



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

D.T.C. 22-2

September 20, 2022

In the Matter of AirVoice Wireless, LLC's Petition for Limited Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households.

**FIRST 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, and all subsequent requests issued by the Department in this proceeding.

1. 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.
2. Do not wait for all answers to be completed before supplying answers. Provide answers as soon as they are completed.
3. All answers should be filed with the Department by the close of business on October 11, 2022.
4. The term "AirVoice" means AirVoice Wireless, LLC d/b/a AirTalk Wireless and its corporate predecessors, agents, officers, employees, and assigns.
5. 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.

6. The term “Petition” means AirVoice’s Application for Limited Designation as an Eligible Telecommunications Carrier filed that the Department received on March 25, 2022.
7. 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 AirVoice used in developing the projections or estimates.
8. The term “ETC” means eligible telecommunications carrier.
9. The term “FCC” means the Federal Communications Commission.
10. The term “USF” means Universal Service Fund.
11. The term “USAC” means the Universal Service Administrative Co.
12. 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.
13. 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.
14. If any of these requests is ambiguous, notify the Hearing Officer so that the request may be clarified prior to the preparation of a written response.

Requests

- D.T.C. 1-1 Provide a granular map(s) detailing where AirVoice can provide wireless broadband and voice service in Massachusetts and at what strength. The map(s) must clearly show the locations where 4G, VoLTE, and 5G 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. 1-2 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. 1-3 Provide audited financial statements which AirVoice believes demonstrate AirVoice's financial capability of providing the supported services under 47 C.F.R. §§ 54.201(h), 54.202(a)(4).
- D.T.C. 1-4 Provide a full curriculum vitae ("CV") for AirVoice Founder and CEO Henry Do.
- D.T.C. 1-5 Provide a copy of the proposed Terms of Service for AirVoice's Lifeline subscribers in Massachusetts.
- D.T.C. 1-6 Provide a copy of a proposed webpage where a consumer could apply for AirVoice's Lifeline offering in Massachusetts.
- D.T.C. 1-7 Provide a complete and detailed list of each of AirVoice's affiliates, including the names under which each does business.
- D.T.C. 1-8 Provide complete and detailed documentation for any states that have rescinded, revoked, or otherwise terminated AirVoice's ETC designation or the ETC designation of any of AirVoice's affiliates. If there are no applicable states, please specify.
- D.T.C. 1-9 Provide complete and detailed documentation for any states where AirVoice, or any of its affiliates, has withdrawn a petition for ETC designation. If there are no applicable states, please specify.
- D.T.C. 1-10 Provide detail on AirVoice's advertising and marketing plans for its Lifeline offering in Massachusetts, including copies of any proposed advertisements.
- D.T.C. 1-11 Provide a copy of AirVoice's proposed plan for providing quality customer service to Lifeline customers in Massachusetts.
- D.T.C. 1-12 Provide a copy of AirVoice's proposed 3G retirement schedule, including plans for notice and other interactions with subscribers using 3G devices.
- D.T.C. 1-13 Provide the number of consumer 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. 1-14 Please refer to the Petition at footnote 45. Provide a copy of the Membership Interest Purchase Agreement dated February 6, 2019, by which CEO Henry Do purchased 100% of the equity of Cintex Wireless, LLC.
- D.T.C. 1-15 Provide a copy of the Order and Consent Decree adopted on December 22, 2017, by which Cintex Wireless, LLC settled a Notice of Apparent Liability with the FCC (File No. EB-IHD-13-00010671).

- D.T.C. 1-16 Please refer to Section III of AirVoice’s 2021 Revised FCC Compliance Plan, attached to the Petition as Exhibit 2. Provide a copy of the Membership Interest Purchase Agreement dated May 17, 2021, between AirVoice and VTel Holdings, LLC.

The following requests relate to the FCC Enforcement Bureau’s investigation of NewPhone Wireless, LLC (“NewPhone”), discussed in the Petition at footnote 10:

- D.T.C. 1-17 Provide a copy of the Order adopted December 16, 2021 (File No. EB-IHD-20-00031449), in which NewPhone entered into a Consent Decree with the Enforcement Bureau of the FCC for the purpose of terminating the Bureau’s investigation regarding whether NewPhone, as an ETC, claimed support from the USF for duplicate or otherwise ineligible subscribers.
- D.T.C. 1-18 Provide a copy of the September 23, 2020, Letter of Inquiry (“LOI”) that the FCC issued to NewPhone to obtain information about the claims in question. Provide a copy of NewPhone’s November 23, 2021, response to the LOI.
- D.T.C. 1-19 Provide complete and detailed documentation supporting AirVoice’s claim that “[w]ithin weeks after USAC notified NewPhone of the apparently improper use of beneficiary data, the Company terminated its relationship with the Marketing Agents involved in the enrollments.”
- D.T.C. 1-20 Provide a copy of NewPhone’s October 30, 2020, revised claims submitted to USAC which AirVoice claims in the Petition led USAC to conclude its investigation into NewPhone.
- D.T.C. 1-21 Provide a copy of the compliance plan which NewPhone entered into with USAC to resolve these claims.