COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 22-2 July 1, 2026

Petition of AirVoice Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts.

ORDER APPROVING PETITION

I. INTRODUCTION AND PROCEDURAL HISTORY

In this Order, the Department of Telecommunications and Cable ("Department") grants AirVoice Wireless, LLC's ("AirVoice" or "the Company") petition ("Petition") for limited designation as an Eligible Telecommunications Carrier ("ETC") pursuant to 47 U.S.C. § 214(e)(2). AirVoice requests ETC designation solely to provide Lifeline service to qualifying Massachusetts consumers. The Department grants AirVoice's Petition because the Company meets the Federal Communications Commission's ("FCC") ETC requirements, the Department's ETC requirements, and such designation is in the public interest.

AirVoice filed its amended petition on October 2, 2024.[1] The Department issued its Third Set of Information requests on February 13, 2025. The Department received AirVoice's responses on May 13, 2025. ("IR 3-1" through "IR 3-49"). On July 18, 2025, the Department

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[1] AirVoice filed its original Petition on March 25, 2022. On August 1, 2022, the Hearing Officer issued a correspondence letter stating that this proceeding had been docketed as D.T.C. 22-2 and the Hearing Officer would reach out to the parties in greater detail. On September 20, 2022, the Department issued its First Set of Information Requests ("First IRs"). The Department received part of AirVoice's responses on October 11, 2022 and the rest on November 14, 2022 ("IR 1-1" through "IR 1-21"). On February 9, 2023, the Department issued confidential Information Requests and Second set of Information Requests. The Department received the response to both on April 25, 2023 ("IR 2-1" through "IR 2-21"). AirVoice's new counsel entered an appearance on June 26, 2024.

issued an Order of Notice that required AirVoice to publish a Notice of Public Hearing in the Boston Globe and Springfield Republican no later than August 8, 2025, and to make proof of such publication to the Department by August 22, 2025. On August 5, 2025, AirVoice filed proof that the Notice of Public Hearing was published in the Boston Globe on July 25, 2025, and in the Springfield Republican on July 28, 2025. The virtual hearing occurred on the Microsoft Teams platform on September 11, 2025. The Department issued five Record Requests on September 12, 2025 ("RR 1-1" through "RR 1-5"). The Department issued its Fourth Set of Information requests on December 22, 2025. The Department received AirVoice's responses on February 2, 2026. ("IR 4-1" through "4-7"). On April 24, 2026, AirVoice provided supplemental responses, which included its Operating Procedures, its Compliance Manual, and its Compliance Training Program & Implementation.

A. Jurisdiction

In Massachusetts, the Department exercises jurisdiction over carriers pursuant to G.L.c. 159, § 12. *See In re City of Westfield Gas + Elec. Light Dep't*, D.T.C. 19-1, *Order Approving Petition* (Feb. 19, 2019); *Investigation by the Dep't on its Own Motion into the Implementation in Mass. of the Fed. Commc'ns Comm'n's Order Reforming the Lifeline Program*, D.T.C. 13-4, *Order Opening Investigation* (Apr. 1, 2013); *Investigation by the Dep't on its Own Motion into the Lifeline & Link-Up Programs for Mass. Tel. Customers*, D.T.C. 10-3, *Order Opening Investigation* (Sept. 17, 2010); *In re T-Mobile Ne. LLC*, D.T.C. 12-4, *Order* (Aug. 30, 2012) ("*T-Mobile Order*"); G.L. c. 25C, § 8(b)(iv) (confirming the Department's authority to designate wireless carriers as ETCs). Further, federal law grants the Department the authority to designate a carrier as an ETC. 47 U.S.C. § 214(e)(2). Accordingly, it is the Department's responsibility to determine whether a carrier such as AirVoice meets the ETC designation requirements. *Id.*

B. ETC Requirements

In order for the Department to grant AirVoice's request for ETC designation, AirVoice must:

1) Be a "common carrier" as defined by federal law. 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

2) Offer the required supported services (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.101(a), 54.201(d)(1)) to qualifying low-income consumers (47 C.F.R. § 54.405(a)) throughout its designated service area. 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1).

3) Have a compliance plan approved by the FCC and commit to meeting the necessary 911 requirements. *See* 47 U.S.C. § 214(e)(1)(A); *In re Lifeline & Link Up Reform & Modernization*, WC Docket 11-42, Rep & Order & Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb 6, 2012) ("*Lifeline Reform Order*") ¶¶ 368-381.

4) Advertise the availability of supported services and "the charges therefor using media of general distribution" throughout its designated service area (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)), and "[p]ublicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service." 47 C.F.R. § 54.405(b).[2]

5) Certify its commitment to meet the service requirements applicable to the type of universal service support it receives. 47 C.F.R. § 54.202(a)(1)(i).[3]

6) Certify its commitment and 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. 47 C.F.R. § 54.202(a)(2).

7) Certify its commitment and demonstrate its ability to meet the consumer protection and service quality standards. 47 C.F.R. § 54.202(a)(3).

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2 ETCs must disclose on all materials describing Lifeline service that the ETC is offering the service; the offer is a Lifeline service; Lifeline is a government program; the service is non-transferable; only eligible consumers may enroll in the program; and the program is limited to one discount per household. *See* 47 C.F.R. § 54.405(c), (d).

3 Although 47 C.F.R. § 54.202 establishes requirements for ETC designation by the FCC, the Department applies these criteria to applicants for ETC designation by the Department. *In re Virgin Mobile USA, L.P.*, D.T.C. 10-11, *Order Approving Petition* at 5 (Sept. 9, 2011) ("*Virgin Mobile Order*"); *T-Mobile Order* at 17-19. The FCC has waived the requirement that a petitioner seeking a Lifeline-only ETC designation submit a five-year improvement plan. 47 C.F.R. § 54.202(a)(1)(ii).

8) Certify and demonstrate that it is financially and technically capable of providing the supported services. 47 C.F.R. §§ 54.201(h), 54.202(a)(4).

9) Certify that it will comply with federal Lifeline procedures and requirements and requirements imposed by the Department, as discussed below.

10) Demonstrate that its designation as an ETC is consistent with the public interest, convenience, and necessity. 47 U.S.C. § 214(e)(2); 47 C.F.R. § 54.202(b).

C. Analysis

The Department finds that AirVoice satisfies the requirements listed above. Furthermore, the Department finds that AirVoice's designation as an ETC in the Service Area, which is the entire Commonwealth of Massachusetts, is consistent with the public interest, convenience, and necessity. Accordingly, the Department grants AirVoice's ETC designation in the Service Area for the reasons discussed below.

1. *AirVoice is a Common Carrier*

AirVoice states that it is a common carrier according to the definition in 47 C.F.R. § 153(11).[4] The FCC states that Mobile Virtual Network Operator (MVNO) providers will be regulated as common carriers and that commercial radio providers will meet the definition for common carriers under FCC regulations.[5] Therefore, AirVoice meets this factor because it can be constituted as a common carrier.

2. *AirVoice will offer to qualifying low-income consumers services that meet the minimum service standards that are required by federal law for universal service support.*[6]

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4 AirVoice Amended Petition at 6 (Oct. 2, 2024).

5 Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1425 ¶ 37, 1454-55 ¶ 102 (1994) (wireless resellers are included in the statutory "mobile services" category, and providers of cellular service are common carriers and CMRS providers); 47 U.S.C. § 332(c)(1)(A) ("mobile services" providers are common carriers)

6 47 C.F.R. § 54.400 *et seq.*

A carrier must offer "supported services" which include "qualifying broadband services; voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; and access to emergency services (911 or E911), to the extent implemented."[7] AirVoice states it will offer all these services including voice grade access to the publicly switched telephone network.[8] AirVoice also allows customers to make and receive local telephone calls at no additional cost.[9] Additionally, AirVoice states customers can make emergency calls regardless of whether their services have been deactivated.[10] Furthermore, AirVoice states that its low-income customers can transmit and receive data from substantially all internet endpoints and provides Broadband Internet Access Service.[11] *Id.* Therefore, AirVoice satisfies this factor.

3. *AirVoice's compliance plan has been approved by the FCC and AirVoice will meet the necessary 911 requirements.*

Federal statute requires "…that ETCs must use their own facilities, at least partly, to provide the supported services" however, the FCC forbear from this requirement under the Lifeline Reform Order if a carrier can meet the following conditions: "(1) the carrier must comply with certain 911 requirements and (2) the carrier must file, and the FCC must approve, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the FCC's Lifeline obligations."[12] Accordingly, the Department will consider this factor satisfied if either the original statutory requirement is met or if the exception applies under the FCC's forbearance of this provision. The

[7] *Order Approving Petition* at 10, D.T.C. 20-2 (August 19, 2021); 47 C.F.R. §§ 54.101, 54.401(a)(2).
[8] AirVoice Amended Petition at 7-8.
[9] *Id.* at 8.
[10] *Id.* at 9.
[11] *Id.*
[12] D.T.C. 20-2 Order at 11.

FCC approved AirVoice's initial compliance plan on December 26, 2012.[13] The FCC approved AirVoice's Revised Compliance Plan on December 23, 2021, as the final condition to the Company's transfer of control to VTel.[14] AirVoice has also certified it will meet the necessary 911 requirements.[15] The Department concludes that AirVoice meets this factor.

4. *AirVoice will advertise the availability of the supported services in accordance with regulatory requirements.*

AirVoice provided a sample advertisement in its amended petition that it will use on its website and on the internet.[16] AirVoice's digital advertising has a strong likelihood of broadly reaching consumers in mediums that would be considered those of general distribution. The Department considers online advertising to be that of general distribution for lifeline purposes. Therefore, AirVoice meets the fourth factor.

5. *AirVoice has certified its commitment to meet the service requirements applicable to the type of universal service support it receives.*

Pursuant to 47 C.F.R. § 54.202(a)(1)(i), AirVoice certifies that it will comply with the service standards applicable to the support that it receives.[17] The Department generally recognizes that when a company certifies that it meets these factors, the company will be considered having met this factor.[18] Therefore, because of AirVoice's certification, it has met this factor.

6. *AirVoice has certified its commitment and demonstrated 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.*

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[13] AirVoice Amended Petition at 12.
[14] *Id.*
[15] AirVoice Amended Petition at 9.
[16] AirVoice Amended Petition at Exhibit 7.
[17] AirVoice Amended Petition at 12.
[18] *Order Approving Petition* at 16, D.T.C. 13-1 (Sept. 28, 2023).

AirVoice stated that it could remain functional in emergency situations, as required by 47 C.F.R. § 54.202(a)(2), because its underlying carrier's wholesale wireless service has the ability to remain functional in emergency situations.[19] AirVoice relies on its underlying Carrier, AT&T Mobility LLC, to have reasonable amount of back-up power to ensure functionality without an external power source, the ability to reroute traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.[20] The Department has previously accepted agreements with an established underlying carrier such as AT&T mobility as sufficient for 47 C.F.R. § 54.202(a)(2).[21] Therefore, the Department is satisfied that AirVoice meets this factor.

7. *AirVoice has certified its commitment and demonstrated its ability to meet consumer protection and service quality standards.*

AirVoice committed to complying with the CTIA Consumer Code for Wireless Service ("CTIA Code")[22] and committed to (a) work in good faith with the Department to resolve Lifeline subscriber disputes, (b) include information about the availability of the Department's Consumer Division for handling Lifeline complaints on the company's website and in its Lifeline terms and conditions, and (c) provide the Department's Consumer Division's contact information on the company's website. AirVoice has agreed to comply with the Department's Lifeline requirements.[23] See Petition at 1; 13-4 Order. Furthermore, AirVoice stated it "has a dedicated customer care team to address any customer complaints that are investigated or

[19] AirVoice Amended Petition at 12.
[20] *Id.* 12-13.
[21] 13-1 Final Order at 16-17 ("By ensuring that its customers have the same network functionality in emergency situations as its underlying provider, which is able to remain functional in emergency situations, Telrite has demonstrated its ability to remain functional in emergency situations").
[22] FCC has previously determined that meeting the CTIA Code is sufficient for a carrier to satisfy this element. 47 C.F.R. § 54.202(a)(3)
[23] See Petition at 1; 13-4 Order.

forwarded by the Department."[24]AirVoice maintains both regular customer service during normal business hours and a 24/7 online chat bot for general inquires.[25] Furthermore, AirVoice customer care representatives receive annual training regarding lifeline compliance and in response to policy changes.[26] Therefore, the Department holds that AirVoice meets this factor.

8. *AirVoice has certified and demonstrated that it is financially and technically capable of providing the supported services.*

The relevant considerations under this factor include: "whether the applicant previously offered services to non-Lifeline consumers, how long it has been in business, whether the applicant intends to rely exclusively on [USF] disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state."[27] AirVoice states that it has provided non-Lifeline wireless services since 1999 as a reseller of commercial radio services and has numerous sources of revenue besides Lifeline income.[28] Further, the Department has reviewed AirVoice's financial documents and, based on that review, determines that AirVoice is financially stable for purposes of this factor.

The Department determines that AirVoice has the technical capabilities to provide the supported services as well given the exhaustive documentation it provided on April 24, 2026, concerning its Compliance Manual, Operating Procedures and Compliance Checklist. These documents demonstrate that AirVoice has developed the protocols expected of a lifeline provider. AirVoice has employee coverage 24 hours a day, seven days a week that ranges across

[24] AirVoice Amended Petition at 14.
[25] IR. 4-5
[26] IR 4-6
[27], D.T.C. 20-2 Order at 14 (Aug. 19, 2021).
[28] AirVoice Amended Petition at 14-15.

several departments and does not rely on contractors for day-to-day operations.[29] The Department finds AirVoice has policies that comply with federal and state regulations, adequate customer service policies, and also sufficient staff to execute these polices. Therefore, AirVoice meets this factor.

9. *AirVoice has committed to complying with FCC and Department requirements.*

This factor requires compliance with federal law and regulations, the Lifeline Reform Order, the Department's rules, and consumer protection requirements.[30] The Department generally accepts certification by the carrier that it will follow these many requirements both at a state and federal level and AirVoice has stated that it will meet all such requirements.[31] Therefore, the Department holds that AirVoice will meet this factor.

10. *AirVoice's designation as an ETC is consistent with the public interest, convenience, and necessity.*

Prior to designating a common carrier as an ETC, the Department must make an affirmative finding that such designation is "consistent with the public interest, convenience, and necessity."[32] The Department considers multiple factors, including the benefits of increased consumer choice and the carrier's unique advantages and disadvantages. The Department must consider the principles of preserving and advancing universal service and ensuring that quality services are available at just, reasonable, and affordable rates. The Department may also consider "the availability of new choices for customers, affordability, quality of service, service to unserved or underserved customers, comparison of benefits relative to public cost, and considerations of material harm."[33]

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[29] *See,* IR 4-1. The Department has reviewed the job specific information in Attachment A and is satisfied the specific jobs within the attachment match the organizational needs of a professional lifeline operation.
[30] *Order Approving Petition* at 15-19, D.T.C. 20-2 (Aug. 19, 2021).
[31] *Id* at 19*; Order Approving Petition* at 23, D.T.C. 13-1 (Sept. 28, 2023).
[32] *Order Approving Petition* at 20-21, D.T.C. 12-4 (Aug. 30, 2012).
[33] D.T.C. 20-2 Order at 20 (Aug. 19, 2021).

AirVoice states that its designation as a Lifeline-only ETC will provide a valuable alternative to the existing Lifeline services available in Massachusetts.[34] AirVoice states it will provide Massachusetts consumers unlimited voice, unlimited texts, unlimited international calls to 80+ countries, 4.5 GB of highspeed mobile data, and a free 4G handset.[35] AirVoice notes that most Lifeline-only providers in Massachusetts do not offer a free device, unlimited voice and international calls.[36] Therefore, the Department concurs that the Lifeline market would benefit from an additional participant such as AirVoice as consumers could receive a free device and unlimited voice and international calling. AirVoice's Lifeline offering matches or exceeds what's currently offered in the Lifeline marketplace. Accordingly, AirVoice has met its obligation to establish that its ETC designation is consistent with the public interest, convenience, and necessity.

D. Conclusion

The Department finds that AirVoice has satisfied federal ETC requirements, the Department's ETC requirements, and that designation of AirVoice as a Lifeline-only ETC is consistent with the public interest, convenience, and necessity.

[34] AirVoice Amended Petition at 25.
[35] *Id.*
[36] *Id.* at n. 52.

II. ORDER

Accordingly, after notice, hearing, and consideration, it is hereby

ORDERED: Consistent with the above, the Department hereby GRANTS AirVoice's Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts.

By Order of the Department of
Telecommunications and Cable,

Karen Charles
Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5, and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court. Appeals of Department Orders on basic service tier cable rates, associated equipment, or whether a franchising authority has acted consistently with the federal Cable Act may be brought to the Federal Communications Commission pursuant to 47 C.F.R. § 76.944.