entity is:

TRUE Wireless, LLC

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- | | |
|---|---|
| <input type="checkbox"/> For-profit Corporation | <input type="checkbox"/> Professional Corporation |
| <input type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association | <input type="checkbox"/> Professional Association |
| <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership |

The file number issued to the filing entity by the secretary of state is: 801001360

The date of formation of the entity is: 07/08/2008

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

Effectiveness of Filing (Select either A, B, or C.)

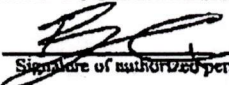
- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

The following event or fact will cause the document to take effect in the manner described below:

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 1/31/11

By: CEO


 Signature of authorized person
 Brian Cox

 Printed or typed name of authorized person (see instructions)

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709



Filed in the Office of the
Secretary of State of Texas
Filing #: 801001360 07/08/2008
Document #: 221532330002
Image Generated Electronically
for Web Filing

Filing Fee: \$300

**Certificate of Formation
Limited Liability Company**

Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

TRUE Wireless, LLC

The name of the entity must contain the words "Limited Liability Company" or "Limited Company," or an accepted abbreviation of such terms. The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

Article 2 - Registered Agent and Registered Office

A. The initial registered agent is an organization (cannot be company named above) by the name of:

National Registered Agents, Inc.

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

C. The business address of the registered agent and the registered office address is:

Street Address:

16055 Space Center, Suite 235 Houston TX 77062

Article 3 - Governing Authority

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: (Business Name) **Lost Key Telecom, Inc.**

Address: **5783 Grand Lagoon Blvd. Pensacola FL, USA 32507**

Managing Member 2: (Business Name) **Energycomnetwork, llc**

Address: **112 East Seminary Drive B Fort Worth TX, USA 76115**

Managing Member 3: (Business Name) **TELECOM CONSULTING AND SERVICES, LLC**

Address: **112 East Seminary Drive Suite B Fort Worth TX, USA 76115**

Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

Organizer

The name and address of the organizer are set forth below.

Tania Lemus 7083 Hollywood Blvd., Ste. 180, Los Angeles, CA 90028

Effectiveness of Filing

A. This document becomes effective when the document is filed by the secretary of state.

OR

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Tania Lemus, Legalzoom.com, Inc.

Signature of Organizer

FILING OFFICE COPY

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Hope Andrade
Secretary of State

Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for TRUE Wireless, LLC (file number 801001360), a Domestic Limited Liability Company (LLC), was filed in this office on July 08, 2008.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on January 31, 2011.



A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade
Secretary of State

Phone: (512) 463-5555
Prepared by: SOS-WEB

Come visit us on the internet at <http://www.sos.state.tx.us/>
Fax: (512) 463-5709
TID: 10264

Dial: 7-1-1 for Relay Services
Document: 352538730002