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IDAHO PUBLIC
UTILITIES COMMISSION

Danielle Frappier
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March 21, 2011

VIA FEDEX

TWI-T-11-01

Idaho Public Utilities Commission
Attn: Jean Jewell
PO Box 83720
Boise, ID 83720-0074

**Re: Application of True Wireless, LLC for Designation as an Eligible
Telecommunications Carrier in the State of Idaho**

Dear Ms. Jewell:

On behalf of True Wireless, LLC ("True Wireless"), please find the enclosed Application of True Wireless for Designation as an Eligible Telecommunications Carrier in the State of Idaho ("Application") for consideration by the Commission.

Enclosed for filing is the original Application, seven (7) copies and a Stamp and Return copy. Please acknowledge receipt of this by date-stamping the extra copy of the Application and returning it in the self-addressed stamped envelope provided for that purpose. Should you have any questions regarding this Application, please do not hesitate to call.

Respectfully submitted,

Danielle Frappier
Adam Shoemaker
Davis Wright Tremaine LLP

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IDAHO PUBLIC UTILITIES COMMISSION

STATE OF IDAHO

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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)

Case No. TWI-T-11-01

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"), and the Idaho Public Utilities Commission's ("Commission") rules and regulations¹ for designation as an Eligible Telecommunications Carrier ("ETC") throughout all exchanges indicated in Exhibit A (the "Designated Service Area") for the purpose of receiving federal Low Income universal service support, i.e., Lifeline and Link Up. 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 Idaho, and throughout the requested Designated Service Area. True Wireless provides Commercial Mobile Radio Services ("CMRS") to qualifying low income consumers in Oklahoma and Texas, and proposes to provide these services in Idaho. A copy of the Company's

¹ See In the Matter of the Application of WWC Holding Co., Inc .d/b/a Cellular-One Seeking Designation as an Eligible Telecommunications Carrier that may Receive Federal Universal Service Support, Order No. 29841 (August 4, 2005) ("Commission Order No. 29841").

Certificate of Formation is attached as Exhibit B. True Wireless' address and telephone number are 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:

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

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

True Wireless meets the requirements for designation as an ETC as established under federal law and FCC rules 47 U.S.C. § 214(e); 47 C.F.R. § 54.201 and state regulations. In particular, True Wireless:

- is a common carrier (*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- 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 use a combination of its own facilities and resold services to provide the supported services (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));
- 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));

- will make available Low Income service to qualifying low income consumers (47 C.F.R. § 54.405); and
- will demonstrate its ability to remain functional in emergencies (Commission Order No. 29841 at Appendix ¶B(2)).

A. True Wireless Is A Common Carrier

True Wireless provides 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 each of the nine services supported by federal universal service support mechanisms upon designation as an ETC as set forth below.

1. Voice Grade Access To The Public Switched Telephone Network - the ability to transmit and receive voice communications with a minimum bandwidth of 300 to 3,000 Hertz (47 C.F.R. § 54.101(a)(1)). True Wireless meets this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
2. Local Usage – an amount of minutes of use provided free of charge (47 C.F.R. § 54.101(a)(2)); Commission Order No. 29841 at Appendix ¶B(4). True Wireless meets this requirement by providing three attractive pricing plans for nationwide calling for customers qualifying for Low Income: 68 minutes of nationwide calling free; 350 minutes nationwide for \$40 per month; or unlimited nationwide for \$60 per month. Each package provides Low Income customers with local, as well as long distance, calling at competitive prices.
3. Dual Tone Multi-Frequency (“DTMF”) Signaling Or Its Functional Equivalent – a method of signaling that facilitates the transportation of call set-up and call detail information (47 C.F.R. § 54.101(a)(3)). 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.”² True Wireless meets this requirement by providing out-of-

² *In Re Federal-State Joint Board on Universal Service, Report and Order*, 12 FCC Rcd 8776, at ¶ 71 (FCC rel. May 8, 1997).

band digital signaling and in-band multi-frequency signaling for call set-up and termination.

4. Single Party Service Or Its Functional Equivalent – a dedicated message path for the length of a user’s particular transmission (47 C.F.R. § 54.101(a)(4)). With respect to wireless carriers, “single-party service” affords a user a dedicated message path for the length of a user’s particular transmission. True Wireless meets this requirement with respect to each of its service offerings.
5. Access To Emergency Services – access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services (47 C.F.R. § 54.101(a)(5)). True Wireless meets this requirement by providing access to 911 service and meeting all requests for access to E911 service through local public service answering points (“PSAPs”). Furthermore, True Wireless will remain functional in emergencies in compliance with Commission rules.
6. Access To Operator Services – access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call (47 C.F.R. § 54.101(a)(6)). True Wireless meets this requirement by providing access via a switch owned by True Wireless, which will route customers to True Wireless’ call center.
7. Access To Interexchange Service – ability to make and receive calls using an interexchange carrier’s network (47 C.F.R. § 54.101(a)(7)). True Wireless meets this requirement by providing its customers with access to the ability to make and receive calls over interexchange network facilities. The FCC has determined that wireless carriers are not required to provide equal access to interexchange service, but may be required to provide equal access in certain special situations.³
8. Access To Directory Assistance – making available to customers, among other services, access to information contained in directory listings. True Wireless meets this requirement by providing all of its customers with access to directory listings through use of a pound code. In the next few months, True Wireless customers will have access to directory assistance by dialing 411. True Wireless meets this requirement by providing access via a switch owned by True Wireless, which will route customers to True Wireless’ call center.
9. Toll Limitation 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 (47 C.F.R. § 54.101(a)(9); 47 C.F.R.

³ *Id.* at ¶ 78.

§ 54.400(d)). True Wireless will offer toll limitation to qualifying low income consumers at no additional charge. True Wireless will shortly have the ability to offer toll blocking and toll limitation through the switch owned by True Wireless.

C. True Wireless Will Use A Combination of Its Own Facilities and Resold Facilities To Provide The Supported Services

True Wireless provides the supported services using a combination of its own facilities, which include a switch, and resale of another carrier's services. These facilities are physical components of the telecommunications network that are used in the transmission or routing of the service for which support is requested. Because these facilities include a switch owned by True Wireless and leased or owned communications lines, the method by which True Wireless provisions the supported services is consistent with the FCC's rules.⁴

D. True Wireless Will Provide The Supported Services Throughout Its Designated Service Areas

True Wireless commits to provide the supported services throughout its Designated Service Area, consistent with all applicable requirements, including the FCC's ETC service provisioning requirements found in 47 C.F.R. § 54.202. To the extent a potential customer requests service within True Wireless' Designated Service Area, but outside its existing network coverage, True Wireless will follow the six-step process specified in 47 C.F.R. § 54.202(a)(1)(i). Specifically, True Wireless will determine if service can be provided at reasonable cost 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.

⁴ See 47 C.F.R. § 54.201(e), (f).

E. 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.

F. True Wireless Will Make Available Low Income 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 Low Income 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' Low Income service offering. True Wireless plans to offer three attractive pricing plans for nationwide calling for customers qualifying for Low Income: 68 minutes of nationwide calling free; 350 minutes nationwide for \$40 per month; or unlimited nationwide for \$60 per month. Each package provides Low Income customers with local, as well as long distance, calling at competitive prices.

G. 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 Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Code") as required by the Commission. *See* Commission Order No. 29841 at Appendix ¶B(3). 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.

H. Emergency Functionality.

Furthermore, True Wireless will provide service in a timely manner and will remain functional in emergencies in compliance with Commission rules. *See* Commission Order No. 29841 at Appendix ¶B(2). Specifically, through the use of a combination of its own facilities and leased facilities, True Wireless will be able to reroute traffic around damaged facilities, has back-up power to ensure traffic completion without an external power source, and will be able to manage traffic spikes in cases of emergency.

I. Request for Waiver of Certain Board Requirements

As True Wireless is not seeking high-cost support for its wireless service, it hereby requests a waiver of the following Commission rules: Commission Order No. 29841 at Appendix ¶B(1) (network improvement and maintenance plan based on high-cost support) and Commission Order No. 29841 at Appendix ¶C(1) (annual report of certain information based on high-cost support). True Wireless understands that these rules relate solely to the receipt and expenditure of high-cost funds. Because True Wireless will not apply for or accept federal high-cost funding, it believes that these rules are not applicable to True Wireless' application and, therefore, should be waived.

III. Designation of True Wireless As An ETC Is 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 Low Income service consistent with all applicable requirements, advertising the availability of its universal service offerings, and furthering the goals of the universal service program. Moreover, designation of True Wireless as an ETC is in the public interest because consumers will benefit from competitive pricing and new services, such as True Wireless' Low Income plan. As True Wireless expands its network in Idaho, 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 Idaho, thereby advancing the basic goal of preserving and advancing universal service.⁵ Indeed, True Wireless will pass through to its Low Income eligible customers all the federal Low Income program

⁵ See 47 U.S.C. § 254(b).

discounts. Designating True Wireless as an ETC will improve its ability to serve these customers, and thus will serve the public interest.

IV. 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).

V. Conclusion

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

Dated this 21st day of March, 2011.

Respectfully submitted,

True Wireless, LLC

By: 

Danielle Frappier
Adam Shoemaker
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20006
(202) 973-4242

VERIFICATION

STATE OF TENNESSEE

SHELBY COUNTY

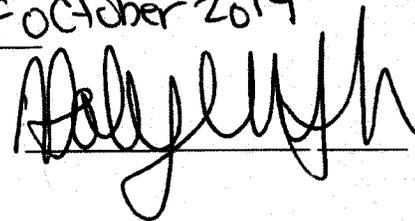
Brian Cox, CEO of True Wireless, LLC, being duly sworn, says that the facts and allegations contained in the attached petition are true, except so far as they are therein stated to be on information, and that, so far as they are therein stated to be on information, he believes them to be true.



Brian Cox

Taken, sworn and subscribed before me this 10 day of March, 2011.

My commission expires on the 11th day of October 2014





List of Exhibits

Exhibit A – Designated Service Area

Exhibit B – Certificate of Formation

Exhibit A

Designated Service Area

Qwest Corporation - Wire Centers in Idaho

State	Company	Wire Center
ID	QWEST CORPORATION	AFTNWYMARS1
ID	QWEST CORPORATION	AMFLIDMARS1
ID	QWEST CORPORATION	BLFTIDMADS0
ID	QWEST CORPORATION	BLSSIDMARS1
ID	QWEST CORPORATION	BNCRIDMARS1
ID	QWEST CORPORATION	BOISIDMADS0
ID	QWEST CORPORATION	BOISIDMADS1
ID	QWEST CORPORATION	BOISIDMADS3
ID	QWEST CORPORATION	BOISIDNWDS0
ID	QWEST CORPORATION	BOISIDSWDS0
ID	QWEST CORPORATION	BOISIDWEDS0
ID	QWEST CORPORATION	BRLYIDMADS0
ID	QWEST CORPORATION	BUHLIDMARS1
ID	QWEST CORPORATION	CLWLIDMADS0
ID	QWEST CORPORATION	CLWLIDMARS1
ID	QWEST CORPORATION	CRGMID01DS0
ID	QWEST CORPORATION	CSFRIDMARS1
ID	QWEST CORPORATION	CTWDID01DS0
ID	QWEST CORPORATION	DECLIDMARS2
ID	QWEST CORPORATION	DWNYIDMARS1
ID	QWEST CORPORATION	DYTNIDMARS1
ID	QWEST CORPORATION	EAGLIDNMDS0
ID	QWEST CORPORATION	EDHZIDMARS1
ID	QWEST CORPORATION	EMMTIDMADS0
ID	QWEST CORPORATION	FKLNIDMARS1
ID	QWEST CORPORATION	FRTHIDMARS1
ID	QWEST CORPORATION	GAVLID01DS0
ID	QWEST CORPORATION	GDNGIDMARS1
ID	QWEST CORPORATION	GLFYIDMARS1
ID	QWEST CORPORATION	GRACIDMARS1
ID	QWEST CORPORATION	HALYIDMADS1
ID	QWEST CORPORATION	HGMNIDMARS1
ID	QWEST CORPORATION	IDCYIDMARS1
ID	QWEST CORPORATION	IDFLIDMADS1
ID	QWEST CORPORATION	INKMIDMARS1
ID	QWEST CORPORATION	JERMIDNMDS0
ID	QWEST CORPORATION	KAMHID01DS0
ID	QWEST CORPORATION	KMBRIDMARS1
ID	QWEST CORPORATION	KOSKID01DS0
ID	QWEST CORPORATION	KTCHIDMADS0
ID	QWEST CORPORATION	KUNAIDMARS1
ID	QWEST CORPORATION	LAPWID01DS0
ID	QWEST CORPORATION	LHSPIDMARS1
ID	QWEST CORPORATION	LSMNIDMARS1
ID	QWEST CORPORATION	LSTNIDSHDS0
ID	QWEST CORPORATION	MCCMIDMARS1
ID	QWEST CORPORATION	MDTNIDMARS1
ID	QWEST CORPORATION	MELBIDMARS1
ID	QWEST CORPORATION	MRDNIDMADS0
ID	QWEST CORPORATION	MRTGIDMARS1

Qwest Corporation - Wire Centers in Idaho

ID	QWEST CORPORATION	MTHOIDMADS0
ID	QWEST CORPORATION	MTHOIDSORS1
ID	QWEST CORPORATION	MTPLIDMARS1
ID	QWEST CORPORATION	NMPAIDMADS0
ID	QWEST CORPORATION	NOCLLIKNOVN
ID	QWEST CORPORATION	NPMOIDMARS1
ID	QWEST CORPORATION	NZPRID01DS0
ID	QWEST CORPORATION	PCTLIDMADS0
ID	QWEST CORPORATION	PCTLIDMADS1
ID	QWEST CORPORATION	PCTLIDNODS0
ID	QWEST CORPORATION	PSTNIDMARS1
ID	QWEST CORPORATION	PYTTIDMARS1
ID	QWEST CORPORATION	RBRTIDMARS2
ID	QWEST CORPORATION	RGBYIDMARS1
ID	QWEST CORPORATION	RIRIIDMARS1
ID	QWEST CORPORATION	RVSDIDMARS1
ID	QWEST CORPORATION	RXBGIDMADS0
ID	QWEST CORPORATION	SDSPIDMARS1
ID	QWEST CORPORATION	SHLYIDMARS1
ID	QWEST CORPORATION	SHSHIDMARS1
ID	QWEST CORPORATION	STARIDNMRS2
ID	QWEST CORPORATION	THTCIDMARS1
ID	QWEST CORPORATION	TWFLIDMADS0
ID	QWEST CORPORATION	TWFLIDMADS1
ID	QWEST CORPORATION	WESRIDMARS1
ID	QWEST CORPORATION	WNDLIDMARS1

Exhibit B

Certificate of Formation

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



**Certificate of Formation
Limited Liability Company**

**Filed in the Office of the
Secretary of State of Texas
Filing #: 801001360 07/08/2008
Document #: 221532330002
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Filing Fee: \$300

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

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