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December 4, 2013

Via Federal Express and Electronic Filing

Catrice Williams
Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street
Suite 820
Boston, MA 02118-6500

Re: Application of Tempo Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts for the Limited Purpose of Offering Lifeline Service to Qualified Households

Dear Ms. Williams:

Tempo Telecom, LLC ("Tempo"), by its attorneys, hereby submits an original and one (1) copy of its Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts for the Limited Purpose of Offering Lifeline Service to Qualified Households ("Application"). Also enclosed is a check for $100 to cover the filing fee. Tempo is also filing this Application electronically.

Please date stamp the extra copy of the Application and return it in the enclosed, postage-paid envelope. If you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

Angela F. Collins
Counsel for Tempo Telecom, LLC

Enclosures

Before the
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In the Matter of	)	
Application of Tempo Telecom, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts for the Limited Purpose of Offering Lifeline Service to Qualified Households	)	D.T.C. _____

APPLICATION OF TEMPO TELECOM, LLC FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE COMMONWEALTH OF MASSACHUSETTS FOR THE LIMITED PURPOSE OF OFFERING LIFELINE SERVICE TO QUALIFIED HOUSEHOLDS

Tempo Telecom, LLC ("Tempo"), by its attorneys, and pursuant to Section 214(e)(2)[1] of the federal Communications Act of 1934, as amended (the "federal Act"), and Section 54.201[2] of the rules and regulations of the Federal Communications Commission ("FCC"),[3] hereby submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC") by the Massachusetts Department of Telecommunications and Cable (the "Department"). Tempo seeks ETC designation for Lifeline support only to provide prepaid wireless services to qualifying Massachusetts consumers. Tempo will not seek access to funds from the federal Universal Service Fund ("USF") for the purpose of providing service to high cost areas.[4] As demonstrated herein, Tempo meets all the statutory and regulatory requirements for designation as an ETC in

1 47 U.S.C. § 214(e)(2).

2 47 C.F.R. § 54.201.

3 Tempo files this Application in accordance with the rules adopted by the FCC in *Lifeline and Link Up Reform and Modernization; et al.*, 27 FCC Rcd 6656 (2012) ("*Lifeline Reform Order*") and *Connect America Fund; et al.*, 26 FCC Rcd 17663 (2011) ("*Connect America Fund Order*").

4 Given that Tempo only seeks Lifeline support and does not seek any high-cost support, ETC certification requirements for the high-cost program are not applicable to Tempo.

the Commonwealth of Massachusetts.

I. OVERVIEW OF TEMPO

Tempo is a commercial mobile radio service ("CMRS") provider that offers prepaid wireless voice and data services on a resold basis. Tempo does not own any wireless facilities or hold any FCC wireless licenses. In addition to prepaid wireless Lifeline service as an ETC, Tempo will also provide other prepaid wireless voice and data services in Massachusetts.

In August 2012, Birch Communications, Inc. ("Birch") received approval from the FCC of its Compliance Plan for the provision of prepaid Lifeline wireless service. Birch operates as a competitive local exchange carrier and interexchange carrier in Massachusetts. The Compliance Plan noted there was an outstanding question as to whether a separate legal entity should be established to provide prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities.

On December 18, 2012, Birch notified the FCC that the prepaid wireless Lifeline service would be provided by a separate legal entity known as Now Communications, LLC ("Now Comm"). A copy of that filing is attached as **Exhibit 1** (without attachments) ("December 2012 FCC Filing"). In that filing, Now Comm committed to implement and comply with the Compliance Plan, and notified the FCC that it adopted the Compliance Plan as its own. The FCC acknowledged these changes in corporate structure on December 20, 2012 in a public notice attached as **Exhibit 2**. The FCC indicated that the Compliance Plan would apply to Now Comm.

Now Comm has since changed its name to Tempo Telecom, LLC. All other statements in the December 2012 FCC Filing apply equally to Tempo. On May 13, 2013, Tempo notified

FCC staff of its name change,[5] and filed with the FCC an amended petition for ETC designation in the states for which the FCC handles such designations. Tempo also updated the FCC-approved Compliance Plan to reflect Tempo's adoption of the plan, which is attached as **Exhibit 3**. All changes made via the May 13 FCC Amendment are incorporated by reference into the Compliance Plan. On September 17, 2013, Tempo filed a letter with the FCC to formally notify the FCC that Tempo will comply with and adopt as its own the Compliance Plan filed by Birch, which was approved by the FCC. This letter is attached as **Exhibit 4** (without attachments).

Tempo will utilize the same procedures and operations set forth in the FCC-approved Compliance Plan for its provision of prepaid wireless Lifeline service. Except as modified herein and by the May 13 FCC Amendment, Tempo will offer the same prepaid wireless Lifeline service plan set forth in the Compliance Plan, and will market and advertise its prepaid wireless Lifeline service in the same manner as described in the Compliance Plan.

Tempo utilizes the same management and day-to-day operational personnel as currently utilized by Birch. Birch's current corporate officers also are corporate officers of Tempo, and Tempo is owned by the same ultimate owners of Birch, but is not part of the Birch corporate family. Birch Equity Partners, LLC (a Georgia limited liability company formerly known as Birch Capital, LLC) holds a 100% ownership interest in Tempo. The current owners of Birch (Holcombe Green and R. Kirby Godsey, who in combination hold approximately 75% interest in Birch) own approximately 80% of Birch Equity Partners, LLC, with the remaining percentage owned by Vincent Oddo, the Chief Executive Officer of both Birch and Tempo. Attached as

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[5] WC Docket No. 09-197, *Tempo Telecom, LLC Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only*, Tempo Telecom, LLC Amended Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only (filed May 13, 2013) ("May 13 FCC Amendment").

Exhibit 5 is a current list of Tempo's officers, along with biographical information for each, showing that it has the expertise necessary to provide the services specified herein.

Tempo has been granted ETC status in the states of Kansas, Missouri, South Carolina and Wisconsin. Tempo's request for ETC status is currently pending at the FCC for those states handled by the FCC, and in the states of California, Georgia, Louisiana, Arkansas, Mississippi, Kentucky, Ohio, Illinois, Indiana, Nevada, Washington, and Michigan. Tempo has never been denied ETC designation by any state commission or by the FCC in connection with any state.

For purposes of providing its prepaid wireless Lifeline and non-Lifeline services, Tempo will resell the wireless services of Sprint, which provides wholesale capacity to many wireless resellers, including other prepaid wireless providers that have received ETC designation. Sprint will provide Tempo with the wireless network infrastructure and wireless transmission facilities needed for Tempo to offer service as a Mobile Virtual Network Operator ("MVNO").

Tempo will rely on Birch for all other facilities, network, back office, billing, and customer support functions necessary to provide both its Lifeline and non-Lifeline wireless services.[6] Birch is a competitive local exchange carrier ("CLEC") and interexchange carrier ("IXC"), and since 1996 has been providing high-quality, cost-effective integrated communications services and related information technology services to residential and small and medium-sized business ("SMB") customers. Today, Birch offers a variety of products, services and tailored solutions including local voice, long distance voice, broadband Internet, converged Internet Protocol ("IP") solutions, and related telecommunications and IT services. In addition to Massachusetts, the Birch family of companies is currently authorized to provide

[6] For numerous years, Birch and its affiliates have been providing wireline Lifeline services in 18 states as a non-ETC reseller using resold services obtained from AT&T, and thus Birch is familiar with the eligibility and verification procedures applicable to Lifeline service offerings.

telecommunications services in 48 other states and the District of Columbia, with an application pending in Arizona.

Exhibit 6 contains information regarding Tempo's designated service area in Massachusetts ("Service Area"). Specifically, Tempo's designated Service Area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the exchanges set forth in **Exhibit 6**. Tempo will serve any potential customer in the exchanges listed in **Exhibit 6** to the extent resold wireless services are available from Sprint in the customer's geographic area.

Pleadings, orders, notices and other papers filed or serviced in this matter should be served upon:

Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, D.C. 20006
202-862-8930
acollins@cahill.com

II. TEMPO MEETS THE REQUIREMENTS FOR ETC DESIGNATION UNDER SECTION 214(e) OF THE FEDERAL ACT AND SECTION 54.201(d) OF THE FCC'S RULES

Under Section 214(e)(1) of the federal Act and Section 54.201(d) of the FCC's rules, a common carrier may be designated as an ETC if it (1) offers the services supported by federal universal service as determined by the FCC, (2) offers such services using its own facilities or a combination of its own facilities and resale of another carrier's services, and (3) advertises the availability of such services and the relevant charges using media of general distribution.[7] As set forth below, Tempo meets these requirements.

A. Tempo Is a Common Carrier

[7] 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

Wireless carriers are common carriers under federal law.[8] Common carriers that provide services consistent with the requirements of Section 214(e) may be deemed ETCs.[9] Tempo will be a common carrier by virtue of its provision of wireless services. Therefore, Tempo certifies that it is a common carrier under 47 U.S.C. § 214(e)(1) for purposes of ETC designation.

B. Tempo Will Offer the Services Supported by Federal Universal Service

Pursuant to Section 54.101(a) of the FCC's rules, as modified by the *Lifeline Reform Order*, carriers seeking ETC designation must provide voice telephony services.[10] Specifically, eligible Lifeline telephony services must provide voice grade access to the public switched telephone network ("PSTN") or its functional equivalent, minutes of use for local service provided at no additional charge, access to emergency 911 and enhanced 911 service in locations where implemented, and toll limitation at no charge (subject to certain requirements and limitations).[11] Tempo certifies that its prepaid wireless Lifeline service offering satisfies the FCC's definition of voice telephony service, and it will therefore provide all services designated for support by the FCC.

Tempo's prepaid wireless Lifeline service offering will provide voice grade access to the PSTN through its provision of resold wireless services from Sprint. As described below, Tempo's prepaid wireless Lifeline service offering will provide a specified number of minutes to eligible consumers at no additional charge. In addition, as explained below, Tempo's prepaid

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8 47 U.S.C. § 332(c)(1) (an entity providing commercial mobile services is deemed to be a common carrier); *see also* 47 U.S.C. § 332(d)(1) (defining "commercial mobile service" to be any mobile service that is provide for profit and makes interconnected service available to the public).

9 47 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.

10 47 C.F.R. § 54.101(a); *Lifeline Reform Order* ¶ 48.

11 *Lifeline Reform Order* ¶ 48.

wireless Lifeline service offering will provide consumers with access to 911 and enhanced 911 to the extent local governments have implemented such services. Although Tempo understands it has an independent obligation to provide 911 and E911 services as a reseller,[12] Tempo will rely on its contractual arrangement with Sprint to provide such emergency services to consumers.

With respect to toll limitation service, the *Lifeline Reform Order* eliminated the requirement to provide toll limitation services if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.[13] As explained more below, Tempo's prepaid wireless Lifeline service offering will be a nationwide calling plan, and will not distinguish between toll and non-toll calls. Consumers, however, may implement toll control for international calls to the extent they seek that capability. Moreover, consumers purchasing Tempo's prepaid wireless Lifeline service offering will have the ability to monitor their minute usage and balances from their handset, online, or though customer service.

C. Tempo Satisfies the Requirements for Conditional Forbearance from the Facilities Requirement

Both the federal Act and the FCC's rules require a carrier seeking ETC designation to offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's services.[14] In the *Lifeline Reform Order*, however, the FCC decided to conditionally forbear from application of the federal Act's facilities requirement to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program.[15] Specifically, the FCC determined that conditional forbearance from the facilities requirement would apply if the carrier: (1) complied with certain 911 requirements and (2) filed

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12 47 C.F.R. § 20.18(m).

13 *Lifeline Reform Order* ¶ 49.

14 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

15 *Lifeline Reform Order* ¶ 368.

and received approval of a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in the *Lifeline Reform Order* as well as further safeguards against waste, fraud, and abuse as the Wireline Competition Bureau may deem necessary.[16] Tempo certifies that it meets the requirements for conditional forbearance.

Tempo's prepaid wireless Lifeline service offering will comply with the 911 requirements outlined in the *Lifeline Reform Order* necessary for application of conditional forbearance. Tempo will provide its prepaid wireless Lifeline subscribers with 911 and E911 access regardless of activation status and availability of minutes. Tempo will also provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to the subscriber, any non-compliant handset. As noted above, Tempo will rely on its contractual arrangement with Sprint to provide 911 and E911 services to consumers.[17] Tempo's MVNO arrangement with Sprint specifically addresses 911/E911 services, and Tempo will supply handsets that satisfy all FCC requirements.

In further support of Tempo's eligibility for the conditional grant of forbearance from the facilities requirement, Tempo provides a copy of its approved Compliance Plan in **Exhibit 3**, which was prepared in accordance with the requirements of the *Lifeline Reform Order* and the Public Notice issued by the Wireline Competition Bureau on February 29, 2012.[18]

D. Tempo Will Advertise the Availability of the Supported Services and the Relevant Charges Using Media of General Distribution

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16 *Lifeline Reform Order* ¶ 368.

17 Tempo understands that it has an independent obligation to provide 911 and E911 services as a wireless reseller, and will utilize its underlying contractual arrangement with Sprint to meet that obligation. *See, e.g.*, 47 C.F.R. § 20.18(m); *Lifeline Reform Order* at n.989.

18 *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, 27 FCC Rcd 2186 (2012).

Tempo will publicize the availability of its prepaid wireless Lifeline service offering in a manner reasonably designed to reach those likely to qualify for the service.[19] Tempo will utilize the FCC's 2004 outreach guidelines for advertising its prepaid wireless Lifeline service offering.[20] Specifically, Tempo will utilize outreach materials and methods designed to reach households that currently do not have telephone service, will develop advertising materials for non-English speaking populations within its service area, and will coordinate its outreach efforts with relevant government agencies.

Tempo's advertising for its prepaid wireless Lifeline service offering will include, but not be limited to, targeted direct mail, advertisements in daily and weekly print periodicals, billboards, and radio advertising. Tempo will also coordinate with relevant state agencies, community outreach organizations, and non-profit organizations to make information available regarding Tempo's prepaid wireless Lifeline service offering in resource guides and other printed materials produced by those organizations, as well as in their offices or other locations visited by potential Lifeline-eligible subscribers. Tempo will build on the existing relationships with these organizations that Birch has in connection with Birch's current wireline Lifeline service offering as a non-ETC reseller. Tempo will also advertise through online search engines and third-party referral agents/dealers. As required under the *Lifeline Reform Order*, Tempo will ensure the FCC-required disclosures, any DBA names it uses, and details of the prepaid wireless Lifeline service offering are contained in all marketing materials.[21] An example of Tempo's marketing materials is attached as **Exhibit 7.**

III. TEMPO MEETS THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION UNDER SECTION 54.202 OF THE FCC'S RULES

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19 47 C.F.R. § 54.405(b).

20 *Lifeline and Link Up*, 19 FCC Rcd 8302, ¶¶ 45-48 (2004).

21 *Lifeline Reform Order* ¶¶ 274-282.

Section 54.202 of the FCC's rules contains certain additional requirements for a common carrier to be designated as an ETC. As set forth below, Tempo satisfies each of those requirements.

A. Tempo Will Comply with the Service Requirements Applicable to Lifeline Support

Section 54.202(a)(1) of the FCC's rules requires a common carrier seeking ETC designation to (1) certify that it will comply with the service requirements applicable to the support that it receives and (2) submit a five-year plan for proposed improvements or upgrades to the applicant's network unless the applicant is seeking Lifeline support only.[22] Tempo seeks ETC designation for Lifeline support only. Tempo hereby certifies that it will comply with the service requirements applicable to Lifeline support. Given that Tempo seeks designation for Lifeline support only, a five-year network improvement plan is no longer necessary.[23]

B. Tempo Will Remain Functional in Emergency Situations

Pursuant to Section 54.202(a)(2) of the FCC's rules, a common carrier seeking ETC designation must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.[24] Sprint will provide Tempo with the network infrastructure and wireless transmission facilities. The MVNO contract arrangement with Sprint imposes certain obligations on Sprint to ensure Tempo's prepaid wireless Lifeline

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22 47 C.F.R. § 54.202(a)(1).

23 *Lifeline Reform Order* ¶ 386.

24 47 C.F.R. § 54.202(a)(2).

service offering remains functional during emergency situations.[25] As a large, nationwide wireless carrier, Sprint is subject to regulatory requirements to remain functional during emergency situations.[26] Tempo's MVNO agreement with Sprint also contains certain quality of service guarantees. As a result Tempo is able to provide to its customers the same ability to remain functional in emergency situations as currently provided by Sprint to its own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, re-routing of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

Tempo will rely on Birch for all other facilities, network, back office, billing, and customer support functions needed to provide Lifeline and non-Lifeline services. Birch has been offering telecommunications services since 1996, and thus has significant experience with remaining functional in emergency situations. As a successful, profitable CLEC for over 15 years Birch has disaster recovery contingency plans that include diverse/alternate routing, electronics redundancy, dual data centers geographically separated, and environmental controls for data and switching centers. Tempo will rely on Birch to apply these same measures to its prepaid wireless Lifeline service offering to the extent there is an emergency situation affecting Tempo's operations.

C. Tempo Will Satisfy Applicable Consumer Protection and Service Quality Standards

Section 54.202(a)(3) of the FCC's rules requires a common carrier seeking ETC designation to demonstrate that it will satisfy applicable consumer protection and service quality

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[25] While Sprint will provide the underlying wireless services to Tempo, Birch will provide to Tempo the billing services associated with the prepaid wireless Lifeline product to the Tempo end user customer. The Birch billing system will be served by two geographically separate data centers for back-up redundancy, one currently located in Macon, Georgia and the other in Emporia, Kansas.

[26] Tempo is also familiar with the continuity and disaster response program Sprint has implemented, which addresses the need to remain functional during emergency situations.

standards.[27] Tempo will satisfy applicable consumer protection and service quality standards. Tempo will apply Birch's consumer protection and service quality standards.[28] As a CLEC/IXC, Birch is currently subject to the consumer protection and service quality standards promulgated by the Department and the states in which Birch operates. These same practices apply to Tempo's prepaid wireless Lifeline service product. Tempo will satisfy all consumer privacy protection standards as provided in 47 C.F.R. § 64, Subpart U as applicable and will protect Customer Proprietary Network Information ("CPNI") as required by state and federal law and will certify compliance with the same on an annual basis. Tempo will also comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service to satisfy this requirement.[29]

D. Tempo Is Financially and Technically Capable of Providing Lifeline Services in Accordance with the FCC's Rules

Tempo has the financial and technical capability to provide Lifeline service. Section 54.202(a)(4) of the FCC's rules requires a common carrier seeking ETC designation for Lifeline support to demonstrate it is financially and technically capable of providing Lifeline service in compliance with the FCC's rules.[30] The FCC stated that the "relevant considerations" for satisfying this requirement would be whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant

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27 47 C.F.R. § 54.202(a)(3). Pursuant to FCC rules, Tempo will annually certify that it is in compliance with applicable service quality standards and consumer protection rules. 47 C.F.R. § 54.422(b)(3).

28 Birch's customer call centers also are located in Macon, Georgia and Emporia, Kansas. Birch has received recognition for its excellent customer service in the past. *See, e.g.*, "Birch Communications Receives Customer Service Recognition" (March 4, 2013), http://www.birch.com/about/03042013.aspx. Birch will apply those same customer service practices to Tempo customers.

29 47 C.F.R. § 54.202(a)(3).

30 47 C.F.R. § 54.202(a)(4); *see also Lifeline Reform Order* ¶ 387.

receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.[31] Tempo satisfies these criteria.

Tempo is financially capable of offering Lifeline services. Tempo does not intend to rely exclusively on universal service fund disbursements to operate, and will receive revenues from other sources. Tempo offers prepaid wireless voice and data services across the United States. Tempo's core business will be the provision of wireless voice and data services to non-Lifeline customers. Based on its forward-looking business and financial plans, Tempo projects that the majority of its target customer base will not be eligible to receive Lifeline service.

Further, Tempo has sufficient operating capital to provide prepaid wireless Lifeline services. In May 2013, the individual owners of Birch Equity Partners, LLC (formerly known as Birch Capital, LLC) (Tempo's sole member) pledged a significant amount of funding to the company. These "start-up" funds are large enough to cover the company's operating expenses for more than a month. Tempo began accruing revenues from its prepaid non-Lifeline wireless voice and data services in September 2013.

As a new entity, Tempo has not been subject to any enforcement proceedings or ETC revocation proceedings. Birch has not been subject to an abnormal number of enforcement proceedings given the significant number of customers it serves and the more than 15 years it has been offering service, and has not been subject to any enforcement proceeding with respect to Lifeline services.

The management and ultimate owners of Tempo are intimately familiar with the financial and technical needs of a telecommunications company. As noted above, Tempo utilizes the same management and day-to-day operational personnel as currently utilized by Birch, a

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31 *Lifeline Reform Order* ¶ 388.

company that has been operating as a successful competitive local exchange carrier since 1996. Birch's current corporate officers are also corporate officers of Tempo, and Tempo is owned by the same ultimate owners of Birch (but is not part of the Birch corporate family). In addition, Tempo relies on Birch for various network facilities, back office, billing, and customer support functions necessary for Tempo to provide both its Lifeline and non-Lifeline services.

Finally, Tempo is reselling the wireless services of Sprint for both its Lifeline and non-Lifeline services. Sprint provides wholesale capacity to numerous wireless resellers. Like several other prepaid wireless providers, Sprint will provide Tempo with the network infrastructure and wireless transmission facilities needed for Tempo to offer service as a MVNO. Sprint is a large, nationwide carrier, and serves several other MVNOs offering wireless Lifeline products.[32] Tempo's partnership with Sprint further demonstrates Tempo is technically and financially capable of providing a prepaid wireless Lifeline service.

E. Tempo Will Provide Prepaid Wireless Lifeline Service Plans to Eligible Consumers

Section 54.202(a)(5) of the FCC's rules require a common carrier seeking ETC designation for Lifeline support to submit information describing the terms and conditions of the voice telephony plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges for toll calls (if any), and rates for each such plan.[33] At this time, Tempo plans to offer the following prepaid wireless Lifeline plans at no charge to the customer:

Lifeline Basic 1
150 nationwide minutes with the ability to rollover unused minutes to the next month

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32 Based on filings made with the FCC, it appears Sprint also provides underlying MVNO services to other carriers such as PlatinumTel, i-wireless, and CAL Communications, which also have sought ETC designation from the FCC.

33 47 C.F.R. § 54.202(a)(5).

Lifeline Basic 2
250 nationwide minutes

Either option also will provide the customer with:

- Wireless handset (there are several handset options) - at least one free choice and the possibility of additional choices

- Voicemail

- National texting, with three (3) texts counting as one (1) minute of use

- 911 and E911 access as available

- Custom calling features such as call waiting, call forwarding, and caller ID

- Web/Internet usage, with 1 megabyte (MB) counting as two (2) minutes of use (Web/Internet access dependent on handset)

- Option for international calling with per-minute pricing based on the country to be called, which will be provided to the consumer when opting for this capability (will be offered in future)

- Option to purchase additional minutes (which can also be used for texting and Web/Internet access as described above) anytime during the month that are available for 30 days from purchase (and will carry over into the next month) at the following rates:

Additional Minutes	Price
60	$5.95
100	$9.95
200	$14.95

There will be no initial connection charges or hookup fees, other than any that may be required by regulatory bodies.

The 800 number for customers to call to qualify for Lifeline services is 1-877-822-8501. The rates, terms, and conditions of Tempo's Lifeline service are available at www.mytempo.com, and will be provided to customers upon enrollment in the Lifeline program. Voicemail, call waiting, call forwarding, and caller ID will be provided as part of the standard Lifeline service package at no additional charge to the Lifeline customer. Tempo also offers its customers access to operator services, the ability to make "long distance" telephone calls, and

access to directory assistance services by dialing "411" through Birch's facilities or through arrangements with Sprint.

Tempo's planned prepaid wireless Lifeline service offering is consistent with the federal Act's requirement that consumers have access to quality services at "just, reasonable, and affordable rates,"[34] and is consistent with the FCC's findings that Lifeline consumers should have the option to purchase bundled packages, additional calling features, and optional voice services.[35]

IV. TEMPO MEETS THE REQUIREMENTS FOR LIFELINE SERVICES UNDER SECTION 54.405 OF THE FCC'S RULES

Under Section 54.405 of the FCC's rules, an ETC has certain obligations to offer Lifeline service.[36] Tempo understands these obligations and will meet them as described below.

A. Tempo Will Make Lifeline Service Available as Defined under the FCC's Rules

Section 54.405(a) of the FCC's rules requires an ETC to make available Lifeline service, as defined in Section 54.401 of the FCC's rules,[37] to qualifying low-income consumers.[38] Tempo certifies that its prepaid wireless Lifeline service offering will conform to the definition of "Lifeline" in the FCC's rules.

B. Tempo Will Publicize the Availability of Lifeline Service

Section 54.405(b) of the FCC's rules requires an ETC to publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.[39]

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34 47 U.S.C. § 254(b)(1).

35 *Lifeline Reform Order* ¶ 317.

36 47 C.F.R. § 54.405.

37 47 C.F.R. § 54.401.

38 47 C.F.R. § 54.405(a).

39 47 C.F.R. § 54.405(b).

As described above, Tempo will publicize the availability of its prepaid wireless Lifeline service offering in a manner reasonably designed to reach eligible consumers.

C. Tempo Will Include Certain Disclosures on Materials Describing Its Lifeline Service, Including the Name of the ETC

Sections 54.405(c) and (d) of the FCC's rules require an ETC to make certain disclosures on all materials describing the Lifeline service offering, including the name of the ETC.[40] As noted above, Tempo will ensure that all materials describing its prepaid wireless Lifeline service offering use easily understood language to indicate that the service is a Lifeline service, that Lifeline is a government assistance program, that the service is non-transferrable, that only eligible consumers may enroll in the program, and that the program is limited to one discount per household as required under the rules.[41] Tempo will also ensure that all materials describing its prepaid wireless Lifeline service offering utilize the Tempo brand as the name of the ETC providing services.[42] Tempo understands that the term "materials describing the service" include all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms.[43]

D. Tempo Will Comply with the FCC's De-Enrollment Procedures

Section 54.405(e) of the FCC's rules requires an ETC to impose certain de-enrollment procedures for Lifeline services.[44] Tempo will comply with the FCC's de-enrollment procedures as described more fully in the Compliance Plan set forth in **Exhibit 3**. As discussed in the compliance plan, Tempo will de-enroll Lifeline customers for duplicative support, for non-usage,

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40 47 C.F.R. § 54.405(c), (d).

41 47 C.F.R. § 54.405(c).

42 47 C.F.R. § 54.405(d).

43 47 C.F.R. § 54.405(c).

44 47 C.F.R. § 54.405(d).

and for failure to re-certify, and will have general de-enrollment procedures in place.

V. TEMPO WILL COMPLY WITH THE FCC'S AND DEPARTMENT'S CONSUMER CERTIFICATION AND ANNUAL VERIFICATION AND RECERTIFICATION REQUIREMENTS

As discussed at length in its FCC-approved Compliance Plan, set forth in **Exhibit 3**, Tempo will offer its prepaid wireless Lifeline service to households receiving benefits from a qualifying state or federal assistance program or with an income at or below 135% of the Federal Poverty Guidelines.[45] Tempo certifies that will verify the eligibility of its Lifeline subscriber base after 2012[46] in accordance with Section 54.409 and 54.410 of the FCC's rules.[47] As set forth in the FCC-approved Compliance Plan, Tempo has established processes for ensuring Lifeline services are provided only to eligible customers, including procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping. Tempo's certification form will collect identifying information about the prospective Lifeline recipient, certify his or her eligibility to receive it, and require the consumer to acknowledge the terms and conditions of the Lifeline program as delineated by the FCC.[48]

Attached as **Exhibit 8** are updated versions of Tempo's initial enrollment and certification form (updated from those included in the FCC compliance Plan), which will also be used for re-certification as explained in Tempo's approved Compliance Plan. Tempo has revised its forms based on a request from FCC staff to include a statement that not all Lifeline services are marketed under the "Lifeline" name, and may be offered under other names, and to clarify that certain consumer information will be provided to the Universal Service Administrative

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45 47 C.F.R. § 54.409(a).

46 *Lifeline Reform Order* ¶ 133. As Tempo did not have a Lifeline subscriber basis as of June 1, 2012, the FCC's January 31, 2013 recertification requirement is inapplicable. *Id.* ¶¶ 130, 132 ("[T]he rule we adopt today will apply to all Lifeline subscribers enrolled in the program as of June 1, 2012").

47 47 U.S.C. §§ 54.409, 54.410.

48 *See* 47 C.F.R. §§ 54.405(c), 54.409, 54.410(a)-(d); *Lifeline Reform Order* ¶ 121.

Company for the purpose of verifying eligibility and maintaining the information in a database. Tempo has made similar changes to its script for third party verification ("TPV") of Lifeline eligibility, and has informed its customer service representatives to include these statements in any oral disclosures given to potential Lifeline customers. Tempo also confirms that it will comply with any future Department, FCC, or USAC guidance, directives, or rule changes regarding the Lifeline program. As documented in **Attachment B** to the FCC-approved Compliance Plan, Tempo has designated an annual recertification process that fulfills the requirements set forth by Section 54.410(f) of the FCC's rules.[49]

Further, Tempo affirms that it will comply with all Department annual certification requirements. In May 2012, the Department issued a notice outlining certification requirements for Massachusetts in response to the FCC's *Lifeline Reform Order*.[50] Once designated and in accordance with these requirements, Tempo will submit to the Department a copy of the annual recertification data for subscribers in Massachusetts collected in accordance with the FCC's *Lifeline Reform Order*, no later than January 31 of each year. Tempo also affirms that it will provide to the Department the number of Massachusetts subscribers de-enrolled each month for failure to use Lifeline service for 60 consecutive days. Tempo will also provide the Department with any other ETC-specific certifications as required by the FCC in the *Lifeline Reform Order*. Finally, Tempo affirms it will submit a copy of any biennial audit reports to the Department within 30 days of issuance of its final reports. Tempo also understands that the Department is currently revising its ETC rules and confirms it will comply with any and all new rules adopted

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[49] 47 U.S.C. § 54.410(f). To fulfill the Department's annual reporting and certification requirements, Tempo certifies that it will maintain records to document compliance with all FCC and Department requirements pursuant to FCC rules. 47 C.F.R. § 54.417(a). Tempo also certifies that it will comply with the FCC's annual reporting rules promulgated by 47 C.F.R. § 54.422.

[50] Notice, Massachusetts Department of Telecommunications and Cable, New Lifeline Filing Requirements (May 24, 2012).

that are applicable to Tempo's prepaid wireless Lifeline service.[51]

VI. DESIGNATION OF TEMPO AS A LIFELINE-ONLY ETC IS IN THE PUBLIC INTEREST

Section 54.202(b) of the FCC's rules requires the FCC make a public interest finding prior to making an ETC designation.[52] Tempo's designation as a Lifeline-only ETC will bring increased competitive choice and unique advantages to qualifying Massachusetts consumers, on the part of a carrier with a demonstrated commitment to quality. The goals of universal service mandated by Congress are therefore served by designation of Tempo as a Lifeline-only ETC.[53]

Tempo's ETC designation will bring another competitive alternative to low-income consumers in Massachusetts, and will exert further competitive pressures on existing wireless Lifeline providers operating in Massachusetts. This furthers the federal Act's goal of ensuring that quality communication services are available at "just, reasonable, and affordable rates."[54] As the FCC has observed, "an important goal of the [federal] Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies."[55]

As explained above, Tempo seeks to offer a comprehensive wireless communications solution to the qualifying consumer at no charge. Tempo's ETC designation provides accessible, technologically advanced services to a portion of the public that may not otherwise be able to obtain telecommunications services. Prepaid wireless services like those offered by Tempo also

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51 D.T.C. 13-4, *Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program*, Notice of Proposed Requirements and Further Request for Comment (Aug. 21, 2013).

52 47 C.F.R. § 54.202(b).

53 47 U.S.C. § 254.

54 47 U.S.C. § 254(b)(1).

55 *Federal-State Joint Board on Universal Service*, 16 FCC Rcd 48, ¶ 17 (2000).

offer consumers convenience, control over their telecommunications spending without the imposition of high monthly fees, and the ability to pay for only those services needed. Such advantages directly fulfill the goals of universal service promulgated by Congress and the FCC.[56]

CONCLUSION

WHEREFORE, for the forgoing reasons, Tempo respectfully requests that the Department expeditiously designate it as an ETC for the provision of prepaid wireless Lifeline services in the Commonwealth of Massachusetts.

Respectfully submitted,

TEMPO TELECOM, LLC

Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, D.C. 20006
202-862-8930 (telephone)
866-814-6582 (facsimile)
acollins@cahill.com

Dated: December 4, 2013

Its Attorneys

[56] 47 U.S.C. § 254.

VERIFICATION

I, Jamie Sark, Senior Projects Manager for Tempo Telecom, LLC, have reviewed and am familiar with the foregoing document. The statements in the foregoing document are true of my own knowledge, except as to matters which are herein stated on information and belief, and as to those matters, I believe them to be true.

TEMPO TELECOM, LLC

11/19/13
Date

Name: Jamie Sark

Title: Senior Projects Manager for Tempo Telecom, LLC

EXHIBITS

Exhibit 1	**December 2012 FCC Filing**
Exhibit 2	**FCC Public Notice**
Exhibit 3	**FCC-Approved Compliance Plan**
Exhibit 4	**September 2013 FCC Letter**
Exhibit 5	**Officer Biographies**
Exhibit 6	**Tempo Designated Service Area in Massachusetts**
Exhibit 7	**Marketing Materials**
Exhibit 8	**Enrollment and Certification Form**

EXHIBIT 1

CAHILL GORDON & REINDEL LLP
SUITE 950
1990 K STREET, N.W.
WASHINGTON, D.C. 20006-1181

TELEPHONE (202) 862-8900
FACSIMILE (202) 862-8958

EIGHTY PINE STREET
NEW YORK, N.Y. 10005-1702
(212) 701-3000
FAX: (212) 269-5420

AUGUSTINE HOUSE
6A AUSTIN FRIARS.
LONDON, ENGLAND EC2N 2HA
(011) 44.20.7920.9800
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ANGELA F. COLLINS | 202-862-8930 | acollins@cgrdc.com

December 18, 2012

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket Nos. 09-197, 11-42

Dear Secretary Dortch:

Birch Communications, Inc. ("Birch") and Now Communications, LLC ("Now Comm"), by their attorneys, respectfully notify the Federal Communications Commission ("Commission") that Now Comm with comply with and adopt as its own the Compliance Plan filed by Birch and approved by the Commission on August 8, 2012.[1]

Now Comm is a Georgia limited liability company, which is in the process of registering with the Commission for domestic interstate authority and obtaining authorization from the Commission for the provision of international telecommunications services. Now Comm is also in the process of obtaining telecommunications authority at the state level in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Texas, and Wisconsin. In addition to prepaid wireless Lifeline service, Now Comm will also provide the wireline Lifeline services currently provided by Birch and its affiliates as a non-ETC reseller in the 18 above-listed states.[2]

Sprint will provide Now Comm with the network infrastructure and wireless transmission facilities needed for Now Comm to offer service as a Mobile Virtual Network Operator ("MVNO"). Specifically, Birch's current contract with Sprint will be assigned to Now Comm.[3] In addition, Now Comm will rely on Birch for all other facilities, network, back office, billing, and customer support functions necessary to provide both its Lifeline and non-Lifeline services.

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[1] WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile,* Public Notice, DA 12-1286 (rel. Aug. 8, 2012); *see also* Lifeline Compliance Plans & ETC Petitions, http://www.fcc.gov/encyclopedia/lifeline-compliance-plans-etc-petitions.

[2] Petition at 2 (explaining Birch's provision of Lifeline services as a non-ETC reseller in 18 states). Birch and Now Comm will obtain any necessary regulatory approvals to execute the transfer of existing Birch customers from Birch to Now Comm.

[3] Petition at 2 (explaining Birch's relationship with Sprint).

Birch noted in the Compliance Plan that it was reviewing whether a separate legal entity should be established for the provision of prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities.[4] In that regard, Birch hereby notifies the Commission that the prepaid wireless Lifeline service will be provided by a separate legal entity known as Now Communications, LLC.

Now Comm will implement and comply with the Birch Compliance Plan approved by the Commission on August 8, 2012,[5] and hereby adopts the Birch Compliance Plan as its own. Now Comm will utilize the same procedures and operations set forth in the Birch Compliance Plan for its provision of prepaid wireless Lifeline service, and will use the same draft application and verification forms attached to the Birch Compliance Plan. Now Comm will offer the same prepaid wireless Lifeline service plan set forth in the Birch Compliance Plan, and will market and advertise its prepaid wireless Lifeline service in the same manner as described in the Birch Compliance Plan. A copy of the Birch Compliance Plan adopted by Now Comm is attached. Birch and Now Comm have also filed amendments to the pending designation petitions previously filed by Birch to reflect Now Comm's adoption of the Birch Compliance Plan and to request that Now Comm, not Birch, be the entity designated as an eligible telecommunications carrier.[6]

Now Comm will utilize the same management and day-to-day operational personnel as currently utilized by Birch. Birch's current corporate officers will also be corporate officers of Now Comm. Now Comm will be owned by the same ultimate owners of Birch, but will not be part of the Birch corporate family.[7]

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4 Compliance Plan at n.3.

5 WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile,* Public Notice, DA 12-1286 (rel. Aug. 8, 2012); *see also* Lifeline Compliance Plans & ETC Petitions, http://www.fcc.gov/encyclopedia/lifeline-compliance-plans-etc-petitions.

6 On April 27, 2012, Birch filed a petition for designation as an eligible telecommunications carrier ("ETC") for Lifeline service only for the states of Alabama, Florida, North Carolina, and Tennessee. On November 29, 2012, Birch filed a petition for designation as an ETC for Lifeline service only for the state of Texas. On December 18, 2012, Birch and Now Comm filed amendments to these pending petitions to reflect Now Comm's adoption of the Birch Compliance Plan and the parties' request that ETC status be granted to Now Comm rather than Birch. Birch will not provide Lifeline services as an ETC in any state.

7 Specifically, Birch Capital, LLC (a Georgia limited liability company) holds a 100% ownership interest in Now Comm. The current owners of Birch (Holcombe Green and R. Kirby Godsey, which in combination hold a 98% interest in Birch) own approximately 90% of Birch Capital, LLC, with the remaining percentage owned by Vincent Oddo, the Chief Executive Officer of both Birch and Now Comm. *See* Birch Compliance Plan at 4-5 (discussing ownership of Birch).

Please contact the undersigned if you have any questions regarding this matter

Respectfully submitted,

Angela F. Collins
Counsel to Birch Communications, Inc. and
Now Communications, LLC

Attachment

cc: Garnet Hanly (via electronic mail)

EXHIBIT 2

PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: http://www.fcc.gov
TTY: 1-888-835-5322

DA 12-2068
Release Date: December 20, 2012

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITIONS FOR DESIGNATION AS A LOW-INCOME ELIGIBLE TELECOMMUNICATIONS CARRIER FILED BY NOW COMM, ZING PCS, LTS, ODIN WIRELESS AND TX MOBILE

WC Docket No. 09-197

Comment Date: January 22, 2013
Reply Comment Date: February 5, 2013

The Wireline Competition Bureau seeks comment on petitions filed by Birch Communications, Inc. (Birch) and Now Communications, LLC (collectively, Now Comm),[1] FLATEL Wireless, Inc. dba ZING PCS (ZING PCS),[2] LTS of Rocky Mount, LLC (LTS),[3] Prepaid Wireless Retail, LLC dba Odin

[1] Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas, WC Docket No. 09-197 (filed Nov. 29, 2012); Amendment to Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas, WC Docket No. 09-197 (filed Dec. 18, 2012) (collectively, Now Comm Amended Petition) (amending the petition to reflect that Birch's prepaid wireless Lifeline service will be provided by a separate legal entity known as Now Communications, LLC and subject to Birch's compliance plan). *See also* Letter from Angela F. Collins, Counsel to Birch and Now Comm, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 09-197, 11-42 (filed Dec. 18, 2012) (Now Comm explains that it will adopt and adhere by Birch's approved Compliance Plan and its business structure). Now Comm will have the same owners as Birch, including the same management and day-to-day operational personnel as currently utilized by Birch. *See* Now Comm Amended Petition at 2-3.

The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm. *See Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and TAG Mobile*, WC Docket Nos. 09-197 and 11-42, 27 FCC Rcd 9184 (Wireline Comp. Bur. 2012); *see also 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, 27 FCC Rcd 6656, 6816, para. 380 (2012) (*Lifeline Reform Order*).

[2] FLATEL Wireless, Inc. dba ZING PCS Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas and Virginia, WC Docket No. 09-197 (filed Dec. 14, 2012) (ZING PCS Petition). ZING PCS has a compliance plan pending with the Commission and may not be designated as an ETC until its plan has been approved by the Wireline Competition Bureau. *See* FLATEL Wireless, Inc. dba ZING PCS Amended Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Nov. 14, 2012); *see also*, *Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

[3] LTS of Rocky Mount, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed Oct. 31, 2012) (LTS Petition). LTS has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* LTS of Rocky Mount, LLC Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Oct. 31, 2012); *see also*, *Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

Wireless (Odin Wireless),[4] and TX Mobile, LLC (TX Mobile),[5] for limited designation as an eligible telecommunications carrier (ETC) for the provision of Lifeline service. LTS and TX Mobile each seek designation as an ETC for the limited purpose of offering Lifeline service in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia.[6] ZING PCS and Odin Wireless each seek designation as an ETC for the limited purpose of offering Lifeline service in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee, Texas and Virginia. Now Comm seeks ETC designation for the limited purpose of offering Lifeline service in Texas.[7]

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).[8]

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://fjallfoss.fcc.gov/ecfs2/.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

  Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

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[4] Prepaid Wireless Retail, LLC dba Odin Wireless Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas and Virginia, WC Docket No. 09-197 (filed Dec. 10, 2012) (Odin Wireless Petition). Odin Wireless has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* Prepaid Wireless Retail, LLC dba Odin Wireless Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Dec. 10, 2012); *see also, Lifeline Reform Order*, 27 FCC Rcd, at 6816, para. 380.

[5] TX Mobile, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed Nov. 26, 2012) (TX Mobile Petition). TX Mobile has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* TX Mobile, LLC, Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Oct. 18, 2012); *see also, Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

[6] ZING PCS Petition at 1-2; LTS Petition at 1; Odin Wireless Petition at 1; TX Mobile Petition at 1.

[7] Now Comm Amended Petition at 1-3.

[8] *See* 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[9] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Divya S. Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

[9] 47 C.F.R. §§ 1.1200 *et seq.*

EXHIBIT 3

Tempo Telecom, LLC Compliance Plan

Tempo Telecom, LLC (f/k/a Now Communications, LLC) has adopted the following Further Amended Compliance Plan of Birch Communications, Inc. dated June 29, 2012, which was approved by the Wireline Competition Bureau on August 8, 2012. *See Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile,* 27 FCC Rcd 9184 (2012).

The Wireline Competition Bureau confirmed the adoption of the Compliance Plan by Tempo Telecom, LLC (f/k/a Now Communications, LLC) on December 20, 2012. *See Wireline Competition Bureau Seeks Comment on Petitions for Designation as a Low-Income Eligible Telecommunications Carrier filed by Now Comm, Zing PCS, LTS, Odin Wireless, and TX Mobile*, 27 FCC Rcd 15937 (2012) ("The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm.").

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

In the Matter of	)	
	)	
BIRCH COMMUNICATIONS, INC.	)	**WC Docket No. 09-197**
	)	
Compliance Plan	)	**WC Docket No. 11-42**
	)	
	)	
Petition for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only	)	

FURTHER AMENDED COMPLIANCE PLAN OF BIRCH COMMUNICATIONS, INC.

Birch Communications, Inc. ("Birch"), by its attorneys, respectfully submits this Amended Compliance Plan to be associated with its Petition for designation as an eligible telecommunications carrier ("ETC") pursuant to Section 214(e)[1] of the Communications Act of 1934, as amended (the "Act"), and Section 54.201[2] of the rules and regulations of the Federal Communications Commission ("Commission"), which was filed on April 27, 2012 in the above-referenced matters. Birch's original Compliance Plan was filed May 7, 2012, and an amendment was filed June 1, 2012. Birch seeks ETC designation for Lifeline support only to provide prepaid wireless services under the "NOW Communications" brand name in the non-rural areas of the following states: Alabama, Florida, North Carolina, and Tennessee (the "Designated Service Area").[3]

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1 47 U.S.C. § 214(e).

2 47 C.F.R. § 54.201.

3 Birch is reviewing whether a separate legal entity should be established for the provision of its prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities, such as Birch Telecom of the South, Inc. (FCC Filer ID 820616), which is a subsidiary of Birch and operates as a certificated carrier in Alabama, Florida, North Carolina, and Tennessee. More information on Birch's corporate structure is set forth herein.

Both the Act and the Commission's rules require a carrier seeking ETC designation to offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's services.[4] In the *Lifeline Reform Order*, however, the Commission decided to conditionally forbear from application of the Act's facilities requirement to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program.[5] Specifically, the Commission determined that conditional forbearance from the facilities requirement would apply if the carrier: (1) complied with certain 911 requirements and (2) filed and received approval of a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in the *Lifeline Reform Order* as well as further safeguards against waste, fraud and abuse as the Wireline Competition Bureau may deem necessary.[6]

To avail itself of the Commission's conditional grant of forbearance from the facilities requirement, Birch provides this Compliance Plan in accordance with the requirements of the *Lifeline Reform Order*[7] and the *Public Notice* issued by the Wireline Competition Bureau on February 29, 2012.[8] Specifically, Birch's Compliance Plan provides information regarding Birch's planned Lifeline service offerings and outlines the measures Birch will take to implement the obligations contained in the *Lifeline Reform Order* as well as further safeguards

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4 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

5 *Lifeline Reform Order* ¶ 368.

6 *Lifeline Reform Order* ¶ 368.

7 WC Docket Nos. 11-42, 03-109, 12-23 and CC Docket No. 96-45, *Lifeline and Link Up Reform and Modernization, et al.*, FCC 12-11, Report and Order and Further Notice of Proposed Rulemaking, ¶ 368 ("*Lifeline Reform Order*").

8 WC Docket Nos. 09-197, 11-42, *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, DA 12-314 (rel. Feb. 29, 2012) ("*Public Notice*").

against waste, fraud and abuse. To that end, Birch provides the information requested in the *Public Notice*, which indicated compliance plans should contain the following:

(1) Information about the carrier and the Lifeline plans it intends to offer:

(a) names and identifiers used by the carrier, its holding company, operating company and all affiliates;

Birch is a competitive local exchange carrier ("CLEC") and interexchange carrier ("IXC"), and since 1996 has been providing high-quality, cost-effective integrated communications services and related information technology services to residential and small and medium-sized business ("SMB") customers. Today, Birch offers a variety of products, services and tailored solutions including local voice, long distance voice, broadband Internet, converged Internet Protocol ("IP") solutions, and related telecommunications and IT services.

Birch is a Georgia corporation with offices located at 3060 Peachtree Road NW, Suite 1065, Atlanta, GA 30305 and 2300 Main Street, Suite 340, Kansas City, MO 64108. Birch has authority to provide interstate and international telecommunications services from the Commission.[9] Birch's wholly-owned subsidiary, Birch Communications of Virginia, Inc., operates pursuant to Birch's international 214 authority and is registered to provide interstate telecommunications services.[10] Birch's wholly-owned subsidiary, Birch Telecom, Inc., has authority to provide international telecommunications services.[11] The following wholly-owned subsidiaries of Birch Telecom, Inc. operate pursuant to Birch Telecom Inc.'s international authority and also provide interstate telecommunications services: Birch Telecom of the South, Inc., Birch Telecom of the West, Inc., Birch Telecom of the Great Lakes, Inc., Birch Telecom of Missouri, Inc., Birch Telecom of Oklahoma, Inc., Birch Telecom of Texas Ltd., LLP, Birch

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9 IB File No. ITC-214-19970926-00584, FCC Filer ID 815113.

10 FCC Filer ID 828502.

11 IB File No. ITC-214-19990701-00441.

Telecom of Kansas, Inc., Birch Communications of the Northeast, Inc., Ionex Communications, Inc., Ionex Communications South, Inc., and Ionex Communications North, Inc.[12] Each of these subsidiaries also operates under the D/B/A name of "Birch Communications," and certain of Birch's subsidiaries also serve customers under the brand name "NOW Communications."[13] Customers purchasing Birch's prepaid wireless Lifeline service offering will see the "NOW Communications" logo.[14]

The Birch family of companies either offer service or are certificated to offer telecommunications services as CLECs and intrastate IXCs in the following 38 states: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming. The Birch family of companies currently serves approximately 118,000 customers throughout Birch's 38-state territory.

Birch Communications Holdings, Inc. ("Birch Holdings") owns a 100% voting and equity interest in Birch. Birch Holdings is a Georgia corporation whose principal business is

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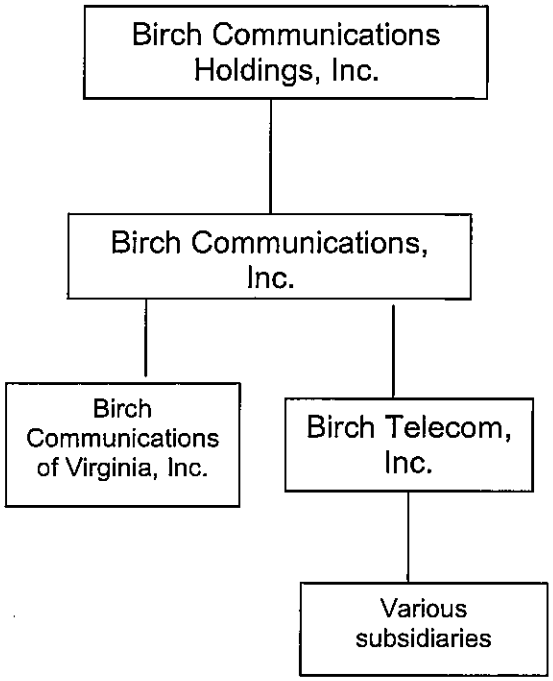
[12] Birch Telecom of the South, Inc. (FCC Filer ID 820616), Birch Telecom of the West, Inc. (FCC Filer ID 827985), Birch Telecom of the Great Lakes, Inc. (FCC Filer ID 826636), Birch Telecom of Missouri, Inc. (FCC Filer ID 819422), Birch Telecom of Oklahoma, Inc. (FCC Filer ID 820061), Birch Telecom of Texas LTD LLP (FCC Filer ID 819948), Birch Telecom of Kansas, Inc. (FCC Filer ID 807993), IONEX Communications, Inc. (FCC Filer ID 815376), Birch Communications of the Northeast, Inc. (FCC Filer ID 828483), Ionex Communications South, Inc. (FCC Filer ID 808443), Ionex Communications North, Inc. (FCC Filer ID 815082).

[13] These subsidiaries are Birch Telecom of the South, Inc., Birch Telecom of Missouri, Inc., Birch Telecom of Kansas, Inc., Birch Telecom of Oklahoma, Inc., and Birch Telecom of Texas Ltd., L.L.P. Birch acquired the use of the "NOW Communications" trade name in an earlier asset acquisition.

[14] Birch is reviewing whether a separate legal entity should be established for the provision of its prepaid wireless Lifeline service or whether the service should be provided through one of the existing Birch entities, such as Birch Telecom of the South, Inc. (FCC Filer ID 820616), which is a certificated carrier in Alabama, Florida, North Carolina, and Tennessee.

telecommunications holdings. The address for Birch Holdings is 3060 Peachtree Road, NW, Suite 1065, Atlanta, GA 30305. Below is Birch's organizational chart:



The following entities and individuals hold a ten percent (10%) or greater direct or indirect ownership interest in Birch Holdings: (1) Holcombe Green, a U.S. citizen, owns a 66% voting and equity interest in Birch Holdings and (2) R. Kirby Godsey, a U.S. citizen, owns a 32% voting and equity interest[15] in Birch Holdings. The business address for both Mr. Green and Mr. Godsey is 3060 Peachtree St., NW, Suite 1060, Atlanta, GA 30305. None of the entities or individuals holding an interest in Birch or Birch Holdings hold any interests in other telecommunications-related entities.

[15] R. Kirby Godsey holds his percentage through his individual holdings and through the R. Kirby Godsey 2008 Grantor Retained Annuity Trust.

(b) detailed information demonstrating that the carrier is financially and technically capable of providing the supported Lifeline service in compliance with the Commission's rules;

The Commission has stated that the "relevant considerations" for demonstrating that a carrier is financially and technically capable would be whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.[16] Birch has been operating as a CLEC/IXC since 1996, and currently operates in 38 states. In addition to the other services it offers, Birch has been providing wireline Lifeline services in 18 states as a non-ETC reseller using resold services obtained from AT&T for numerous years. Birch serves approximately 1800 wireline Lifeline customers at this time as a non-ETC reseller. Birch does not, and will not, rely on universal service fund disbursements to operate - the majority of Birch's funds to operate will come from the non-Lifeline services it provides throughout its 38-state territory. Birch has not been subject to an abnormal number of enforcement proceedings given the significant number of customers it serves and the more than 15 years it has been offering service.

With respect to the prepaid wireless Lifeline service, Birch will resell the wireless services of Sprint, which provides wholesale capacity to wireless resellers. Like several other prepaid wireless providers, Sprint will provide Birch with the network infrastructure and wireless transmission facilities needed for Birch to offer service as a Mobile Virtual Network Operator ("MVNO"). Sprint is a large, nationwide carrier, and serves several other MVNOs offering

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16 *Lifeline Reform Order* ¶ 388.

wireless Lifeline products.[17] Birch's partnership with Sprint further demonstrates that Birch is technically capable of providing a prepaid wireless Lifeline service.

(c) detailed information, including geographic locations, of the carrier's current service offerings if the carrier currently offers service;

Please see Birch's response to 1(a) above. Birch currently provides local, toll, domestic long distance, and international long distance as a CLEC/IXC in the 38 states listed above. Birch also provides broadband Internet, converged IP solutions, and related telecommunications and IT services throughout its 38-state service territory.

(d) the terms and conditions of each Lifeline service plan offering, including rates, the number of minutes provided, and additional charges, if any, for toll calls; and

At this time, Birch plans to offer the following prepaid wireless Lifeline plan at no charge to an eligible customer:

Basic Plan Prepaid Wireless Lifeline Plan
Wireless handset (there are several handset options) - at least one free choice and the possibility of additional choices[18]
250 nationwide minutes per month
Voicemail
National texting, with each text sent or received counting as 1 minute
911 and E911 access as available
Option to purchase additional minutes anytime during the month that carry over for 2 months
Option for international calling with per-minute pricing based on the country to be called, which will be provided to the consumer when opting for this capability

[17] Based on filings made with the Commission, it appears Sprint also provides underlying MVNO services to other carriers such as PlatinumTel, i-wireless, and CAL Communications, which also have sought ETC designation from the Commission.

[18] Birch is still considering which handsets will be offered, but all handsets will be compliant with all applicable Commission requirements. Handsets will be offered for free in conjunction with the prepaid wireless Lifeline product. Based upon market availability and handset prices, the consumer may have a choice of handsets. Birch is continuing to evaluate the possibility of offering premium handsets at an additional cost, but a free handset will always be offered to every prepaid wireless Lifeline subscriber.

Additional minutes

Minutes	Price
200	13.95
250	16.95
300	19.95
400	25.95
900	49.95

Available minutes are nationwide, and there are no additional charges for toll calling.

(e) all other certifications required under newly amended section 54.202 of the Commission's rules.

Section 54.202 of the Commission's rules requires a common carrier seeking ETC designation to: (1) certify that it will comply with the service requirements applicable to the support that it receives;[19] (2) submit a five-year plan for proposed improvements or upgrades to the applicant's network unless the applicant is seeking Lifeline support only;[20] (3) demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations;[21] (4) demonstrate that it will satisfy applicable consumer protection and service quality standards;[22] (5) demonstrate it is financially and technically capable of providing Lifeline service in compliance with the Commission's rules;[23] and (6) submit information describing the terms and conditions of the voice telephony plans offered to

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19 47 C.F.R. § 54.202(a)(1)(i).

20 47 C.F.R. § 54.202(a)(1)(ii).

21 47 C.F.R. § 54.202(a)(2).

22 47 C.F.R. § 54.202(a)(3).

23 47 C.F.R. § 54.202(a)(4).

Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges for toll calls (if any), and rates for each such plan.[24]

Birch has addressed (5) and (6) above in (1)(b) and (1)(d), and the five-year plan required under (2) is no longer applicable given that Birch seeks designation for Lifeline support only.[25]

With respect to (1), Birch seeks ETC designation for Lifeline support only, and therefore certifies that it will comply with the service requirements applicable to Lifeline support.

With respect to (3), Birch has the ability to remain functional in emergency situations. Birch has been offering telecommunications services since 1996, and thus has significant experience with remaining functional in emergency situations. As a CLEC/IXC, Birch is currently subject to the Commission's outage reporting rules, as well as the back-up power and outage requirements in the states in which Birch operates. As a successful, profitable CLEC for over 15 years Birch has disaster recovery contingency plans that include diverse/alternate routing, electronics redundancy, dual data centers geographically separated, and environmental controls for data and switching centers. Birch will apply these same measures to its prepaid wireless Lifeline service offering to the extent there is an emergency situation affecting Birch's operations. Birch's MVNO contract arrangement with Sprint also imposes certain obligations on Sprint to ensure Birch's prepaid wireless Lifeline service offering remains functional during emergency situations.[26] As a large, nationwide wireless carrier, Sprint is subject to regulatory

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24 47 C.F.R. § 54.202(a)(5).

25 *Lifeline Reform Order* ¶ 386.

26 While Sprint will provide the underlying wireless services to Birch, Birch will provide billing services associated with the prepaid wireless Lifeline product to the Birch end user customer. The Birch billing system will be served by two geographically separate data centers for back-up redundancy, one currently located in Macon, Georgia and the other in Emporia, Kansas.

requirements to remain functional during emergency situations.[27] Birch's MVNO agreement with Sprint also contains certain quality of service guarantees.

With respect to (4), Birch will satisfy applicable consumer protection and service quality standards. As a CLEC/IXC, Birch is currently subject to the consumer protection and service quality standards promulgated by the Commission and the states in which Birch operates. Birch will apply these same practices to its prepaid wireless Lifeline service product, and will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service to satisfy this requirement as permitted by the Commission's rules.[28]

(2) A detailed explanation of how the carrier will comply with the Commission's new rules relating to determinations of subscriber eligibility for Lifeline services, including all of the consumer eligibility, consumer enrollment, and re-certification procedures, as required by Section VI and Appendix C of the *Lifeline Reform Order*, and a copy of the carrier's certification form.

Birch currently offers wireline Lifeline services as a non-ETC reseller. Birch is therefore intimately familiar with the Commission's procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping. Birch plans to build on that expertise in offering its prepaid wireless Lifeline service offering as an ETC. Birch has implemented the Commission's *Lifeline Reform Order* rule changes into its existing wireline, non-ETC Lifeline program.[29] Birch will utilize the same processes outlined below for both its prepaid wireless Lifeline service (as an ETC) and its wireline Lifeline service (as a non-ETC reseller) to the extent applicable.

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[27] Birch is also familiar with the continuity and disaster response program Sprint has implemented, which addresses the need to remain functional during emergency situations.

[28] 47 C.F.R. § 54.202(a)(3).

[29] Birch recently received and executed a certification form from AT&T, its underlying provider for its resold Lifeline services, in which Birch certified its compliance with the FCC's *Lifeline Reform Order* requirements for Birch's provision of wireline Lifeline services as a non-ETC reseller.

Set forth as Attachment A is an initial draft of Birch's prepaid wireless Lifeline enrollment and certification forms. Birch is continuing to refine these documents and will make any necessary changes to the extent the Commission or the Universal Service Administrative Company ("USAC") issue additional guidance on the language to be contained on enrollment and certification forms. Birch also confirms that it will comply with any future Commission or USAC guidance, directives, or rule changes regarding the Lifeline program.

Consumer Eligibility

Under its current procedures for its wireline Lifeline offering (as a non-ETC reseller), Birch utilizes the Texas Low Income Database Administrator database to verify and document a Texas consumer's eligibility for Lifeline service. Until a national database is available, Birch will utilize available state-level databases to verify eligibility for its prepaid wireless Lifeline service offering as required under the Commission's rules. Where state-level database technology is not available, Birch will require potential customers to provide their proof of eligibility documentation directly to Birch (either via facsimile, U.S. mail, electronic mail, or through a Birch-authorized third-party dealer as discussed below). New subscribers can be added to the Lifeline program through Birch internal sales agents or through Birch-authorized third-party dealers. Birch currently utilizes approximately 100 third-party dealers for its wireline Lifeline product (non-ETC reseller), and plans to offer its wireless Lifeline product at those same locations plus additional locations that would be frequented by the target audience for Lifeline services. Birch's current third-party dealers include check cashing locations, grocery stores, computer stores, independent telephone retailers, storage facilities, beauty supply stores, and pawn shops. Once wireless Lifeline service is implemented, Birch plans to add independent wireless retailers and mall kiosks to its potential third-party dealer locations.

In the internal sales agent situation, the potential subscriber would provide its eligibility documentation to Birch and would complete the enrollment and certification form in paper format, via third-party verification (or "TPV"), or via electronic signature as described in the "Enrollment and Certification" section below. As described in more detail below, the handset would then be shipped to the customer after Birch verifies the customer's eligibility to obtain a Lifeline product and has obtained all necessary certifications from the customer. The flow-chart in Attachment B-1 provides more detail on the process using internal sales agents.

At the third-party retail location, a potential subscriber can provide its eligibility information in-person to the third-party dealer, which will then be transmitted to Birch for review as explained below. The potential subscriber can also complete the enrollment and certification form discussed further below and a draft of which is set forth in Attachment A. As described in more detail below, the handset would then be shipped to the customer after Birch verifies the customer's eligibility to obtain a Lifeline product and has obtained all necessary certifications from the customer. The flow-chart in Attachment B-2 provides more detail on the process using third-party retail locations. To ensure compliance with the Commission's one-per-household and other Lifeline eligibility requirements, Birch will require its third-party dealers to have their employees participate in quarterly webinars to receive training (and re-training) on Commission-compliance requirements for Lifeline services. Birch will also supply each third-party dealer with copies of written materials providing detailed information on the Commission's Lifeline compliance requirements. Birch will then require the third-party dealer to sign documentation certifying that all employees selling Birch Lifeline services have read the Lifeline compliance requirements provided by Birch, understand the Lifeline compliance requirements,

and will comply with the Lifeline compliance requirements. Birch will conduct periodic audits and random checks of its third-party dealers to ensure compliance with the Commission's rules.

It is important to note that, even when a customer signs up for Lifeline service through a third-party dealer, eligibility information provided by potential consumers will be reviewed by appropriate Birch personnel pursuant to Birch's internal policies for review of Lifeline eligibility documents. Until such time as there is adequate database access allowing third-party dealers to confirm eligibility automatically through Commission-sanctioned databases, all initial eligibility determinations will be made by Birch personnel. And even after third-party dealers have access to eligibility databases, Birch will review and verify a consumer's eligibility prior to seeking reimbursement for that customer. As part of confirming a potential customer's eligibility, Birch personnel will also confirm that there is no Lifeline duplication using the process discussed under (5) below. Detailed information regarding the documents provided by the potential customer and Birch's review of the documentation will be included in the customer's account information as kept in Birch's internal recordkeeping system. Any actual documentation provided by the potential customer will be destroyed or returned to the customer upon request.[30]

Enrollment and Certification

Once Birch determines a potential customer is eligible to receive a Lifeline service product, Birch will proceed to enroll the customer in its prepaid wireless Lifeline program and obtain the necessary certifications under the Commission's rules (this can be done by an internal Birch sales agent or a Birch-authorized third-party dealer as explained above). In its current wireline Lifeline service offering (as a non-ETC reseller), Birch utilizes TPV to enroll customers and confirm their certification for Lifeline eligibility in addition to paper enrollment/certification

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30 *Lifeline Reform Order* ¶ 101.

forms. Birch plans to continue utilizing TPV for its prepaid wireless Lifeline service product[31] to the extent Birch can ensure all Commission-required information is included in the TPV without the process becoming too unwieldy for the potential customer. Birch also plans to make paper forms available for enrollment/certification and also is looking to develop an online portal that potential customers could access via any Internet connection, including at their local libraries or social service organizations for electronic signature of the required documentation.

As part of the enrollment/certification process, Birch will first obtain the relevant contact information from the potential customer: (a) full name; (b) full residential address; (c) whether the residential address is permanent or temporary; (d) billing address if different than residential; (e) date of birth, (f) last 4 digits of Social Security Number; (g) if qualifying under federal or state assistance program, which program; and (h) if qualifying under income-based criteria, the number of individuals in the household. Birch will also require the customer to indicate whether the household is shared, which would trigger the use of the Lifeline Household Worksheet developed by USAC (included as part of Birch's draft enrollment and certification form set forth in Attachment A). Birch will also confirm that the customer understands its information may be shared with USAC as necessary under the Commission's rules and to ensure there is no duplication of Lifeline benefits.

Next, Birch will utilize its TPV script or the paper form (or online portal once developed) to address each of the certifications required under the Commission's rules. The certifications will be addressed through individual questions, each to be answered by the customer before

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[31] The Commission has recognized TPV is an acceptable method for obtaining such information. *See Lifeline Reform Order* ¶ 169.

moving any further in the TPV script[32] or each to be initialed by the customer on the paper form (or each to be individually acknowledged in an online format):

- Certifying, under penalty of perjury, that the consumer meets the Lifeline eligibility requirements because either the household receives benefits from a qualifying state or federal assistance program (and naming the program) or has income at or below 135% of the Federal Poverty Guidelines;
- Certifying, under penalty of perjury, that the consumer has presented documentation to Birch that accurately represents the consumer's household income or participation in the program;
- Certifying, under penalty of perjury, that the consumer will notify Birch within 30 days when it is no longer eligible for Lifeline service, whether because the consumer no longer qualifies, it has another Lifeline supported service, or for any other reason, and confirming that the customer understands failure to so notify Birch may subject it to penalties;
- Certifying, under the penalty of perjury, that the information the consumer is providing to Birch is true and correct to the best of its knowledge;
- Certifying, under the penalty of perjury, that the consumer understands that providing false or fraudulent information to receive Lifeline benefits is punishable by law;
- Certifying, under penalty of perjury, that the consumer understands it will be required to annually re-certify its continued eligibility for Lifeline at any time and that failure to do so will result in the termination of the consumer's Lifeline benefits;

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[32] The customer will be required to answer "Yes" to these questions on the recorded TPV to enroll in Birch's prepaid wireless Lifeline program. TPV recordings are searchable by confirmation number and primary telephone number assigned to the customer. TPV confirmation numbers will be stored in the order and account notes associated with the customer.

- Certifying, under penalty of perjury, that the consumer will provide its new address to Birch within 30 days of moving;
- Certifying, under penalty of perjury, that the consumer will be required to verify its temporary address every 90 days if the subscriber provides a temporary residential address when initially enrolling;
- Certifying, under penalty of perjury that the subscriber's household is receiving no more than one Lifeline-supported service, that the consumer receives Lifeline-supported service only from Birch, and to the best of the consumer's knowledge no one else in the subscriber's household is receiving a Lifeline-supported service;
- Certifying that the consumer understands that Lifeline is a government benefit and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program;
- Certifying that the consumer understands that Lifeline is a non-transferrable benefit, and that an eligible Lifeline subscriber may not transfer its phone service to anyone else, not even someone who is also eligible;
- Certifying that the consumer understands that non-usage of its prepaid wireless Lifeline service from Birch for any consecutive 60-day period of time will result in de-enrollment and deactivation of the service; and
- Certifying that the consumer understands that (a) Lifeline is a federal benefit; (b) Lifeline service is available for only one line per household; (c) a household is defined for purposes of the Lifeline program as any individual or group of individuals who live together at the same address and share income and expenses; (d) a household is not permitted to receive Lifeline benefits from multiple providers; and (e) violation of the

one-per-household rule constitutes a violation of Commission rules and will result in the consumer's de-enrollment from the program and could result in criminal prosecution by the United States government.

Birch will ensure its TPV script and paper documentation is written in clear, easily understood language. Birch will retain its TPV recordings and copies of its paper enrollment/certification documentation for at least five (5) years.

Once all eligibility determinations and documentation requirements are complete, Birch will ship the handset to the customer via overnight delivery to the address listed on the enrollment form. Birch will require the customer to take affirmative steps to "personally activate" the service, either by requiring the customer to use the handset to activate the Lifeline service or to complete an outgoing call.[33] If service is not initiated, Birch will not consider the consumer to be enrolled in the Lifeline program and Birch will not request Lifeline reimbursement until the subscriber personally activates its service.[34] The flow-charts in Attachments B-1 and B-2 provide more detail on the certification process using both internal sales agents and third-party dealers.

Annual Re-Certification

Birch's systems are capable of tracking and flagging the anniversary of a Lifeline customer's start date. Birch plans to utilize this anniversary date to ensure its Lifeline customers re-certify their eligibility to participate in the Lifeline program once a year. Birch will utilize state-level databases or the national database to the extent available to re-certify customers. Until that time, Birch plans to contact its prepaid wireless Lifeline customers via written notification, and is exploring the ability to utilize text messaging, automated voicemail, and TPV

33 *Lifeline Reform Order* ¶ 260.

34 *Lifeline Reform Order* ¶ 257.

re-certification procedures. Any customers that do not re-certify within the 30-day window will be de-enrolled from Birch's prepaid wireless Lifeline service within five (5) business days after the expiration of the subscriber's time to respond to Birch's re-certification efforts as required by Commission's rules, which is explained in more detail below.[35] Birch will retain any TPV recordings, paper forms, copies of text message, or other documentation for re-certification for at least five (5) years. The flow-chart in Attachment B-3 provides more detail on the annual re-certification process.

(3) A detailed explanation of how the carrier will comply with the forbearance conditions relating to public safety and 911/E-911 access.

Birch's prepaid wireless Lifeline service offering will comply with the 911 requirements outlined in the *Lifeline Reform Order* necessary for application of conditional forbearance. Birch will provide its prepaid wireless Lifeline subscribers with 911 and E911 access regardless of activation status and availability of minutes. Birch will also provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to the subscriber, any non-compliant handset. Birch will rely on its contractual arrangement with Sprint to provide 911 and E911 services to consumers, as well as obtain the handsets to be provided to consumers.[36] Birch's MVNO arrangement with Sprint specifically addresses 911/E911 services and requires Sprint to supply handsets that satisfy all Commission requirements.

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35 47 C.F.R. § 54.405(e)(4).

36 Birch understands that it has an independent obligation to provide 911 and E911 services as a wireless reseller, and will utilize its underlying contractual arrangement with Sprint to meet that obligation. *See, e.g.*, 47 C.F.R. § 20.18(m); *Lifeline Reform Order* at n.989.

(4) A detailed explanation of how the carrier will comply with the Commission's marketing and disclosure requirements for participation in the Lifeline program;

Birch will publicize the availability of its prepaid wireless Lifeline service offering in a manner reasonably designed to reach those likely to qualify the service.[37] Birch will utilize the Commission's 2004 outreach guidelines for advertising its prepaid wireless Lifeline service offering.[38] Specifically, Birch will utilize outreach materials and methods designed to reach households that currently do not have telephone service, will develop advertising materials for non-English speaking populations within its service area, and will coordinate its outreach efforts with relevant government agencies. As required under the *Lifeline Reform Order*, Birch will ensure the Commission-required disclosures, any DBA names it uses, and details of the prepaid wireless Lifeline service offering are contained in all marketing materials.[39]

Birch's advertising strategy for its prepaid wireless Lifeline service offering will build on its expertise in advertising its wireline Lifeline product currently offered as a non-ETC reseller. Birch understands that its ability to provide wireline Lifeline services as a non-ETC reseller may be limited in the future. As part of its marketing efforts for its prepaid wireless Lifeline service, Birch will market to those consumers currently taking its wireline Lifeline product, but will ensure that the consumer receives only one Lifeline service in accordance with the Commission's one-per-household rules.

Birch's advertising for its prepaid wireless Lifeline service offering will include, but not be limited to, targeted direct mail, advertisements in daily and weekly print periodicals, billboards, event sponsorship, bus advertising, radio advertising, and online search engines. Birch will also engage in outbound calling campaigns (consistent with applicable telemarketing

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37 47 C.F.R. § 54.405(b).

38 *Lifeline and Link Up*, 19 FCC Rcd 8302, ¶¶ 45-48 (2004).

39 *Lifeline Reform Order* ¶¶ 274-282.

regulations). Birch will obtain marketing calling lists through various marketing activities, which may include, but not be limited to interest forms completed by prospective customers who have attended a marketing event and have provided their phone number indicating their interest in being contacted. Birch also plans to target its current wireline Lifeline customers (served by Birch as a non-ETC reseller) to determine interest in converting from wireline Lifeline service to wireless Lifeline service. Birch will also consider purchasing prospective customer lists for outbound calling campaigns once the company has determined such lists effectively target potential Lifeline customers and adhere to all applicable telemarketing regulations. Once Birch has a list of prospective customer to contact, Birch marketing personnel will deliver a marketing message that accurately and in detail describes the benefits of the Lifeline program, how the Lifeline program works, and eligibility requirements to qualify as a Lifeline customer, including a determination of whether the prospective customer is already receiving a Lifeline service (duplicative service check). If the prospective customer appears initially qualify, the outbound marketing call with initiate the completion of the Birch Lifeline Enrollment Form and receipt program eligibility documents to be reviewed by Birch personnel.

Birch will also coordinate with relevant state agencies, community outreach organizations, and non-profit organizations to make information available regarding Birch's prepaid wireless Lifeline service offering in resource guides and other printed materials produced by those organizations, as well as in their offices or other locations visited by potential Lifeline-eligible subscribers. Birch has existing relationships with these organizations in connection with its current wireline Lifeline service offering. Birch will pro-actively market its prepaid wireless Lifeline services through state, county, municipal and non-profit community action agencies, associations and networks. These agencies support Lifeline eligible individuals and families in

obtaining support services, employment, employment training, life skills training and other services. Birch will have marketing personnel dedicated to building strong relationships with these agencies - and formulate marketing programs that support the missions of these agencies. Birch will raise awareness of Birch Lifeline services through the inclusion of Birch Lifeline information in resource guides and other support materials (online and in printed materials issued by the agency) that are provided to Lifeline-eligible prospective customers. Birch will also pursue referral arrangements and partnerships where a non-profit non-governmental agency can specifically refer Lifeline-eligible customers directly to Birch in exchange for minimal compensation or other remuneration to the agency for the referral. Birch will also raise awareness of its Lifeline services through sponsoring events held by these agencies.

(5) A detailed explanation of the carrier's procedures and efforts to prevent waste, fraud and abuse in connection with Lifeline funds, including but not limited to, procedures the carrier has in place to prevent duplicate Lifeline subsidies within its own subscriber base, procedures the carrier undertakes to de-enroll subscribers receiving more than one Lifeline subsidy per household, information regarding the carrier's toll limitation service, if applicable, and the carrier's non-usage policy, if applicable.

Prior to enrolling a Lifeline customer, Birch will take two steps to prevent duplicate Lifeline subsidies within its own subscriber base. First, Birch will review its own service records to ensure the potential customer is not currently receiving a Lifeline service from Birch. Second, Birch will utilize available state-level databases and the national database to be created to ensure the potential customer is not currently receiving a Lifeline service from any other carrier. Birch will promptly investigate any notification it receives from a state, the Commission, or USAC that one of its Lifeline customers is improperly receiving service. Birch will also update any required databases within one (1) business day of de-enrolling a consumer.[40] The flow-chart set forth in Attachment B-4 provides additional detail on the de-enrollment process described herein.

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[40] *Lifeline Reform Order* ¶ 257.

De-enrollment for failure to re-certify. Birch will also re-check its internal databases and available state-level or federal databases as part of its annual re-certification process. Birch will issue a letter separate from the invoice to all subscribers, requesting them to recertify and noticing the subscriber that failure to respond within 30 days will trigger de-enrollment. The subscriber will be given the option to mail or fax back the re-certification form. The subscriber will also be given the option to complete their recertification form online, over the phone with TPV, or by mail. If the subscriber fails to respond with their completed form and documentation of eligibility by the 30th day of the notice period, Birch will de-enroll the customer by taking the following steps: Birch will place a Local Service Request ("LSR") with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits; remove the credit supplied by Birch to the end user from the billing system; and the credit may only be reapplied if customer goes through certification process again. The flow-chart in Attachment B-3 provides more detail on the annual re-certification process.

De-enrollment for duplicative support. Birch understands that duplicative claims are wasteful and burden the fund, and will take all necessary steps to swiftly de-enroll consumers found to be receiving duplicative federal Lifeline discounts. Upon notification from the Commission, a state, or USAC that a subscriber is receiving Lifeline service from another carrier, or more than one member of a household is receiving Lifeline service, Birch will de-enroll the subscriber within five business days.[41] To the extent de-enrollment is necessary due to duplicative support, Birch will take the following steps to de-enroll a customer: Birch will immediately place a LSR with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits; remove the credit supplied by Birch to the end user from the

[41] 47 C.F.R. § 54.405(e)(2); *see also Lifeline and Link Up Reform and Modernization*, 26 FCC Rcd 9022, ¶ 15 (2011).

billing system; and have a company policy in place that the credit may only be reapplied if the customer goes through certification process again. Birch will not seek reimbursement for any de-enrolled subscriber following the date of that subscriber's de-enrollment.

De-enrollment for non-usage. As part of its de-enrollment procedures, Birch will comply with the Commission's 60-day non-usage policy. Specifically, Birch will not consider a consumer to be enrolled, and Birch will not seek reimbursement for that consumer, until the consumer activates its service in the first instance.[42] Further, Birch will de-enroll and not seek reimbursement for any consumer whose service is inactive for a consecutive 60-day period.[43] Birch will define "usage" consistent with Commission rules. Specifically, the following activities will constitute "usage" of Birch's prepaid wireless Lifeline service: (1) completion of an outbound call; (2) purchase of minutes to add to the subscriber's service plan; (3) answer of an incoming call from a party other than Birch or its representative; and (4) response to direct contact from Birch and confirmation that the consumer seeks to continue receiving the Lifeline service.[44] Birch will run usage reports for each customer to determine non-usage over a period of 60 consecutive days. Despite a consumer's "usage" as defined herein and in the Commission's rules, Birch will continue to comply with its existing public safety obligations to transmit all wireless 911 calls regardless of subscriber inactivity even if Birch is no longer providing Lifeline service to that consumer.[45]

When a customer has been identified for de-enrollment for non-usage, a letter will be sent to the customer, and the customer will have 30 days to respond. Birch will allow 15 calendar

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42 47 C.F.R. § 54.404(b)(10).

43 *Lifeline Reform Order* ¶ 257.

44 47 C.F.R. § 54.407(c)(2); *Lifeline Reform Order* ¶ 261.

45 *Lifeline Reform Order* ¶ 262.

days for mail delivery and handling, and a 30-day notice period thereafter. Birch will run usage monitoring reports on the customers who have been noticed and de-enroll the customer if usage is not reflected on their account by the 30th day. On the 31st day, Birch will de-enroll the customer by placing a LSR with the supporting local exchange carrier to remove the Lifeline USOC to prevent further credits and remove the credit supplied by Birch to the end user from the billing system. The flow-chart set forth in Attachment B-5 provides more information on the process for de-enrollment for non-usage.

CONCLUSION

WHEREFORE, for the forgoing reasons, Birch respectfully requests that the Commission expeditiously approve its further amended Compliance Plan and designate it as an ETC for the provision of prepaid wireless Lifeline services in the states of Alabama, Florida, North Carolina, and Tennessee.

Respectfully submitted,

BIRCH COMMUNICATIONS, INC.

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816-300-3000 (telephone)
chris.bunce@birch.com

Dated: June 29, 2012

Its Attorneys

Attachment A
to
Compliance Plan

Draft Enrollment and Certification Form

NOW SM
COMMUNICATIONS

Lifeline Enrollment Form

Three East Steps to Complete:

Step #1 – Complete Lifeline Enrollment Form on page 2
(And if needed Household Worksheet on page 5)

Step #2 – Locate your Lifeline benefit documentation
(More info on your required documentation on pages 3 and 4)

Step #3 – Send complete enrollment form and benefit documentation to NOW Communications
(There are many convenient ways to send them, check Page 2)

Lifeline Enrollment Form

NOW COMMUNICATIONS

This signed application is required to enroll you in the Lifeline program in your state. This application is only for the purpose of verifying your participation in these programs and will not be used for any other purpose.

Things to know about the Lifeline Program:
- Lifeline is a Federal benefit that is not transferrable to any other person;
- Lifeline service is available for only one line per household. A household cannot receive benefits from multiple providers;
- A household is defined, for purposes of the Lifeline program, as any individual or group of individuals living at the same address that share income and expenses; and,
- Violation of the one-per household rule is not permitted under federal rules and will result in the subscriber's de-enrollment from the program and possible criminal prosecution by the U.S. Government.

First Name: _____ **MI:** _____ **Last Name:** _____ **Date of Birth:** _____

Last Four Digits of Social Security Number: _____ **Contact Telephone Number:** _____

Residential Address:
Must be a street address (not a P.O. Box) and your principal residence.

Address Line 1: _____
Address Line 2: _____
City, State and Zip: _____

Billing Address:
May contain a P.O Box.

☐ Check here if the billing address is the same as the residential address.

Address Line 1: _____
Address Line 2: _____
City, State and Zip: _____

This Address Is: ☐ Permanent ☐ Temporary *(If temporary, your address must be certified or updated every 90 days.)*

☐ A shared, multi-household residence → _____ *(Initial)* If shared, multi-household residence, I hereby certify that other household adults do not contribute income and/or share expenses in my household. *Complete Household Worksheet.*
(Complete Household Worksheet)

_____ *(Initial)* I hereby certify that I qualify to participate in at least one of the following programs (*check all that apply*):
Please see the related documentation requirements on the reverse side.

☐ Supplemental Nutrition Assistance Program (SNAP) formerly known as Food Stamps ☐ Supplemental Security Income (SSI)

☐ Federal Public Housing Assistance (FPHA) or Section 8 ☐ Low Income Home Energy Assistance Program (LIHEAP)

☐ National School Lunch Program's free lunch program ☐ Temporary Assistance for Needy Families (TANF) ☐ Medicaid

_____ *(initial)* I hereby certify that my household income is at or below 135% of the Federal Poverty Guidelines; there are _____ members in my household.
Please see the Federal Poverty Guidelines and the related documentation requirements on the reverse side.

I certify, under penalty of perjury: *Initial by Each Certification*

_____ The information provided in this application is true and correct to the best of my knowledge; I acknowledge that willfully providing false or fraudulent information in order to receive Lifeline service is punishable by fine or imprisonment, termination of all Lifeline benefits, and being barred from participating in the Lifeline program.

_____ I acknowledge that non-usage over a consecutive 60-day period will result in my de-enrollment from this Lifeline service.

_____ I am eligible for Lifeline service through participation in the qualifying program(s) or meeting the income requirements as identified above.

_____ I have provided documentation of eligibility for Lifeline service, unless otherwise specifically exempted from providing such documentation.

_____ I will inform NOW within 30 days of any potential change in eligibility, including, but not limited to: (i) a move or change of address; (ii) any change in participation in the programs identified above or change in income or household members; (iii) receiving Lifeline service from another provider; or (iv) any other change that would affect my eligibility for Lifeline service. If I fail to inform NOW of any of these changes, I understand under penalty of perjury, I may be subject to penalties.

_____ I have provided the address where I currently reside and, if a temporary address has been provided, then I acknowledge that NOW will attempt to verify my address every 90 days, and, if I do not respond to verification attempts within 30 days, then I may be de-enrolled from my Lifeline benefits.

_____ My household will receive only one Lifeline benefit and, to the best of my knowledge, no one in my household is currently receiving Lifeline service from any other provider.

_____ I acknowledge that I will be required to annually re-certify eligibility and may be required to re-certify continued eligibility for Lifeline at any time and failure to re-certify will result in the termination of Lifeline benefits or other penalties.

_____ I authorize NOW and its agents to access any records (including financial records) required to verify my statements herein and to confirm my eligibility for Lifeline service. I authorize government agencies and their authorized representatives to discuss with and/or provide information to NOW and its agents verifying my participation in public assistance programs that qualify me for Lifeline service.

_____ I acknowledge and consent to my name, telephone number, and address being divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of verifying that I, as a subscriber, do not receive more than one Lifeline benefit. In the event that USAC identifies that I am receiving more than one Lifeline subsidy for my household, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

APPLICANT SIGNATURE/TPV ID: _____ DATE: _____

FOR NOW COMMUNICATIONS OFFICE USE ONLY

Company Representative Name: _____ ☐ Database Queried? Date: ___/___/___ Database Name:_____

☐ ETC Eligibility Review Confirmation Type:☐ Written, attached ☐Screenshot, attached☐ ETC employee

Type of Documentation reviewed: _____ ☐ State Agency Queried? Date: ___/___/___ Agency Name:_____

Agency contact:_____ Confirmation Type: ☐ Notice, attached

Type of media:_____ How received: _____

Date/Expiration Date of Documentation: ___/___/_____

Identity of Documentation: _____

Date reviewed: ___/___/_____

☐Applicant name different than name on documentation (Note: _____)

Name: _____

_____ Certification that individual is part of applicant's household

_____ Certification that individual is does not already receive Lifeline

Representative Signature: _____ Date: _____

NOTES : _____

_____

_____

HOW TO SUBMIT YOUR ENROLLMENT APPLICATION:
COMPLETE ENROLLMENT APPLICATION ONLINE: www.nowcommunications.com FAX: (877) 465-0545 EMAIL: nowcommunications@birch.com
POSTAL MAIL : NOW Communications, 2300 Main St., Suite 340, Kansas City, MO 64108.

HOW TO SUBMIT YOUR DOCUMENTATION:
TEXT A DOCUMENT: (816) 446-3388 FAX: (877) 465-0545 EMAIL: nowcommunications@birch.com POSTAL MAIL: NOW Communications, 2300 Main St., Suite 340, Kansas City, MO 64108.

DOCUMENTATION REQUIREMENTS

You are required to provide proof of your participation in the programs you identified OR proof of your qualifying income.

PROGRAM ELIGIBILITY

If, on page 1 of this form, you indicated you were in a qualifying program. You must provide documentation to prove receipt of benefits under these programs to NOW Communications. Upon examination by NOW Communications, any copies, photos or faxes of your documentation will be destroyed or returned to you at your request. Acceptable forms of documentation are described below:

Public Housing Assistance (FPHA) or Section 8
There are two types of documentation that can prove receipt of benefits under the Public Housing Assistance (FPHA), or Section 8, Program.
First, an applicant can provide an award letter. A recipient of Public Housing Assistance (FPHA), or Section 8, receives an award letter from his or her local Public Housing Agency (PHA). The award letter should include the following information:, name of program, date of award, name of beneficiary and award amount.

Second, an applicant can provide either a Public Housing Assistance Lease Agreement or a Section 8 Voucher. These items should clearly reflect the type of Public Housing Assistance credit issued.
If the beneficiary does not have an award letter, lease agreement, or voucher, the applicant can contact the agency that approved the application and request formal documentation of his or her award. To find contact information for a local Public Housing Agency, please visit the U.S. Department of Housing and Urban Development's state contact and agency listing.

The beneficiary named on the FPHA documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, NOW Communications must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Low Income Home Energy Assistance Program (LIHEAP)
Because the Low Income Home Energy Assistance Program (LIHEAP) is administered by a wide range of local agencies, the program's name may vary by state (note that most include the words "energy assistance program" in the name).
There are two types of documentation applicants can provide to demonstrate receipt of LIHEAP benefits.

First, a LIHEAP participant might have an award letter from a state agency. The award letter will include the following: name of program, date of award, name of beneficiary and award amount. In some instances, if the beneficiary received notification of his or her approval in-person, the awardee might not have a formal award letter and will need to contact the state agency that approved the application to request a formal award letter.
Second, a LIHEAP participant can provide a utility bill that reflects the Housing Assistance credit. The utility bill should clearly reflect inclusion of an Energy Assistance credit.
The beneficiary named on the LIHEAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.
To find contact information for a local LIHEAP agency, please visit the Low Income Home Energy Assistance Program's state contact and agency listing.

National School Lunch Program's Free Lunch Program (NSLP)
Although the National School Lunch Program's Free Lunch Program (NSLFP) is a federally assisted program, award letters are provided by state agencies and, thus, will vary by locality. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award. The beneficiary named on the NSLP documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Supplemental Security Income (SSI)
Participation in the federal portion of SSI is an eligibility criterion for Lifeline. Some states offer state supplements to the federal SSI program, but receipt of benefits from the state supplement, but not federal SSI, does not qualify an individual for Lifeline. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary, date of award and award amount. A benefit check stub from the Social Security Administration may also be submitted as proof of participation, if the check stub clearly states the date and name of the beneficiary.
The beneficiary named on the SSI documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Temporary Assistance for Needy Families (TANF)
All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.
The beneficiary named on the TANF documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.
In some states, TANF might be more commonly referred to by a different name. Look for your state on this list of TANF program names by state.

Supplemental Nutrition Assistance Program (SNAP)
The Supplemental Nutrition Assistance Program (SNAP) was previously known as Food Stamps. Beneficiary cards and award letters may vary because SNAP is administered on a state level. Because not all beneficiary cards include the recipient's name, it is recommended that an award letter from the local state agency be used for Lifeline verification purposes. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.
The beneficiary named on the SNAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.
In some states, SNAP might be more commonly referred to by a different name. Look for your state on this list of SNAP program names by state.

Medicaid
Each state provides its own unique Medicaid card to beneficiaries. However, most cards should clearly state the following: name of program, name of beneficiary, state of residence, issued or effective date and the name of the state agency that provided the card.
The beneficiary named on the Medicaid documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.
Some states have different names for their Medicaid programs. Look for your state on this list of Medicaid program names by state.

PROGRAM ELIGIBILITY

An applicant may be eligible for Lifeline if he or she has a household income at or below 135% of the Federal Poverty Guidelines. Below are the acceptable types of documentation:

- The prior year's state, federal, or Tribal tax return
- A current income statement from an employer or paycheck stub
- A Social Security statement of benefits
- A Veterans Administration statement of benefits
- A retirement or pension statement of benefits
- An Unemployment or Workers' Compensation statement of benefits
- A federal or Tribal notice letter of participation in General Assistance
- A divorce decree, child support award, or other official document containing income information
- If the documentation relied on does not cover a full year, such as a

135% FEDERAL POVERTY GUIDELINES - 2012	
Members of Household	**Household Income must be at or below**
1	$ 15,080
2	$ 20,426
3	$ 25,772
4	$ 31,118
5	$ 36,464
6	$ 41,810
7	$ 47,156
8	$52,502
For every additional member of your household, add $4,950.	

NOW COMMUNICATIONS SM

Optional Lifeline Household Worksheet

Complete only if you checked "A shared, multi-household residence" on your enrollment form

Name	
Address	
Telephone Number	

Lifeline is a government program that provides a monthly discount on home or mobile telephone services. Only ONE Lifeline discount is allowed per household. Members of a household are not permitted to receive Lifeline service from multiple telephone companies.

Your **household** is everyone who lives together at your address as one economic unit (including children and people who are not related to you).

The **adults** you live with are part of your **economic unit** if they contribute to and share in the income and expenses of the household. An **adult** is any person 18 years of age or older, or an emancipated minor (a person under age 18 who is legally considered to be an adult). Household **expenses** include food, health care expenses (such as medical bills) and the cost of renting or paying a mortgage on your place of residence (a house or apartment, for example) and utilities (including water, heat and electricity). **Income** includes salary, public assistance benefits, social security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, and lottery winnings.

Spouses and domestic partners are considered to be part of the same household. Children under the age of 18 living with their parents or guardians are considered to be part of the same household as their parents or guardians. If an adult has no income, or minimal income, and lives with someone who provides financial support to that adult, both people are considered part of the same household.

You have been asked to complete this Worksheet because someone else currently receives a Lifeline-supported service at your address. This other person may or may not be a part of your household. Answer the questions below to determine whether there is more than one household residing at your address.

1. Does your spouse or domestic partner (that is, someone you are married to or in a relationship with) already receive a Lifeline-discounted phone? (*check no if you do not have a spouse or partner*) _____**YES** _____**NO**

- If you checked **YES**, you may not sign up for Lifeline because someone in your household already receives Lifeline. Only ONE Lifeline discount is allowed per household.
- If you checked **NO**, please answer question #2.

2. Other than a spouse or partner, do other adults (people over the age of 18 or emancipated minors) live with you at your address?

A.	A parent	_____**YES**	_____**NO**	D. An adult roommate	_____**YES**	_____**NO**
B.	An adult son or daughter	_____**YES**	_____**NO**	E. Other _____	_____**YES**	_____**NO**
C.	Another adult relative (such as a sibling, aunt, cousin, grandparent, grandchild, etc.)	_____**YES**	_____**NO**			

- If you checked **NO** for each statement above, you do not need to answer the remaining questions. Please initial line B, below, and sign and date the worksheet.
- If you checked **YES**, please answer question #3.

3. Do you share living expenses (bills, food, etc.) and share income (either your income, the other person's income or both incomes together) with at least one of the adults listed above in question #2? _____**YES** _____**NO**

- If you checked **NO**, then your address includes **more than one household**. Please initial lines A and B below, and sign and date the worksheet.
- If you checked **YES**, then your address includes only **one household**. You may not sign up for Lifeline because someone in your household already receives Lifeline.

CERTIFICATION

Please initial the certifications below and sign and date this worksheet. Submit this worksheet to NOW Communications along with your Lifeline application.

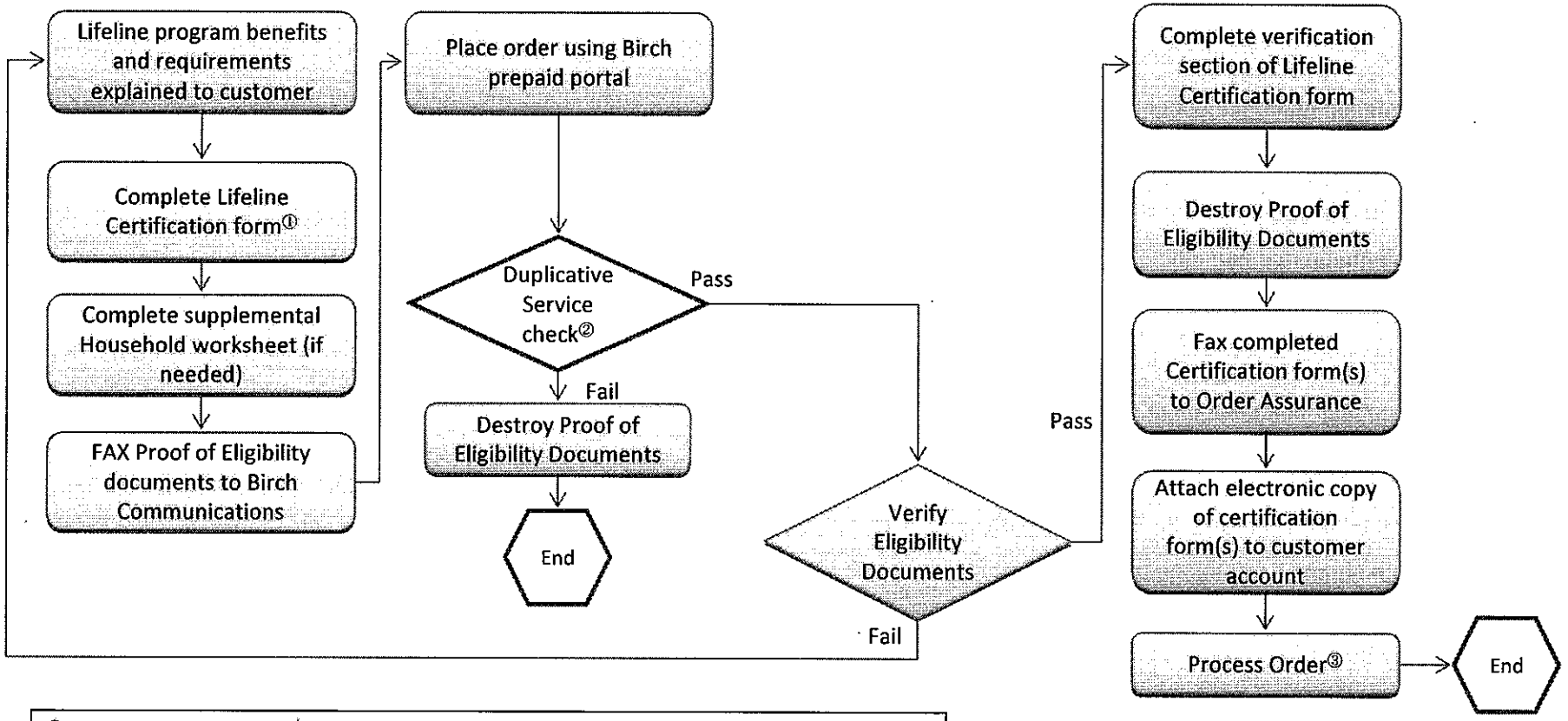
A. _____*I certify that I live at an address occupied by multiple households.*
B. _____*I understand that violation of the one-per-household requirement is against the Federal Communication Commission's rules and may result in me losing my Lifeline benefits, and potentially, prosecution by the United States government.*

Signature_____ Date_____

Attachment B
to
Compliance Plan

Flow-Charts Depicting Birch Internal Processes for Lifeline Compliance

Lifeline Certification process – Internal Sales Agents



① Certification form may be completed by one of the following methods:
- Hand-written paper form
- Third-Party Verification (TPV)
- Electronic Signature (Docusign)

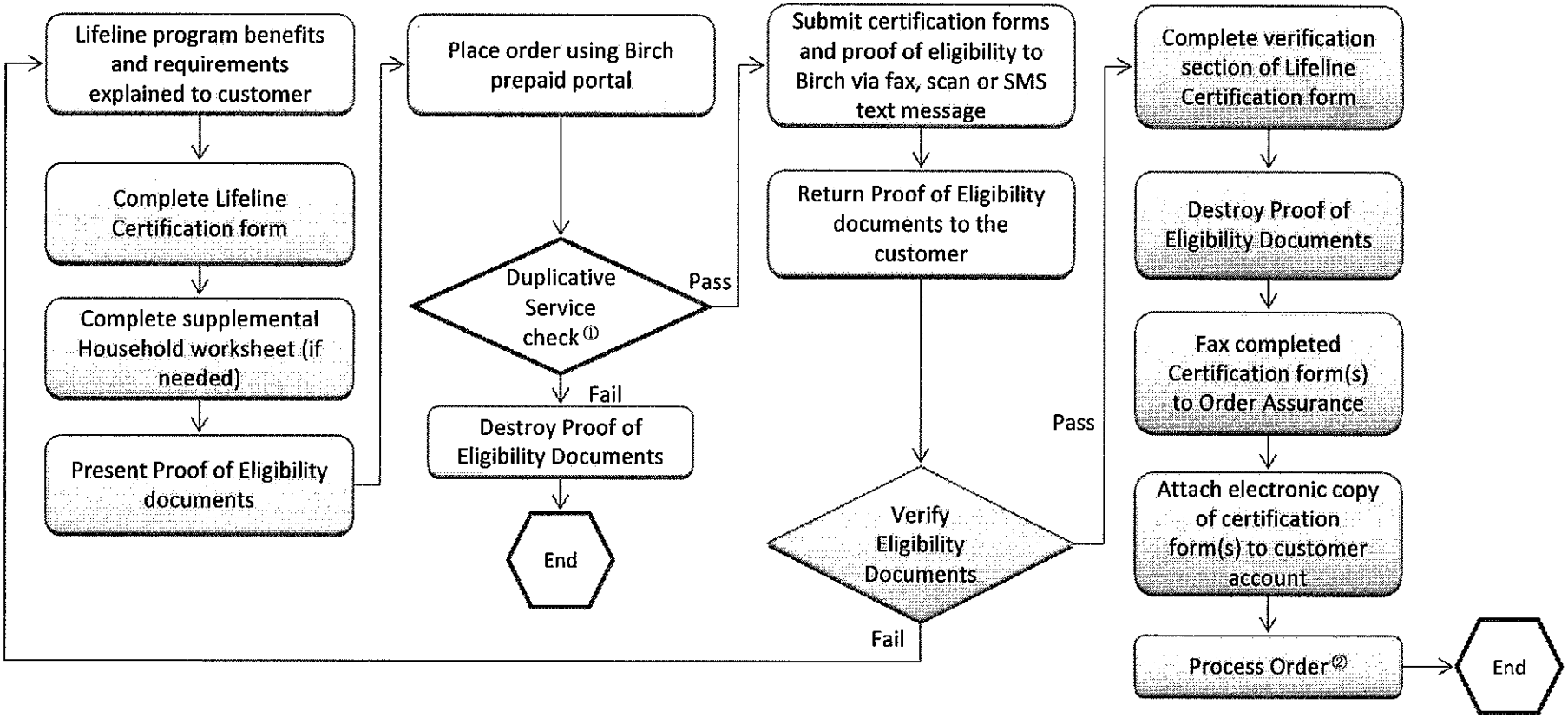
② When duplicative service is found, Birch will determine if customer is part of multi-household residence

③ Wireless handsets will be shipped to the customer in an inactive state. Birch will not seek lifeline reimbursement from USAC until the customer activates the device and incurs usage

Customer

Birch Communications

Lifeline Certification process – Authorized Dealers



① When duplicative service is found, Birch will determine if customer is part of multi-household residence

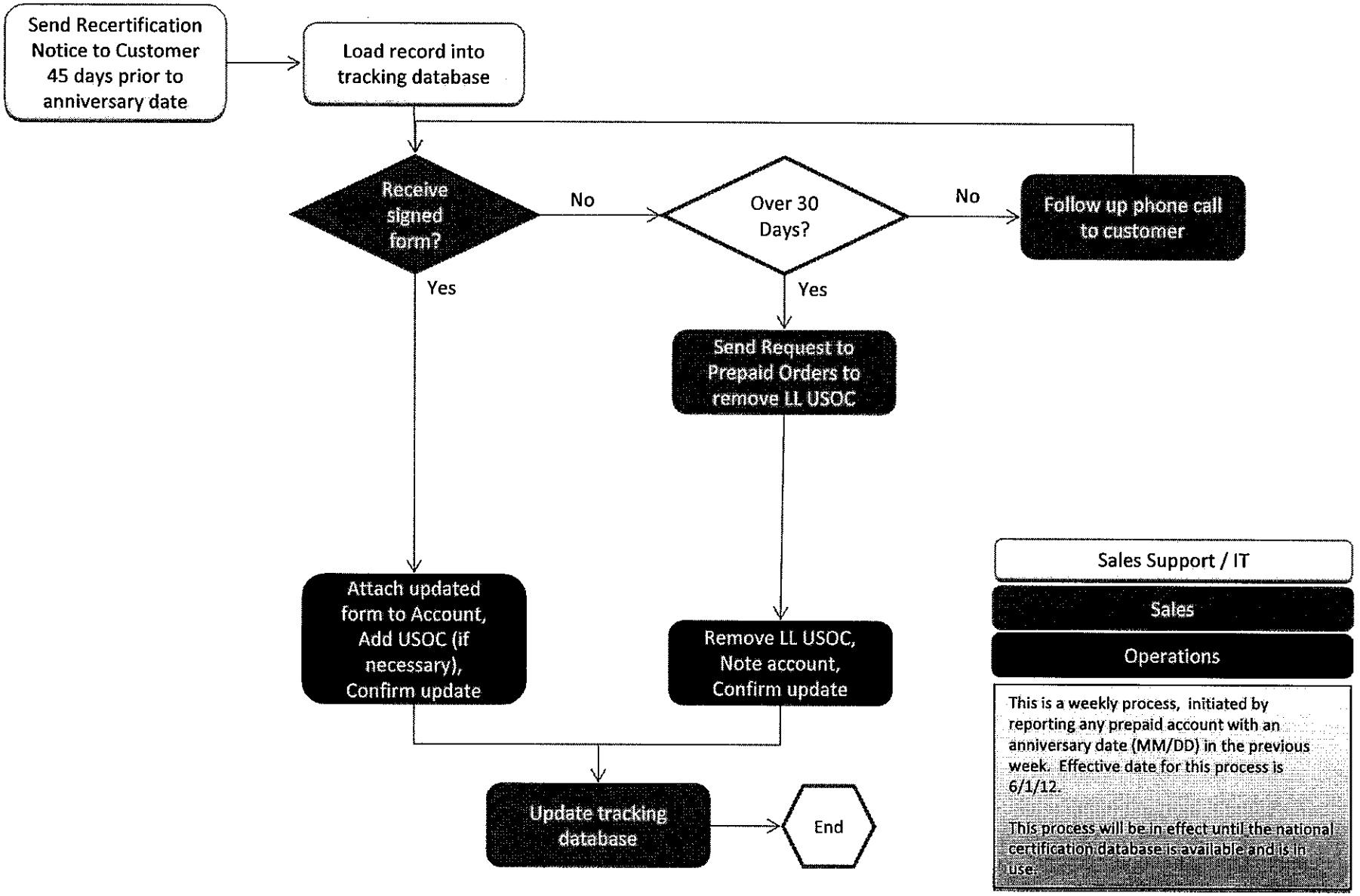
② Wireless handsets will be shipped to the customer in an inactive state. Birch will not seek lifeline reimbursement from USAC until the customer activates the device and incurs usage

Birch Authorized Dealer

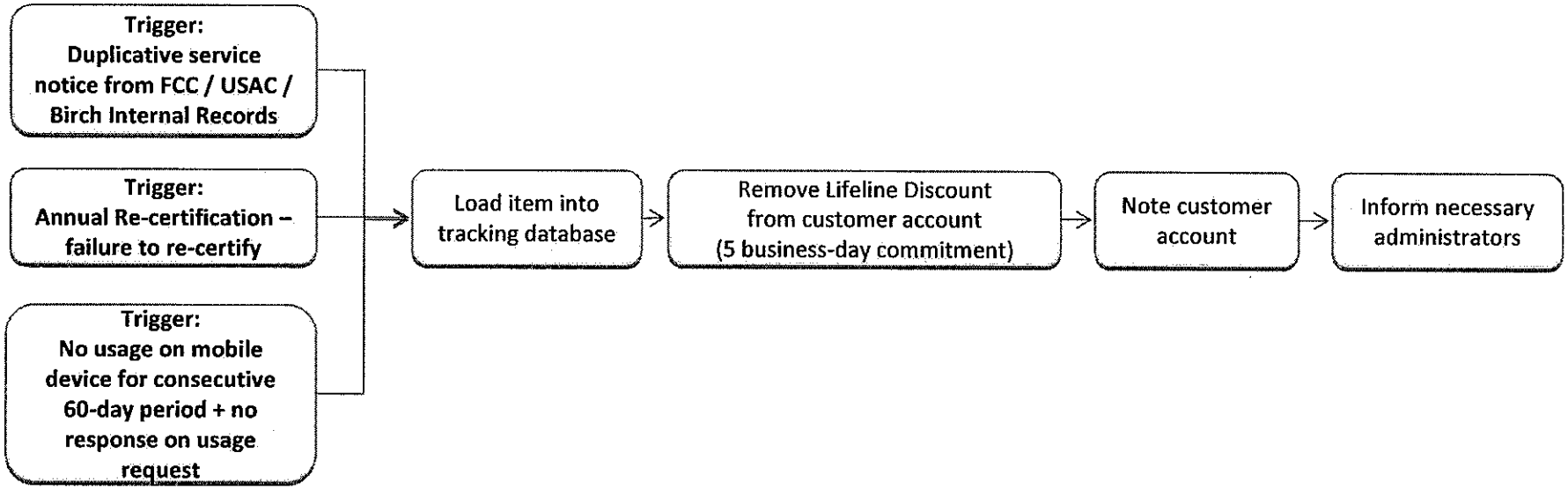
Customer

Birch Communications

Annual Lifeline Re-Certification



Lifeline De-enrollment Scenarios



- De-enrollment in Lifeline program will remove the customer from any USAC filings for reimbursement of the lifeline discount amount.
- All wireless handsets, regardless of activation status, will retain the capability of dialing and reaching emergency-911

Non-Usage notification

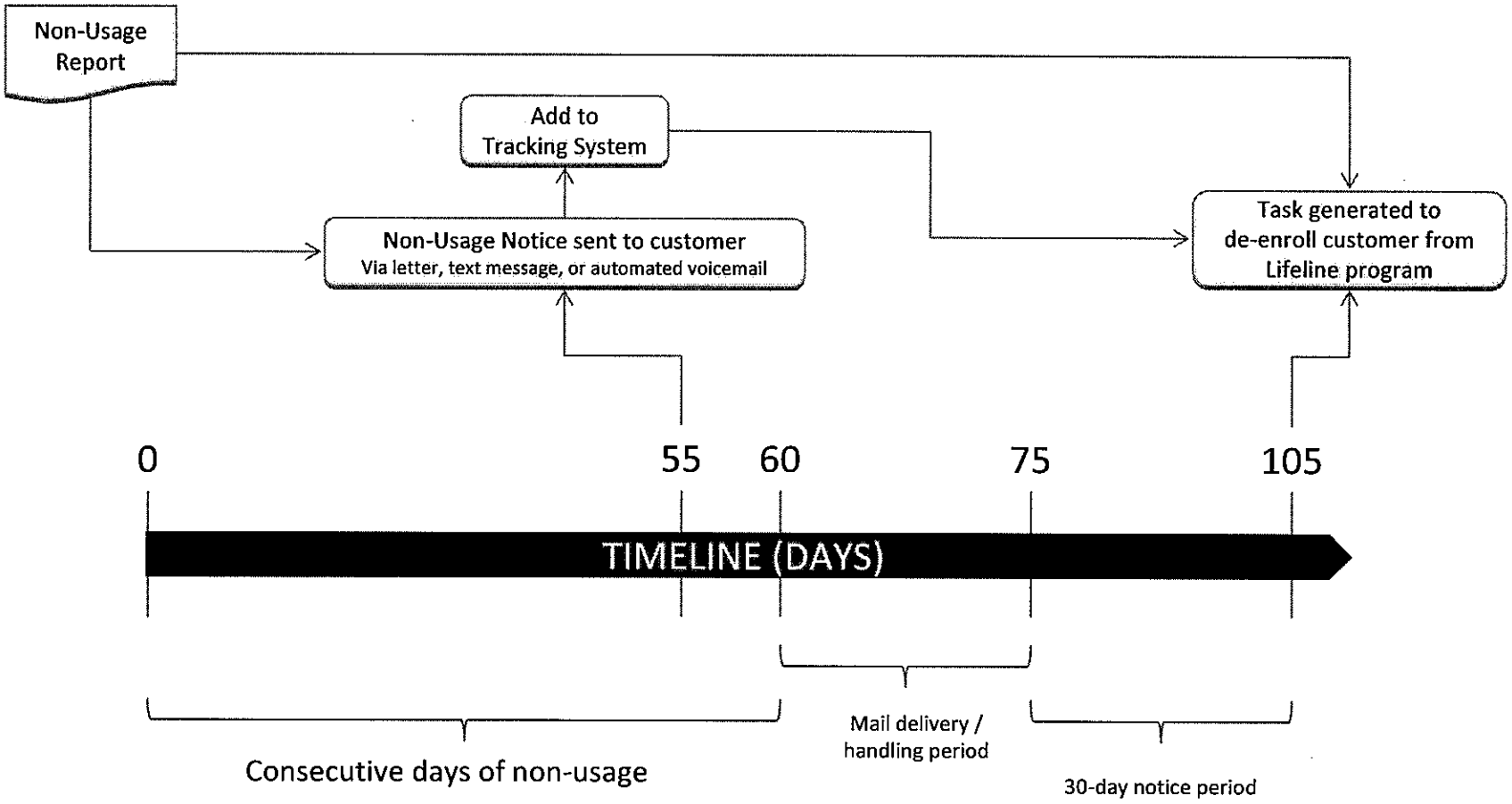


EXHIBIT 4

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WASHINGTON, D.C. 20006-1181

TELEPHONE (202) 862-8900
FACSIMILE (202) 862-8958

EIGHTY PINE STREET
NEW YORK, N.Y. 10005-1702
(212) 701-3000
FAX: (212) 269-5420

AUGUSTINE HOUSE
6A AUSTIN FRIARS
LONDON, ENGLAND EC2N 2HA
(011) 44.20.7920.9800
FAX: (011) 44.20.7920.9825

ANGELA F. COLLINS | 202-862-8930 | acollins@cgrdc.com

September 17, 2013

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket Nos. 09-197, 11-42
Tempo Telecom, LLC Adoption of Compliance Plan

Dear Secretary Dortch:

Tempo Telecom, LLC ("Tempo"), by its attorneys, respectfully notifies the Federal Communications Commission ("Commission") that Tempo will comply with and adopt as its own the Compliance Plan filed by Birch Communications, Inc. ("Birch"), which was approved by the Commission on August 8, 2012.[1]

Via letter dated December 18, 2012, Birch notified the Commission that the prepaid wireless Lifeline service would be provided by a separate legal entity known as Now Communications, LLC ("Now Comm"). Now Comm committed to implement and comply with the previously-approved Compliance Plan, and notified the Commission that it adopted the Compliance Plan as its own. The Commission acknowledged these changes in corporate structure in a December 20, 2012 public notice, and confirmed that the previously-approved Compliance Plan would apply to Now Comm.[2]

Following the December 2012 filing, Now Communications, LLC changed its name to Tempo Telecom, LLC. Therefore, Tempo hereby notifies the Commission it will implement and comply with the Compliance Plan approved by the Commission on August 8, 2012, and hereby adopts the Compliance Plan as its own. Tempo commits to using the same procedures and policies set forth in the Compliance Plan for its provision of prepaid wireless Lifeline service,

---

[1] WC Docket Nos. 09-197 and 11-42, *Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless, and TAG Mobile,* Public Notice, DA 12-1286 (rel. Aug. 8, 2012).

[2] *Wireline Competition Bureau Seeks Comment on Petitions for Designation as a Low-Income Eligible Telecommunications Carrier filed by Now Comm, Zing PCS, LTS, Odin Wireless, and TX Mobile*, 27 FCC Rcd 15937 (2012) ("The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm.")

and will market and advertise its prepaid wireless Lifeline service in the same manner as described in the Compliance Plan.

A copy of the Compliance Plan adopted by Tempo is attached, along with a cover sheet indicating Tempo's adoption of the Compliance Plan.

Please contact the undersigned if you have any questions regarding this matter

Respectfully submitted,

Angela F. Collins
Counsel to Tempo Telecom, LLC

Attachment

cc: Michelle Schaefer (via electronic mail)

EXHIBIT 5

TEMPO OFFICERS

Dr. R. Kirby Godsey
Chairman of the Board
Dr. Godsey is Chairman of the Board of Birch Communications and an owner of Tempo. Prior to becoming Chairman of the Board at Birch in 2007, Dr. R. Kirby Godsey served as the 17th president of Mercer University from 1979-2006. Prior to his appointment as President, he served as Executive Vice President and as Dean of the College of Liberal Arts. Prior to coming to Mercer in 1977, Dr. Godsey was Vice President and Dean of the College at Averett College in Danville, Virginia. Dr. Godsey earned his undergraduate degree in history and religion from Samford University in Birmingham, Alabama. He holds Master of Divinity and Doctor of Theology degrees from New Orleans Baptist Theological Seminary, and a Master of Arts in Philosophy from the University of Alabama. In 1969, he earned a Ph.D. in Philosophy from Tulane University. The University of South Carolina, Averett College and Samford University have all awarded him honorary degrees.

Vincent Oddo
President & CEO
Vincent M. Oddo serves as President and Chief Executive Officer of Birch Communications and Tempo. In this capacity, he is responsible for the overall strategic direction of the company as well as playing a critical role in the many acquisitions that have been completed to date. Mr. Oddo is a 25+ year veteran of the telecom industry and has specialized in growing, restructuring and managing wire-line, wireless and broadband telecommunications businesses. Prior to joining Birch in 2003, he served as SVP and COO of Network Telephone; SVP and CIO of NuVox Communications; SVP of BellSouth; and SVP of Graphic Scanning Corp. Mr. Oddo holds both a Bachelor of Arts degree and Masters degree in Public Administration from Long Island University.

Chris Aversano
Chief Operating Officer and Executive Vice President
Chris Aversano serves as Chief Operating Officer and Executive Vice President of Birch Communications and Tempo. In this capacity, he is responsible for managing the overall Operations and Engineering efforts of the company. Mr. Aversano is a 20+ year veteran of the telecommunications and engineering industries and has specialized in wire-line, wireless, and satellite communications. Prior to joining Birch in 2004, he served as VP of Service Delivery and Engineering Operations at Network Telephone Corp; VP of Provisioning at Nuvox; Director of Process Design at Covad Communications; and Program Manager for the United States Air Force responsible for Global Positioning System (GPS) Satellites. Mr. Aversano holds a Bachelor of Science degree in Electrical Engineering from Clemson University, as well as an Associates Degree in Telecommunications from the United States Air Force.

Edward James
Chief Financial Officer and Senior Vice President
Edward James serves as Chief Financial Officer and Senior Vice President of Birch Communications and Tempo. In this capacity, he is responsible for maintaining and reporting the financial health of the company and overseeing the corporate assets of the company. Mr. James is a nearly 20 year veteran of the telecommunications and finance industries. Prior to joining Birch in 2008, he served as CFO of American Telecom Services, Inc.; Director of Finance of Carter's Inc.; various accounting, operations and finance positions at United Parcel Service (UPS). Mr. James holds a Bachelor of Arts degree from Mississippi College, and a Masters in Business Administration degree from Cumberland University.

Christopher Ramsey
Senior Vice President - Chief Sales & Marketing Officer
Chris Ramsey serves as Senior Vice President - Chief Sales and Marketing Officer for Birch Communications and Tempo. In this capacity, he is responsible for managing the overall sales and marketing efforts of the company. Mr. Ramsey is a 9-year veteran of Birch Communications who was responsible for starting and managing the telesales, account management and inside sales channels. Prior to joining Birch in 2001, he served in various leadership positions, of increasing responsibility, in Worldwide Account Management for Black and Veatch and GE Capital Assurance, Inc. Mr. Ramsey holds a Bachelor of Arts degree from Southwest Baptist University.

Chris Bunce
Senior Vice President, Legal, and General Counsel
Mr. Bunce serves as Senior Vice President, Legal & Regulatory, and General Counsel. In this capacity, he is responsible for managing the legal operations, and legal and regulatory compliance functions of both Birch and Tempo. Mr. Bunce is a nearly 20-year veteran in communications and telecom law. Prior to joining Birch in 2000, he served as legal counsel for GST Telecom, CallAmerica, Whole Earth Networks, Hawaii Online and other telecommunications and Internet firms. Mr. Bunce holds a Bachelor's degree in both History and Journalism/Mass Communication from Iowa State University, and a Juris Doctor degree from the University of Iowa College of Law.

Tom Stachowiak
Vice President, Information Technology
Mr. Stachowiak serves as Vice President of Information Technology for Birch Communications and Tempo. In this capacity, he is responsible for developing, implementing and managing the information technology needs of the company. Prior to his current position he served as Vice President, Engineering. Mr. Stachowiak is a 13+ year veteran of the telecommunications and information technology industries. Prior to joining Birch in 2005, he spent several years at Verso Technologies building and operating VoIP softswitches and application servers. He also worked for 4 years at Syracuse University conducting research on applying IP technologies to military command and control systems and distance learning. Mr. Stachowiak holds both a Masters of Science degree in Computer Science and a Masters in Business Administration degree from Syracuse University.

EXHIBIT 6

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN NAME
ACSHMAPL	NEWBEDFORD	ACUSHNET	MA	VERIZON NEW ENGLAND INC.
ACTNMAMA	ACTON	ACTON	MA	VERIZON NEW ENGLAND INC.
ADMSMAMA	ADAMS	ADAMS	MA	VERIZON NEW ENGLAND INC.
AGWMMARO	SPRINGFLD	AGAWAM	MA	VERIZON NEW ENGLAND INC.
AMHRMAFE	AMHERST	AMHERST	MA	VERIZON NEW ENGLAND INC.
AMHRMASP	AMHERST	AMHERST	MA	VERIZON NEW ENGLAND INC.
AMSBMAPL	AMESBURY	AMESBURY	MA	VERIZON NEW ENGLAND INC.
ANDVMAEL	ANDOVER	ANDOVER	MA	VERIZON NEW ENGLAND INC.
ARTNMAPL	ARLINGTON	ARLINGTON	MA	VERIZON NEW ENGLAND INC.
ASFDMAMA	ASHFIELD	ASHFIELD	MA	VERIZON NEW ENGLAND INC.
ASHBMASO	ASHBY	ASHBY	MA	VERIZON NEW ENGLAND INC.
ASHMMAPL	ASHBURNHAM	ASHBURNHAM	MA	VERIZON NEW ENGLAND INC.
ASLDMAMA	FRAMINGHAM	ASHLAND	MA	VERIZON NEW ENGLAND INC.
ASNTMAMA	ASSONET	ASSONET	MA	VERIZON NEW ENGLAND INC.
ATHOMARI	ATHOL	ATHOL	MA	VERIZON NEW ENGLAND INC.
ATLBMABA	ATTLEBORO	ATTLEBORO	MA	VERIZON NEW ENGLAND INC.
AUBNMALG	AUBURN	AUBURN	MA	VERIZON NEW ENGLAND INC.
AYERMAPL	AYER	AYER	MA	VERIZON NEW ENGLAND INC.
BARRMAJA	BARRE	BARRE	MA	VERIZON NEW ENGLAND INC.
BCKTMAWA	BECKET	BECKET	MA	VERIZON NEW ENGLAND INC.
BDFRMAPA	LEXINGTON	BEDFORD	MA	VERIZON NEW ENGLAND INC.
BITNMAWI	BRIGHTON	BRIGHTON	MA	VERIZON NEW ENGLAND INC.
BKLIMAGG	BROOKLINE	BROOKLINE	MA	VERIZON NEW ENGLAND INC.
BKLIMAMA	BROOKLINE	BROOKLINE	MA	VERIZON NEW ENGLAND INC.
BLMTMALE	BELMONT	BELMONT	MA	VERIZON NEW ENGLAND INC.
BLNDMAGL	BLANDFORD	BLANDFORD	MA	VERIZON NEW ENGLAND INC.
BLRCMAAN	BILLERICA	BILLERICA	MA	VERIZON NEW ENGLAND INC.
BLTWMAJA	BELCHERTN	BELCHERTOWN	MA	VERIZON NEW ENGLAND INC.
BMFDMAWA	BRIMFIELD	BRIMFIELD	MA	VERIZON NEW ENGLAND INC.
BOTNMAMA	BOLTON	BOLTON	MA	VERIZON NEW ENGLAND INC.
BRLNMAHI	BERLIN	BERLIN	MA	VERIZON NEW ENGLAND INC.
BRNRMACH	BERNARDSTN	BERNARDSTON	MA	VERIZON NEW ENGLAND INC.
BRNSMAMA	BARNSTABLE	BARNSTABLE	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN NAME
BRNTMAWA	BRAINTREE	BRAINTREE	MA	VERIZON NEW ENGLAND INC.
BRPKMAWI	SPRINGFLD	BRECKWOOD PARK	MA	VERIZON NEW ENGLAND INC.
BRTNMACR	BROCKTON	BROCKTON	MA	VERIZON NEW ENGLAND INC.
BRWRMACH	BRIDGEWTR	BRIDGEWATER	MA	VERIZON NEW ENGLAND INC.
BRWSMAYA	BREWSTER	BREWSTER	MA	VERIZON NEW ENGLAND INC.
BRYVMAUN	BRYANTVL	BRYANTVILLE	MA	VERIZON NEW ENGLAND INC.
BSRVMAST	DENNIS	BASS RIVER	MA	VERIZON NEW ENGLAND INC.
BSTNMABE	BOSTON	BOSTON	MA	VERIZON NEW ENGLAND INC.
BSTNMABO	BOSTON	BOSTON	MA	VERIZON NEW ENGLAND INC.
BSTNMAFR	BOSTON	BOSTON	MA	VERIZON NEW ENGLAND INC.
BSTNMAHA	BOSTON	BOSTON	MA	VERIZON NEW ENGLAND INC.
BURLMABE	BURLINGTON	BURLINGTON	MA	VERIZON NEW ENGLAND INC.
BVRLMAEL	BEVERLY	BEVERLY	MA	VERIZON NEW ENGLAND INC.
BYTNMAMA	BOYLSTON	BOYLSTON	MA	VERIZON NEW ENGLAND INC.
BZBYMAPE	BUZZARDSBY	BUZZARDS BAY	MA	VERIZON NEW ENGLAND INC.
CATNMANM	CHARLTON	CHARLTON	MA	VERIZON NEW ENGLAND INC.
CHCPMARI	CHICOPEE	CHICOPEE	MA	VERIZON NEW ENGLAND INC.
CHCPMAWE	CHICOPEE	CHICOPEE	MA	VERIZON NEW ENGLAND INC.
CHESMAMU	CHESTER	CHESTER	MA	VERIZON NEW ENGLAND INC.
CHFDMASB	CHESTERFLD	CHESTERFIELD	MA	VERIZON NEW ENGLAND INC.
CHFRMANO	LOWELL	CHELMSFORD	MA	VERIZON NEW ENGLAND INC.
CHHMMAOH	CHATHAM	CHATHAM	MA	VERIZON NEW ENGLAND INC.
CHLMMAST	CHILMARK	CHILMARK	MA	VERIZON NEW ENGLAND INC.
CHLSMACH	CHELSEA	CHELSEA	MA	VERIZON NEW ENGLAND INC.
CHMTMASO	CHARLEMONT	CHARLEMONT	MA	VERIZON NEW ENGLAND INC.
CLRNMAYA	COLRAIN	COLRAIN	MA	VERIZON NEW ENGLAND INC.
CLTNMACH	CLINTON	CLINTON	MA	VERIZON NEW ENGLAND INC.
CMBRMABE	BOSTON	CAMBRIDGE	MA	VERIZON NEW ENGLAND INC.
CMBRMAWA	CAMBRIDGE	CAMBRIDGE	MA	VERIZON NEW ENGLAND INC.
CMTNMAMA	CUMMINGTON	CUMMINGTON	MA	VERIZON NEW ENGLAND INC.
CNCRMAWA	CONCORD	CONCORD	MA	VERIZON NEW ENGLAND INC.
CNTNMAWA	CANTON	CANTON	MA	VERIZON NEW ENGLAND INC.
CNWYMASH	CONWAY	CONWAY	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
CRVRMAMA	CARVER	CARVER	MA	VERIZON NEW ENGLAND INC.
CTMTMADE	CATAUMET	CATAUMET	MA	VERIZON NEW ENGLAND INC.
DDHMMAWA	DEDHAM	DEDHAM	MA	VERIZON NEW ENGLAND INC.
DGTNMAEL	DIGHTON	DIGHTON	MA	VERIZON NEW ENGLAND INC.
DLTNMACA	DALTON	DALTON	MA	VERIZON NEW ENGLAND INC.
DNNSMAYA	DENNIS	DENNIS	MA	VERIZON NEW ENGLAND INC.
DNVSMAHI	DANVERS	DANVERS	MA	VERIZON NEW ENGLAND INC.
DRCHMAAD	DORCHESTER	DORCHESTER	MA	VERIZON NEW ENGLAND INC.
DRCTMAMM	LOWELL	DRACUT	MA	VERIZON NEW ENGLAND INC.
DXBRMACH	DUXBURY	DUXBURY	MA	VERIZON NEW ENGLAND INC.
EBSTMASA	EASTBOSTON	EAST BOSTON	MA	VERIZON NEW ENGLAND INC.
EBWRMABE	EBRIDGEWTR	EAST BRIDGEWATER	MA	VERIZON NEW ENGLAND INC.
EDGLMAMA	E DOUGLAS	EAST DOUGLAS	MA	VERIZON NEW ENGLAND INC.
EDGRMAPP	EDGARTOWN	EDGARTOWN	MA	VERIZON NEW ENGLAND INC.
EHMPMARA	EASTHAMPTN	EASTHAMPTON	MA	VERIZON NEW ENGLAND INC.
ELNMMAPL	ELONGMEDOW	EAST LONGMEADOW	MA	VERIZON NEW ENGLAND INC.
EPRVRINB	PROVIDENCE	EAST PROVIDENCE	MA	VERIZON NEW ENGLAND INC.
ESSXMASP	ESSEX	ESSEX	MA	VERIZON NEW ENGLAND INC.
ESTNMANM	EASTON	EASTON	MA	VERIZON NEW ENGLAND INC.
FKLNMAMC	FRANKLIN	FRANKLIN	MA	VERIZON NEW ENGLAND INC.
FLMOMAMG	FALMOUTH	FALMOUTH	MA	VERIZON NEW ENGLAND INC.
FLRVMANM	FALL RIVER	FALL RIVER	MA	VERIZON NEW ENGLAND INC.
FRMNMAUN	FRAMINGHAM	FRAMINGHAM	MA	VERIZON NEW ENGLAND INC.
FTBGMAMA	FITCHBURG	FITCHBURG	MA	VERIZON NEW ENGLAND INC.
FXBOMACO	FOXBORO	FOXBOROUGH	MA	VERIZON NEW ENGLAND INC.
GFTNMAWO	GRAFTON	GRAFTON	MA	VERIZON NEW ENGLAND INC.
GLCSMAEL	GLOUCESTER	GLOUCESTER	MA	VERIZON NEW ENGLAND INC.
GLVLMAHI	GILBERTVL	GILBERTVILLE	MA	VERIZON NEW ENGLAND INC.
GNDLMASU	WORCESTER	GREENDALE	MA	VERIZON NEW ENGLAND INC.
GNFDMACH	GREENFIELD	GREENFIELD	MA	VERIZON NEW ENGLAND INC.
GRBRMASC	GREATBNGTN	GREAT BARRINGTON	MA	VERIZON NEW ENGLAND INC.
GRNBMAXA	GRANBY	GRANBY	MA	GRANBY TELEPHONE LLC
GRNRMAWE	GARDNER	GARDNER	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
GRTNMAHO	GROTON	GROTON	MA	VERIZON NEW ENGLAND INC.
GRTWMAWI	GEORGETOWN	GEORGETOWN	MA	VERIZON NEW ENGLAND INC.
GRVIMAWG	GRANVILLE	GRANVILLE	MA	VERIZON NEW ENGLAND INC.
HBTNMAMA	HUBBARDSTN	HUBBARDSTON	MA	VERIZON NEW ENGLAND INC.
HDSNMAFR	HUDSON	HUDSON	MA	VERIZON NEW ENGLAND INC.
HLDNMAHO	HOLDEN	HOLDEN	MA	VERIZON NEW ENGLAND INC.
HLSTMACH	HOLLISTON	HOLLISTON	MA	VERIZON NEW ENGLAND INC.
HLYKMAMA	HOLYOKE	HOLYOKE	MA	VERIZON NEW ENGLAND INC.
HMPDMAMA	HAMPDEN	HAMPDEN	MA	VERIZON NEW ENGLAND INC.
HMTNMAWI	HAMILTON	HAMILTON	MA	VERIZON NEW ENGLAND INC.
HNCCMAXA	HANCOCK	HANCOCK	MA	TACONIC TELEPHONE CORP.
HNDLMASO	HINSDALE	HINSDALE	MA	VERIZON NEW ENGLAND INC.
HNHMMAGR	COHASSET	HINGHAM	MA	VERIZON NEW ENGLAND INC.
HNTNMAMA	HUNTINGTON	HUNTINGTON	MA	VERIZON NEW ENGLAND INC.
HNVRMACO	HANOVER	HANOVER	MA	VERIZON NEW ENGLAND INC.
HPTNMAHR	HOPKINTON	HOPKINTON	MA	VERIZON NEW ENGLAND INC.
HRVRMALI	HARVARD	HARVARD	MA	VERIZON NEW ENGLAND INC.
HRWCMAMA	HARWICH	HARWICH	MA	VERIZON NEW ENGLAND INC.
HSTNMAMA	HOUSATONIC	HOUSATONIC	MA	VERIZON NEW ENGLAND INC.
HTFDMACH	HATFIELD	HATFIELD	MA	VERIZON NEW ENGLAND INC.
HVHLMAWI	HAVERHILL	HAVERHILL	MA	VERIZON NEW ENGLAND INC.
HYNSMAOC	HYANNIS	HYANNIS	MA	VERIZON NEW ENGLAND INC.
HYPKMAHA	HYDE PARK	HYDE PARK	MA	VERIZON NEW ENGLAND INC.
INORMARL	SPRINGFLD	INDIAN ORCHARD	MA	VERIZON NEW ENGLAND INC.
IPSWMACO	IPSWICH	IPSWICH	MA	VERIZON NEW ENGLAND INC.
KGTNMASL	KINGSTON	KINGSTON	MA	VERIZON NEW ENGLAND INC.
LCSRMAGR	LEICESTER	LEICESTER	MA	VERIZON NEW ENGLAND INC.
LDLWMAWI	LUDLOW	LUDLOW	MA	VERIZON NEW ENGLAND INC.
LEE MAHI	LEE	LEE	MA	VERIZON NEW ENGLAND INC.
LENXMAWA	LENOX	LENOX	MA	VERIZON NEW ENGLAND INC.
LGMDMALO	LONGMEADOW	LONGMEADOW	MA	VERIZON NEW ENGLAND INC.
LMNSMASC	LEOMINSTER	LEOMINSTER	MA	VERIZON NEW ENGLAND INC.
LNBGMASC	LUNENBURG	LUNENBURG	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
LTTNMAKI	LITTLETON	LITTLETON	MA	VERIZON NEW ENGLAND INC.
LWLLMAAP	LOWELL	LOWELL	MA	VERIZON NEW ENGLAND INC.
LWRNMACA	LAWRENCE	LAWRENCE	MA	VERIZON NEW ENGLAND INC.
LXTNMAWA	LEXINGTON	LEXINGTON	MA	VERIZON NEW ENGLAND INC.
LYFDMACA	LYNNFIELD	LYNNFIELD	MA	VERIZON NEW ENGLAND INC.
LYNNMACH	LYNN	LYNN	MA	VERIZON NEW ENGLAND INC.
MARNMAMI	MARION	MARION	MA	VERIZON NEW ENGLAND INC.
MDLBMAJA	MIDDLEBORO	MIDDLEBOROUGH	MA	VERIZON NEW ENGLAND INC.
MEFDMAPL	MEDFIELD	MEDFIELD	MA	VERIZON NEW ENGLAND INC.
MEWYMAVI	MEDWAY	MEDWAY	MA	VERIZON NEW ENGLAND INC.
MLBRMAGR	MILLBURY	MILLBURY	MA	VERIZON NEW ENGLAND INC.
MLDNMAEL	EVERETT	MALDEN	MA	VERIZON NEW ENGLAND INC.
MLFLMACR	MILLERSFLS	MILLERS FALLS	MA	VERIZON NEW ENGLAND INC.
MLFRMAWA	BELLINGHAM	MILFORD	MA	VERIZON NEW ENGLAND INC.
MLISMAMA	MILLIS	MILLIS	MA	VERIZON NEW ENGLAND INC.
MLTNMAAD	MILTON	MILTON	MA	VERIZON NEW ENGLAND INC.
MNCHMASU	MANCHESTER	MANCHESTER	MA	VERIZON NEW ENGLAND INC.
MNFDMABR	MANSFIELD	MANSFIELD	MA	VERIZON NEW ENGLAND INC.
MNMTMAMA	PLYMOUTH	MANOMET	MA	VERIZON NEW ENGLAND INC.
MNSNMAMA	MONSON	MONSON	MA	VERIZON NEW ENGLAND INC.
MRBLMAPL	MARBLEHEAD	MARBLEHEAD	MA	VERIZON NEW ENGLAND INC.
MRBOMAMA	MARLBORO	MARLBOROUGH	MA	VERIZON NEW ENGLAND INC.
MRFDMAMA	MARSHFIELD	MARSHFIELD	MA	VERIZON NEW ENGLAND INC.
MRMCMACE	MERRIMAC	MERRIMAC	MA	VERIZON NEW ENGLAND INC.
MSHPMAGN	OSTERVILLE	MASHPEE	MA	VERIZON NEW ENGLAND INC.
MTAGMACE	MONTAGUE	MONTAGUE	MA	VERIZON NEW ENGLAND INC.
MTPSMAMH	MATTAPOSTT	MATTAPOISETT	MA	VERIZON NEW ENGLAND INC.
MYNRMAWA	MAYNARD	MAYNARD	MA	VERIZON NEW ENGLAND INC.
NADMMASU	NORTHADAMS	NORTH ADAMS	MA	VERIZON NEW ENGLAND INC.
NATLMAOE	NO ATTLEBO	NORTH ATTLEBORO	MA	VERIZON NEW ENGLAND INC.
NATNMAMA	NORTHAMPTN	NORTHAMPTON	MA	VERIZON NEW ENGLAND INC.
NBFDMASM	NOBROOKFLD	NORTH BROOKFIELD	MA	VERIZON NEW ENGLAND INC.
NBFRMAAE	NEWBEDFORD	NEW BEDFORD	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN NAME
NBPTMAGR	NEWBURYPT	NEWBURYPORT	MA	VERIZON NEW ENGLAND INC.
NCHLMAGR	LOWELL	CHELMSFORD	MA	VERIZON NEW ENGLAND INC.
NCKTMAUN	NANTUCKET	NANTUCKET	MA	VERIZON NEW ENGLAND INC.
NDHMMAPI	DOVER	NEEDHAM	MA	VERIZON NEW ENGLAND INC.
NFRMMAED	FRAMINGHAM	NORTH FRAMINGHAM	MA	VERIZON NEW ENGLAND INC.
NRBOMASC	NORTHBORO	NORTHBORO	MA	VERIZON NEW ENGLAND INC.
NRDGMACE	NO READING	NORTH READING	MA	VERIZON NEW ENGLAND INC.
NRFDMAMA	NORTHFIELD	NORTHFIELD	MA	VERIZON NEW ENGLAND INC.
NRTNMATA	NORTON	NORTON	MA	VERIZON NEW ENGLAND INC.
NRWDMAVE	NORWOOD	NORWOOD	MA	VERIZON NEW ENGLAND INC.
NRWLMAMA	NORWELL	NORWELL	MA	VERIZON NEW ENGLAND INC.
NTCKMAEC	NATICK	NATICK	MA	VERIZON NEW ENGLAND INC.
NWTNMAWA	NEWTON	NEWTON	MA	VERIZON NEW ENGLAND INC.
OKHMMARU	OAKHAM	OAKHAM	MA	VERIZON NEW ENGLAND INC.
ORLNMAYA	ORLEANS	ORLEANS	MA	VERIZON NEW ENGLAND INC.
ORNGMASM	MILLERSFLS	ORANGE	MA	VERIZON NEW ENGLAND INC.
OSVLMAWB	OSTERVILLE	OSTERVILLE	MA	VERIZON NEW ENGLAND INC.
OTISMAEO	OTIS	OTIS	MA	VERIZON NEW ENGLAND INC.
OXFRMAWH	OXFORD	OXFORD	MA	VERIZON NEW ENGLAND INC.
PBDYMACE	PEABODY	PEABODY	MA	VERIZON NEW ENGLAND INC.
PLMOMACO	PLYMOUTH	PLYMOUTH	MA	VERIZON NEW ENGLAND INC.
PLMRMAPL	PALMER	PALMER	MA	VERIZON NEW ENGLAND INC.
PPRLMAHI	PEPPERELL	PEPPERELL	MA	VERIZON NEW ENGLAND INC.
PRTNMABO	PRINCETON	PRINCETON	MA	VERIZON NEW ENGLAND INC.
PRVNMAWI	PROVINCETN	PROVINCETOWN	MA	VERIZON NEW ENGLAND INC.
PTFDMAAA	PITTSFIELD	PITTSFIELD	MA	VERIZON NEW ENGLAND INC.
PTFDMAFE	PITTSFIELD	PITTSFIELD	MA	VERIZON NEW ENGLAND INC.
PTRSMAEA	PETERSHAM	PETERSHAM	MA	VERIZON NEW ENGLAND INC.
QNCYMAHA	QUINCY	QUINCY	MA	VERIZON NEW ENGLAND INC.
RCMDMAXA	RICHMOND	RICHMOND	MA	RICHMOND TELEPHONE CO.
RCPTMAMA	ROCKPORT	ROCKPORT	MA	VERIZON NEW ENGLAND INC.
RDNGMALI	READING	READING	MA	VERIZON NEW ENGLAND INC.
REVRMABE	REVERE	REVERE	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
RHBTMABA	REHOBOTH	REHOBOTH	MA	VERIZON NEW ENGLAND INC.
RKLDMAWE	ROCKLAND	ROCKLAND	MA	VERIZON NEW ENGLAND INC.
RNDHMAME	RANDOLPH	RANDOLPH	MA	VERIZON NEW ENGLAND INC.
ROCHMANO	ROCHESTER	ROCHESTER	MA	VERIZON NEW ENGLAND INC.
RSSLMAMA	RUSSELL	RUSSELL	MA	VERIZON NEW ENGLAND INC.
RTLDMAMA	RUTLAND	RUTLAND	MA	VERIZON NEW ENGLAND INC.
RWLYMAHA	ROWLEY	ROWLEY	MA	VERIZON NEW ENGLAND INC.
RXBRMAWA	JAMAICA PL	ROXBURY	MA	VERIZON NEW ENGLAND INC.
SAGSMACE	SAUGUS	SAUGUS	MA	VERIZON NEW ENGLAND INC.
SALMMANO	SALEM	SALEM	MA	VERIZON NEW ENGLAND INC.
SBDGMAMA	SOUTHBDG	SOUTHBRIDGE	MA	VERIZON NEW ENGLAND INC.
SBTNMAEF	SO BOSTON	SOUTH BOSTON	MA	VERIZON NEW ENGLAND INC.
SCNSMABH	SIASCONSET	SIASCONSET	MA	VERIZON NEW ENGLAND INC.
SCTTMAFP	SCITUATE	SCITUATE	MA	VERIZON NEW ENGLAND INC.
SDBRMABP	SUDBURY	SUDBURY	MA	VERIZON NEW ENGLAND INC.
SDFDMACO	SO DEERFLD	SOUTH DEERFIELD	MA	VERIZON NEW ENGLAND INC.
SGMRMAYA	SAGAMORE	SAGAMORE	MA	VERIZON NEW ENGLAND INC.
SGTNMAWA	STOUGHTON	STOUGHTON	MA	VERIZON NEW ENGLAND INC.
SHFDMAMA	SHEFFIELD	SHEFFIELD	MA	VERIZON NEW ENGLAND INC.
SHRNMAHI	SHARON	SHARON	MA	VERIZON NEW ENGLAND INC.
SHRWMAGR	SHREWSBURY	SHREWSBURY	MA	VERIZON NEW ENGLAND INC.
SHRYMACH	SHIRLEY	SHIRLEY	MA	VERIZON NEW ENGLAND INC.
SLFLMACR	SHELBUNFLS	SHELBURNE FALLS	MA	VERIZON NEW ENGLAND INC.
SNDSMAOT	SANDISFLD	SANDISFIELD	MA	VERIZON NEW ENGLAND INC.
SOVLMACE	SOMERVILLE	SOMERVILLE	MA	VERIZON NEW ENGLAND INC.
SPFDMAWO	SPRINGFLD	SPRINGFIELD	MA	VERIZON NEW ENGLAND INC.
SPNCMAME	SPENCER	SPENCER	MA	VERIZON NEW ENGLAND INC.
STBGMAMA	STURBRIDGE	STURBRIDGE	MA	VERIZON NEW ENGLAND INC.
STBRMAPI	STOCKBDG	STOCKBRIDGE	MA	VERIZON NEW ENGLAND INC.
STNGMABR	STERLING	STERLING	MA	VERIZON NEW ENGLAND INC.
SWCKMACO	SOUTHWICK	SOUTHWICK	MA	VERIZON NEW ENGLAND INC.
TMTNMAME	TEMPLETON	TEMPLETON	MA	VERIZON NEW ENGLAND INC.
TNTNMAPL	TAUNTON	TAUNTON	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
TPFDMACE	TOPSFIELD	TOPSFIELD	MA	VERIZON NEW ENGLAND INC.
TRFLMAAA	TURNERSFLS	TURNERS FALLS	MA	VERIZON NEW ENGLAND INC.
TWBYMARO	LOWELL	TEWKSBURY	MA	VERIZON NEW ENGLAND INC.
TWNSMARA	TOWNSEND	TOWNSEND	MA	VERIZON NEW ENGLAND INC.
TYNGMAKE	TYNGSBORO	TYNGSBORO	MA	VERIZON NEW ENGLAND INC.
UPTNMAPI	UPTON	UPTON	MA	VERIZON NEW ENGLAND INC.
UXBRMACO	UXBRIDGE	UXBRIDGE	MA	VERIZON NEW ENGLAND INC.
VYHVMAED	VINEYRDHVN	VINEYARD HAVEN	MA	VERIZON NEW ENGLAND INC.
WAHMMAHI	WAREHAM	WAREHAM	MA	VERIZON NEW ENGLAND INC.
WAREMABA	WARE	WARE	MA	VERIZON NEW ENGLAND INC.
WBSTMANE	WEBSTER	WEBSTER	MA	VERIZON NEW ENGLAND INC.
WBTNMAPR	W BOYLSTON	WEST BOYLSTON	MA	VERIZON NEW ENGLAND INC.
WHMNMAWA	EBRIDGEWTR	WHITMAN	MA	VERIZON NEW ENGLAND INC.
WHVLMAPA	WHITINSVL	WHITINSVILLE	MA	VERIZON NEW ENGLAND INC.
WKFDMABE	STONEHAM	WAKEFIELD	MA	VERIZON NEW ENGLAND INC.
WLBGMAMA	WILLIAMSBG	WILLIAMSBURG	MA	VERIZON NEW ENGLAND INC.
WLBRMAMA	WILBRAHAM	WILBRAHAM	MA	VERIZON NEW ENGLAND INC.
WLHMMASP	WALTHAM	WALTHAM	MA	VERIZON NEW ENGLAND INC.
WLHMMAWE	WALTHAM	WALTHAM	MA	VERIZON NEW ENGLAND INC.
WLLFMAMA	WELLFLEET	WELLFLEET	MA	VERIZON NEW ENGLAND INC.
WLMGMAMA	WILMINGTON	WILMINGTON	MA	VERIZON NEW ENGLAND INC.
WLPLMASS	WALPOLE	WALPOLE	MA	VERIZON NEW ENGLAND INC.
WLSLMALA	WELLESLEY	WELLESLEY	MA	VERIZON NEW ENGLAND INC.
WLTWMAWA	WILLIAMSTN	WILLIAMSTOWN	MA	VERIZON NEW ENGLAND INC.
WMNSMAEL	WESTMINSTR	WESTMINSTER	MA	VERIZON NEW ENGLAND INC.
WNCHMAMA	WINCHESTER	WINCHESTER	MA	VERIZON NEW ENGLAND INC.
WNDNMAGR	WINCHENDON	WINCHENDON	MA	VERIZON NEW ENGLAND INC.
WNTHMAMA	WINTHROP	WINTHROP	MA	VERIZON NEW ENGLAND INC.
WNWBMAMA	W NEWBURY	WEST NEWBURY	MA	VERIZON NEW ENGLAND INC.
WOTNMAWI	WORTHINGTN	WORTHINGTON	MA	VERIZON NEW ENGLAND INC.
WPBDMAPI	PEABODY	WEST PEABODY	MA	VERIZON NEW ENGLAND INC.
WRCSMACE	WORCESTER	WORCESTER	MA	VERIZON NEW ENGLAND INC.
WRHMMASO	WRENTHAM	WRENTHAM	MA	VERIZON NEW ENGLAND INC.

Tempo's designated service area in Massachusetts is Sprint's wireless coverage area or Sprint's licensed service area, which comprises a portion of or the entirety of the following exchanges:

CLLI	RC ABBRE	CITY	STATE	OCN_NAME
WRRNMAQU	WARREN	WARREN	MA	VERIZON NEW ENGLAND INC.
WRXBMABE	JAMAICA PL	WEST ROXBURY	MA	VERIZON NEW ENGLAND INC.
WSBGMALE	W STOCKBDG	WEST STOCKBRIDGE	MA	VERIZON NEW ENGLAND INC.
WSBOMASU	WESTBORO	WESTBOROUGH	MA	VERIZON NEW ENGLAND INC.
WSFDMAWA	WESTFIELD	WESTFIELD	MA	VERIZON NEW ENGLAND INC.
WSFRMADE	WESTFORD	WESTFORD	MA	VERIZON NEW ENGLAND INC.
WSPTMADR	WESTPORT	WESTPORT	MA	VERIZON NEW ENGLAND INC.
WTTWMAWC	WATERTOWN	WATERTOWN	MA	VERIZON NEW ENGLAND INC.
WYLDMABP	WAYLAND	WAYLAND	MA	VERIZON NEW ENGLAND INC.
WYMOMAMI	WEYMOUTH	WEYMOUTH	MA	VERIZON NEW ENGLAND INC.

EXHIBIT 7

FREE Cell Phone
FREE 250 Mins Every Month!

1-8XX-XXX-XXXX

You may qualify if you participate in programs such as Food Stamps or Medicaid.

No contract. No credit check. No hidden fees.

Tempo is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program. See if you qualify for a free phone with free monthly service! Service is limited to one discount per household, consisting of either wireline or wireless service. Rules and forms of documentation necessary for enrollment are listed on reverse. Service is non-transferable.

tempo
Communications
at your pace.

FREE Cell Phone & Free Minute Plan

Choose your FREE monthly plan!

250 minutes/750 Texts
-or-
150 minutes/450 Texts with Rollover

Included Features

Nationwide Calling
Text Messaging
Caller ID
Voicemail
Additional Minute Plans
911 Service

Call to Qualify!

- Tempo is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program.
- Lifeline benefits are limited to a single line of service per household. You may not receive multiple Lifeline benefits. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both.
- You must present Photo ID and Proof of Benefit to obtain service. You may qualify if you have Food Stamps, MedicAid, or are enrolled in other governmental assistance programs.

To sign up or ask us a question, we're ready to help!

1-8XX-XXX-XXXX

Forms of documentation necessary for enrollment: All subscribers will be required to demonstrate eligibility based at least on (1) Household income at or below 135% of Fed Poverty guidelines for a household of that size; OR (2) the household's participation in a qualifying state, federal or Tribal program, (a) current or prior year's statement of benefits from a qualifying state,federal or Tribal program. (b) a notice letter of participation in a qualifying state,federal or Tribal program. (c) program participation documents (eg: consumers SNAP card, Medicaid card, or copy thereof). (d) other official document evidencing the consumer's participation in a qualifying state, federal or Tribal program. Income eligibility: prior year's state, federal or Tribal tax return, current income statement from an employer or paycheck. Social Security statement of benefits. Veterans Administration statement of benefits. Retirement/pension statement of benefits. Unemployment / Workmen's comp statement of benefits. Federal or Tribal notice letter of participation in General Assistance. Divorce decree, child support award, or other official document containing income information for at least three (3) months time. Tempo will NOT retain a copy of this documentation.

IMPORTANT: consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

Tempo Telecom, LLC is an Eligible Telecommunications Carrier (ETC), doing business as Tempo.

EXHIBIT 8

Lifeline Subscriber Name
Address 1 **Address 2**
City, State, ZIP

Month, Day, Year

Time to Recertify!
In order to keep your lifeline discounts on your phone service, you must complete the recertification form and provide your benefit documentation by *April 22, 2013.*

We value your business! The Federal Government requires Tempo to recertify your eligibility once a year in order for you to continue receiving your lifeline discount. In order to continue receiving your discount you must recertify by **April 22, 2013.**

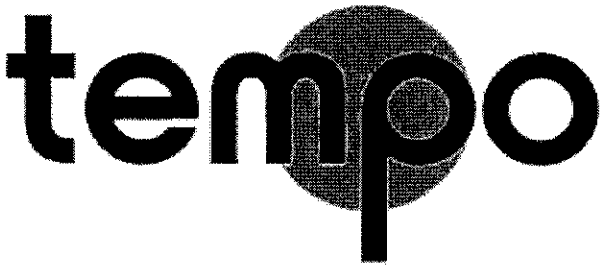
To recertify please complete the attached recertification form, and provide your documentation of income or government program eligibility. You can provide your documentation to Tempo in many ways:

- Fax the completed form to (877) 465-0545.
- Scan and e-mail the completed form to lifeline@mytempo.com.
- Take a picture of the completed form with your mobile phone and text the photo to (816) 446-3388.

We very much value your business. If you have any questions, or there is anything we can do for you, please call us at (866) 580-8411.

Thank you,

Darrell Freelon
Tempo Telesales Manager



Lifeline Enrollment And Recertification Form

Three Easy Steps to Complete:

Step #1 – Complete Lifeline Enrollment Form on page 3

Step #2 – Locate your Lifeline Benefit Documentation
(More info on your required documentation on pages 4 and 5)

Step #3 – Send completed Lifeline Enrollment Form and Lifeline Benefit Documentation to Tempo
(There are many convenient ways to send them, check Page 4)

tempo Lifeline Enrollment/Recertification Form

Account #:_____

This signed application is required to enroll you in the Lifeline program in your state. This application is only for the purpose of verifying your participation in these programs and will not be used for any other purpose.

Things to know about the Lifeline Program:
- Lifeline is a Federal benefit that is not transferrable to any other person;
- Lifeline service is available for only one line per household. A household cannot receive benefits from multiple providers. Not all Lifeline services are marketed under the name Lifeline, and may be offered under other names;
- A household is defined, for purposes of the Lifeline program, as any individual or group of individuals living at the same address that share income and expenses; and,
- Violation of the one-per household rule is not permitted under federal rules and will result in the subscriber's de-enrollment from the program and possible criminal prosecution by the U.S. Government.

First Name: _____ **MI:** _____ **Last Name:** _____ **Date of Birth:** _____

Last Four Digits of Social Security Number: _____ **Contact Telephone Number:** _____

Residential Address:
Must be a street address (not a P.O. Box) and your principal residence.

Address Line 1: _____
Address Line 2: _____
City, State and Zip: _____

Billing Address:
May contain a P.O Box.

• Check here if the billing address is the same as the residential address.

Address Line 1: _____
Address Line 2: _____
City, State and Zip: _____

This Address Is: • Permanent • Temporary *(If temporary, your address must be certified or updated every 90 days.)*

• A shared, multi-household residence → *(Complete Household Worksheet)*

_____ *(Initial)* If shared, multi-household residence, I hereby certify that other household adults do not contribute income and/or share expenses in my household. *Complete Household Worksheet.*

_____ *(Initial)* I hereby certify that I qualify to participate in at least one of the following programs (*check all that apply*):
Please see the related documentation requirements on the reverse side.

• Supplemental Nutrition Assistance Program (SNAP) formerly known as Food Stamps • Supplemental Security Income (SSI)

• Federal Public Housing Assistance (FPHA) or Section 8 • Low Income Home Energy Assistance Program (LIHEAP)

• National School Lunch Program's free lunch program • Temporary Assistance for Needy Families (TANF) • Medicaid

_____ *(initial)* I hereby certify that my household income is at or below 135% of the Federal Poverty Guidelines; there are _____ members in my household.
Please see the Federal Poverty Guidelines and the related documentation requirements on the reverse side.

I certify, under penalty of perjury: (Initial by Each Certification)

_____ The information provided in this application is true and correct to the best of my knowledge; I acknowledge that willfully providing false or fraudulent information in order to receive Lifeline service is punishable by fine or imprisonment, termination of all Lifeline benefits, and being barred from participating in the Lifeline program.

_____ I acknowledge that non-usage over a consecutive 60-day period will result in my de-enrollment from this Lifeline service.

_____ I am eligible for Lifeline service through participation in the qualifying program(s) or meeting the income requirements as identified above.

_____ I have provided documentation of eligibility for Lifeline service, unless otherwise specifically exempted from providing such documentation.

_____ I will inform Tempo within 30 days of any potential change in eligibility, including, but not limited to: (i) a move or change of address; (ii) any change in participation in the programs identified above or change in income or household members; (iii) receiving Lifeline service from another provider; or (iv) any other change that would affect my eligibility for Lifeline service. If I fail to inform Tempo of any of these changes, I understand under penalty of perjury, I may be subject to penalties.

_____ I have provided the address where I currently reside and, if a temporary address has been provided, then I acknowledge that Tempo will attempt to verify my address every 90 days, and, if I do not respond to verification attempts within 30 days, then I may be de-enrolled from my Lifeline benefits.

_____ My household will receive only one Lifeline benefit and, to the best of my knowledge, no one in my household is currently receiving Lifeline service from any other provider.

_____ I acknowledge that I will be required to annually re-certify eligibility and may be required to re-certify continued eligibility for Lifeline at any time and failure to re-certify will result in the termination of Lifeline benefits or other penalties.

_____ I authorize Tempo and its agents to access any records (including financial records) required to verify my statements herein and to confirm my eligibility for Lifeline service. I authorize government agencies and their authorized representatives to discuss with and/or provide information to Tempo and its agents verifying my participation in public assistance programs that qualify me for Lifeline service.

_____ I acknowledge and consent to my name, telephone number, and address being divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of maintaining the information in a database and verifying that I, as a subscriber, do not receive more than one Lifeline benefit. In the event that USAC identifies that I am receiving more than one Lifeline subsidy for my household, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

APPLICANT SIGNATURE/TPV ID: _____ DATE: _____

FOR TEMPO OFFICE USE ONLY

Account #:_____ TPV ID: _____

Company Representative Name: _____ • Database Queried? Date: ___/___/___ Database Name:_____

• ETC Eligibility Review Confirmation Type: Written, attached • Screenshot, attached• ETC employee

Type of Documentation: • Benefits Card • Award Letter • Voucher • State Agency Queried? Date: ___/___/___ Agency Name:_____

• Income Statement • Other _____ Agency contact:_____ Confirmation Type: • Notice, attached

How received: • In person • Fax • Email • Text Photo • Mail

Date/Expiration Date of Documentation: ___/___/_____

Describe Documentation: _____ Name on Documentation: _____

Date reviewed: ___/___/_____

• Applicant name different than name on documentation (Note relationship to applicant: _____)

Applicant Name: _____

_____ Certification that individual is part of applicant's household **(MUST certify with applicant in-person or verbally)**

_____ Certification that individual is does not already receive Lifeline **(MUST certify with applicant in-person or verbally)**

Representative Signature: _____ Date: _____

NOTES : _____

_____

_____

HOW TO SUBMIT YOUR ENROLLMENT APPLICATION:

FAX: (877) 465-0545 EMAIL: lifeline@mytempo.com POSTAL MAIL : Tempo, 2300 Main St., Suite 340, Kansas City, MO 64108.

HOW TO SUBMIT YOUR DOCUMENTATION:

TEXT A DOCUMENT: (816) 446-3388 FAX: (877) 465-0545 EMAIL: lifeline@mytempo.com POSTAL MAIL: Tempo, 2300 Main St., Suite 340, Kansas City, MO 64108.

DOCUMENTATION REQUIREMENTS

You are required to provide proof of your participation in the programs you identified OR proof of your qualifying income.

PROGRAM ELIGIBILITY

If, on page 3 of this form, you indicated you were in a qualifying program, you must provide documentation to prove receipt of benefits under these programs to Tempo. Upon examination by Tempo, any copies, photos or faxes of your documentation will be destroyed or returned to you at your request. Acceptable forms of documentation are described below:

Public Housing Assistance (FPHA) or Section 8

There are two types of documentation that can prove receipt of benefits under the Public Housing Assistance (FPHA), or Section 8, Program.
First, an applicant can provide an award letter. A recipient of Public Housing Assistance (FPHA), or Section 8, receives an award letter from his or her local Public Housing Agency (PHA). The award letter should include the following information:, name of program, date of award, name of beneficiary and award amount.

Second, an applicant can provide either a Public Housing Assistance Lease Agreement or a Section 8 Voucher. These items should clearly reflect the type of Public Housing Assistance credit issued.
If the beneficiary does not have an award letter, lease agreement, or voucher, the applicant can contact the agency that approved the application and request formal documentation of his or her award. To find contact information for a local Public Housing Agency, please visit the U.S. Department of Housing and Urban Development's state contact and agency listing.
The beneficiary named on the FPHA documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, Tempo must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Low Income Home Energy Assistance Program (LIHEAP)

Because the Low Income Home Energy Assistance Program (LIHEAP) is administered by a wide range of local agencies, the program's name may vary by state (note that most include the words "energy assistance program" in the name).
There are two types of documentation applicants can provide to demonstrate receipt of LIHEAP benefits.

First, a LIHEAP participant might have an award letter from a state agency. The award letter will include the following: name of program, date of award, name of beneficiary and award amount. In some instances, if the beneficiary received notification of his or her approval in-person, the awardee might not have a formal award letter and will need to contact the state agency that approved the application to request a formal award letter.
Second, a LIHEAP participant can provide a utility bill that reflects the Housing Assistance credit. The utility bill should clearly reflect inclusion of an Energy Assistance credit.
The beneficiary named on the LIHEAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.
To find contact information for a local LIHEAP agency, please visit the Low Income Home Energy Assistance Program's state contact and agency listing.

National School Lunch Program's Free Lunch Program (NSLP)
Although the National School Lunch Program's Free Lunch Program (NSLFP) is a federally assisted program, award letters are provided by state agencies and, thus, will vary by locality. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award. The beneficiary named on the NSLP documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Supplemental Security Income (SSI)
Participation in the federal portion of SSI is an eligibility criterion for Lifeline. Some states offer state supplements to the federal SSI program, but receipt of benefits from the state supplement, but not federal SSI, does not qualify an individual for Lifeline. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary, date of award and award amount. A benefit check stub from the Social Security Administration may also be submitted as proof of participation, if the check stub clearly states the date and name of the beneficiary.
The beneficiary named on the SSI documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Temporary Assistance for Needy Families (TANF)
All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.
The beneficiary named on the TANF documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

In some states, TANF might be more commonly referred to by a different name. Look for your state on this list of TANF program names by state.

Supplemental Nutrition Assistance Program (SNAP)
The Supplemental Nutrition Assistance Program (SNAP) was previously known as Food Stamps. Beneficiary cards and award letters may vary because SNAP is administered on a state level. Because not all beneficiary cards include the recipient's name, it is recommended that an award letter from the local state agency be used for Lifeline verification purposes. All award letters should contain the following basic information: name of program, name of beneficiary, address of beneficiary and date of award.
The beneficiary named on the SNAP documentation may be a member of the Lifeline applicant's household, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

In some states, SNAP might be more commonly referred to by a different name. Look for your state on this list of SNAP program names by state.

Medicaid
Each state provides its own unique Medicaid card to beneficiaries. However, most cards should clearly state the following: name of program, name of beneficiary, state of residence, issued or effective date and the name of the state agency that provided the card.
The beneficiary named on the Medicaid documentation may be a dependent of the Lifeline applicant, rather than the applicant. If the name of the beneficiary on the documentation provided does not match the name of the Lifeline applicant, the ETC must record the name of the beneficiary and confirm by receiving certification from the applicant that the named beneficiary is a member of his or her household, and that this individual does not receive Lifeline.

Some states have different names for their Medicaid programs. Look for your state on this list of Medicaid program names by state.

PROGRAM ELIGIBILITY

An applicant may be eligible for Lifeline if he or she has a household income at or below 135% of the Federal Poverty Guidelines. Below are the acceptable types of documentation:

- The prior year's state, federal, or Tribal tax return
- A current income statement from an employer or paycheck stub
- A Social Security statement of benefits
- A Veterans Administration statement of benefits
- A retirement or pension statement of benefits
- An Unemployment or Workers' Compensation statement of benefits
- A federal or Tribal notice letter of participation in General Assistance
- A divorce decree, child support award, or other official document containing income information
- If the documentation relied on does not cover a full year, such as a current pay stub, the subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.

135% FEDERAL POVERTY GUIDELINES - 2013	
Members of Household	**Household Income must be at or below**
1	$ 15,512
2	$ 20,939
3	$ 26,366
4	$ 31,793
5	$ 37,220
6	$ 42,647
7	$ 48,074
8	$ 53,501
For every additional member of your household, add $5,427.	

Upon examination by Tempo, any copies, photos or faxes of your documentation will be destroyed or returned to you at your request.