



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 22-2

February 13, 2025

Petition of AirVoice Wireless, LLC for Limited Designation as an Eligible Telecommunications Carrier (ETC)

**THIRD SET OF INFORMATION REQUESTS BY THE
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE
TO AIRVOICE WIRELESS, LLC**

Pursuant to 207 C.M.R. § 1.06(6)(c), the Department of Telecommunications and Cable (“Department”) submits to AIRVOICE WIRELESS, LLC the following information requests:

Instructions

The following instructions apply to this set of information requests.

1. All answers should be filed with the Department by the close of business on May 13, 2025.
2. Unless otherwise stated, each request should be answered in writing and include: the case docket number; a reference to the request number; the name of the person responsible for the answer; and a recitation of the request.
3. The term “ACP” means Affordable Connectivity Program.
4. The term “affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, AirVoice. For purposes of this definition, the term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.
5. The term “AirVoice” means AirVoice Wireless, LLC d/b/a AirTalk Wireless and its corporate predecessors, agents, officers, employees, and assigns.
6. The term “Amended Petition” means AirVoice’s amended application for designation as an ETC which the Department received on October 2, 2024.
7. The term “ETC” means eligible telecommunications carrier.
8. The term “FCC” means the Federal Communications Commission.
9. The term “USF” means Universal Service Fund.

10. The term “USAC” means the Universal Service Administrative Company.
11. The term “Lifeline Reform Order” refers to *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11 (rel. Feb. 6, 2012).
12. The term “Virgin Mobile ETC Order” refers to *In re Application of Virgin Mobile USA, L.P.’s Petition for Ltd. Designation as an Eligible Telecomms. Carrier*, D.T.C. 10-11, *Order Approving Petition* (Sept. 9, 2011).
13. The term “T-Mobile ETC Order” refers to *T-Mobile NE LLC Petition for Ltd. Designation as an Eligible Telecomms. Carrier for Purposes of Low-Income Support Only*, D.T.C. 12-4, *Order Approving Petition* (Aug. 30, 2012).
14. The term “Stand Up ETC Order” refers to *Petition of Global Connection Inc. of Am. d/b/a STAND UP WIRELESS for Designation as an Eligible Telecomms. Carrier*, D.T.C. 11-11, *Order Approving Petition* (Mar. 5, 2013).
15. The term “Budget PrePay ETC Order” refers to *Petition of Budget PrePay, Inc. for Ltd. Designation as a Lifeline-Only Eligible Telecomms. Carrier*, D.T.C. 11-12, *Order Approving Petition* (Mar. 5, 2013).
16. The term “document” is used in its broadest sense and includes, without limitation, writings, drawings, graphs, charts, photographs, phono-records, microfilm, microfiche, computer printouts, correspondence, press releases, handwritten and/or typed notes, records, reports, bills, checks, articles from journals and/or other sources, legal filings, e-mails, SMS text messages, blog postings, RSS feeds, web pages, social media postings such as Facebook and Twitter, and/or other data compilations from which information can be obtained and all copies of such documents that bear notations or other markings that differentiate such copies from the original.
17. The term “provide complete and detailed documentation” means: provide all data, assumptions and calculations relied upon. Provide the source of and basis for all data and assumptions employed. Include all studies, reports and planning documents from which data, estimates or assumptions were drawn and support for how the data or assumptions were used by AirVoice in developing the projections or estimates.
18. Requests shall be deemed continuing so as to require further supplemental responses if AirVoice and/or its witnesses receive or generate additional information within the scope of these requests between the time of the original response and the close of the record in this proceeding.
19. If any of these requests are ambiguous, notify the Hearing Officer so that the request may be clarified prior to the preparation of a written response.

Requests

- D.T.C. 3-1 AirVoice is referenced under different company names. For example, the company is referenced as either “Air Voice Wireless, LLC” (*see In the Matter of Air Voice Wireless, LLC*, FCC DA 24-175 (rel. February 28, 2024); *see also* Amended Petition – Exhibit 2) or referenced as “AirVoice Wireless, LLC” (*see* Amended Petition). Provide the official incorporated name of AirVoice as well as any relevant articles of incorporation.
- D.T.C. 3-2 Describe AirVoice’s plans for providing customer service in Massachusetts, including but not limited to:
- A. AirVoice’s average wait times to speak with a live agent;
 - B. The number of employees in AirVoice’s customer service operation;
 - C. The physical location of AirVoice’s customer service staff; and
 - D. AirVoice’s internal standards for responding to and resolving customer inquiries and complaints (e.g., expected response times, manner of communication).
- D.T.C. 3-3 AirVoice has indicated it has hired one full-time employee to serve as a “Compliance Officer.” *See* Amended Petition at 11. For AirVoice’s operations as an ETC nationwide, provide the total number of any other compliance staff, full or part-time, and a summary of their responsibilities.
- D.T.C. 3-4 For AirVoice’s advertisements in Massachusetts:
- A. Provide detailed background on how AirVoice plans to advertise its services;
 - B. Provide actual advertisements used following the wind-down of ACP if different than Exhibit 7; and
 - C. Identify each social media platform AirVoice intends to use in Massachusetts and provide examples of advertising for each platform.
- D.T.C. 3-5 Describe, in narrative form, the types of complaints AirVoice receives from Lifeline subscribers in other jurisdictions where it operates as an ETC and the company’s procedures on how it handles each of these complaints.
- D.T.C. 3-6 Provide the number of customer complaints received by AirVoice in each of the last three years from Lifeline subscribers for the following categories: 1) billing, 2) finance, 3) network coverage, 4), operational, 5) product, and 6) trouble.
- D.T.C. 3-7 Describe AirVoice’s policy regarding customers returning equipment.

- D.T.C. 3-8 State whether AirVoice will impose an activation fee, change fee, early termination fee, or any other service fee for any of its Lifeline services. Provide a detailed description of any such fee(s) and explain whether the same or similar fee is imposed on non-Lifeline subscribers.
- D.T.C. 3-9 Provide the terms and conditions of all warranties and refund policies applicable to handsets provided or sold to Lifeline subscribers.
- D.T.C. 3-10 Explain under which circumstances newly enrolled Massachusetts Lifeline customers must purchase a device versus when AirVoice will provide a device free of charge. List the states in which AirVoice currently offers such free devices and the time period for which it has offered this service.
- D.T.C. 3-11 State whether AirVoice's Lifeline subscribers incur roaming charges. If so:
- A. State whether Lifeline subscribers will be notified before they incur roaming charges;
 - B. State whether Lifeline subscribers can terminate the call before incurring such roaming charges;
 - C. Describe in narrative form how roaming charges will apply to AirVoice's Massachusetts Lifeline subscribers; and
 - D. State whether additional charges will be incurred for 911 calls made while roaming.
- D.T.C. 3-12 State whether AirVoice's Lifeline subscribers in Massachusetts will have free access to any web-based account management tools and, if so, provide details on which tools will be offered.
- D.T.C. 3-13 Provide estimated pricing plans for AirVoice's services in Massachusetts should the Department grant AirVoice's Amended Petition.
- D.T.C. 3-14 State whether there are specific underserved groups or areas in Massachusetts that would benefit from AirVoice's services. Provide complete and detailed documentation.
- D.T.C. 3-15 Explain how AirVoice's marketing strategy reaches underserved groups in Massachusetts.
- D.T.C. 3-16 Provide a copy of the proposed terms and service for AirVoice's Lifeline subscribers in Massachusetts.

- D.T.C. 3-17 Provide a copy of a proposed webpage where a consumer could apply for AirVoice's Lifeline offering in Massachusetts.
- D.T.C. 3-18 Provide copies of agreements with all underlying carriers upon which AirVoice will rely to provide prepaid wireless telecommunications services to Lifeline customers in Massachusetts.
- D.T.C. 3-19 Describe how and when a Massachusetts Lifeline customer will be notified of any changes or updates to the applicable terms and conditions.
- D.T.C. 3-20 Provide a current list of all states where AirVoice or any of its affiliates has a petition currently pending for ETC designation and describe the status of each petition.
- D.T.C. 3-21 State if AirVoice has ever:
- A. Formally relinquished, or unilaterally abandoned, or withdrawn an ETC designation in any state or other jurisdiction;
 - B. Experienced dismissal (with or without prejudice) of an application or petition for ETC designation;
 - C. Had an ETC designation permanently revoked, rescinded, suspended, or otherwise "terminated" in any state or jurisdiction; and
 - D. Explain the reason(s) for and circumstances behind each such event or occurrence falling under the foregoing categories.
- D.T.C. 3-22 Identify all states where AirVoice or any of its affiliates has withdrawn a petition for ETC designation. Provide complete and detailed documentation for each such withdrawal.
- D.T.C. 3-23 State whether the FCC, any state utilities commission, or any other government agency has, to date, rendered or entered a finding, criminal conviction (including plea agreements), or civil judgement (including money judgements) against AirVoice or its affiliates (or against the executives or managers of AirVoice or its affiliates). Provide a copy of any such finding, conviction, plea agreement, or civil judgement entered against AirVoice, its executives, or managers.
- D.T.C. 3-24 Provide complete and detailed documentation on the discontinuation of wireless service for Cintex Wireless, LLC and NewPhone Wireless, LLC. (See Amended Petition at 3).
- D.T.C. 3-25 Provide a copy of AirVoice's most recently approved compliance plan filed with the FCC.

- D.T.C. 3-26 State whether AirVoice has any ongoing litigation related to its Lifeline service in any state. Provide a summary and explanation of any such instance.
- D.T.C. 3-27 Provide a complete and detailed list of each of AirVoice's affiliates and provide the names under which each does business.
- D.T.C. 3-28 State whether AirVoice is subject to any outstanding tax liabilities, late payments, or other liabilities due and owing to any government and/or quasi-public entities in any other jurisdictions. If so, provide complete and detailed documentation identifying the amounts owed and explaining the reasons for such arrears.
- D.T.C. 3-29 Provide a Certificate of Good Standing from AirVoice's state of incorporation.
- D.T.C. 3-30 State the length of time that AirVoice has been in business, and the length of time that it has been providing Lifeline wireless service and non-Lifeline wireless service.
- D.T.C. 3-31 Provide complete and detailed documentation on the technical capability of AirVoice to provide Lifeline services in Massachusetts, including a list of officers, their qualifications, and their previous experience in the telecommunications industry.
- D.T.C. 3-32 Describe AirVoice's process for providing annual reports of profit and loss, balance sheets, and cashflow, and provide its two most recent reports.
- D.T.C. 3-33 Identify any instances in which AirVoice or its affiliates have been ordered, or have voluntarily undertaken, to complete independently audited financial statements, including but not limited to cashflows, assets and liabilities, incomes, and expenses.
- D.T.C. 3-34 Identify and describe any financial separations between AirVoice and VTel Holdings, LLC from other companies owned by Henry Do.
- D.T.C. 3-35 State whether AirVoice or any entity owned by Henry Do (or partially owned with a greater than 10% ownership) has declared bankruptcy in the past 10 years. Provide complete and detailed documentation.
- D.T.C. 3-36 List any company providing Lifeline services in any state where Henry Do sold or otherwise divested at least 10% of ownership since April 13, 2017.
- D.T.C. 3-37 State how long it would take AirVoice to offer Lifeline service in Massachusetts from the date of approval if the Amended Petition is granted by the Department.
- D.T.C. 3-38 Provide a list of countries that Lifeline subscribers can make calls to and, if applicable, the rate per minute for each of these countries.

- D.T.C. 3-39 AirVoice has indicated that it would provide unlimited international calling to 80+ countries. *See* Amended Petition at 16. Provide responses to the following:
- A. Provide complete and detailed documentation concerning how such service will be offered to consumers;
 - B. Provide the contract with the underlying carrier under which such service will be offered;
 - C. List the states in which AirVoice currently offers such service and provide the time period for which it has offered this service; and
 - D. Certify such service will be provided at no additional cost to consumers.
- D.T.C. 3-40 State whether AirVoice is subject to the independent audit requirements under 47 C.F.R. § 54.420(a). If yes, state whether AirVoice has selected an independent auditor to assess its compliance with program requirements set forth in 47 C.F.R. § 54.420.
- D.T.C. 3-41 Certify that AirVoice will:
- A. Provide Lifeline subscribers with 911 and E911 access regardless of activation status and availability of minutes;
 - B. Remit the 911 surcharge to the Massachusetts State 911 Department;
 - C. Provide E911 compliant handsets; and
 - D. Replace, at no additional charge to Lifeline subscribers, handsets that are not in compliance with E911.
- D.T.C. 3-42 Provide:
- A. The amounts AirVoice remitted to the Massachusetts State 911 Department for each of the previous 5 years.
 - B. AirVoice's most recent Surcharge Fee Submission Form submitted to the State 911 Department.
- D.T.C. 3-43 Certify that AirVoice will comply with the procedures and requirements in the Lifeline Reform Order and, in the regulations cited below, regarding:
- A. Screening applicants using the National Lifeline Accountability Database to be established as set forth in 47 C.F.R. § 54.404(b);
 - B. The carrier's obligations to offer Lifeline, including de-enrollment requirements, established in 47 C.F.R. § 54.405;

- C. The subscriber eligibility determination and certification requirements established in 47 C.F.R. § 54.410;
- D. Annual certifications required for ETCs established in 47 C.F.R. § 54.416;
- E. Recordkeeping requirements established in 47 C.F.R. § 54.417;
- F. Audit requirements established in 47 C.F.R. § 54.420; and
- G. Annual reporting requirements established in 47 C.F.R. § 54.422.

- D.T.C. 3-44 Certify that AirVoice will comply with the applicable requirements established by the Department in the Virgin Mobile ETC Order, T-Mobile ETC Order, Stand Up ETC Order, and Budget PrePay ETC Order.
- D.T.C. 3-45 Certify that AirVoice will comply with all applicable federal, state, and local laws and regulations applicable to it in connection with its operation in Massachusetts.
- D.T.C. 3-46 Provide a granular map detailing where AirVoice can provide wireless broadband and voice service in Massachusetts and at what strength. The map should clearly show the locations where services are available and also where AirVoice will not be able to provide service due to lack of coverage from underlying carriers.
- D.T.C. 3-47 Explain how the wind-down of the ACP will affect AirVoice's annual revenue and what strategies AirVoice will undertake to compensate for any potential decreases in annual revenue. Provide complete and detailed documentation.
- D.T.C. 3-48 Provide the most recent federal and Massachusetts tax return for AirVoice.
- D.T.C. 3-49 [D.T.C. 3-49 will be submitted separately and confidentially to AirVoice]