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May 13, 2011

VIA OVERNIGHT DELIVERY

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North Street, Keystone Bldg., 2nd Fl.
Room N201
Harrisburg, PA 17105-3265

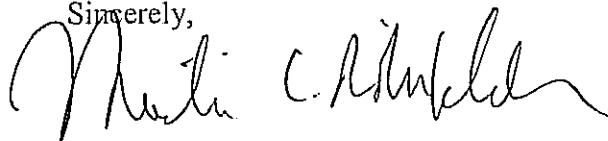
**Re: In the Matter of a Petition by TAG Mobile, LLC
For Designation as an Eligible Telecommunications Carrier in
the Commonwealth of Pennsylvania for the Limited Purpose of
Offering Lifeline and Link-Up Services to Qualified
Households - NEW FILING**

Dear Secretary Chiavetta:

On behalf of TAG Mobile, LLC, enclosed please find an original and three (3) copies of the above-captioned Petition. Also enclosed is one additional copy, which we ask you to file stamp and return to us in the self-addressed, postage pre-paid envelope provided. An electronic copy is being filed through the Commission's eFiling portal.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,



Martin C. Rothfelder

Enclosures

cc: Certificate of Service
Elizabeth Lion Januzzi (via e-mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In the Matter of a Petition by TAG Mobile, LLC)
For Designation as an)
Eligible Telecommunications Carrier in the)
Commonwealth of Pennsylvania for the)
Limited Purpose of Offering Lifeline and)
Link-Up Services to Qualified Households)**

CERTIFICATE OF SERVICE

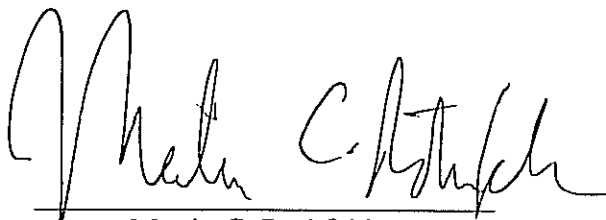
I hereby certify that on this 13th day of May, 2011, copies of the foregoing Petition have been served upon the persons or organizations listed below via First Class U.S. Mail in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

Sonny Popowsky
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1921

Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

William R. Lloyd, Jr.
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

Dated: May 13, 2011



Martin C. Rothfelder

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of a Petition by TAG Mobile, LLC)
For Designation as an)
Eligible Telecommunications Carrier in the)
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Limited Purpose of Offering Lifeline and)
Link-Up Services to Qualified Households)

PETITION OF TAG MOBILE, LLC FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
IN THE COMMONWEALTH OF PENNSYLVANIA FOR THE LIMITED PURPOSE OF
OFFERING LIFELINE AND LINK-UP SERVICES TO QUALIFIED HOUSEHOLDS

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May 13, 2011

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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COMES NOW TAG Mobile, LLC (“TAG Mobile” or the “Company”), by its undersigned counsel, and pursuant to Section 214(e) of the Telecommunications Act of 1996 (the “1996 Act”), 47 U.S.C. § 214(e) and implementing rules of the Federal Communications Commission (“FCC”), 66 Pa. C.S. § 3019(f) and 52 Pa. Code § 69.2501,¹ hereby requesting that the Pennsylvania Public Utilities Commission (the “Commission” or “PUC”) designate TAG Mobile as an Eligible Telecommunications Carrier (“ETC”) for the purpose of receiving federal low income universal service support for prepaid wireless services. TAG Mobile does not at this time seek ETC designation (1) for the purpose of receiving federal universal service support for providing service to high cost areas or (2) on a wireline basis.

¹ Commonwealth rules effective October 2, 2010, adopted by the Commission pursuant to its *Final Policy Statement on Commonwealth of Pennsylvania’s Guidelines for Designation and Annual Recertification of Eligible Telecommunications Carriers*, Docket No. M-2010-2164741, August 2, 2010 (“Commission Rules”). Pursuant to Secretarial Letter at Docket M-00960799, dated February 26, 2009 the Commission accepts jurisdiction of applications for ETC designation from wireless carriers.

TAG Mobile is requesting ETC designation for an area of service in the Commonwealth that overlaps the service territories of the following telephone companies (collectively, the "Service Area"):

- Verizon North, Inc.
- Verizon Pennsylvania, Inc.
- Frontier Communications of Pennsylvania, LLC

A list of the wire centers in the Commonwealth of Pennsylvania for which TAG Mobile is requesting ETC designation is provided in **Exhibit A** to this Petition. TAG Mobile does not by this Petition request that the Commission modify, or seek in any way to affect, the definition of rural telephone company study areas in the Commonwealth.

In further support of its Petition, TAG Mobile states as follows:

I. GENERAL INFORMATION.

A. TAG Mobile is a Texas Limited Liability Company with its principal offices located at 1330 Capital Parkway, Carrollton, Texas 75006.

B. Correspondence or communications pertaining to this Petition should be directed to TAG Mobile's attorneys of record:

Martin C. Rothfelder
Bradford M. Stern
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Westfield, NJ 07090
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C. Questions concerning the ongoing operations of TAG Mobile following ETC designation should be directed to the above referenced counsel and to:

Mr. Frank Del Col
TAG Mobile, LLC
1330 Capital Parkway
Carrollton, TX 75006
Telephone: (972) 488-5500 ext 4032
Email: frank.delcol@tag mobile.net

II. BACKGROUND.

Section 254 of the 1996 Act provides for universal service. Universal service is a principal component of federal telecommunications policy, and the FCC has adopted a number of cost recovery policies and mechanisms designed to ensure access to basic telecommunications services at affordable prices for all Americans.

One key component of universal service is the availability of subsidies from the federal Universal Service Fund (“USF”), created by the 1996 Act. The USF was created, in part, to provide support to qualifying low-income communications end-users such as those serviced by TAG Mobile. Mechanisms were also established in an effort to moderate the amount of costs to be recovered through basic, recurring charges to low-income users, thereby assisting efforts to maintain reasonable basic rate levels. Only a “common carrier” receiving designation as an ETC under 47 U.S.C. § 214 is eligible to receive subsidies from the federal USF. Wireless carriers are common carriers under federal law.² Common carriers that provide services consistent with the requirements of Section 214(e) may be deemed ETCs.³

² 47 U.S.C. § 332(c)(1).

³ U.S.C. § 214(e)(6) provides that wireless carriers not otherwise subject to state commission jurisdiction shall be designated as ETCs if they meet the requirements of 47 U.S.C. § 214(e)(1) consistent with applicable federal and state law.

Section 214(e)(2) of the 1996 Act⁴ provides that:

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

Section 214(e)(1) of the 1996 Act⁵ provides:

A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by Federal universal service support mechanisms under section 254 (c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefore using media of general distribution.

The FCC has promulgated rules governing ETC designations, set forth at 47 C.F.R. § 54.101, §§ 54.201-203, and §§ 54.205-209 (the “FCC Rules”) to establish various requirements for carriers to meet before receiving ETC status. The Commission Rules require that petitioners seeking ETC status in the Commonwealth address and satisfy each of the ETC designation criteria under the FCC Rules (or if any criterion is inapplicable, provide support thereof).⁶

⁴ 47 U.S.C. § 214(e)(2).

⁵ 47 U.S.C. § 214(e)(1).

⁶ The Commission Rules also require satisfaction of the FCC's criteria and standards for ETC designation criteria found in Universal Service Order, Report and Order at CC Docket No. 96-45 (May 8, 1997), and in the FCC's Report and Order at CC Docket No. 96-45 (March 17, 2005). 52 Pa. Code § 69.2501(a).

TAG Mobile will offer all of the services and functionalities detailed in Section 54.101(a) of the FCC Rules and will provide competitive wireless services throughout its Service Area through a combination of its own facilities and resold services. The provision of services over its own facilities and resale of other carrier's services will ensure that TAG Mobile can provide services to customers throughout the Service Area.⁷

Pursuant to this Petition and in accordance with 47 C.F.R. § 54.202(a)(1), TAG Mobile requests ETC status solely to provide Lifeline and Link-Up support to qualifying low-income customers throughout its Service Area. It is not seeking ETC designation on a wireline basis. TAG Mobile does not request ETC status for the purpose of participating in any high cost programs of the USF.

ETC designation will enhance TAG Mobile's ability to provide service to low income consumers within the Service Area, and since this Petition is for the purpose of receiving low income universal service support, TAG Mobile's wireless offering will supplement and not detract from the provision of supported services in such area.

Upon designation as an ETC, TAG Mobile will make Lifeline and Link-Up service available to qualifying customers in the Service Area pursuant to the guidelines and requirements of the universal service program and 47 C.F.R. §§ 54.202(a)(1)-(a)(2), 66 Pa. C.S. § 3019(f) and 52 Pa. Code § 69.2501.

III. DESCRIPTION OF TAG MOBILE'S LIFELINE AND LINK-UP CUSTOMER PLANS.

TAG Mobile currently provides in other states, and will provide in the Commonwealth, Lifeline and Link-Up services under the brand name TAG Mobile. TAG Mobile maintains a website, www.tagmobile.net, for customer enrollment, description of rate plans, account

⁷ 47 C.F.R. § 54.101(a).

management including replenishment, coverage map and customer service. The currently applicable standard terms and conditions of service for TAG Mobile are provided in **Exhibit B** of this Petition.

A. TAG Mobile's Lifeline Plan. Lifeline is a component of one of four separate federal universal service fund mechanisms⁸ known as the "low-income support mechanism".⁹ and is defined in 47 C.F.R. § 54.401 as "a retail local service offering" "available only to qualified low-income consumers" "for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount" "that includes the services or functionalities enumerated in § 54.401(a)(1) through (a)(9)", which the Company will use to "[m]ake available Lifeline service...to qualifying low-income consumers".¹⁰ Under the Company's Wireless Lifeline plan, qualified Lifeline customers who reside in the Commonwealth will be provided with sixty-eight (68) minutes of free anytime local and domestic long distance minutes each month. All low-income universal service support will be used to allow the Company to provide the service with no monthly recurring charge, thus ensuring that the consumer receives 100% of all universal service support funding for which the Company will seek reimbursement. In the event that all airtime has been used, Lifeline customers will have the capability of purchasing additional airtime replenishment cards in \$7.00, \$20.00, and \$30.00, denominations. Airtime replenishment cards will be made available at retail outlets frequented by low income customers throughout the Service Area.

⁸ 47 C.F.R. § 54.8(a)(1); See "Definitions" at second sentence.

⁹ 47 C.F.R. § 54.8(a)(1); See "Definitions" at first sentence.

¹⁰ 47 C.F.R. §§ 54.401(a), 54.401(a)(1), 54.401 (a)(2), 54.401(a)(3), 54.405(a).

The wireless Lifeline and Link-up plans will also include a free handset, and the following Custom Calling features:

- (1) Caller ID;
- (2) Call Waiting;
- (3) Call Forwarding;
- (4) 3-Way Calling; and
- (5) Voicemail.

Wireless handsets will be delivered at no charge to qualifying customers. Service will be activated, and the requisite number of minutes will be added upon certification of the customer for Lifeline and Link-Up, as applicable.

B. TAG Mobile's Link-Up Plan. Like Lifeline, Link-Up is also a component of one of four separate federal universal service fund mechanisms¹¹ known as the "low-income support mechanism",¹² and is defined in 47 C.F.R. § 54.411 as an "assistance program for qualifying low-income consumers, *which an eligible telecommunications carrier shall offer as part of its obligations set forth in §§ 54.101(a)(9) and 54.101(b)*"^{13 14}(emphasis added). Assistance is in the form of a "reduction in the carrier's customary charge for commencing telecommunications service for a single telecommunications connection" and "shall be half of the customary charge or \$30.00, whichever is less".¹⁵ Consistent with FCC requirements, TAG

¹¹ 47 C.F.R. § 54.8(a)(1); See "Definitions" at second sentence.

¹² 47 C.F.R. § 54.8(a)(1); See "Definitions" at first sentence.

¹³ 47 C.F.R. § 54.411(a). The plain reading of this definition is that an ETC is obligated to provide this discount to qualifying low-income consumers. In addition, 47 C.F.R. § 54.413(a) stipulates that carriers that provide Link-Up discounts, "may receive universal service support reimbursement for the revenue they forgo in reducing their customary charge for commencing telecommunications service..."

¹⁴ 47 C.F.R. § 54.101(a)(9) is the specific obligation to offer Toll Limitation for qualifying low-income consumers while 47 C.F.R. § 54.101(b) is the requirement that an "eligible telecommunications carrier must offer each of the" services designated for support "in order to receive federal universal service support". As a part of its application, TAG Mobile has demonstrated that it has the capability to and will offer all of the supported services specified in 47 C.F.R. § 54(a)(1) – (9).

¹⁵ 47 C.F.R. § 54.411(a)(1).

Mobile will use Link-Up support to reduce the company's "customary charge for commencing service" by "half of the customary charge..."¹⁶, which will result in a reduction of the Company's wireless activation charge by \$30.00, the remainder of which is waived for qualifying low income customers resulting in no out of pocket expense for the Lifeline customer. Pursuant to 47 C.F.R. § 54.412(c), TAG Mobile allows a customer to receive the benefit of its Link-Up program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which the Link-Up assistance was previously provided.

IV. TAG MOBILE MEETS THE REQUIREMENTS OF THE FCC'S RULES FOR DESIGNATION AS AN ETC IN THE COMMONWEALTH.

As demonstrated below, TAG Mobile meets the applicable requirements under the FCC's Rules for receiving ETC designation by the Commission pursuant to Section 214(e)(2) of 1996 Act.¹⁷ In addition, TAG Mobile complies with the standards established by the FCC for determining whether applicants for ETC status serve the public interest.¹⁸

A. TAG Mobile Will Provide Service Through a Combination of its Own Facilities and Resale of Other Carriers' Services.

TAG Mobile is a facilities-based carrier and will offer all of the services and functionalities required under Section 54.101(a) of the FCC Rules through a combination of its own facilities and resale of other carriers' services (collectively, the "TAG Mobile Network"). TAG Mobile will rely on a combination of resold services, which the Company obtains from

¹⁶ *Id.*

¹⁷ 47 U.S.C. § 214(e)(2).

¹⁸ See Federal-State Joint Commission on Universal Service, *Report and Order*, CC Docket No. 96-45, 20 FCC Rcd 6371, ¶ 40-43 (Rel, March 17, 2005).

underlying Commercial Mobile Radio Service (“CMRS”)¹⁹ providers and Company-owned facilities²⁰, for functions such as authentication and management of prepaid calling services and routing of directory assistance calls.

Specifically, TAG Mobile will offer the supported wireless services through a combination of resale agreements with Sprint PCS and Verizon Wireless and its own switch. TAG Mobile’s resale agreements with CMRS providers Sprint PCS and Verizon Wireless, will allow TAG Mobile to supplement the services provided through TAG Mobile-owned and leased facilities.²¹ Through these arrangements, TAG Mobile is able to offer all of the services and functionalities supported by the universal service program throughout its service area, as detailed in Section 54.101(a) of the FCC Rules,²² thereby allowing TAG Mobile to provide service to its customers throughout the geographic area for which it seeks wireless ETC certification in the Commonwealth of Pennsylvania.

TAG Mobile owns and operates a Class 4 Meta-Switch located in Los Angeles, California. In conjunction with TAG Mobile owned media gateways (call control platforms), all of Tag Mobile’s wireless directory assistance and interexchange traffic will flow through this Class 4 Meta-Switch. A Class 4 Meta-Switch is a brand of softswitch produced by Metaswitch Networks of Enfield, United Kingdom.

¹⁹ Commercial Mobile Radio Service (“CMRS”) is defined at 47 U.S.C. § 332(d)(1) and 47 C.F.R. § 20.3 and is commonly known as cellular or wireless service.

²⁰ Company-owned facilities via a Capital Lease Agreement with Reunion Communications, Inc. located at 624 S. Grand Avenue, Los Angeles, California, inside collocation space provided by US Colo LLC.

²¹ As noted above, TAG Mobile primarily purchases underlying wireless service from Sprint PCS and Verizon Wireless, under the terms of TAG Mobile’s resale agreements with these carriers, Sprint PCS and Verizon Wireless are responsible for delivering E-9-1-1 emergency telephone calls to the local Primary Safety Answering Point in an identical manner to how they deliver calls from their own end-users.

²² 47 CFR 54.101(a).

A softswitch is a virtual switch that replaces a physical hardware switching devices and physical switchboards to route calls. The softswitch consists of software running on a computer which connects telephone calls from one line or system to another, typically via the Internet. The softswitch operates in conjunction with a Media Gateway (call control platforms), which are translation devices which converts digital media streams between disparate telecommunications networks.

In the case of TAG Mobile's Class 4 Meta-Switch and Media Gateways, when the underlying carrier receives an operator assistance, 4-1-1, directory assistance,²³ or interexchange call from an TAG Mobile wireless subscriber, that call is automatically routed to the TAG Mobile Class 4 Meta-Switch. The call is then converted from Time-division multiplexing ("TDM") format to Voice-over-Internet Protocol ("VoIP") using the Session Initiation Protocol ("SIP") translator inherent in the TAG Mobile Media Gateway (call control platforms) to deliver the operator assistance, 411, or directory assistance call to the TAG Mobile Operator Assistance/Directory Assistance Call Center. If the TAG Mobile Operator then redirects the call, the call will proceed back through the TAG Mobile Class 4 Meta-Switch to the Public Switched Telephone Network for eventual termination at the destination end user. The same software is used to convert the call this time from SIP over VoIP back to TDM. An Interexchange Call is handled in the same manner, and is transparently converted from format to format, without the human (or operator) intervention.

²³ TAG Mobile does not charge its Lifeline customers for 4-1-1 or directory assistance calls. TAG Mobile provides directory assistance on both a local and national basis as that term is defined in the MTA.

Therefore, TAG Mobile is able to meet the federal requirement that an ETC must offer the supported services at least in part through a “combination of its own facilities and resale of another carrier’s services.”²⁴

B. TAG Mobile Will Offer All of the Required Services and Functionalities.

In order to be designated as an ETC, the FCC Rules require that carriers offer all of the services supported by the federal universal service mechanisms. As demonstrated below, TAG Mobile will offer the supported services throughout the Service Area, through a combination of its own facilities and resale of other carriers’ services. Per the FCC Rules, the ETC must offer the following services²⁵:

1. **Voice grade access to the public switched network [47 C.F.R. § 54.101(a)(1)].** “Voice grade access” permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. Either through interconnection agreements or reseller agreements, TAG Mobile will provide its customers with full capability to make and receive calls on the public switched telephone network with a minimum bandwidth of 300 to 3000 Hertz per the FCC Rules.

2. **Local usage [47 C.F.R. § 54.101(a)(2)].** “Local usage” is an amount of minutes of use of exchange service provided without an additional charge to end users. The FCC has specified that a local usage plan is acceptable if it is “comparable to the one offered by the

²⁴ See 47 U.S.C. § 214(e)(1)(A); see also *Universal Service Order*, 12 FCC Rcd 8853, FCC97-157 (“USF Order”), at ¶169.

²⁵ 47 C.F.R. § 54.101(a)(1)–(9).

incumbent LEC in the service areas for which the applicant seeks designation.”²⁶ This comparability analysis must proceed on a case-by-case basis, and take account of value-added capabilities and services incorporated into a plan.²⁷ TAG Mobile's current local usage plans, summarized in Exhibit “C”, are comparable in value to those offered by ILECs operating in the requested Service Area. TAG Mobile’s plan offers larger local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage in the event that included usage has been exhausted, 911 service and, where available, E 911 service in accordance with FCC requirements.

3. Dual tone multi-frequency signaling or its functional equivalent [47 C.F.R. § 54.101(a)(3)]. Dual tone multi-frequency (“DTMF”) signaling is a method of signaling that facilitates the transportation of call set-up and call detail information. The FCC has recognized that, with respect to wireless carriers, it “is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling.”²⁸ TAG Mobile currently uses out-of-band digital signaling and in-band multi-frequency signaling that is the functional equivalent to DTMF signaling.

4. Single-Party Service or its Functional Equivalent [47 C.F.R. § 54.101(a)(4)]. With respect to wireless carriers, “single-party service” affords a user a dedicated

²⁶ See Federal-State Joint Commission on Universal Service, 20 FCC Rcd 6371, at ¶ 32 (2005).

²⁷ *Id.*

²⁸ *Federal-State Joint board on Universal Service*, Report and Order, 12 FCC Red 8776, at ¶ 71 (1997).

message path for the length of a user's particular transmission. TAG Mobile meets this requirement with respect to each of its service offerings.

5. **Access to emergency services [47 C.F.R. § 54.101(a)(5)].** “Access to emergency service” includes access to services, such as 911 and enhanced 911 (“E 911”), provided by local governments or other public safety organizations. Through its underlying wholesale carrier(s), TAG Mobile provides its wireless voice customers in Pennsylvania with access to such services with capability to deliver automatic numbering information (“ANI”) and automatic location information (“ALI”) over the TAG Mobile Network, and otherwise satisfies applicable E-911 requirements. TAG Mobile and/or its underlying wholesale wireless services carrier(s) will continue to work with local public safety answering points (“PSAPs”) within the Service Area to make 911 and E-911 service available to its customers.

Under the FCC Rules, an ETC applicant must demonstrate its ability to remain functional in emergency situations²⁹. Since TAG Mobile is providing service to its customers through the use of facilities obtained from other carriers, this arrangement allows TAG Mobile to provide to its customers the same ability to remain functional in emergency situations as currently provided by the carriers to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

6. **Access to Operator Services [47 C.F.R. § 54.101(a)(6)].** “Access to operator services” means access to automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call. TAG Mobile provides access to operator services for billing questions by dialing “611,” depending upon the underlying carrier,

²⁹ 47 C.F.R. § 54.202(a)(2); USF Order at Para 25.

access to operator services with respect to call completion to customers dialing “411,” and access to operator services with respect to the national 2-1-1 initiative, which provides access to free and confidential information and referrals for help with food, housing, employment, health care, counseling and more, to customers dialing “211”.

7. **Access to interexchange service** [47 C.F.R. § 54.101(a)(7)]. With respect to wireless carriers, “access to interexchange service” means access to the functional equivalent of the use of the loop, as well as that portion of the switch that is paid for by the end user, necessary to access an interexchange carrier's network. TAG Mobile provides all of its wireless subscribers with the ability to make and receive interexchange or toll calls through the TAG Mobile Network.

8. **Access to directory assistance** [47 C.F.R. § 54.101(a)(8)]. “Access to directory assistance” means access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings. TAG Mobile meets this requirement by providing access to directory assistance by dialing “411”.

9. **Toll Limitation** [47 C.F.R. § 54.101(a)(9)]. “Toll limitation” includes the offering of either “toll control” or “toll blocking” to qualifying low-income customers, as a means of limiting or blocking the completion of outgoing toll calls. TAG Mobile meets this requirement because TAG Mobile will provide Lifeline services on a prepaid basis, which means that customers pay for their service in advance and can use only the amount of service for which they have already paid. TAG Mobile customers can use their service to complete both local and domestic telephone toll calls. Customers cannot be disconnected for failure to pay telephone toll charges or usage as the Company does not differentiate domestic telephone toll usage from local

usage and all usage³⁰ is paid for in advance, i.e., on a “pay-as-you-go” basis. This service is ideal for low-income consumers who enjoy the ability to control or limit their charges for both local phone and telephone toll service.

C. TAG Mobile Will Be Able to Serve Customers in the Service Area Within a Reasonable Time.

Because TAG Mobile relies on a combination of resold services which the Company will obtain from underlying wireless providers that currently operate their own networks, and Company-owned facilities, TAG Mobile will be able to make Lifeline and Link-Up service available to qualifying customers in the Service Area within a reasonable period of time of designation as an ETC, in accordance with 47 C.F.R. § 54.202(a)(1).

D. Service Quality Commitments.

Although TAG Mobile utilizes its own facilities, it is also a reseller of other carriers’ wireless services. As such, TAG Mobile is able to offer service of the same quality and reliability as the underlying vendors. TAG Mobile cannot guarantee that customers will never experience service disruptions, though TAG Mobile offers service as reliable as any other wireless provider present in the Commonwealth.

Under the FCC Rules, an ETC applicant must demonstrate that “it will satisfy applicable consumer protection and service quality standards.”³¹ For wireless carriers, a “commitment to comply with the Cellular Telecommunications and Internet Association’s Consumer Code for Wireless Conduct will satisfy this requirement.”³² TAG Mobile commits to compliance with the

³⁰ That is to say, TAG Mobile’s Lifeline wireless service is not offered on a distance-sensitive basis and minutes are not charged separately for local or domestic long distance services.

³¹ 47 C.F.R. §54.202(a)(3), 62 Fed. Reg. 15.978 at ¶ 28.

³² *Id.*

referenced Code. In addition, TAG Mobile commits to reporting information on consumer complaints per 1,000 handsets on an annual basis consistent with the FCC's USF Order.³³

E. TAG Mobile Will Advertise the Availability of Supported Services.

ETCs must advertise universal services. ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated an ETC. TAG Mobile will comply with the requirement regarding advertisement, and TAG Mobile will utilize all universal service support for the provision, maintenance, and upgrading of the supported services. TAG Mobile will announce and advertise telecommunications services as an ETC where it provides service in its Service Area and will publicize the availability of Lifeline and Link-Up services in a manner reasonably calculated to reach those likely to qualify for those services. Accordingly, more low-income Pennsylvania residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to TAG Mobile's service.

F. TAG Mobile Will Comply with the Certification and Verification Requirements under 47 C.F.R. § 54.410.

The FCC Rules require each ETC to comply with certification of eligibility and verification of continued eligibility for participation in the Lifeline program.³⁴ TAG Mobile has internal controls in place to prevent subscribers from receiving more than one lifeline discount consistent with federal requirements.³⁵ TAG Mobile requires customers to self-certify at the time

³³ USF Order, at ¶ 4.

³⁴ 47 C.F.R. § 54.410.

³⁵ It is important to note that TAG Mobile does not have access to the customer lists of other ETCs, and thus cannot cross-check its customer lists against any other ETCs customer list.

of service activation and annually thereafter that they: 1) are the head of household; 2) participate in one of the state-approved means tested programs; 3) will be receiving Lifeline-supported services only from TAG Mobile; 4) do not currently receive Lifeline support; and 5) will notify TAG Mobile in the event that they no longer participate in the qualifying program. Verification of continued eligibility is accomplished by TAG Mobile's annual certification/verification process. Pursuant to 47 C.F.R. § 54.416, TAG Mobile also will comply with the certification and verification requirements in connection with its Link-Up program.

G. Annual Reporting Requirements.

TAG Mobile will comply with the annual reporting requirements contained in 47 C.R.R. § 54.209, as and to the extent applicable.

V. DESIGNATION OF TAG MOBILE AS AN ETC ON A WIRELESS BASIS IS IN THE PUBLIC INTEREST OF THE COMMONWEALTH AND ITS LOW-INCOME TELECOMMUNICATIONS END-USERS.

Under the 1996 Act, “[u]pon request and consistent with the public interest, convenience and necessity” the Commission shall “designate more than one common carrier as an eligible telecommunications carrier for a service area designated”³⁶ by the Commission. In doing so, the Commission “shall find that the designation is in the public interest”.³⁷

Based on the foregoing, TAG Mobile submits that its designation as an ETC in the Commonwealth meets the “public interest” standards established by the FCC, and the Commission should find as such. TAG Mobile provides the following information which demonstrates that TAG Mobile's designation as an ETC on a wireless basis is consistent with the

³⁶ 47 U.S.C. § 214(e)(6), made applicable to state commissions pursuant to 47 C.F.R. 54.201(c).

³⁷ *Id.*

public interest, convenience and necessity by providing consumers with increased competitive choice through the offering of a unique service.

A. Increased Competitive Choice.

The FCC has determined that while designation of competitive ETCs promotes and benefits consumers by increasing customer choice, designation must include “an affirmative determination that such designation is in the public interest regardless of whether the applicant seeks designation in an area served by a rural or non-rural carrier.”³⁸ TAG Mobile is seeking ETC designation on a wireless basis, which will provide an additional valuable alternative to the existing telecommunications services currently available in these areas and will promote competition and facilitate the provision of advanced communications services to low-income residents of Pennsylvania.

TAG Mobile believes that there are significant areas within the Service Area in which its target market, low income subscribers, are underserved by traditional wireline telephone facilities. The mobility of TAG Mobile’s prepaid wireless service will assist low income consumers who often must drive significant distances to places of employment, stores, schools, and other critical community locations, and it will provide timely access to emergency services as and when needed.

The public interest benefits of inclusion of the Company’s wireless service include larger local calling areas (as compared to traditional wireline carriers), the convenience and security afforded by mobile telephone service, the opportunity for customers to control cost by receiving a preset amount of monthly airtime at no charge, the ability to purchase additional usage in the

³⁸ See Federal-State Joint Commission on Universal Service, 20 FCC Rcd 6371, ¶ 42 (2005).

event that included usage has been exhausted, 911 service and, where available, E 911 service in accordance with current FCC requirements.

The inclusion of local and domestic long-distance calling as a part of TAG Mobile's wireless offering, along with the fact that service is provided without a monthly recurring charge, will allow consumers to avoid the risk of becoming burdened with large and unexpected charges for toll calling and unexpected overage charges.

Designation of the Company as an ETC on a wireless basis will also provide other carriers serving the same area an incentive to improve their existing networks and service offerings in order to remain competitive, which will result in improved consumer services and will also benefit consumers by allowing TAG Mobile to offer the services designated for support at rates that are "just, reasonable, and affordable."³⁹

As provided by the Communications Act, the availability of basic telecommunications services to low-income consumers is critical to the provision of public health, safety, and other services. In addition, the FCC has long acknowledged the benefits to consumers of being able to choose from a variety of telecommunications providers and the resulting variety of telecommunications services they provide.⁴⁰ This is of particular interest in cases where wireless providers, such as TAG Mobile, seek to provide services as alternatives to those of the traditional ILEC. In the *Highland Cellular*⁴¹ case, the FCC recognized and affirmed that some households may not have access to the public switched network as provided by the incumbent local exchange carrier. The availability of a wireless competitor benefits consumers who routinely

³⁹ See 47 U.S.C. § 254(b)(1).

⁴⁰ See e.g., *Specialized Common Carrier Services*, 29 FCC 2d 870 (1971).

⁴¹ Federal-State Joint Bd. on Universal Serv., *Highland Cellular, Inc., Memorandum Opinion and Order*, 19 F.C.C.R. 6422 (2004).

drive long distances to attend work or school or to accomplish everyday tasks such as shopping or attending community and social events. The wireless service offered by TAG Mobile will provide these consumers with a convenient and affordable alternative to traditional telecommunications service that can be used while at home and away from home.

The Lifeline and Link-Up service offered by TAG Mobile also provides important benefits that are especially needed by low-income Pennsylvania residents in this time of economic downturn. As the Commission is aware, the Dow Jones Average, a primary indicator of the health of the economy, has been at a low ebb for a considerable period of time. Savings accounts, upon which many depend for emergencies and retirement, have significantly eroded. As of March, 2011 Pennsylvania's unemployment rate is reported to be 7.8 percent⁴², which has a significant impact on many residents of the Commonwealth. The availability of a mobile telephone will be critical to the efforts of the unemployed as they search for other employment opportunities. Without a regular paycheck, wireless telephone service would become a luxury beyond the means of many of those persons.

TAG Mobile's Lifeline and Link-Up programs will enable thousands of residents to obtain wireless service which would otherwise be unavailable to them. The economic circumstances indicate that low-income individuals, now more than ever, can greatly benefit from the advantages offered by TAG Mobile's Lifeline and Link-Up service thus allowing those adversely impacted by the failing economy or job loss to have access to a free wireless service to assist in emergency situations, facilitate job search efforts, and to maintain contact with family members.

⁴² Bureau of Labor Statistics. See <http://stats.bls.gov/news.release/laus.t03.htm> .

It is also a commonly accepted fact that in today's market, qualified Lifeline and Link-Up customers view the portability and convenience of wireless service not as a luxury, but as a necessity. Mobile service allows children to reach their parents, wherever they may be, allows a person seeking employment the ability to be contacted by potential employers, and provides end users with the ability to contact emergency service providers, regardless of location.

Added together, TAG Mobile expects these additional competitive advantages to create an atmosphere that will cause many qualified consumers, at their option, to select the Company's low income wireless Lifeline and Link-Up service in lieu of the more traditional wireline or wireless services.

B. The Unique Advantages of TAG Mobile's Service Offerings.

TAG Mobile will offer a unique, easy to use, competitive and highly affordable wireless telecommunications service, which it will make available to qualified consumers who either have no other service alternatives or who choose a wireless prepaid solution in lieu of more traditional services.

TAG Mobile will provide universal service as a wireless ETC throughout its Service Area.

TAG Mobile is willing to accept carrier of last resort obligations throughout the universal service areas in which TAG Mobile is designated as a wireless ETC by the Commission.

TAG Mobile acknowledges that it may be required to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the Service Area, as required by 47 C.F.R. § 54.202(a)(5).

TAG Mobile offers a local usage plan comparable to the ones offered by the ILECs in the Service Area.

C. Impact on the Universal Service Fund.

ETC designation of TAG Mobile on a wireless basis will impose a negligible burden on the USF. TAG Mobile reiterates that it is applying for ETC designation solely for the purpose of providing Lifeline and Link-Up discounts to qualified low-income consumers and to seek reimbursement for the same and will not seek or accept High Cost support. Under the FCC Rules, an ETC applicant must submit a five-year plan that describes with specificity the proposed improvements or upgrades to the applicant's network on a wire-center-by-wire-center basis throughout its proposed Service Area. The plan submittal requirement is applicable where the applicant seeks High Cost support from the USF, and thus is not applicable where the applicant seeks ETC designation only for low income support from the USF.⁴³

Because TAG Mobile seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time. Since Lifeline support is designed to reduce the monthly cost of telecommunications services for eligible consumers, is distributed on a per-customer basis, and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low-income users, which is clearly in the public interest. In addition, designation of the Company as an ETC on a wireless basis will not pose any adverse effect in the growth in the High Cost portions of the USF, nor will it create or contribute to an erosion of High Cost funding from any rural or non-rural telephone company.

⁴³ 47 C.R.R. § 54.202(a)(1)(ii).

The FCC reaffirmed this position when it stated that “the potential growth of the fund associated with high-cost support distributed to competitive ETCs” is not relevant to carriers seeking support associated with the low-income program.⁴⁴

The FCC also recognized that the total effect of additional low-income-only ETC designations would have a minimal impact on the fund when it stated that “any increase in the size of the fund would be minimal and would be outweighed by the benefit of increasing eligible participation in the Lifeline and Link-Up programs, furthering the statutory goal of providing access to low-income consumers.”⁴⁵

It is also vital to recognize that in the case of Lifeline and Link-Up support, an ETC receives USF support *only* for the customers it obtains. In the scenario where a competitive ETC obtains a Lifeline customer from another ETC, only the “capturing” ETC provides Lifeline discounts and as a result, only the “capturing” ETC receives support reimbursement.

In addition, all providers are required to contribute a portion of the interstate revenues received from their customers to the USF. In accordance with current federal regulations, TAG Mobile will make contributions based on that portion of its revenue that is determined to be interstate. As such, approving TAG Mobile as an ETC will actually create contributions to the USF that were previously non-existent.

D. Designation of TAG Mobile as an ETC Will Benefit Low Income Consumers in the Commonwealth of Pennsylvania.

Designation of the Company as an ETC on a wireless basis will make Lifeline and Link-Up discounts available to many more Pennsylvania residents. This provision of Lifeline and

⁴⁴ Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), CC Docket No. 96-45, Order, 20 FCC Rcd 15095 (2005) (TracFone Forbearance Order) at ¶ 17.

⁴⁵ TracFone Forbearance Order, at ¶ 17.

Link-Up discounts is particularly valuable to low-income customers in the wireless field, where, to TAG Mobile's knowledge, there are a limited number of wireless providers offering USF supported service and even fewer offering the same with absolutely no monthly recurring charge to the end-user. As such, the service for which TAG Mobile seeks ETC status is unique.

Inclusion of TAG Mobile wireless service in the Lifeline and Link-up programs will serve the public interest by increasing participation of qualified consumers in those programs, thereby contributing to an overall increase in the number of Pennsylvania residents receiving Lifeline and Link-Up service and an increase to the amount of federal USF dollars benefiting Pennsylvania residents.

Finally, inclusion of TAG Mobile wireless service in the Lifeline and Link-Up programs will serve the public interest by furthering the extensive role that TAG Mobile believes it will play in the provision of communications service to low-income consumers, transient users, and other consumers who, due to the restrictive credit criteria, deposit requirements, and long-term commitments of traditional service providers, are off network and, without any viable alternative, are likely to remain so.

VI. TAG MOBILE SATISFIES OR WILL SATISFY THE COMMONWEALTH-SPECIFIC MINIMUM REQUIREMENTS FOR DESIGNATION AS AN ETC IN THE COMMONWEALTH OF PENNSYLVANIA.

In addition to satisfying the federal standards for ETC designation, TAG Mobile agrees to satisfy the Pennsylvania-specific minimum standards as a condition of the Commission's grant of ETC designation to TAG Mobile. Said standards include provisions of law, at Section 3019(f) of the Pennsylvania Public Utility Code (66 Pa.C.S. § 3019(f)), the Commission's implementing rules, at 52 Pa. Code § 69.2501, and orders of the Commission establishing Lifeline and Link-up eligibility criteria, as well as procedures for certification and verification of a consumer's initial

and continuing eligibility.⁴⁶ The Commission has also established reporting requirements for annual changes in an ETC's Lifeline and Link-up enrollment.⁴⁷

A. Section 3019(f) Requirements

Section 3019(f) of the Pennsylvania Public Utility Code (66 Pa.C.S. § 3019(f)) sets forth the minimum requirements for ETCs which seek low income support from Lifeline and Link-up universal support programs. Section 3019(f) includes the following requirements:

- (1) All ETCs certificated to provide local exchange telecommunications service shall provide Lifeline service to all eligible telecommunications customers who subscribe to such service.
- (2) All eligible telecommunications customers who subscribe to Lifeline service shall be permitted to subscribe to any number of other ETC telecommunications services at the tariffed rates for such services.
- (3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an ETC, the carrier shall explicitly advise the customer of the availability of lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.
- (4) ETCs shall inform existing customers of the availability of Lifeline services twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the Lifeline service subscription requirements.
- (5) ETCs shall provide the department of public welfare with Lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the department of public welfare in providing the notifications required by this paragraph.
- (6) No ETC shall be required to provide after the effective date of this section any new Lifeline service discount that is not fully subsidized by the federal universal service fund.

⁴⁶ *In Re: Lifeline and Link-up Programs*, Docket No. M-0051871, (May 23, 2005), as amended by Amended Order entered January 29, 2008 ("Lifeline and Link-up Order").

⁴⁷ *See Section 3015(f) Review Regarding Lifeline Tracking Report, Accident report, and Services Outage Report*, 100 Pa. P.U.C. 553 (Dec. 30, 2005) ("Tracking Report Order").

TAG Mobile will comply with each of the requirements in Section 3019(f). TAG Mobile will provide its prepaid Lifeline service to all eligible telecommunications customers who wish to subscribe to such service and who reside within the Service Area. TAG Mobile will also agree to permit eligible customers to subscribe to any number of its other telecommunications services at the standard rates for such services. TAG Mobile will establish protocols so that, whenever a prospective customer in the Commonwealth seeks to subscribe to TAG Mobile's service, TAG Mobile will explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service. TAG Mobile will inform existing customers of the availability of Lifeline service twice annually by text or email message, in compliance with section 3019(f)(4). TAG Mobile will provide the Commonwealth's Department of Public Welfare ("DPW") and the Commission's Bureau of Consumer Services ("BCS") with its Lifeline service descriptions and subscription forms, contact telephone numbers and a listing of the geographic area or areas it serves for use by the DPW in providing the notification under section 3019(f)(5).

B. Certification, Reporting and Complaint Handling Procedures

TAG Mobile commits to: (1) abiding by the applicable requirements set forth in the Lifeline and Link Up Order; (2) abiding by the applicable requirements set forth in the Tracking Order Report; and 3) having consumer Lifeline related complaints, excluding rates and entry issues, which are unresolved by TAG Mobile's customer service staff, be handled by the BCS.

The Lifeline and Link Up Order contains mandated procedures for certification and verification of a customer's initial and continued eligibility for Lifeline services, including obligations that an ETC must attempt to certify a customer's program-based eligibility by referencing DPW's database, or other means such as written documentation of eligibility and

participation in one of the eligible programs. In addition, the ETC must verify the continued eligibility of a statistically valid sample of its customers by first cross checking DPW's database of eligible customers. The Lifeline and Link Up Order, at p. 10, states:

[T]he companies ought to use the DPW's database first to establish if there is acceptable social assistance program participation. If the household qualifies, then no further investigation or verification need be done. The household qualifies based on program participation or income verification. If the household does not appear to be enrolled in one of the approved social assistance programs, then 135% FPG [Federal Poverty Income Guidelines] income or less may be verified through either copies of written state or federal income tax returns for the prior year, or the carrier may contact [the Pennsylvania Department of Revenue (DOR)] . . . and pay the nominal fee to have the customer's household's income verified. We agree . . . that self-certification without some form of reasonable independent verification is suspect for fraudulent abuse and will not be acceptable in Pennsylvania as a means for qualifying for our Lifeline . . . programs.

As the Commission has indicated, an ETC must independently certify an applicant's eligibility for Lifeline service through a variety of ways. Such certification may be accomplished through DPW in those instances where the applicant seeks support based on participation in a qualified low income program that is administered by DPW. Independent certification of an applicant's income eligibility is accomplished by an ETC through examination of an applicant's submitted tax returns or other acceptable documentation of income⁴⁸ or through the DOR in those instances where the applicant seeks support based solely on income without supporting documentation.

The Commission also requires recertification of Lifeline customers at least annually and in accordance with the FCC procedures established at 47 C.F.R. § 54.410.⁴⁹ TAG Mobile plans at this time to meet the above-stated Lifeline certification, verification, and annual recertification

⁴⁸ Acceptable forms of documentation of income include but are not limited to: most recent federal tax returns; most recent state tax returns; most recent W-2 Form; Property tax/Rent Rebate Form; Social Security Benefit Form or 1099 Form; Support Order; 3 months current pay stubs.

⁴⁹ Lifeline and Linkup Order, at p. 27.

through deployment of internal resources rather than reliance on a contracted, outside services provider.

Pursuant to the Tracking Order, TAG Mobile, as a prepaid wireless ETC, will provide to the BCS a copy of its annual Lifeline Verification Survey results that it files with the Universal Service Administrative Company ("USAC") by August 31 of each year, as well as the FCC Form 497, Lifeline and Link Up Worksheet (detailing USF support per subscribers), filed with USAC quarterly the third Monday of April, July, October and January.

Finally, TAG Mobile agrees to work with the BCS to resolve informal complaints, and to submit to Commission jurisdiction on formal complaints filed with BCS by TAG Mobile Lifeline customers, on Lifeline related issues other than matters related to rates and entry. TAG Mobile will provide notice to consumers of their right to contact BCS and the Commission's contact information, if complaints brought to TAG Mobile's customer service division are not resolved.

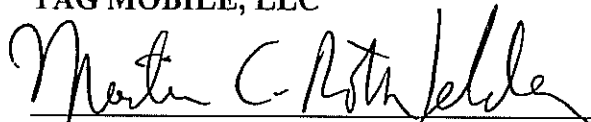
CONCLUSION

Having demonstrated that TAG Mobile satisfies the conditions necessary for designation as an ETC in the Commonwealth of Pennsylvania, and having shown that the public and universal service interests of the telecommunications consumers of the Commonwealth will be properly served, TAG Mobile respectfully requests that the Commission designate TAG Mobile as an ETC for the provision of low income support on a wireless basis in the Commonwealth of Pennsylvania.

Respectfully submitted,

TAG MOBILE, LLC

By:



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VERIFICATION

The undersigned certifies that he is the President & CEO of TAG Mobile, LLC ("TAG Mobile"), and as President & CEO of TAG Mobile has the authority to execute this Verification in connection with the foregoing Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania for the Limited Purpose of Offering Lifeline and Link-Up Services to Qualified Households (the "Petition") on behalf of TAG Mobile, and further certifies that he has read the foregoing Petition in its entirety and that, based on personal knowledge and/or following diligent inquiry, the statements contained in this Petition are true to the best of the undersigned's knowledge and belief.

Applicant: TAG Mobile, LLC

By: _____

Printed: Frank Del Col

Its: President & CEO

Dated: May 12, 2012

