



Control Number: 38725



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**DOCKET NO. 38725**

<b>APPLICATION OF I-WIRELESS, LLC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FOR DESIGNATION AS AN ELIGIBLE</b>	<b>§</b>	
<b>TELECOMMUNICATIONS CARRIER</b>	<b>§</b>	<b>OF TEXAS</b>
<b>PURSUANT TO 47 U.S.C. §214(e) AND</b>	<b>§</b>	
<b>PUC SUBST. R. 26.418 FOR LIFELINE</b>	<b>§</b>	
<b>SUPPORT</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
NOTICE AND SUFFICIENCY OF APPLICATION**

NOW COMES Staff of the Public Utility Commission of Texas (Commission Staff or Staff), representing the public interest, to submit this Supplemental Recommendation on Sufficiency of Application.

**I. Background**

On September 24, 2010, i-wireless, LLC (i-wireless or Applicant) filed an application for limited designation as an eligible telecommunications carrier (ETC), pursuant to 47 U.S.C. §214(e) and P.U.C. SUBST. R. 26.418 (Application). i-wireless seeks ETC designation only for the limited purpose to provide Lifeline service to qualifying Texas consumers. i-wireless is not seeking authority to be eligible to receive Federal Universal Service Fund (FUSF) high-cost support. I-wireless is a reseller of commercial mobile radio service (CMTS) throughout the United States and provides pre-paid wireless telecommunications services to consumers by using the Sprint-Nextel network on a wholesale basis to offer nationwide service. Order No. 1, issued on September 27, 2010, requires Staff to file its recommendation on notice and sufficiency of application no later than October 5, 2010 and Staff timely filed its recommendation finding the proposed notice deficient and identifying several deficiencies with the Application.

Order No. 2 was issued on October 8, 2010, deemed the application insufficient for further review as described by Commission Staff in its Recommendation on Sufficiency, and required the Applicant to supplement/amend its Application on or before October 18, 2010 to cure the deficiencies noted in Commission Staff's Recommendation and attached memorandum by Liz Kayser of the Competitive Markets Division. The Applicant timely filed a Supplement to Application on October 18, 2010.

## II. Notice

Staff reviewed the supplemental proposed notice provided by the Applicant in its supplement to its Application and finds that it substantially complies with P.U.C. SUBST. R. 26.418(g)(1)(A).

## III. Sufficiency of Application

Staff has reviewed the supplement to the Application filed by the Applicant on October 18, 2010. As detailed in the attached memorandum by Liz Kayser, of the Competitive Markets Division, the Application and supplement still contain several deficiencies and Staff finds the Application, as supplemented, insufficient for further review. In the attached memorandum, Ms. Kayser also addresses the waiver requested by the Applicant regarding the requirement to identify the location of network facilities and signal strength within the proposed service area.

**DATE: November 4, 2010**

Respectfully submitted,

Thomas S. Hunter  
Division Director - Legal Division

Keith Rogas  
Deputy Division Director – Legal Division

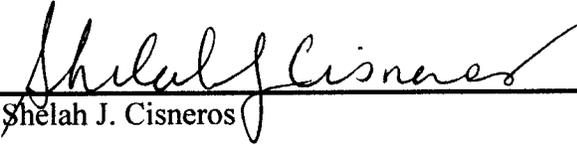


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record by first class U.S. mail, postage pre-paid on this date, November 4, 2010, in accordance with P.U.C. Procedural Rule 22.74.

  
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Shelah J. Cisneros

# PUBLIC UTILITY COMMISSION OF TEXAS

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## Memorandum

**TO:** Shelah Cisneros  
Attorney  
Legal Division

**FROM:** Liz Kayser   
Market Economist  
Competitive Markets Division - Wholesale

**DATE:** November 4, 2010

**RE:** Docket No. 38725 – *Application of I-Wireless, L.L.C. for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. §214(e) and P.U.C. Substantive Rule 26.418 for Lifeline Support*

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### RECOMMENDATION Regarding Sufficiency of ETC Application

On September 24, 2010, i-wireless, L.L.C. (i-wireless or the Company) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. §214(e) and P.U.C. SUBST. R. 26.418 for the limited purpose of providing Lifeline service to prepaid wireless customers.<sup>1</sup> i-wireless is a Mobile Virtual Network Operator (MVNO), a reseller of commercial mobile radio service (CMRS).<sup>2</sup>

In its application, i-wireless states that it requests ETC designation for the wire centers served by the non-rural ILECs AT&T and Verizon. The Company has listed the proposed wire centers in Exhibit 7 and 8 of its application.<sup>3</sup>

On September 27, 2010, Order No. 1, *Requesting Recommendation on Sufficiency and Setting Procedural Schedule* was issued. Order No. 1 established an effective date of

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<sup>1</sup> Application of i-wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Texas for the Limited Purpose of Offering Lifeline Service to Qualified Households. Docket No. 38725, (September 24, 2010).

<sup>2</sup> *Id* at 2.

<sup>3</sup> *Id* at Exhibits 7 and 8.

November 8, 2010 and advised that the Commission would provide *Texas Register* notice on October 8, 2010. Order No. 1 also established October 28, 2010 as the deadline for comments or intervention to be filed by interested parties.

Order No. 2, *Finding Application Deficient*, was issued on October 8, 2010. Order No. 2 required i-wireless to supplement/amend its application by October 18, 2010, in order to cure deficiencies noted in Commission Staff's recommendation and attached memorandum. I-wireless filed a supplement to its application on October 18, 2010.

Order No. 3, *Granting Extension of Time*, was issued on October 26, 2010. Order No. 3 granted Commission Staff additional time to review i-wireless' 220 page supplement to its application. In response to one of the deficiencies noted in Commission Staff's recommendation, i-wireless stated that as a reseller of wireless services it does not have access to the underlying information regarding network facilities or signal strengths, as it is proprietary information that the underlying carrier is unable to disclose. I-wireless goes on to request a waiver to having to provide such information. I will not agree to such a waiver but based upon a preliminary review I will consider allowing i-wireless to obtain an affidavit from the underlying carrier attesting to the fact that the underlying carrier can provide service in such a manner that any customer in the wire center has adequate signal to make and receive calls throughout: 1) the entire service area of each wire center listed in Attachment 7 of i-wireless' application; and 2) the entire area indicated on the maps for each of the wire centers listed in Attachment 8 of i-wireless' application.

**I have reviewed i-wireless' application and have found that it is *deficient* for ETC review for the following reasons:**

- 1. I-wireless provided numerous maps in the supplement to its application. However, because all the maps are in black and white, are of poor quality and don't show any towns/cities, I'm unable to determine what customers could subscribe to i-wireless' services. I-wireless must submit colored copies of the maps that are legible and show in detail all the towns/cities in each listed wire center.**

- 1. i-wireless failed to meet the requirements of 26.418(g)(2)(B) because i-wireless' Lifeline Tariffs contain numerous errors and omissions.**
- 2. i-wireless failed to include a sworn affidavit from an officer of the company attesting to the statements of fact contained in the supplement to its application.**