

**LAW OFFICE OF ALAN D. MANDL
90 GLEZEN LANE
WAYLAND, MA 01778**

*Admitted in Massachusetts
and Rhode Island*

Telephone: (508) 276-1365
Fax: (508) 276-0992
Email: alan@admlawoffice.com

April 1, 2013

VIA ELECTRONIC AND OVERNIGHT DELIVERY

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

Re: D.T.C. 11-7
Application of Nexus Communications, Inc. for Designation as an
Eligible Telecommunications Carrier for Low Income Support Only

Dear Secretary Williams:

On behalf of Nexus Communications, Inc. ("Nexus"), enclosed please find for filing one original and three copies of: (1) prefiled testimony of Nexus' President Steven Fenker, and (2) Nexus' supplemental responses to the Department's First Set of Information Requests (D.T.C. 1-1 through D.T.C. 1-29). These documents are being filed via e-mail and overnight delivery.

Please date stamp the enclosed "Stamp & Return" copy of this cover letter and return it in the Fed Ex envelope provided.

Do not hesitate to contact me if the Department has any questions regarding this filing or needs any additional information.

Thank you for your assistance.

Sincerely yours,



Alan D. Mandl

Enclosures
cc: Service List

1 **COMMONWEALTH OF MASSACHUSETTS**
2 **DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**
3
4

5 _____))
6 **Application of Nexus Communications,**)
7 **Inc. for Design as an Eligible**) **D.T.C. 11-7**
8 **Telecommunications Carrier for Low**)
9 **Income Support Only**)
10 _____))
11
12

13 **DIRECT TESTIMONY OF STEVEN FENKER**
14 **ON BEHALF OF NEXUS COMMUNICATIONS, INC.**
15

16 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

17
18 **A.** My name is Steven Fenker. My business address is 3629 Cleveland Avenue, Suite C,
19 Columbus, Ohio 43224.

20 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

21 **A.** I am testifying on behalf of Nexus Communications, Inc. (“Nexus” or the “Company”),
22 the Applicant in this proceeding.

23 **Q. WHO IS YOUR EMPLOYER AND WHAT POSITION DO YOU HOLD?**

24 **A.** I am employed by Nexus and serve as President of the Company.

25 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**
26 **EXPERIENCE.**

27 **A.** I hold a Bachelors of Arts (cum laude) from Ohio University and a Juris Doctor from
28 Cleveland and Marshall College of Law. I have held management positions in the
29 telecommunications industry for 28 years. My experience and responsibilities include
30 compliance with governmental mandates, regulatory issues, and negotiation of
31 agreements. I have been the President of Nexus since the Company was founded in 2000

1 and have been involved in the delivery of Lifeline-supported services to qualified low
2 income consumers since 2006.

3 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE OTHER REGULATORY**
4 **COMMISSIONS?**

5 **A.** Yes, I have also testified on behalf of Nexus before state regulatory commissions in
6 Arkansas, California, Colorado, Georgia, Iowa, Illinois, Indiana, Kansas, Louisiana,
7 Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, Ohio, South
8 Carolina, Utah, West Virginia and Wisconsin.

9 **Q. HAVE YOU REVIEWED NEXUS' APPLICATION AND OTHER DOCUMENTS**
10 **FILED ON BEHALF OF NEXUS IN THIS PROCEEDING?**

11 **A.** Yes. I reviewed Nexus' amended Application dated December 31, 2012 ("Amended
12 Application"), Nexus' initial Application filed on June 10, 2011 ("Initial Application"),
13 and the Company's responses and supplements to the Department's First and Second Set
14 of Information Requests.

15 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

16 **A.** My testimony provides an overview of the information submitted by Nexus in support of
17 its Amended Application for designation as an Eligible Telecommunications Carrier
18 ("ETC"). This overview covers the following information: (1) the information filed
19 before the dismissal, without prejudice, of Nexus' Initial Application, and related
20 supplemental responses; (2) the information filed in Nexus' Amended Application,
21 including its Federal Communications Commission ("FCC")-approved Compliance Plan;
22 and (3) Nexus' responses to the Department's Second Set of Information Requests. My

1 testimony also addresses several issues raised by Staff in other ETC proceedings, but not
2 specifically addressed by Nexus in its filings to date.

3 My testimony, together with other information provided by Nexus, demonstrates that
4 Nexus fully satisfies the requirements for designation as an ETC in Massachusetts within
5 the service area proposed by the Company.

6 **Q. PLEASE PROVIDE A DESCRIPTION OF NEXUS AND ITS OPERATIONS.**

7 **A.** Nexus is a privately-held corporation headquartered in Cleveland, Ohio. Nexus is a
8 telecommunications carrier that has been providing communications services since 2000.
9 Nexus is committed to serving the specific communications needs of low income
10 Americans. In the second quarter of 2009, after several years of serving consumers,
11 including Lifeline consumers, via wireline technology, Nexus began to offer wireless
12 services in recognition of the high demand for such services in the communities it serves.
13 Nexus has been providing both Lifeline and non-Lifeline services and is experienced in
14 the provision of both wireline and wireless services.

15 **Q. PLEASE PROVIDE AN OVERVIEW OF THE CURRENT STATUS OF NEXUS'**
16 **STATE ETC DESIGNATIONS.**

17 **A.** To date, Nexus has received ETC designation in a total of 27 states.¹ The Company has
18 received wireline ETC designation in 15 states,² and wireless ETC designation in 21

¹ Those states are Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, West Virginia and Wisconsin.

² Those states are Alabama, Arkansas, Florida, Illinois, Kansas, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin.

1 states.³ Please see Supplemental Response to D.T.C. 1-1. Nexus has a wireless ETC
2 application pending before the FCC, which will cover nine states and the District of
3 Columbia,⁴ and ETC applications pending before 16 other state commissions.⁵ Please see
4 Nexus' supplemental response to D.T.C. 1-2. Nexus has never had an ETC designation
5 revoked.

6 **Q. PLEASE BRIEFLY DESCRIBE THE SERVICES THAT NEXUS INTENDS TO**
7 **PROVIDE IN MASSACHUSETTS.**

8 **A.** Nexus offers prepaid wireless services, which give Lifeline consumers a simple, effective
9 means of obtaining critically-needed communications services. If its Amended
10 Application is granted, Nexus will enable its subscribers in Massachusetts to choose
11 among three Lifeline plans, as described in its Amended Application and in its initial and
12 supplemental responses to D.T.C. 1-13. Nexus' Lifeline subscribers also may purchase
13 additional minutes on a prepaid basis.

14 **Q. PLEASE DESCRIBE HOW THE COMPANY WILL PROVIDE ITS SERVICES**
15 **IN MASSACHUSETTS.**

16 **A.** Nexus intends to operate as a wireless reseller, purchasing wireless network infrastructure
17 and transmission facilities on a wholesale basis from Verizon Wireless. Nexus' wireless
18 offerings have been very successful with Lifeline participants in the other states where
19 the Company has been operating. Nexus will apply the knowledge and expertise it has

³ Those states are Arkansas, California, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, Ohio, Oklahoma, Rhode Island, Texas, West Virginia and Wisconsin.

⁴ Those states are Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia.

⁵ Those states are Arizona, Colorado, Idaho, Kentucky, Minnesota, Nebraska, New Mexico, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Washington and Wyoming.

1 gained through its service offerings in other states over the past three and a half years to
2 manage its service plan design and pricing, marketing, and on-going customer service
3 operations.

4 **Q. CAN YOU PLEASE DESCRIBE THE COMPANY'S PROPOSED DESIGNATED**
5 **SERVICE AREA?**

6 **A.** Yes, I would like to clarify the Company's Designated Service Area. The Company is
7 technically able to provide Lifeline service in all parts of Massachusetts where its
8 underlying carrier, Verizon Wireless, has coverage. Nexus has not included rural
9 telephone company service areas in its Designated Service Area. The rural telephone
10 companies are Granby Telephone and Telegraph Company, Richmond Telephone
11 Company and Taconic Telephone Corp. I understand that Exhibit C of the Amended
12 Application may have contained some erroneous rate centers so, to clarify, the
13 Company's response to D.T.C. 2-1, Attachment A (filed on March 12, 2013) contains the
14 rate centers that comprise the Designated Service Area. Attachment A excludes all the
15 rural telephone company rate centers in Massachusetts, which Nexus does not propose to
16 serve.

17 **Q. WHAT LIFELINE SERVICE PLANS DOES NEXUS PROPOSE TO OFFER IN**
18 **MASSACHUSETTS?**

19 **A.** Nexus plans to offer three service plans in Massachusetts, all at no out-of-pocket cost to
20 qualified low-income consumers: a 250-minute plan (with no rollover), a 125-minute
21 plan (with rollover) and 68-minute plan (with rollover). These plans are described in
22 detail in Section II(D) (pages 5-7) of Attachment A of the Amended Application and in
23 the Company's initial and supplemental responses to D.T.C. 1-13 and D.T.C. 1-22.

1 Please note that Nexus does not actively market the 68-minute plan. It is rarely selected
2 except by a few subscribers who infrequently use voice service and more frequently send
3 or receive text messages (because it allows two texts per airtime minute, rather than one
4 text per airtime minute under the other service plans). All plans include at no charge an
5 E911-compliant handset. The terms and conditions of Nexus' plans are available on the
6 Company's website at: <https://www.reachoutmobile.com/terms>.

7 **Q. WHAT ADVANTAGES WILL NEXUS' LIFELINE-SUPPORTED SERVICE**
8 **OFFERINGS AFFORD QUALIFIED LOW-INCOME CONSUMERS IN**
9 **MASSACHUSETTS?**

10 **A.** Nexus's Lifeline service offerings will afford several advantages to qualified low income
11 consumers in Massachusetts. As stated above, Nexus offers three free plan options and
12 will provide eligible subscribers an E911-compliant handset at no cost. Nexus does not
13 require credit checks and does not require subscribers to sign a contract. Nexus' service
14 offerings are for prepaid services, and thus enable consumers to effectively monitor and
15 control their usage. Nexus' wireless services are supported by the robust, reliable
16 network of its underlying carrier, Verizon Wireless, which provides excellent wireless
17 coverage in Massachusetts. Please see Nexus' supplemental response to D.T.C. 1-9,
18 which includes coverage maps. As detailed in its Amended Application and in response
19 to D.T.C. 1-13, Nexus offers its Lifeline subscribers the ability to purchase additional
20 minutes in a variety of increments, from a \$3 card to an unlimited plan. For those
21 Lifeline subscribers who wish to upgrade their handsets, Nexus also offers a number of
22 models starting at \$19. Finally, as described in detail below, Nexus has been chosen by
23 the FCC to participate in its broadband pilot program, which will give Nexus first-hand

1 experience delivering broadband service to Lifeline subscribers. Nexus intends to use
2 this experience to be a leader in delivery of Lifeline-supported broadband in
3 Massachusetts once funding is extended to this service.

4 **Q. WHAT ARE THE PRIMARY REQUIREMENTS FOR DESIGNATION AS AN**
5 **ETC PURSUANT TO FEDERAL LAW?**

6 **A.** It is my understanding that the primary requirements of 47 U.S.C. § 214 with respect to
7 designation as an ETC are that the requesting entity: (i) be a common carrier; (ii) offer
8 the services that are designated for federal universal service support; and (iii) advertise
9 the availability of these services.

10 **Q. HAS NEXUS DEMONSTRATED THAT IT MEETS THESE REQUIREMENTS?**

11 **A.** Yes. With respect to Nexus status as a common carrier, please see Section II(A) of the
12 Initial Application (page 3) and Section II(A) of the Amended Application (page 5).
13 Nexus is considered a CMRS provider under federal law and therefore meets the
14 common carrier requirement. The description of Nexus' offering of the services
15 designated for federal universal service support is found in Section II(B) of the Amended
16 Application (pages 5 – 7) and Nexus' plans to advertise the availability of the supported
17 services are described in Section II(C) of the Amended Application (pages 7 – 8) and in
18 Nexus' response to D.T.C. 1-10. Nexus will ensure that all of its Lifeline advertising
19 material complies with the FCC Rule 54.405(c).

20 **Q. HAS NEXUS MET THE “OWN FACILITIES” REQUIREMENT FOUND IN**
21 **FEDERAL LAW?**

22 **A.** Yes. Federal law requires that ETCs provide the supported services using their own
23 facilities or a combination of their own facilities and resale of other carriers' facilities

1 unless they are granted forbearance from this requirement. The FCC's *Lifeline Reform*
2 *Order* established a process in early 2012 for granting blanket forbearance to resellers
3 based upon satisfaction of specified conditions.⁶ The FCC ruled that resellers may obtain
4 blanket forbearance from the "own facilities" upon approval of a compliance plan by the
5 FCC. Nexus filed its Third Amended Compliance Plan ("Compliance Plan") on
6 December 6, 2012, which outlines Nexus' compliance with the federal ETC
7 requirements. Consistent with Nexus' satisfaction of all federal ETC requirements, the
8 FCC approved Nexus' Compliance Plan on December 26, 2012. Thus, Nexus has
9 obtained forbearance from the federal "own facilities" requirement. Nexus submitted its
10 FCC-approved Compliance Plan to the Department as Exhibit A to its Amended
11 Application. The FCC Public Notice citing approval of Nexus' plan was included as
12 Exhibit B of the Amended Application.

13 **Q. HOW WILL NEXUS PROVIDE 911 AND E911 ACCESS TO ITS LIFELINE**
14 **SUBSCRIBERS?**

15 **A.** Nexus understands its obligation as an ETC to provide access to emergency services
16 provided by local government or public safety officials. As explained, the Company will
17 operate by reselling the facilities-based services of Verizon Wireless, an established
18 national wireless carrier. Nexus' subscribers will be provided the same access to
19 emergency services that Verizon Wireless provides to its own subscribers. Please see
20 Nexus' response to D.T.C. 1-17. Calls to 911 emergency services will always be free and
21 emergency service access will be available regardless of service activation status or the
22 availability of minutes. Finally, Nexus will comply with all FCC and Department

⁶ *In Re 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 (FCC rel. Feb. 6, 2012) ("*Lifeline Reform Order*") at ¶ 368.

1 requirements regarding provision of E911-compatible handsets to ensure subscriber
2 access to these critical services.

3 **Q. ARE THERE ANY OTHER FEDERAL REQUIREMENTS FOR ETC**
4 **DESIGNATION IN MASSACHUSETTS?**

5 A. Yes, it is my understanding that Section 54.202 of the FCC rules (47 C.F.R. § 54.202)
6 contains additional conditions for ETC designation in Massachusetts, which include: (i)
7 the applicant's certification that it will comply with service requirements applicable to the
8 support it receives; (ii) demonstration that the applicant will be able to remain functional
9 in emergency situations; (iii) demonstration that the applicant will satisfy specified
10 consumer protection and service quality standards; and (iv) demonstration of financial
11 and technical ability to provide the supported services.

12 **Q. DOES NEXUS CERTIFY THAT IT WILL COMPLY WITH ALL SERVICE**
13 **REQUIREMENTS APPLICABLE TO LIFELINE-SUPPORTED FUNDING?**

14 A Yes. Nexus certifies that it will comply with the service requirements applicable to the
15 low-income support it receives as a result of designation as an ETC for the purposes of
16 providing Lifeline services.

17 **Q. PLEASE DESCRIBE NEXUS' ABILITY TO REMAIN FUNCTIONAL IN**
18 **EMERGENCY SITUATIONS.**

19 A. Nexus will utilize the extensive and well-established Verizon Wireless network and
20 facilities to provide Nexus' mobile services. In my experience, the Verizon Wireless
21 network is capable of managing traffic issues and will ensure adequate back-up power in
22 order to remain functional in an emergency. Verizon Wireless will provide the same

1 functionality and reliability to Nexus and to Nexus' subscribers that it provides its own
2 wireless subscribers. Please see Nexus' response to D.T.C. 1-16.

3 **Q. HOW DOES NEXUS INTEND TO SATISFY THE FEDERAL CONSUMER**
4 **PROTECTION AND SERVICE QUALITY STANDARDS APPLICABLE TO ITS**
5 **PROPOSED ETC OPERATIONS?**

6 **A.** With respect to the federal requirements, Nexus has committed to satisfying all consumer
7 protection and service quality standards established by the FCC. Specifically, Nexus has
8 committed to comply with the Cellular Telecommunications and Internet Association's
9 ("CTIA") Consumer Code for Wireless Service.

10 **Q. PLEASE DESCRIBE NEXUS' PROCEDURES FOR ADDRESSING**
11 **COMPLAINTS FROM LIFELINE SUBSCRIBERS.**

12 **A.** If a Lifeline subscriber has a complaint, the subscriber should contact Nexus via its
13 customer service line. A Nexus representative will attempt to resolve the complaint over
14 the phone. If the representative is not able to resolve the complaint the subscriber will be
15 directed to a Nexus service manager. Nexus strives to resolve subscriber complaints
16 expeditiously. In addition, as discussed below, Nexus agrees to: (1) provide the
17 Department with quarterly reporting of subscriber complaints regarding its Lifeline
18 service; (2) participate in dispute resolution with the Department's Consumer Division;
19 and (3) include the Department's contact information for consumer complaints in
20 marketing materials for its Lifeline-supported services. Nexus has a designated manager
21 of regulatory compliance who will serve as the contact point for the Department's
22 Consumer Division staff. This manager will be responsible for working with the staff to

1 resolve any subscriber complaints or inquiries. I will address any unresolved complaints.

2 Please see Nexus' supplemental response to D.T.C. 1-18.

3 **Q. IS NEXUS TECHNICALLY AND FINANCIALLY QUALIFIED TO PROVIDE**
4 **LIFELINE-SUPPORTED SERVICES?**

5 **A.** Yes. Nexus' updated technical and financial qualifications are described in Section I(B)
6 of the Amended Application (pages 3 – 5). In addition, in response to Information
7 Request D.T.C. 2-5(a), Nexus provided the Department with confidential financial
8 statements for the past three years, which show the financial health of the Company. I
9 should add that the FCC found Nexus to be financially and technically qualified to
10 provide Lifeline services when it approved Nexus' Compliance Plan about three months
11 ago. Nexus has previously offered – and continues to offer – services to both Lifeline
12 and non-Lifeline subscribers and has experience in offering both wireline and wireless
13 services. Nexus has been in the communications business since 2000. Nexus does not
14 rely exclusively on USF disbursements in order to operate and receives revenues from
15 other sources. Nexus has not been subject to any enforcement actions or ETC revocation
16 proceedings in any state or at the FCC.

17 **Q. HAS THE DEPARTMENT ADOPTED STANDARDS FOR EVALUATING ETC**
18 **DESIGNATION APPLICATIONS?**

19 **A.** Yes, it is my understanding that the Department's *T-Mobile Order*⁷ issued last August
20 and more recent ETC-related orders set forth these standards. In addition to the federal
21 requirements discussed above, which Nexus has met, the Department determines whether
22 the applicant complies with additional state requirements and demonstrates that

⁷ *T-Mobile Northeast LLC Petition for Limited Designation as an Eligible Telecommunications Carrier for Purposes of Low Income Support Only*, D.T.C. 12-4 (August 30, 2012) ("*T-Mobile Order*").

1 designation as an ETC is consistent with the public interest. For example, the
2 Department has required a showing that the applicant conforms to the FCC *Lifeline*
3 *Reform Order*'s procedures and requirements (screening, enrollment, de-enrollment,
4 certifications, audits and reporting) designed to avoid fraud and waste in the Lifeline
5 program. Also, the Department established several state-specific conditions in its *T-*
6 *Mobile Order*.

7 **Q. WILL NEXUS COMPLY WITH THE FCC'S *LIFELINE REFORM ORDER***
8 **PROCEDURES?**

9 A. Yes. Nexus' Compliance Plan was approved by the FCC on December 26, 2012. That
10 document sets forth in detail the processes and procedures Nexus has established for such
11 things as screening, enrollment, de-enrollment, certifications, record-keeping, audits and
12 reporting that will ensure compliance with the FCC's revised Lifeline rules. Nexus
13 hereby certifies that it will comply with the procedures and requirements established by
14 the FCC in the *Lifeline Reform Order*.

15 **Q. WILL NEXUS COMPLY WITH CONDITIONS SIMILAR TO THOSE SET**
16 **FORTH IN THE *T-MOBILE ORDER*?**

17 A. Yes. Nexus agrees that it will comply with the conditions similar to those set forth on
18 page 20 of the *T-Mobile Order*, D.T.C. 12-4 (August 30, 2012). Specifically, Nexus
19 agrees to: (1) provide the Department with quarterly reporting of Massachusetts
20 subscriber accounts terminated for non-usage;⁸ (2) provide the Department with quarterly
21 reporting of subscriber complaints regarding its Lifeline service,⁹ and agrees to
22 participate in dispute resolution with the Department's Consumer Division; (3) provide

⁸ Nexus reserves the right to request confidential treatment for these reports.

⁹ Nexus reserves the right to request confidential treatment for these reports.

1 the Department with reporting of USF support received for Massachusetts subscribers;
2 (4) file with the Department within 60 days of the approval of its Application, its terms
3 and conditions of service and – as described in more detail below – agree to an ongoing
4 obligation to notify the Department of any material changes to its rates, terms and
5 conditions; (5) include the Department’s contact information for consumer complaints in
6 marketing materials for its Lifeline-supported services; (6) providing Public Safety
7 Answering Points self-certification to the Department; and (7) providing annually the
8 certification of an officer of the Company that the Company (a) has policies and
9 procedures in place to review consumers’ documentation of income- and program-based
10 eligibility; (b) is in compliance with all federal Lifeline certification procedures; and (c)
11 has obtained a valid certification form for each subscriber for whom the carrier seeks
12 Lifeline reimbursement. Nexus would be happy to work with Staff to clarify the specific
13 procedures that the Department will use for compliance with these requirements and will
14 provide the Department with relevant Company contact information for review of these
15 requirements. Please see Nexus’ supplemental response to D.T.C. 1-29.

16 **Q. PLEASE ADDRESS THE COMPANY’S NOTIFYING THE DEPARTMENT**
17 **ABOUT MATERIAL PROGRAM CHANGES.**

18 **A.** I understand that the Department may wish to be notified 30 days in advance of any
19 material changes to Nexus’ Lifeline service offerings that do not clearly benefit
20 subscribers and within 30 days after any material changes that clearly benefit subscribers.
21 Nexus proposes to work with Department Staff to clarify the particular types of changes
22 would require advance or after-the-fact notice.

1 **Q. DO YOU HAVE ANY NEW INFORMATION TO DEMONSTRATE THAT THE**
2 **GRANTING OF ETC DESIGNATION TO NEXUS IS CONSISTENT WITH THE**
3 **PUBLIC INTEREST?**

4 **A.** Yes. Nexus described how its designation as an ETC in Massachusetts will serve the
5 public interest in Section III of the Initial Application (pages 7 – 9) and in Section III of
6 the Amended Application (pages 9 – 10). I would like to add, however, that Nexus is
7 honored to have been selected by the FCC to participate in its broadband pilot program.
8 Nexus is committed to being a long-term provider of Lifeline-supported services,
9 including eventually Lifeline-supported *broadband* services. In December, Nexus was
10 selected as one of the fourteen ETC participants in the FCC’s pilot project to expand the
11 Lifeline program to funding broadband services. Nexus recognizes that, like other
12 universal service programs, Lifeline eventually will be transitioned to funding broadband
13 services. Nexus’ participation in the pilot program will assist the FCC in determining the
14 level of subsidy necessary to increase broadband adoption among low income Americans.
15 Nexus will be providing the pilot broadband services in eight states including California,
16 Louisiana, Michigan and its home state of Ohio. It will partner with Connected Nation to
17 provide digital literacy training to pilot participants. By participating in the FCC’s
18 broadband pilot program, Nexus will gain valuable first-hand experience in the delivery
19 of broadband services to Lifeline subscribers. Nexus expects that lessons learned from
20 the pilot program eventually will lead to its offering Lifeline-supported wireless
21 broadband services in Massachusetts, consistent with the efforts of other stakeholders to
22 expand the availability and adoption of broadband services throughout Massachusetts.

1 **Q. PLEASE DESCRIBE NEXUS' UPDATES TO THE COMPANY'S APPLICATION**
2 **AND RESPONSES TO DEPARTMENT INFORMATION REQUESTS.**

3 **A.** Due to the passage of time since Nexus filed its Initial Application and answered the
4 Department's First Set of Information Requests, and the FCC's subsequent adoption of
5 its *Lifeline Reform Order*, some updates are needed. The Amended Application was
6 submitted as required by the Department, together with the Company's FCC-approved
7 Compliance Plan. Nexus has separately filed updated responses to a number of the
8 Department's First Set of Information Requests, as well as one minor update to the
9 Second Set of Information Requests.

10 **Q. PLEASE DESCRIBE THE COMPANY'S CURRENT PRACTICES AND**
11 **PROCEDURES DESIGNED TO MINIMIZE ANY FRAUD AND WASTE IN THE**
12 **LIFELINE PROGRAM.**

13 **A.** Nexus has been a leader in dealing with the issues of waste, fraud and abuse that have
14 affected the Lifeline program. For example, from the beginning of its wireless operations
15 in 2009, Nexus voluntarily adopted a policy whereby a subscriber who has not used his or
16 her handset within 60 days is de-enrolled from the Lifeline program (after a 30-day notice
17 period). Nexus voluntarily implemented this policy three years before the FCC's 60-day
18 non-usage rule became effective. Nexus' FCC-approved Compliance Plan demonstrates
19 that it has implemented procedures and processes to ensure compliance with the with the
20 FCC's requirements. Nexus will continue to work with the Department and the FCC to
21 assure that only eligible low income consumers become and remain Lifeline subscribers.

22 **Q. WHAT STEPS HAS NEXUS TAKEN TO MINIMIZE DUPLICATE LIFELINE**
23 **BENEFITS?**

1 **A.** Nexus has taken a number of measures designed to minimize the incidences of
2 duplicative Lifeline benefits among its subscribers. First, in order to prevent duplicates
3 within Nexus’ own subscriber base, Lifeline applications to Nexus that are preliminarily
4 deemed eligible are submitted to a data entry process, including verifying the address
5 against the United States Postal Service database file of valid U.S. addresses. A Lifeline
6 applicant’s address, name, and the last four digits of his or her social security number are
7 then queried against all of Nexus’ active Lifeline subscribers (both wireline and
8 wireless), in all states in which Nexus operates. If it is found that Nexus is already
9 providing Lifeline service to the same subscriber or household, the application is rejected.
10 These measures have reduced the number of Nexus’ “intra-company duplicates” to only a
11 handful.

12 The issue of inter-company duplicates is more complex because, until the FCC’s National
13 Lifeline Accountability Database comes on-line later this year, there is no way for an
14 ETC to know for certain if a particular subscriber already has a Lifeline-supported
15 service provided by another ETC. As a prophylactic measure, however, Nexus has
16 instructed its customer service representatives to explain the one-per household rule to
17 prospective and existing subscribers, including explaining that the brands Safelink
18 Wireless, Assurance Wireless, i-wireless, Stand Up Wireless, Budget Mobile and TAG
19 Mobile are Lifeline services.

20 Nexus also regularly participates in the In-Depth Data Validation (“IDV”) process with
21 the Universal Service Administrative Company (“USAC”). Nexus fully cooperates with
22 USAC during each step of the process, including providing its requested subscriber lists
23 on a timely (and confidential) basis and de-enrolling from the Lifeline program any

1 subscriber or household found to have duplicative Lifeline-supported services and who
2 does not select Nexus to be his or her sole provider of Lifeline-supported services. Please
3 see Nexus' response to D.T.C. 2-6.

4 Finally, when the National Lifeline Accountability Database becomes available,
5 hopefully later this year, Nexus will utilize the database in accordance with FCC rules to
6 determine if an applicant is currently receiving Lifeline benefits from another ETC or if
7 another person residing at the applicant's residence is receiving Lifeline benefits.

8 **Q. ARE THERE ANY OTHER TOPICS THAT YOU WOULD LIKE TO ADDRESS?**

9 **A.** Yes, I would like to address a few topics that I understand have been raised by Staff
10 during other ETC proceedings.

11 **Q. PLEASE PROVIDE NEXUS' POSITION REGARDING THE DEPARTMENT'S**
12 **MASS MIGRATION GUIDELINES ADOPTED IN D.T.E. 02-28.**

13 **A.** My understanding is that the Department's mass migration guidelines were developed to
14 apply to competitive local exchange carriers and not to wireless service providers such as
15 Nexus. At the same time, the Department has been taking steps through a number of
16 ETC proceedings to establish consumer safeguard requirements for ETCs and has
17 inquired of some applicants whether they will comply with its mass migration guidelines.
18 Nexus will comply with mass migration guidelines that the Department adopts for
19 application to wireless ETCs. A generic proceeding would be preferable for the adoption
20 of this requirement so the suitability of the mass migration guidelines for ETCs can be
21 reviewed on the basis of a more complete record. Pending such a proceeding, Nexus
22 would accept compliance as a condition to an ETC designation by the Department, but

1 would reserve the right to seek modifications to such requirements if they are not applied
2 across-the-board to all wireless Lifeline-only ETCs.

3 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

4 **A. Yes.**

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-1

Identify all states where Nexus has been designated as an ETC and whether that designation is limited and how it is limited, including any specific requirements imposed on or volunteered by Nexus. Also provide complete and detailed documentation describing such limitations and/or specific requirements. If Nexus' ETC designation has been terminated in any state, identify the state and provide complete and detailed documentation describing the reasons why.

SUPPLEMENTAL RESPONSE

Nexus has received three additional wireless ETC designations – in Oklahoma, Indiana and Texas -- since the Company filed its initial response to this information request in November 2011. None of the new designations contain any material limitations that apply specifically to Nexus.

As of the date of this supplemental response, Nexus is in compliance with all state requirements for ETC designation and Nexus has not had its ETC designation terminated in any state.

For the convenience of the Department, Nexus submits the following, updated comprehensive list of its state ETC designations:

To date, Nexus has received ETC designation in 27 states for wireline and/or wireless service. These state are Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, West Virginia and Wisconsin.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

To date, Nexus has received wireline ETC designation in 15 states. These states are Alabama, Arkansas, Florida, Illinois, Kansas, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin.

To date, Nexus has received wireless ETC designation in 21 states. These states are Arkansas, California, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, Ohio, Oklahoma, Rhode Island, Texas, West Virginia and Wisconsin.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

<hr/>)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
<hr/>)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-2

Identify each state in where Nexus has a petition pending for ETC designation and describe the status of each petition.

SUPPLEMENTAL RESPONSE

Nexus has a wireless ETC petition pending before the FCC, which covers nine states and the District of Columbia. The states are Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia. Nexus understands that its petition is acceptable to FCC staff and that a public notice announcing approval may be issued at any time.

Nexus has wireless ETC petitions pending before 16 other state commissions. Those states and the current status of each petition are set forth in the following table:

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

State	Current Status
Arizona	Discovery phase
Colorado	Stipulation agreement finalized; awaiting order from PUC
Idaho	Staff has recommended approval; awaiting PUC order of approval
Kentucky	Awaiting order of approval from PSC
Minnesota	Awaiting order of approval from PUC
Nebraska	Discovery phase
New Mexico	Discovery phase
North Dakota	Discovery phase
Oregon	Discovery phase
Pennsylvania	Discovery phase
South Carolina	Negotiating stipulation for expedited approval
South Dakota	Discovery phase
Utah	Settlement conference scheduled in April
Vermont	Negotiating stipulation agreement for expedited approval
Washington	Discovery phase
Wyoming	Discovery phase

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

<hr/>)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
<hr/>)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-3

Identify each state that has denied a petition for ETC status from Nexus and provide a copy of the denial issued by the commission or governmental agency.

SUPPLEMENTAL RESPONSE

There is no supplement because Nexus' initial response to this information request remains current.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2103

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-4

Identify any and all ongoing litigation that affect or may affect the services offered or intended to be offered by Nexus in the Commonwealth of Massachusetts, including but not limited to disputes over patents covering Nexus' services. Provide a copy of all judicial filings made in relation to such litigation.

RESPONSE

It remains the case that Nexus is not involved in any litigation that would affect the services intended to be offered by the Company in the Commonwealth of Massachusetts.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-5

Certify whether the FCC, any state commission, or governmental agency has, to date, rendered or entered a finding, conviction, or civil judgment against Nexus during the last three years. Provide a copy of any such finding, conviction, or civil judgment entered against Nexus.

SUPPLEMENTAL RESPONSE

Nexus certifies that it has not been subject to any agency finding, conviction or civil judgment during the last three years. Please see the attached certification of Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-6

State whether Nexus is certified by the FCC as a Mobile Virtual Network Operator.

SUPPLEMENTAL RESPONSE

Nexus has obtained all necessary registrations from the FCC.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-7

State whether Nexus is currently offering any services in Massachusetts and the date(s) it began offering such services. Describe the scope of Nexus' existing business in Massachusetts, including geographic areas of operation, a description of services offered, and total number of Massachusetts customers. State whether Nexus is current with respect to filing annual returns with the Department.

SUPPLEMENTAL RESPONSE

Nexus does not currently offer any services in Massachusetts.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-8

Provide a list of wire centers in Massachusetts that Nexus will be using to offer Lifeline service.

SUPPLEMENTAL RESPONSE

Please see Nexus' response to D.T.C. 2-1, Attachment A.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In the Matter of the Application)
of Nexus Communications, Inc.)
for Designation as an Eligible)
Telecommunications Carrier)
for Low Income Support Only)

D.T.C. 11-7

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-9

Provide a coverage map of each network that Nexus will use to provide service in Massachusetts.

SUPPLEMENTAL RESPONSE

Please see the attached coverage maps, which depict Verizon Wireless' coverage in the entire Commonwealth of Massachusetts (Figure 1), western Massachusetts (Figure 2), eastern Massachusetts (Figure 3) and southern Massachusetts (Figure 4).

**Figure 1. Verizon Wireless Coverage in the Commonwealth of Massachusetts
(red = coverage; white = no coverage)**



)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

SUPPLEMENTAL RESPONSE (continued)

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

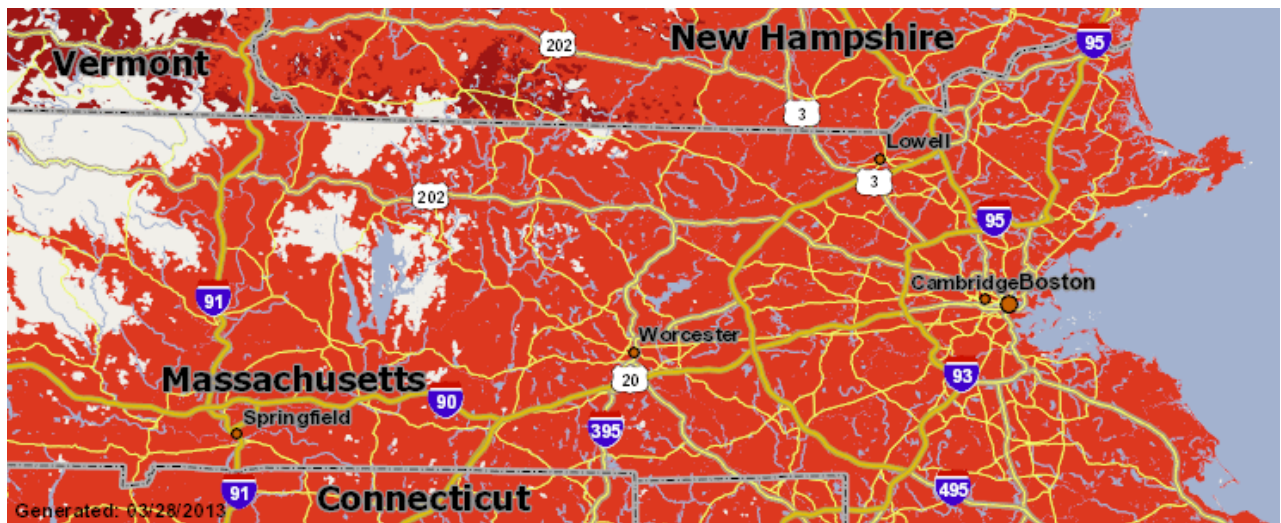
In the Matter of the Application)
of Nexus Communications, Inc.)
for Designation as an Eligible)
Telecommunications Carrier)
for Low Income Support Only)

D.T.C. 11-7

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

**Figure 3. Verizon Wireless Coverage in Eastern Massachusetts
(red = coverage; white = no coverage)**



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

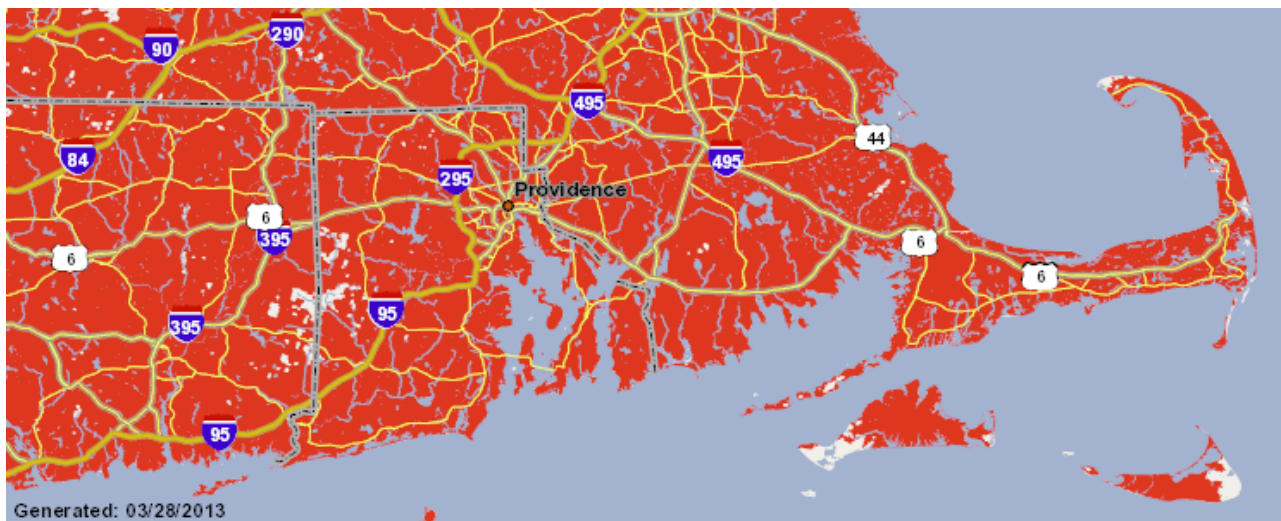
In the Matter of the Application)
of Nexus Communications, Inc.)
for Designation as an Eligible)
Telecommunications Carrier)
for Low Income Support Only)

D.T.C. 11-7

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

**Figure 4. Verizon Wireless Coverage in Southern Massachusetts
(red = coverage; white = no coverage)**



Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-10

Describe where in Massachusetts and by what methods Nexus currently advertises its services and provide sample copies of same. Also, identify with specificity the media of general distribution that Nexus intends to use for advertising the services and charges supported by Federal universal service support mechanisms pursuant to 47 U.S.C. § 254(c).

SUPPLEMENTAL RESPONSE

Nexus' initial response to this information request remains current except that:

- references to Link Up should be deleted;
- the reference to Nexus' Mobile Information Vehicles should be deleted because they are no longer being used; and
- Nexus may prospectively utilize "brick and mortar" retail stores to market its Lifeline services in Massachusetts, although no plans have been finalized for its Massachusetts operations at this time. Nexus will assure that any such retail establishments are qualified and contractually bound to adhere to all applicable Lifeline program rules, and that their personnel are qualified and trained to adhere to all such rules and Nexus policies regarding Lifeline applicant eligibility and certification.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-11

Nexus states on page 4 of its Application that it intends to “provide the nine supported services through a combination of its own facilities, and the resale of another carrier’s services, consistent with the FCC’s rules and orders.” Identify:

- A. All facilities owned in whole or in part by Nexus, their locations, and provide a description of same. If Nexus shares ownership of the facility, also identify all co-owners and provide documentation detailing such co-ownership.
- B. Each carrier whose services Nexus will resell and provide documentation for same, including agreements governing such resale.

SUPPLEMENTAL RESPONSE

As a result of changes by the FCC to the definition of services supported by Lifeline, Nexus no longer qualifies as a facilities-based provider with respect to its wireless services. Nexus will resell the wireless facilities-based services of Verizon Wireless in accordance with its FCC-approved Compliance Plan.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-12

Certify whether Nexus is in a position to immediately offer each of the services supported by federal universal service support mechanisms pursuant to 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101.

SUPPLEMENTAL RESPONSE

Nexus certifies that it is in a position to promptly offer the services supported by federal universal service support mechanisms pursuant to 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101 after its designation as an ETC in Massachusetts. Please see the attached certification of Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-13

Describe whether Nexus has any unique advantages, characteristics, or features to its proposed service offerings as compared to the service offerings of the incumbent local exchange carrier (*i.e.*, Verizon) and other ETCs (*e.g.*, Virgin Mobile USA, L.P., RCN of Massachusetts, Taconic Telephone Corporation, and TracFone) in the designated area.

SUPPLEMENTAL RESPONSE

Nexus' initial response to this information request remains current except that:

- The price of the unlimited voice and text card has been reduced to \$26.50;
- The reference to Nexus' website in the fourth paragraph from the end of the response should be corrected to read "www.reachoutmobile.com"; and
- The reference to Nexus' vans in the second to last paragraph should be deleted because they are no longer being used.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-14

Pursuant to 47 C.F.R. § 54.202, certify whether Nexus will provide service on a timely basis and within a reasonable period of time as required by § 54.202(a)(1)(i)(A), (B).

SUPPLEMENTAL RESPONSE

Nexus certifies that it will provide service on a timely basis and within a reasonable period of time. Please see the attached certification of Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-15

Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), submit a five-year plan that describes with specificity proposed improvements or upgrades to the Company's network on a wire center-by-wire center basis throughout its proposed designated service area.

SUPPLEMENTAL RESPONSE

Effective April 1, 2012, the FCC revised 47 C.F.R. § 54.202 so as to eliminate the requirement for a five-year network improvement plan for Lifeline-only ETCs such as Nexus. Accordingly, this requirement is no longer applicable to Nexus.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-16

Pursuant to 47 C.F.R. § 54.202(a)(2), and referenced on page 4 of its Application, describe the Company's ability to remain functional in emergency situations, including its contingency plans in the event of an emergency. Provide a detailed explanation of the Company's role in providing access to a reasonable amount of back-up power, including the length of time a cell site can be expected to run exclusively on battery power; rerouting of traffic around damaged facilities; the number of service technicians available to respond to emergency situations; and the capability of managing traffic spikes resulting from emergency situations.

SUPPLEMENTAL RESPONSE

Nexus will utilize the extensive and well-established Verizon Wireless network and facilities to provide Nexus' mobile services. Nexus understands that the Verizon Wireless network is capable of managing traffic issues and ensuring adequate back-up power in order to remain functional in an emergency. Verizon Wireless will provide the same functionality to Nexus and to Nexus' subscribers that it provides its own wireless subscribers.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-17

State whether Nexus will rely on its own facilities and equipment, other carrier's facilities, or a combination to provide access to 911 and E911 services. Provide all agreements which will allow Nexus to provide its subscribers 911 and E911 access.

SUPPLEMENTAL RESPONSE

Nexus will operate by reselling the facilities-based services of Verizon Wireless, an established national wireless carrier. Nexus' subscribers will be provided the same access to emergency services that Verizon Wireless provides to its own subscribers. Calls to 911 emergency services will always be free and emergency service access will be available regardless of service activation status or the availability of minutes. Finally, Nexus will comply with all FCC and Department requirements regarding provision of E911-compatible handsets to ensure subscriber access to these critical services.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-18

Pursuant to 47 C.F.R. § 54.202(a)(3), describe Nexus' ability to satisfy applicable consumer protection and service quality standards set forth in the Department's *Rules and Practices Relating to Telephone Service to Residential Customers* (D.P.U. 18448 (1977)). Provide copies of Nexus' employee training materials and company policies regarding handling customer complaints.

SUPPLEMENTAL RESPONSE

Nexus has complied with the CTIA Consumer Code for Wireless Service since its inception and will continue to do so after its designation as an ETC in Massachusetts. Nexus is prepared to abide by the Department's consumer protection and service quality standards to the extent these apply to the Company's prepaid services and similarly-situated ETCs.

Nexus' policies for handling subscriber complaints (which are not embodied in any particular employee training materials) are as follows. If a Lifeline subscriber has a complaint, the subscriber should contact Nexus via its customer service line. A Nexus representative will attempt to resolve the complaint over the phone. If the representative is not able to resolve the complaint the subscriber will be directed to a Nexus' service manager. Nexus strives to resolve subscriber complaints expeditiously. In addition, as set forth in Nexus' supplemental response to D.T.C. 1-29, Nexus agrees to: (1) provide the Department with quarterly reporting of subscriber complaints regarding its Lifeline service; (2) participate in dispute resolution with the Department's Consumer Division; and (3) include the Department's contact information for consumer complaints in its marketing materials for its Lifeline-supported services. Nexus has a designated manager of regulatory compliance who will serve as the contact point for the Department's Consumer Division staff. This manager will be responsible for working with the staff to resolve any subscriber complaints or inquiries. Any unresolved complaints will be addressed by Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-19

Pursuant to 47 C.F.R. § 54.202(a)(4), demonstrate that Nexus offers a local usage plan comparable to the one offered by the incumbent local exchange carrier (i.e., Verizon) in the service area for which Nexus seeks designation. Provide a detailed description of the local usage plan Nexus will offer in Massachusetts.

SUPPLEMENTAL RESPONSE

There is no supplement because Nexus' initial response to this information request remains current.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-20

Pursuant to 47 C.F.R. § 54.202(a)(5), certify that Nexus acknowledges that the Department may require it to provide equal access to long-distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

SUPPLEMENTAL RESPONSE

Nexus certifies and acknowledges that the Department may require it to provide equal access to long-distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area. Please see the attached certification of Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-21

Identify the rates (or charges) for each service offered by Nexus under 47 U.S.C. § 254(c) and identified in 47 C.F.R. § 54.101(a).

SUPPLEMENTAL RESPONSE

Please see Nexus' initial and supplemental responses to D.T.C. 1-13 for details regarding Nexus' service plans and additional airtime cards.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-22

Provide the following for Nexus' Lifeline service plan(s):

- A. Pricing
- B. Cost per minute of each plan.
- C. Whether the minutes expire.
- D. All custom-calling features included in each plan, including but not limited to caller-ID, call waiting, call forwarding, three-way calling, voicemail, and texting, and the cost of each feature and whether there will be a recurring charge for such features and the cost of the same.
- E. All additional charges, fees, and/or taxes not contemplated in A through D above.
- F. Where, if at all, Lifeline customers could incur roaming charges within Massachusetts.
- G. How roaming charges will apply to Lifeline subscribers.
- H. Whether Lifeline customers will be notified that they are about to incur roaming charges.
- I. Whether Nexus requires Lifeline customer to affirmatively request the availability of roaming service before roaming charges will be imposed.
- J. Whether a Lifeline customer can request that roaming calls can be deactivated.
- K. Whether charges will be incurred for 911 calls, including roaming charges.

SUPPLEMENTAL RESPONSE

There is no supplement because Nexus' initial response to this information request remains current. Please note, however, that the references to "Granby and Richmond wire centers" should be deleted from Nexus' initial response. Nexus does not propose to serve low income consumers residing in these rural areas.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-23

Identify the handset(s) that Nexus will provide to Lifeline subscribers pursuant to 47 C.F.R. § 54.101(a)(3), state the amount that Nexus will charge for same, and provide the technical specifications for same.

SUPPLEMENTAL RESPONSE

There is no supplement because Nexus' initial response to this information request remains current. Please note, however, that the initial response contains a minor typographical error. The Kyocera handset model is "KX414", not "KE414."

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-24

Provide a copy of Nexus' Articles of Incorporation and a Certificate of Good Standing from the state in which Nexus is incorporated.

SUPPLEMENTAL RESPONSE

Nexus previously provided a copy of its Articles of Incorporation as Exhibit 8 to its initial response to this information request, and this document remains current. An updated Certificate of Good Standing from the Ohio Secretary of State is attached hereto as **Exhibit 1**.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-25

State whether Nexus is a publicly traded company. If so, provide copies via CD or Internet link of all 10-Ks and 10-Qs (with any amendments) filed with the U.S. Securities and Exchange Commission during the last three years. If Nexus is not a publicly-traded company, provide its financial statements for the last three years.

SUPPLEMENTAL RESPONSE

Nexus is a privately-held company. The Company recently provided its confidential financial statements for the last three years in response to D.T.C. 2-5.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

<hr/>)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
<hr/>)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-26

Certify whether Nexus has any outstanding tax liabilities or other late payments or liabilities due and owing to the Commonwealth of Massachusetts. If so, provide complete and detailed documentation identifying the amounts owed and explaining the reasons for such arrears.

SUPPLEMENTAL RESPONSE

Nexus certifies that it has not begun to do business in the Commonwealth of Massachusetts and that it does not have any outstanding tax liabilities, late payments, or other such liabilities in Massachusetts. Please see the attached certification of Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

_____)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
_____)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-27

Certify whether Nexus has any outstanding tax liabilities or other late payments or 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.

SUPPLEMENTAL RESPONSE

Nexus certifies that it does not have any outstanding tax liabilities or other late payments or liabilities due and owing to any government and/or quasi-public entities in any other jurisdictions. Please see the attached certification of Nexus' President Steven Fenker.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-28

Describe in narrative form how Nexus will verify a customer’s eligibility for the USF’s Lifeline program, including its procedures for auditing its list of enrolled customers. Also provide samples of Nexus’ certification and verification forms.

SUPPLEMENTAL RESPONSE

Nexus will comply with the requirements pertaining to consumer qualifications for Lifeline set forth in section 54.409 of the FCC’s rules.¹ More specifically, Nexus will require all Massachusetts subscribers to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household’s participation in one of the following assistance programs:

- Emergency Aid to Elderly, Disabled and Children (“EAEDC”);
- Fuel Assistance (“LIHEAP”);
- Mass Health or Medicaid;
- Supplemental Nutrition Assistance Program (“SNAP”);
- Transitional Aid to Families with Dependent Children (“TAFDC”);
- Supplemental Security Income (“SSI”);
- Federal Public Housing Assistance (“Section 8”);
- National School Lunch Program (free meals program only); or
- Temporary Assistance for Needy Families (“TANF”).

Nexus also will confirm that the applicant is not already receiving a Lifeline service and that no one else in the applicant’s household is subscribed to a Lifeline service.²

¹ 47 C.F.R. § 54.509.

² 47 C.F.R. § 54.409(c).

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

Nexus will use a variety of outreach programs for its Lifeline supported services in Massachusetts, which will include direct mail, Internet advertising, and radio and television advertising. Nexus also will reach potential subscribers through retail marketing, including kiosks and point-of-sale promotional materials located in third-party retail establishments. Each channel is intended to induce potential subscribers to contact Nexus either in person, over the Internet or by telephone. Although the logistics of the enrollment process varies somewhat for each channel as is further described below, in all cases, Lifeline applicants will be thoroughly screened to ensure that they are qualified before a handset is delivered.

Nexus' Procedures to Determine Consumer Eligibility for the Lifeline Program

Analysis of Lifeline Eligibility. In Massachusetts, because Nexus will not be able to determine an applicant's eligibility for Lifeline by accessing income or program eligibility databases, Nexus personnel (either employees, third-party subscriber service representatives or authorized agents in third-party retail establishments) will review documents to establish eligibility in accordance with the criteria set forth in 47 C.F.R. § 54.409. All Nexus personnel who interact with existing Lifeline subscribers or Lifeline applicants have been fully trained in assisting Lifeline applicants with Lifeline eligibility. All Nexus personnel and authorized third-party representatives have been trained to answer questions about Lifeline requirements, and how to review required documentation to determine whether it satisfies the *Lifeline Reform Order*. That being said, the final review and determination of the sufficiency of documentation will be conducted by Nexus employees or authorized agents directly trained by Nexus employees. All Nexus personnel and authorized third-party representatives involved in enrolling Lifeline applicants have been trained on the FCC's revised Lifeline eligibility rules and Nexus' practices and policies designed to implement the FCC's rules.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

<hr/>)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
<hr/>)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

Proof of Lifeline Eligibility. Nexus will follow the FCC's requirements pertaining to acceptable documentation to establish eligibility based either on income level or participation in a qualified government assistance program. Specifically, acceptable documentation of program eligibility will include: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation documents (*e.g.*, the consumer's SNAP electronic benefit transfer card or Medicaid participation card (or copy thereof); or (4) another official document evidencing the consumer's participation in a qualifying state or federal program.³ Acceptable documentation of income eligibility includes: (1) the prior year's state or federal tax return; (2) current income statement from an employer or paycheck stub; (3) a Social Security statement of benefits; (4) a Veterans Administration statement of benefits; (5) a retirement/pension statement of benefits; (6) an Unemployment/Workers' Compensation statement of benefit; (7) federal notice letter of participation in General Assistance; (8) or a divorce decree, child support award, or other official document containing income information. If the applicant presents Nexus with documentation of income that does not cover a full year, the applicant will be required to present the same type of documentation covering three consecutive months within the previous twelve months.⁴

³ *Lifeline Reform Order* at ¶ 101.

⁴ 47 C.F.R. § 54.410(b)(1)(i)(B).

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

Nexus subscribers will be permitted to provide the documentation in person, via fax or e-mail, or they may mail copies to Nexus. Nexus will maintain detailed, accurate records identifying the data source used to determine a subscriber's eligibility or the documentation the subscriber provided to demonstrate eligibility for Lifeline. The specifically-trained personnel in charge of reviewing all incoming Lifeline applications will examine and electronically record in its subscriber service and billing database the type of documentation presented by each prospective Lifeline subscriber,⁵ including the date of review, the identity of the documentation, the type of media (e.g., paper, electronic card, etc.), and the issuance and/or expiration date of the documentation. Nexus' database includes separate data entry fields for this information, eliciting a response for each type of information, and will reject the order if any such field is not completed. If an applicant is unable to provide documentary proof of eligibility based on either household income level or current participation in a qualified program, Nexus will deny that application.

Nexus' Procedures for Subscriber Certifications

In the *Lifeline Reform Order*, the FCC established a path for a transition to a national, governmental database that will be used to confirm the initial and continued eligibility of a Lifeline applicant or subscriber.⁶ Nexus will utilize that database when it becomes operational.⁷ Until that time, however, Nexus will continue to adhere to the following procedures for enrolling prospective subscribers into the Lifeline program.

⁵ 47 C.F.R. § 54.410(b)(1)(ii) - (iii); 47 C.F.R. § 54.410(c)(1)(ii)-(iii).

⁶ See *Lifeline Reform Order* at ¶ 403.

⁷ On its certification forms that were revised to encompass the requirements of the FCC's *Lifeline Reform Order*, Nexus will obtain consent from each applicant to provide "any records required" for the administration of the Lifeline program including so that such information may be used in a Lifeline database.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

Nexus has implemented certification procedures that enable prospective subscribers to demonstrate their eligibility by contacting Nexus either in person or by telephone, facsimile, over the Internet, or other electronic transmission. The personnel involved in enrolling Lifeline applicants verbally recite the certifications to Lifeline applicants where when enrolling in person or over the phone. In any retail locations (except those with kiosks), Nexus' authorized third-party representatives⁸ will initially examine the qualifying documentation in person (which documentation will be forwarded to Nexus personal specifically trained in reviewing Lifeline qualifying documentation for further review) or, if the applicant does not have the documentation at the time, direct the applicant to supply the documentation via fax, mail or email. All applicants who do not have the requisite documentation at the time are informed that their Lifeline application will not be processed until the applicant provides the required documentary proof of eligibility. Prospective subscribers who do not complete Nexus' Lifeline Application in person must return the signed document and eligibility documentation to Nexus by mail, facsimile, electronic mail or other electronic transmission. Nexus will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7006 and any applicable state laws.⁹

Each prospective subscriber is required to complete and sign Nexus' "Lifeline Application." Samples of these documents are provided as **Exhibit 2**. Nexus will modify its Lifeline Application forms as necessary for use in Massachusetts, such as adding Massachusetts-specific qualifying programs, but the operative language of **Exhibit 2** will remain constant. Nexus' Lifeline Application conforms to the requirements of the *Lifeline Reform Order*, 47 C.F.R. § 54.410(d) and 47 C.F.R. § 54.405.

⁸ All third-party representatives will be accountable to Nexus for purposes of compliance with Massachusetts and federal Lifeline rules.

⁹ See *Lifeline Reform Order* at ¶ 168; 47 C.F.R. § 54.419.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

Information Collected. Nexus will collect the following information from prospective subscriber in its Lifeline Application form: (1) the subscriber's full name; (2) the subscriber's full residential address (P.O. Boxes are not permitted); (3) whether the residential address is permanent or temporary; (4) the subscriber's billing address, if different; (5) the subscriber's date of birth; (6) the last four digits of the subscriber's Social Security number); (7) if the subscriber is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the subscriber, or his or her dependents, or his or her household receives benefits; and (8) if the subscriber is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.¹⁰

Applicant Certifications. In accordance with 47 C.F.R. § 54.410(d), in its Lifeline Application, Nexus will require all Lifeline applicants to certify, under penalty of perjury, that: (1) the subscriber meets the income- or program-based eligibility criteria for receiving Lifeline; (2) the subscriber will notify Nexus within 30 days if, for any reason, he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income- or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit; (3) if the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, that he or she lives on Tribal lands;¹¹ (4) if the subscriber moves to a new address, that he or she will provide that new address to Nexus within 30 days; (5) if the subscriber provided a temporary residential address to Nexus, the subscriber will be required to verify his or her temporary residential address every 90 days; (6) the subscriber's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the subscriber's household is not already receiving a Lifeline service; (7) the information contained in the subscriber's application/certification form is true and correct to the best of the subscriber's knowledge; (8) the subscriber acknowledges that providing false or fraudulent information to receive Lifeline

¹⁰ 47 C.F.R. § 54.410(d)(2).

¹¹ This certification will be removed from the Massachusetts version of the Application.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

benefits is punishable by law; and (9) the subscriber acknowledges that he or she may be required to re-certify his or her continued eligibility for Lifeline at any time, and that his or her failure to re-certify as to continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits, and (10) that the applicant authorizes Nexus to access any state or federal records or database to verify his or her eligibility, and authorizes Nexus to release any records required for administration of the program, including to USAC to be used in the national Lifeline database and that failure to so authorize Nexus will result in a denial of Lifeline benefits. The Lifeline Application also will describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. Prospective applicants will be required to affirmatively certify to each of these certifications in order for the application process to move forward, including those applying online. For those applying online, Nexus' website does not permit the applicant to submit the application unless all certifications have been completed. Subscribers also may certify via interactive voice response ("IVR"), which is then saved as a recorded file and saved in the subscriber's account in Nexus' subscriber care and billing system.

In accordance with 47 C.F.R. § 54.410(d)(1), Nexus' Lifeline Application discloses the following information: (1) Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) 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; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the subscriber's de-enrollment

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE (continued)

from the program; and (6) Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.

Finally, in accordance with 47 C.F.R. § 54.405(c), Nexus' Lifeline Application indicates, using easily understood language, that: (1) that the service is a Lifeline service; (2) that Lifeline is a government assistance program; (3) that the service is non-transferrable; (4) that only eligible consumers may enroll in the program; and (5) that the program is limited to one discount per household.

Nexus' Procedures for Annual Re-certification of Lifeline Subscribers

In accordance with the requirements of the *Lifeline Reform Order* and 47 C.F.R. § 54.410(f), in Massachusetts Nexus will annually recertify all of its Lifeline subscribers by obtaining a signed certification from the subscriber that meets the certification requirements set forth in 47 C.F.R. § 54.410(d). Nexus' annual re-certification form will include a confirmation from the subscriber that the applicant's household receives only one Lifeline benefit and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline benefit. Additionally, Nexus' re-certification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled in the program. A sample of Nexus' current annual re-certification forms is attached hereto as **Exhibit 3**.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

REQUEST D.T.C. 1-29

State whether Nexus will abide by the following conditions agreed to by Virgin Mobile in *In the Matter of the Application of Virgin Mobile USA, L.P.'s Petition for Limited Designation as an Eligible Telecommunications Carrier*, D.T.C. 10- 11, Order Approving Petition (Sept. 9, 2011):

- A. Provide quarterly reporting to the Department of customer accounts terminated for inactivity.
- B. Provide reporting of consumer complaints to the Department regarding its Lifeline service and agree to participate in dispute resolution by the Department's Consumer Division.
- C. Provide reporting to the Department of USF support received for Massachusetts consumers.
- D. File with the Department, within 60 days of the approval of its Petition, its terms and conditions of service, applicable to qualifying Lifeline service customers. Agree to an ongoing obligation to notify the Department of any future changes to its rates, terms, or conditions.
- E. File with the Department, within 60 days of the approval of its Petition, its terms and conditions of service, applicable to qualifying Lifeline service customers. Agree to an ongoing obligation to notify the Department of any future changes to its rates, terms, or conditions.
- F. Provide Public Safety Answering Points (PSAP) self-certification to the Department.
- G. Require all customers to contact Nexus directly to self-certify, under penalty of perjury, that they qualify for Lifeline service and that the customer's household is not already receiving Lifeline service.
- H. Implement a 60-day inactive account (non-use) policy whereby if a customer account is inactive for 60 days, Nexus will suspend the collection of the USF support for the account during the pendency of a subsequent 30 day grace period during which Nexus will attempt to re-engage the customer. In the event Nexus cannot re-engage the customer, Nexus will discontinue the customer's service so that it does not receive USF support for the grace-period.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)	
In the Matter of the Application)	
of Nexus Communications, Inc.)	
for Designation as an Eligible)	D.T.C. 11-7
Telecommunications Carrier)	
for Low Income Support Only)	
)	

**SUPPLEMENT TO RESPONSES OF NEXUS COMMUNICATIONS, INC. TO
FIRST SET OF INFORMATION REQUESTS OF THE DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

SUPPLEMENTAL RESPONSE

Nexus agrees that it will comply with the conditions similar to those set forth on page 20 of the *T-Mobile Order*, D.T.C. 12-4 (August 30, 2012). Specifically, Nexus agrees to: (1) provide the Department with quarterly reporting of Massachusetts subscriber accounts terminated for non-usage;¹² (2) provide the Department with quarterly reporting of subscriber complaints regarding its Lifeline service and agree to dispute resolution with the Department's Consumer Division;¹³ (3) provide reporting to the Department of USF support received for Massachusetts subscribers; (4) file with the Department within 60 days of the approval of its Application, its terms and conditions of service and – as described in more detail below – agree to an ongoing obligation to notify the Department of any material changes to its rates, terms and conditions; (5) include the Department's contact information for consumer complaints in its marketing materials for its Lifeline-supported services; (6) providing Public Safety Answering Points self-certification to the Department; and (7) providing annually the certification of an officer of the Company that the Company (a) has policies and procedures in place to review consumers' documentation of income- and program-based eligibility; (b) is in compliance with all federal Lifeline certification procedures; and (c) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement. Nexus would be happy to work with Staff to clarify the specific procedures that the Department will use for compliance with these requirements and will provide the Department with relevant contact information for Nexus of those items.

Respondent: Steven Fenker, President, Nexus Communications, Inc.

Date: April 1, 2013

¹² Nexus reserves the right to request confidential treatment for these reports.

¹³ Nexus reserves the right to request confidential treatment for these reports.

List of Exhibits

Exhibit Number	Description
n/a	Certification
1	Nexus' Certificate of Good Standing from the Ohio Secretary of State
2	Sample Nexus Lifeline Application Forms
3	Sample Nexus Re-certification Form

**BEFORE THE
MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS
AND CABLE**

In the Matter of the Application of Nexus
Communications, Inc. for Designation as an
Eligible Telecommunications Carrier for Low
Income Support Only

D.T.C. 11-7

CERTIFICATION

I, Steven Fenker, declare that I am the President of Nexus Communications, Inc. ("Nexus"), and as such, an officer of the company. I have personal knowledge about the information provided in Nexus' foregoing supplemental responses to the Department's First Set of Information Requests and attest that said information is true and accurate to the best of my knowledge, information and belief. Further, Nexus certifies:

- that it has not been subject to any agency finding, conviction or civil judgment during the last three years;
- that it is in a position to promptly offer the services supported by federal universal service support mechanisms pursuant to 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101 after its designation as an ETC in Massachusetts;
- that it will provide service on a timely basis and within a reasonable period of time;
- and acknowledges that the Department may require it to provide equal access to long-distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area;
- that it has not begun to do business in the Commonwealth of Massachusetts and that it does not have any outstanding tax liabilities, late payments, or other such liabilities in Massachusetts; and
- that it does not have any outstanding tax liabilities or other late payments or liabilities due and owing to any government and/or quasi-public entities in any other jurisdictions.



Steven Fenker
President, Nexus Communications, Inc.

Dated: April 1, 2013

Exhibit 1
Certificate of Good Standing
from the Ohio Secretary of State

**United States of America
State of Ohio
Office of the Secretary of State**

I, Jon Husted, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show NEXUS COMMUNICATIONS, INC., an Ohio corporation, Charter No. 1180608, having its principal location in Lewis Center, County of Franklin, was incorporated on September 11, 2000 and is currently in GOOD STANDING upon the records of this office.



*Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 28th day of March, A.D. 2013*

Jon Husted

Ohio Secretary of State

Validation Number: V201387M67C6A

Exhibit 2
Sample Nexus Lifeline Application Forms

**Fax to: 1-877-870-9333 Email to: enroll@reachoutmobile.com or
Mail to: ReachOut Wireless, PO Box 247168, Columbus, OH 43224-7168**



☐ **125 FREE Rollover Minutes** ☐ **250 FREE Non-Rollover Minutes**

LIFELINE APPLICATION

I certify that I participate in one of the following programs (check one):

- | | |
|---|--|
| <input type="checkbox"/> Food Stamps (SNAP) | <input type="checkbox"/> Medicaid |
| <input type="checkbox"/> Federal Public Housing Assistance (Section 8) | <input type="checkbox"/> Temporary Assistance to Needy Families (TANF) |
| <input type="checkbox"/> National School Lunch Free Lunch Program | <input type="checkbox"/> Supplemental Social Security (SSI) |
| <input type="checkbox"/> Low-Income Home Energy Assistance Program (LIHEAP) | <i>If you wish to qualify based on income, a different form is required.</i> |

You must provide documentation demonstrating your current participation in the program checked above.

Last Name: _____ First Name: _____ Middle Initial: _____

Last 4 digits of Soc. Security #: _____ Date of Birth: _____

Residential Address: _____ Apt. _____ City: _____ State: _____ Zip: _____

(no P.O. Box for res. address) This is my (check one): ☐ Permanent Address ☐ Temporary Address

If you move, you must update your residential address with ReachOut Wireless within 30 days

Billing Address (if different): _____ Apt. _____ City: _____ State: _____ Zip: _____

I certify that:

- ☐ I acknowledge that Lifeline is a government assistance program and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program.
- ☐ I acknowledge that only Lifeline eligible consumers may enroll in the Lifeline Program.
- ☐ I acknowledge that only one Lifeline service is available per household, and that, to the best of my knowledge, no other person in my household is receiving a Lifeline service. (For purposes of Lifeline, a "household" is any individual or group of individuals who live together at the same address and share income and expenses.)
- ☐ I acknowledge that a household is not permitted to receive Lifeline benefits from multiple providers and that violation of this limitation constitutes a violation of the rules of the Federal Communications Commission and will result in de-enrollment from the Lifeline program. If I am participating in another Lifeline program at the time I apply for ReachOut Wireless Lifeline service, I agree to cancel that Lifeline service with any other provider.
- ☐ I acknowledge that Lifeline is non-transferable and that I may not transfer my benefit to any other person.
- ☐ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law.
- ☐ I will notify ReachOut Wireless within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline services, such as no longer participating in any of qualifying program, or if I or a member of my household receives another Lifeline benefit.
- ☐ I acknowledge that I may be required to re-certify to my continued eligibility for Lifeline at any time, and that my failure to re-certify will result in de-enrollment and termination of my Lifeline benefits.
- ☐ If I move to a new address, I will provide the new address to ReachOut Wireless within 30 days.
- ☐ If I provided a temporary address, I will be required to verify my temporary address every 90 days. If I do not provide verification within 30 days, I will be de-enrolled from the Lifeline program.
- ☐ I authorize Reachout Wireless to access any state or federal governmental records or database required to verify my statements herein and to confirm my continued eligibility for Lifeline and authorize social service agency representatives to discuss with and/or provide information to ReachOut Wireless verifying my participation in programs that qualify me for Lifeline. I also authorize ReachOut Wireless to release any records required for the administration of ReachOut Wireless's Lifeline program, including to the Universal Service Administrative Company (USAC), to be used in a Lifeline Program Database. I understand that the records are required to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service.
- ☐ I certify **penalty of perjury** that the information contained in this certification is true and correct to the best of my knowledge.

Applicant's Signature: _____

Date: _____

Customer Service 1 – 877 – 870 – 9444
www.reachoutmobile.com

**Fax to: 1-877-870-9333 Email to: enroll@reachoutmobile.com or
Mail to: ReachOut Wireless, PO Box 247168, Columbus, OH 43224-7168**



 125 FREE Rollover Minutes **250 FREE Non-Rollover Minutes**

LIFELINE APPLICATION

I certify that my household income is at or below 135% of the Federal Poverty Guidelines as indicated below:

<p>Eligibility for Lifeline may apply if your household income is at or below 135% of the Federal Poverty Guidelines for a household of that size. Indicate which income range applies to you in the chart. You must provide proof of eligibility based on income, which can include:</p> <ul style="list-style-type: none"> • Last year's federal or state tax return • Current income statement from an employer or paycheck stub (must cover 3 consecutive months within the previous 12 months) • A Social Security statement of benefits • A retirement/pension statement of benefits • An Unemployment/Workers' Compensation statement of benefit • Federal notice letter of participation in General Assistance • Divorce decree, child support award or other official document containing income information 	Check or Complete	Persons in Household	Annual Income	Monthly Income
	<input type="checkbox"/>	1	\$15,080	\$1,257
	<input type="checkbox"/>	2	\$20,426	\$1,702
	<input type="checkbox"/>	3	\$25,772	\$2,148
	<input type="checkbox"/>	4	\$31,118	\$2,593
	<input type="checkbox"/>	5	\$36,464	\$3,039
	<input type="checkbox"/>	6	\$41,810	\$3,484
	<input type="checkbox"/>	7	\$47,156	\$3,930
	<input type="checkbox"/>	8	\$52,502	\$4,375
	<u> </u> # in household	For each add'l person, add:	\$5,346	\$446

Last Name: _____ First Name: _____ Middle Initial: _____

Last 4 digits of Soc. Security #: _____ Date of Birth: _____

Residential Address: _____ Apt. _____ City: _____ State: _____ Zip: _____

(no P.O. Box for res. address) This is my (check one): _____ Permanent Address _____ Temporary Address

If you move, you must update your residential address with ReachOut Wireless within 30 days.

Billing Address (if different): _____ Apt. _____ City: _____ State: _____ Zip: _____

I certify that:

- _____ I acknowledge that Lifeline is a government assistance program and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program.
- _____ I acknowledge that only Lifeline eligible consumers may enroll in the Lifeline Program.
- _____ I acknowledge that only one Lifeline service is available per household, and that, to the best of my knowledge, no other person in my household is receiving a Lifeline service. (For purposes of Lifeline, a "household" is any individual or group of individuals who live together at the same address and share income and expenses.)
- _____ I acknowledge that a household is not permitted to receive Lifeline benefits from multiple providers and that violation of this limitation constitutes a violation of the rules of the Federal Communications Commission and will result in de-enrollment from the Lifeline program. If I am participating in another Lifeline program at the time I apply for ReachOut Wireless Lifeline service, I agree to cancel that Lifeline service with any other provider.
- _____ I acknowledge that Lifeline is non-transferable and that I may not transfer my benefit to any other person.
- _____ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law.
- _____ I will notify ReachOut Wireless within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline services, such as no longer meeting the income levels, or if I or a member of my household receives another Lifeline benefit.
- _____ I acknowledge that I may be required to re-certify to my continued eligibility for Lifeline at any time, and that my failure to re-certify will result in de-enrollment and termination of my Lifeline benefits.
- _____ If I move to a new address, I will provide the new address to ReachOut Wireless within 30 days.
- _____ If I provided a temporary address, I will be required to verify my temporary address every 90 days. If I do not provide verification within 30 days, I will be de-enrolled from the Lifeline program.
- _____ I authorize ReachOut Wireless to access any governmental state or federal records or database located anywhere required to verify my statements herein and to confirm my continued eligibility for Lifeline and authorize social service agency representatives to discuss with and/or provide information to ReachOut Wireless verifying my participation in programs that qualify me for Lifeline. I also authorize ReachOut Wireless to release any records required for the administration of ReachOut Wireless's Lifeline program, including to the Universal Service Administrative Company (USAC) to be used in a Lifeline Program Database. I understand that the records are required to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service.
- _____ I certify **penalty of perjury** that the information contained in this certification is true and correct to the best of my knowledge.

Applicant's Signature: _____

Date _____

Customer Service 1 – 877 – 870 – 9444
www.reachoutmobile.com

Exhibit 3
Sample Nexus Re-certification Form

1. Applicant Information (Please Print)

Print Name:	Home Phone #:
Residential Address: (no P.O. Box for res. Address)	Last 4 digits of SS#:
	Date of Birth:
<input type="checkbox"/> Select if Address is temporary <i>If you move, you must update your residential address with ReachOut Wireless within 30 days</i>	
Billing Address (if different): _____ Apt. _____ City: _____ State: _____ Zip: _____	

2. Select your Plan (Choose One)

☐ 125 FREE Rollover Minutes ☐ 250 FREE Non-Rollover Minutes

3. Eligibility (Indicate the eligibility programs in which you participate)

I certify that I participate in one of the following programs (check one):

- | | |
|---|---|
| <input type="checkbox"/> Federal Public Housing Assistance or Section 8 | <input type="checkbox"/> Medicaid |
| <input type="checkbox"/> Temporary Assistance to Needy Families (TANF) | <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) |
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP/Food Stamps) | <input type="checkbox"/> National School Lunch Program's Free Lunch Program (NSL) |
| <input type="checkbox"/> Supplemental Security Income (SSI) | |

If you wish to qualify based on income, a different form is required.
Check box below for new service

OR

Check box below for annual certification
☐
☐

ONLY IF THIS IS NEW SERVICE **You must provide**
us documentation demonstrating your
Current participation in the program checked above.

NO PROOF NEEDED

4. Certification (Please read, check the certification box, and sign & date below)

BY LAW THE LIFELINE PROGRAM IS ONLY AVAILABLE FOR ONE PHONE PER HOUSEHOLD, WHETHER LANDLINE OR WIRELESS

You must confirm each of the following under penalty of perjury:

- ☐ You are aware that Lifeline is a federal government assistance program, that willfully making false statements to obtain Lifeline can result in fines, imprisonment, de-enrollment or being barred from Lifeline.
- ☐ You are aware that only eligible consumers may enroll in Lifeline.
- ☐ You are aware that only one Lifeline discount per household is allowed. If you currently receive Lifeline from another phone company (such as TracFone or Assurance), you must de-enroll from Lifeline from the other company or Nexus.
- ☐ You are aware that you may not transfer your service to anyone.
- ☐ You will notify Nexus within 30 days if you no longer receive _____ government assistance or meet the income qualification discussed earlier, or someone else in your household receives Lifeline.
- ☐ You understand that if you move, you will need to provide us with your new address within 30 days. [yes or no]
- ☐ You authorize Nexus to verify your eligibility with, and release your personal information to, entities and databases that manage the Lifeline program, including the Universal Service Administrative Company.

Fax to: 1-877-870-9333 Email to: enroll@reachoutmobile.com or
Mail to: ReachOut Wireless, PO Box 247168, Columbus, OH 43224-7168


APPLICANT'S SIGNATURE _____



DATE _____

Customer Service 1-877-870-9444
www.reachoutmobile.com