

**BEFORE THE  
STATE CORPORATION COMMISSION OF THE STATE OF KANSAS**

In the Matter of the Application of )  
 )  
 )  
Air Voice Wireless, LLC for Designation as ) Docket No. 25-AVWZ-250-ETC  
an Eligible Telecommunications Carrier )  
Under the Telecommunications Act of 1996 )  
for Lifeline Purposes Only )

**APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER FOR FEDERAL LIFELINE PURPOSES ONLY**

Air Voice Wireless, LLC d/b/a AirTalk Wireless (“AirVoice” or the “Company”), pursuant to Section 214(e) of the federal Communications Act of 1934, as amended (the “Communications Act”) and Sections 54.201, 54.202 and Subpart E of the Rules of the Federal Communications Commission (“FCC”), 47 C.F.R. §§ 54.201-202, 54.401 *et seq.*, and pursuant to the laws of the State of Kansas, including K.S.A. 66-2008(b), and the rules and regulations of the Kansas Corporation Commission (“Commission”)<sup>1</sup>, hereby requests that the Commission designate AirVoice as an Eligible Telecommunications Carrier (“ETC”) in the service territories (the “Service Area”) described in Exhibit A for the purpose of receiving federal Lifeline universal service support under 47 C.F.R. Part 54, Subpart E, as a Mobile Virtual Network Operator (“MVNO”) providing commercial mobile radio service and mobile broadband services utilizing facilities of an underlying wireless carrier. AirVoice does not seek designation as an ETC to receive any form of rural, insular or high-cost area support. In further support of its Application, AirVoice states as follows:

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<sup>1</sup> See *General Investigation Addressing Requirements for Designation of Eligible Telecommunications Carriers*, Order, Docket No. 06-GIMT-446-GIT (Kan. S.C.C. Oct. 2, 2006).

## **I. DESCRIPTION OF APPLICANT**

Air Voice Wireless, LLC is a Texas limited liability company. A copy of the Company's certificate of formation and certificate to transact business in Kansas are attached hereto as Exhibit B. A structure chart of the Company's ownership is attached as Exhibit C. AirVoice currently holds ETC status and provides mobile wireless services under the Lifeline program in the following states: Alaska, Arkansas, Alabama, Arizona, California, Colorado, Georgia, Hawaii, Iowa, Idaho, Indiana, Illinois, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, New York, New Jersey, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, West Virginia, and Wyoming; as well as in Puerto Rico and the Virgin Islands. AirVoice is proposing to provide its service in Kansas and is concurrently submitting or planning to submit applications for ETC designations in additional states. AirVoice is an MVNO that utilizes AT&T's wireless network as its underlying provider.

The designated contact information for AirVoice is as follows:

Gina Spade  
Broadband Legal Strategies, LLC  
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Lawrence, KS 66049  
gina@broadbandlegal.com  
(202) 907-6252

with copies to:

Henry Hung Do  
Air Voice Wireless, LLC  
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oaclanton@hthcomm.com

and

John T. Nakahata  
Henry Shi  
HWG LLP  
1919 M Street NW, Suite 800  
Washington, DC 20036  
hshi@hwglaw.com

## **II. AIRVOICE SATISFIES THE COMMISSION’S AND FCC’S REQUIREMENTS FOR ETC DESIGNATION**

### **A. Legal Standard**

The Commission has the requisite authority to grant the ETC designation requested herein. Section 214(e)(2) of the Communications Act, as amended, provides state public utility commissions with the “primary responsibility” for the designation of ETCs.<sup>2</sup> Under the Act, a state public utility commission with jurisdictional authority over ETC designations must designate a common carrier ETC if the carrier satisfies the requirements of Section 214(e)(1).<sup>3</sup> Designation of AirVoice as an ETC providing Lifeline service would be consistent with the Commission’s prior decisions designating wireless resellers as ETCs.<sup>4</sup>

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<sup>2</sup> See 47 U.S.C. § 214(e)(2).

<sup>3</sup> See *id.* § 214(e)(1).

<sup>4</sup> See *Application of i-wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Kansas*, Revised Order, Docket No. 12-IWRZ-848-ETC, 2022 WL 2827861 (Kan. S.C.C. July 14, 2022).

Section 254(e) of Act provides that “only an eligible telecommunications carrier designated under section 214(e) of this title shall be eligible to receive specific Federal Universal Service support.”<sup>5</sup> Section 214(e)(1) and (2) of the Act require state commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that (i) offers services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's facilities, and (ii) advertises the availability of such services and the charges using media of general distribution.<sup>6</sup> The FCC has granted forbearance from the requirement for facilities- or partial facilities-based service for carriers such as MVNOs that are, or seek to become, Lifeline-only ETCs through resale of an underlying carrier’s services, subject to the following conditions:

1. the carrier must comply with certain 911 requirements [(a) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; (b) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services; and (c) complying with conditions of (a) and (b) starting on the effective date of this Order]; and
2. the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier’s service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.<sup>7</sup>

As it does in the states in which it is currently an ETC, AirVoice proposes to offer its Lifeline services through resale, and thus will meet the 911 requirements through the service purchased from its underlying carrier. AirVoice also has obtained an FCC-approved compliance plan.<sup>8</sup>

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<sup>5</sup> See 47 U.S.C. § 254(e).

<sup>6</sup> See also 47 C.F.R. § 54.201(d).

<sup>7</sup> See *Lifeline and Link Up Reform and Modernization*, Lifeline and Link Up Reform and Modernization, 27 FCC Rcd. 6656, 6813 ¶ 368 (2012).

<sup>8</sup> See Exhibit D.

Section 214(e)(1)(B) of the Act also requires that an ETC advertise the availability of supported services and the related charges using media of general distribution. ETC's are also required to publicize the availability of Lifeline services in a manner reasonably designated to reach those likely to qualify for such services.<sup>9</sup>

Section 214(e)(2) of the Act provides that ETC designation shall be made of a “service area” designated by the state commission.<sup>10</sup> Section 214(e)(5) of the Act provides that the “service area” shall be a “geographic area established by the State commission.” AirVoice’s proposed Service Area in which to provide Lifeline-supported services is described in Exhibit A. To the extent that the proposed Service Area includes rural areas, the Commission may apply the same public interest analysis as for non-rural areas and need not apply a “creamskimming” analysis as AirVoice is seeking ETC designation solely for the Lifeline program.<sup>11</sup>

The FCC has also established additional eligibility criteria for ETCs seeking to provide Lifeline service. These are: (1) a commitment and ability to provide the Supported Services throughout the designated area; (2) the ability to remain functional in emergency situations; (3) a commitment to satisfy consumer protection and service quality standards; (4) establishing that the applicant has the financial and technical capabilities to provide Lifeline-supported services; and (5) a description of the terms and conditions of any voice telephony services and broadband internet access services that it will provide to Lifeline subscribers.<sup>12</sup>

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<sup>9</sup> See 47 U.S.C. § 214(e)(1)(B).

<sup>10</sup> See *id.* § 214(e)(2).

<sup>11</sup> See *Virgin Mobile USA, L.P.*, Order, 24 FCC Rcd 3381, ¶ 39 n. 101 (2009).

<sup>12</sup> See 47 C.F.R. § 54.202.

**B. AirVoice Meets the Legal Standard for ETC Designation Under the Act and FCC Regulations**

AirVoice meets the applicable legal requirements under the Act and the FCC’s Lifeline regulations for designation as an ETC.

**1. AirVoice Is a Common Carrier Under the Act**

AirVoice will operate as a common carrier as defined in 47 U.S.C. § 153(10) and thus is eligible for designation as an ETC. AirVoice is a commercial mobile radio service (“CMRS”) provider, and Section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.<sup>13</sup>

**2. AirVoice Qualifies for the FCC’s Forbearance from the Facilities Requirement**

AirVoice will provide services consistent with the FCC’s forbearance from Section 214(e)(2)’s own-facilities requirements. Specifically, AirVoice will provide access to emergency services such as 911 and enhanced 911 (“E911”) calling regardless of activation status and availability of minutes. Moreover, all of the phones that AirVoice distributes are capable of delivering automatic numbering information (“ANI”) and automatic location information (“ALI”) as supported by its underlying carrier, AT&T. AirVoice also filed a Second Revised Compliance Plan with the FCC, which the FCC approved on March 6, 2024.<sup>14</sup> A copy of the Company’s current FCC-approved Compliance Plan is attached hereto as Exhibit D. AirVoice commits to providing Lifeline service in Kansas in accordance with its FCC-approved Compliance Plan and in compliance with applicable state and federal regulations, to the extent

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<sup>13</sup> 47 U.S.C. § 332(c)(1)(A).

<sup>14</sup> See *Wireline Competition Bureau Approves Further Revised Compliance Plan of, Airvoice Wireless, LLC*, Public Notice, DA 24-209, WC Docket Nos. 09-197 and 11-42 (rel. Mar. 6, 2024).

amendments thereto may supersede commitments made in the Compliance Plan.

### **3. AirVoice Will Meet the Advertising Requirements**

AirVoice will meet the advertisement requirement under Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules through media of general distribution in a manner that is designed to reach those likely to qualify for such services. AirVoice will use a variety of media resources including but not limited to online advertising through a variety of social media platforms and its website. AirVoice also has three in-person retail locations and is in the process of planning further physical retail locations. In addition, AirVoice agrees to comply with all form and content requirements, if any, promulgated by the FCC and this Commission in future and required of all designated ETCs. Examples of AirVoice's advertisement in states in which it is already an ETC are attached at Exhibit E.

### **4. AirVoice's Voice and Broadband Services Qualify for Universal Service Support Under the FCC's Rules**

AirVoice's voice service qualifies for Lifeline support under Section 54.401 of the FCC's rules because it "provides qualifying low-income consumers with voice telephony service or broadband Internet access service" at rates reduced (usually to \$0) as a result of the application of Lifeline support amounts. AirVoice's voice telephony service includes voice grade access to the public switched network; minutes of use for any-distance service provided at no additional charge to end users up to the prepaid plan's allotment of minutes; and access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911.<sup>15</sup> AirVoice's broadband internet access services includes the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any

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<sup>15</sup> See 47 C.F.R. § 54.400(m).

capabilities that are incidental to and enable the operation of that communications service.<sup>16</sup>

AirVoice's Lifeline service offerings meet the FCC's mandated minimum service requirements of 1000 minutes for voice service and/or 5 GB of broadband data service. AirVoice's current rate plans are attached as Exhibit F.

#### **5. AirVoice Meets the Additional Eligibility Criteria for ETC Designation Under the FCC's Rules**

AirVoice meets the various eligibility criteria established by the FCC for designation as an ETC.

***Ability to Operate.*** AirVoice will provide service through the resale of the services acquired from its underlying wireless carriers, currently AT&T, through existing negotiated and executed agreements. As AirVoice's underlying wireless carriers are already operational, AirVoice will be able to commence offering its Lifeline service programs to all qualified consumers soon after it receives approval from the Commission and upon implementation of procedures and internal systems necessary, such as the distribution of sales materials to authorized agent locations. As a result, AirVoice will be able to meet the requirements of 47 C.F.R § 54.202(a)(1).

***Ability to Remain Functional in Emergency Situations.*** AirVoice's service will remain reliable in an emergency because AirVoice's services benefit from the back-ups and contingency plans of its underlying wireless carriers, which include backup battery power at cell sites to ensure functionality in emergency situations. Thus, AirVoice will meet the functionality requirement under 47 C.F.R. § 54.202(a)(2).

***Consumer Protection and Service Quality Standards.*** As a wireless ETC, AirVoice will

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<sup>16</sup> See 47 C.F.R. §54.400(l).



abide by the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service, will annually certify compliance with the protection of Customer Proprietary Network Information (“CPNI”) as required by federal law, and will report any data breaches in accordance with FCC regulations and applicable state law. Through the use of resold services, AirVoice will be able to provide the same quality and reliable service that is currently provided by its underlying carrier. Although no carrier can guarantee that its customers will never experience service disruptions, AirVoice’s contractual arrangements are designed to minimize any failures, provide alternate call routing, and expedite recovery in the event a failure occurs. AirVoice affirms its commitment to continue to satisfy applicable consumer protection and service quality standards if certified as an ETC.

***Financial and Technical Capabilities to Provide Lifeline Services.*** AirVoice possesses the financial and technical capabilities required by Section 54.202(a)(4) to provide Lifeline-supported services. In addition, AirVoice has been providing non-Lifeline wireless service throughout the United States since 1999. AirVoice receives revenue from a number of sources which are independent from the revenue it will receive in the form of Lifeline support. AirVoice does not and will not rely exclusively on USF disbursements to operate. In addition, AirVoice’s financial and technical capabilities to provide service are demonstrated by its performance over 24 years in the wireless telephone industry, with consistently strong service, organic growth, and robust protections to ensure its Lifeline customers meet eligibility requirements. Additional detail on the management experience of AirVoice’s executive team is attached hereto as Exhibit G.

*Terms and Conditions of its Voice and Broadband Lifeline Plans.* AirVoice has provided the terms and conditions of the details of its voice service plans and broadband internet access plans, which are set out in Exhibit E.<sup>17</sup>

**6. AirVoice Will Implement A Robust Eligibility Plan to Prevent Waste, Fraud, and Abuse**

AirVoice will comply with the FCC's Lifeline regulations set out in 47 C.F.R. § 54.400 *et seq.* As further described in AirVoice's FCC-approved Compliance Plan, the Company has detailed and comprehensive procedures in place to address customer certification and verification requirements as well as requirements concerning de-enrollment and duplication of service. These procedures comply with the FCC's customer certification and verification requirements. AirVoice also will comply with the FCC's annual certification and reporting requirements as well as with the FCC's measures to prevent waste, fraud and abuse of Lifeline services.

AirVoice will enroll customers through a direct-to-customer online portal. AirVoice will not use agents to enroll customers. AirVoice will verify the identity of all customers and check to ensure that no one else in the customer's household is receiving a Lifeline benefit, through use of the National Lifeline Accountability Database ("NLAD"). Likewise, AirVoice will use the National Verifier to verify the customer's eligibility for Lifeline. AirVoice will also utilize the NLAD and National Verifier to conduct re-verification and re-certifications.

AirVoice has built an automated system to process and validate the Company's data from the NLAD Lifeline Claims System to ensure that all customers that did not meet the FCC's usage requirements are not claimed, to ensure that duplicate claims are not submitted for the same

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<sup>17</sup> 47 C.F.R § 54.202(a)(5).

household for the same month, and to ensure that all lines are properly de-enrolled when the customer requests or when otherwise required by rules, including for non-usage.

### **III. GRANTING THE APPLICATION SERVES THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY**


Designation of AirVoice as an ETC for Lifeline purposes will further the Commission's universal service goals and thus benefit consumers. Specifically, AirVoice will offer prepaid low-cost wireless service to low-income consumers, thereby increasing consumer choice. In addition, increasing customer choice will spur wireless ETC providers to compete for eligible customers by providing the highest value (e.g., higher quality handsets, customer service). Moreover, wireless service in particular offers a stable contact method where traditional landline service would be unavailable or not a viable option. AirVoice's prepaid wireless service is an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long-term contract issues.

AirVoice's Lifeline program will offer an easy-to-use, competitive and highly affordable wireless telecommunications service to qualified consumers who have either no other service alternatives or who choose a wireless prepaid solution instead of traditional services. Once designated by the Commission as an ETC, AirVoice will announce and advertise telecommunications services in its service area and publicize the availability of Lifeline services in a manner reasonably designed to reach those likely to qualify for such services, making more low-income residents aware of opportunities afforded to them under the Lifeline program that they can take advantage of. The additional competition offered by AirVoice will benefit all consumers of wireless services, and low-income consumers in particular.

#### IV. CONCLUSION

For the reasons set forth above, AirVoice respectfully requests that the Commission expeditiously issue an order designating AirVoice as an ETC in Kansas throughout the service area specified above for the purpose of receiving federal support and reimbursement for provision of low-income communications services on a wireless basis to qualified low-income customers.

Respectfully submitted,



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Gina Spade  
Broadband Legal Strategies, LLC  
1118 Rankin Drive  
Lawrence, KS 66049  
gina@broadbandlegal.com  
(202) 907-6252

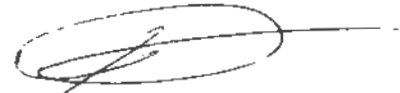
*Counsel for Air Voice Wireless, LLC*

December 20, 2024

STATE OF TEXAS                    )  
  )  
  )  
COUNTY OF HARRIS                )

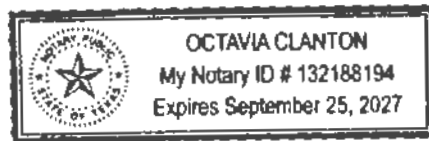
**VERIFICATION**

I, Henry Hung Do, being first duly sworn upon oath, depose and say that I am the Chief Executive Officer of Air Voice Wireless, LLC, and as such am authorized to make this verification on its behalf; that I have read the foregoing Application; that I know the contents thereof; and declare under penalty of perjury under the laws of the state of Kansas that the facts set forth in the foregoing Application are true and correct to the best of my knowledge, information and belief.

  
Henry Hung Do

Subscribed and sworn to before me this 17<sup>th</sup> day of December, 2024.

  
Notary Public



My commission expires on: September 25, 2027

## **Exhibits List**

**Exhibit A** – Designated Service Areas

**Exhibit B** – Certificate of Formation and Registration as Foreign LLC

**Exhibit C** – Ownership Structure of Air Voice Wireless, LLC

**Exhibit D** – AirVoice’s FCC-Approved Compliance Plan

**Exhibit E** – Examples of AirVoice’s Advertisements

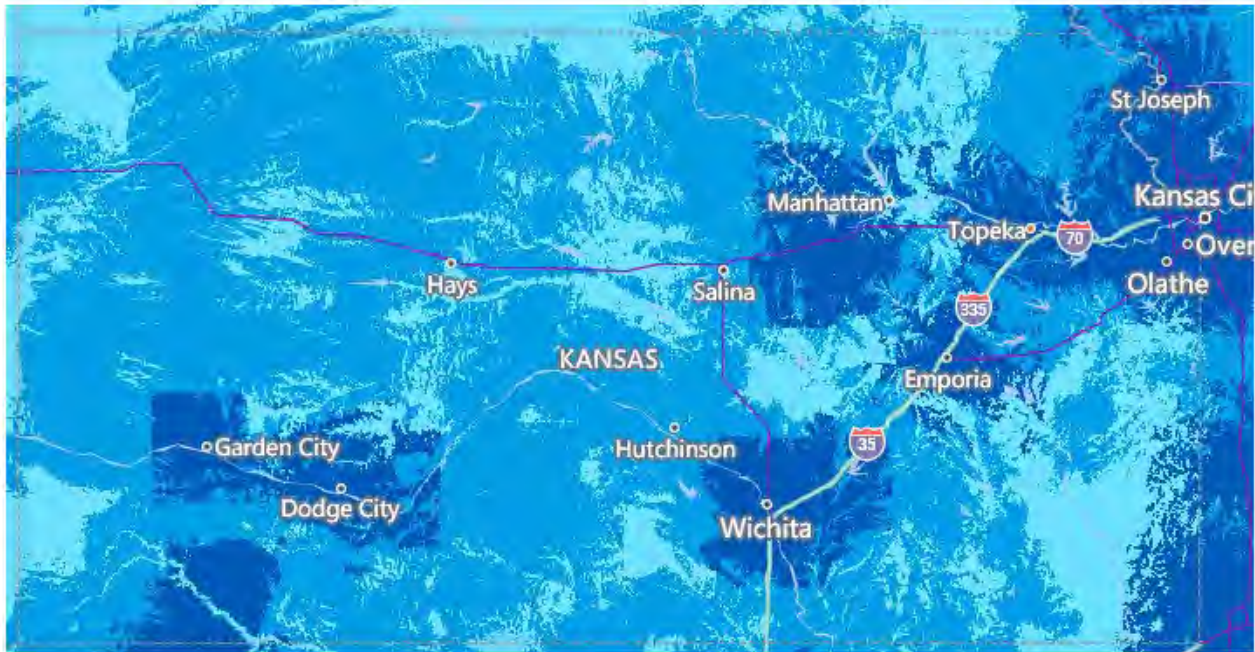
**Exhibit F** – AirVoice Current Lifeline Pricing Plan, Terms, and Conditions

**Exhibit G** – AirVoice Management Bios

**EXHIBIT A**

**DESIGNATED SERVICE AREA**

AirVoice is proposing to offer Lifeline supported service throughout the State of Kansas, as illustrated in the following coverage map for AirVoice's underlying carrier, AT&T:



**EXHIBIT B**

Certificate of Formation and Certificate to Transact Business in Kansas



STATE OF KANSAS  
OFFICE OF SECRETARY OF STATE  
CERTIFICATE OF GOOD STANDING

I, SCOTT SCHWAB, Kansas Secretary of State, certify that the records of this office reveal the following:

Business ID: 2013689

Business Name: AIR VOICE WIRELESS, LLC

Type: Foreign Limited Liability Company

Jurisdiction: Texas

was filed in this office on February 03, 2022, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



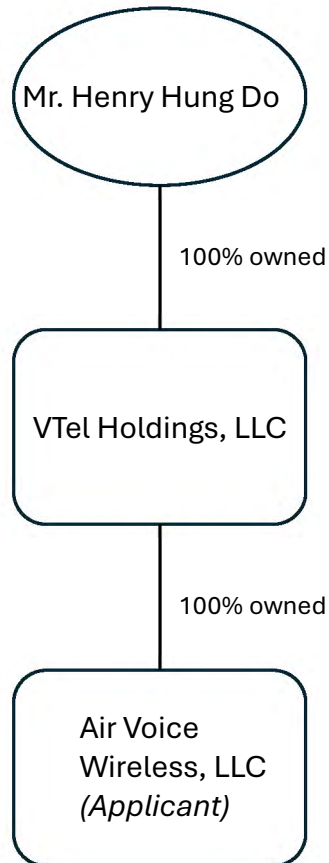
In testimony whereof:  
I affix my official certification seal.  
Done at the City of Topeka,  
on this day June 27, 2024.

A handwritten signature in black ink, appearing to read "Scott Schwab". The signature is written in a cursive, flowing style with a horizontal line extending to the right.

SCOTT SCHWAB  
KANSAS SECRETARY OF STATE

**EXHIBIT C**

OWNERSHIP STRUCTURE OF AIRVOICE, LLC



**EXHIBIT D**

FCC-APPROVED COMPLIANCE PLAN

**Lance J.M. Steinhart, P.C.**

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Alpharetta, Georgia 30005

Also Admitted in New York  
Email: lsteinhart@telecomcounsel.com

Telephone: (770) 232-9200  
Facsimile: (770) 232-9208

January 26, 2024

**Via Electronic Filing**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, D.C. 20554

**Re: Second Revised Compliance Plan of AirVoice Wireless, LLC  
WC Docket Nos. 09-197 and 11-42**

Dear Ms. Dortch:

AirVoice Wireless, LLC d/b/a AirTalk Wireless (“AirVoice” or “Company”), through its attorneys, hereby provides the following updates to its Revised Compliance Plan.<sup>1</sup> AirVoice hereby incorporates by reference the Revised Compliance Plan, which, together with the updates provided herein, makes up AirVoice’s Second Revised Compliance Plan.

**Compliance Plan Section I.**

AirVoice clarifies that it does not currently use agents or representatives to assist with Lifeline enrollments, only employees of the Company. If in the future AirVoice does use agents or representatives, the Company will follow the procedures set forth in its approved compliance plan to ensure prevention of waste, fraud and abuse. Further, as clarified in the DBA Notice, AirVoice no longer utilizes the services of CGM, LLC (“CGM”).<sup>2</sup>

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<sup>1</sup> See AirVoice Wireless, LLC Revised Compliance Plan, WC Docket Nos. 09-197, 11-42 (May 17, 2021) and FCC approval thereof, Public Notice DA 21-1641 (December 23, 2021); *see also* AirVoice Wireless, LLC Courtesy Notice of DBA change, WC Docket Nos. 09-197, 11-42 (Oct 26, 2022) “DBA Notice”.

<sup>2</sup> See DBA Notice. Instead of using CGM’s web-based electronic Lifeline enrollment application, the Company uses its own web-based enrollment platform which provides the same or improved functionalities and fraud preventions.

## **Compliance Plan Section II. (Lifeline Offering)**

AirVoice's current wireless Lifeline-only offering provides 1,000 voice minutes, unlimited text messaging, and 4.5 gigabytes (GB) of data. This offer may change in the future as needed to comply with any changes in minimum service standards. AirVoice offers its Lifeline service under the d/b/a "AirTalk Wireless."<sup>3</sup>

## **Compliance Plan Section III. (Financial and Technical Capability)**

Company Affiliates. AirVoice is a wholly owned subsidiary of VTel Holdings, LLC, a Texas limited liability company ("VTel"), which is wholly-owned by Henry Hung Do, a United States citizen and a resident of the State of Texas. Mr. Do also owns one hundred percent (100%) of: (a) Cintex Wireless, LLC d/b/a SFone Wireless, a Delaware limited liability company ("Cintex"), that provides Lifeline-only wireless services as an ETC in Arkansas, Louisiana, Maryland, Maine, Rhode Island, and West Virginia and non-Lifeline wireless services throughout the United States, and is approved by USAC and the FCC to provide services through the Affordable Connectivity Program ("ACP") throughout the United States; (b) NewPhone Wireless, LLC ("NewPhone"), a CMRS provider which is in process of being dissolved; (c) HTH Communications, LLC, a Texas limited liability company, a global and one of the largest refurbished mobile device distributors in the United States, which has been in business for more than fourteen (14) years; (d) SofTel Technologies, LLC, a Texas limited liability company, that provides distribution services to wireless providers; (e) Softel Holdings, LLC ("Softel"), a Texas limited liability company which was formed to acquire 100% ownership interest in TAG Mobility, LLC f/k/a TAG Mobile Bankruptcy Sale Entity, LLC ("TAG Bankruptcy", the successor to TAG Mobile, LLC in bankruptcy as described below),<sup>4</sup> a limited liability company organized under the laws of the State of Texas; and, through Softel's ownership effective on or around April 26, 2023, (f) TAG Bankruptcy which provides wireless Lifeline services to customers and has been designated an ETC in the following jurisdictions: Arizona, Arkansas, California, Colorado, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, Oklahoma, Pennsylvania, South Carolina, West Virginia and Wisconsin.

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<sup>3</sup> See DBA Notice.

<sup>4</sup> See Public Notice DA-22-992 issued September 21, 2022 approving TAG Mobile, LLC's ("TAG Mobile") Amended Compliance Plan which explained the reorganization of TAG Mobile's regulated assets due to bankruptcy to a wholly-owned subsidiary, TAG Bankruptcy, and the subsequent change in ownership to Softel (the "TAG Transaction").

Pursuant to Bankruptcy Court order issued March 29, 2023 bifurcating the TAG Transaction,<sup>5</sup> TAG Mobile formed TAG Mobile Texas ETC Entity, LLC (“New TAG TX”), a Texas limited liability company, for the purposes of the reorganization of TAG Mobile’s regulated Texas assets into New TAG TX, and the transfer of control of New TAG TX to Softel.<sup>6</sup> New TAG TX received the Texas ETC designation previously held by TAG Mobile and became a wholly-owned subsidiary of Softel. Given Mr. Do’s 100% indirect ownership of both companies, New TAG TX merged into AirVoice as part of an internal reorganization.<sup>7</sup> Thus, the Texas ETC designation originally held by TAG Mobile and transferred to New TAG TX pursuant to bankruptcy court order is now held by AirVoice.<sup>8</sup> TAG Bankruptcy holds all other TAG Mobile assets (including the TAG Mobile compliance plan) and remains an affiliate of AirVoice. An updated organizational chart is attached hereto as Exhibit A of AirVoice’s Second Revised Compliance Plan.

Given that the changes described above do not affect the Company’s ownership or operational commitments, AirVoice respectfully requests expeditious approval of this Second Revised Compliance Plan.

Respectfully submitted,

*s/ Lance J.M. Steinhart*

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Managing Attorney  
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(770) 232-9208 (Fax)  
E-Mail: lsteinhart@telecomcounsel.com

*Attorneys for AirVoice Wireless, LLC*

Attachments

cc: Nicholas Page

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<sup>5</sup> See Notice of Internal Reorganization filed by TAG Mobile, LLC in WC Docket Nos. 09-197 and 11-42 on January 3, 2024.

<sup>6</sup> All other regulated assets were transferred to TAG Bankruptcy as described in the TAG Mobile Amended Compliance Plan.

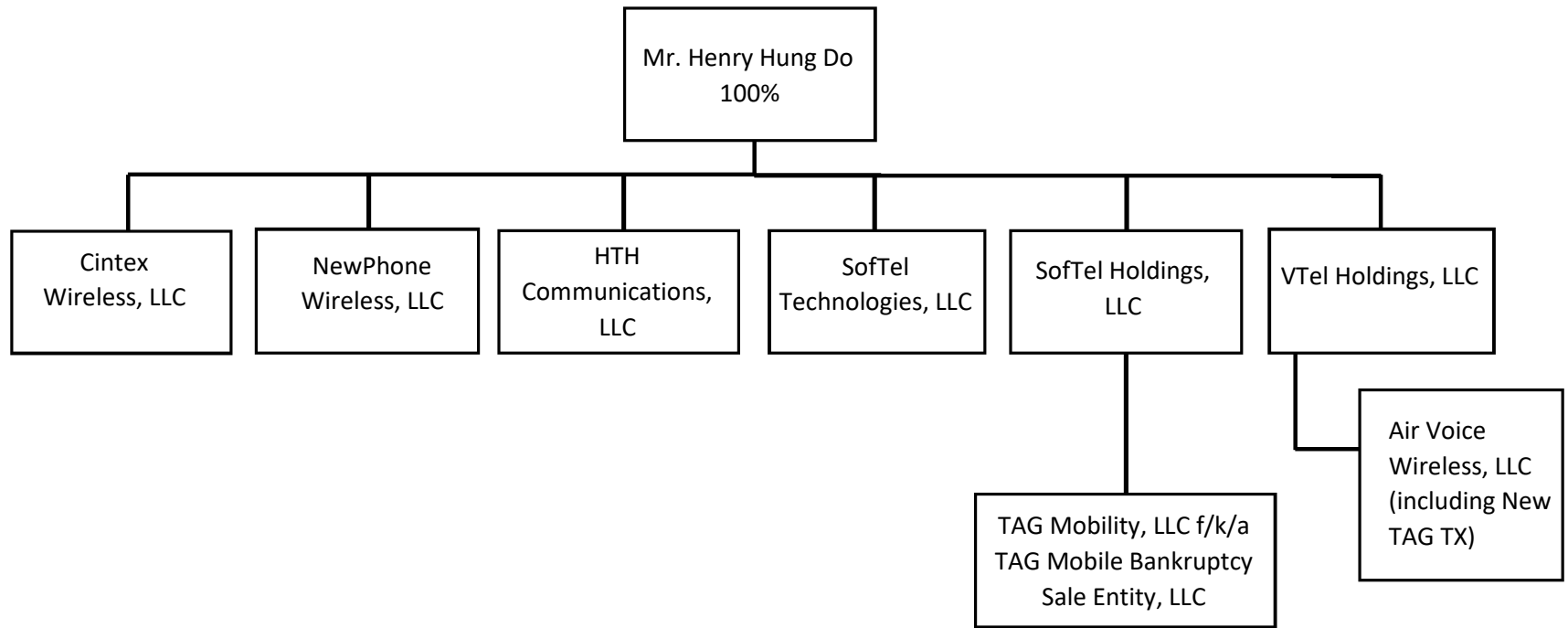
<sup>7</sup> Documentation of the merger is attached hereto as Exhibit B.

<sup>8</sup> See attached Exhibit C for approval from the Texas public utility commission. Upon approval from the Universal Service Administrative Company of the transfer of TAG Mobile’s Texas study area code to AirVoice, AirVoice will provide notice to TAG Mobile customers of the change in service provider name. Customers will continue to receive service at the same or better rates.

Ms. Marlene H. Dortch  
January 26, 2024

EXHIBIT A

Updated Organizational Chart



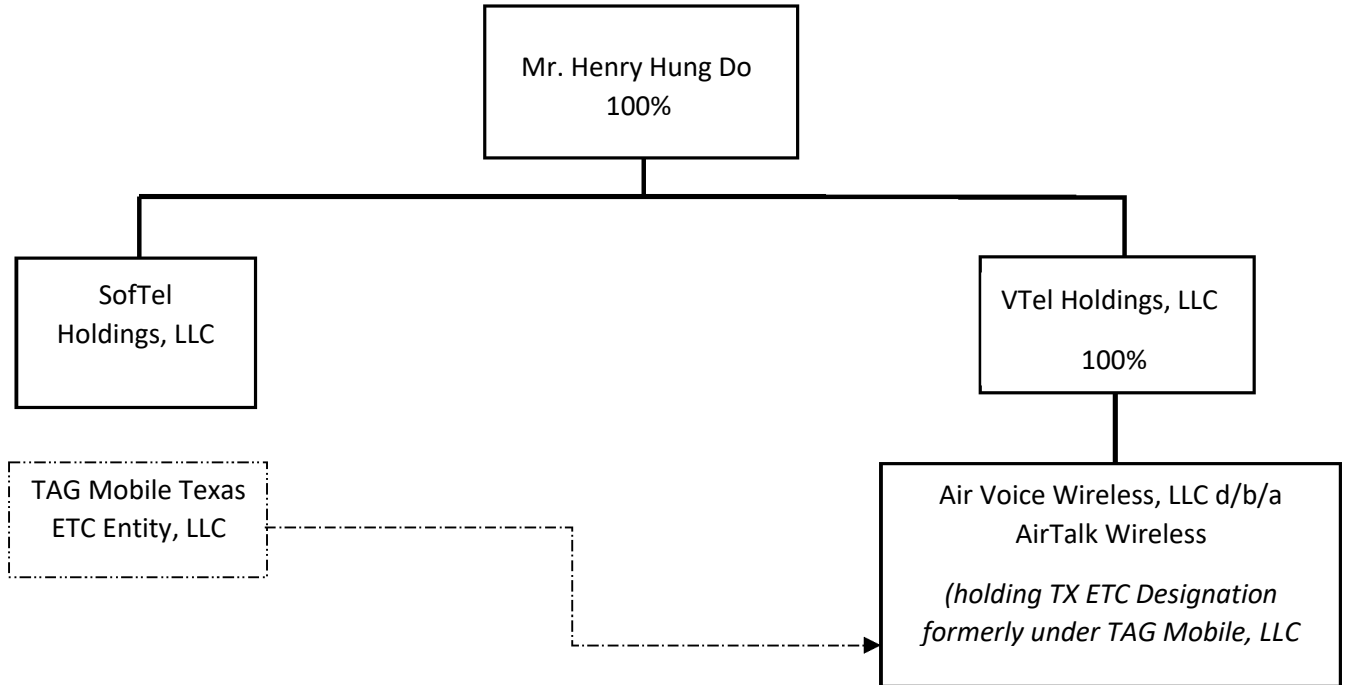
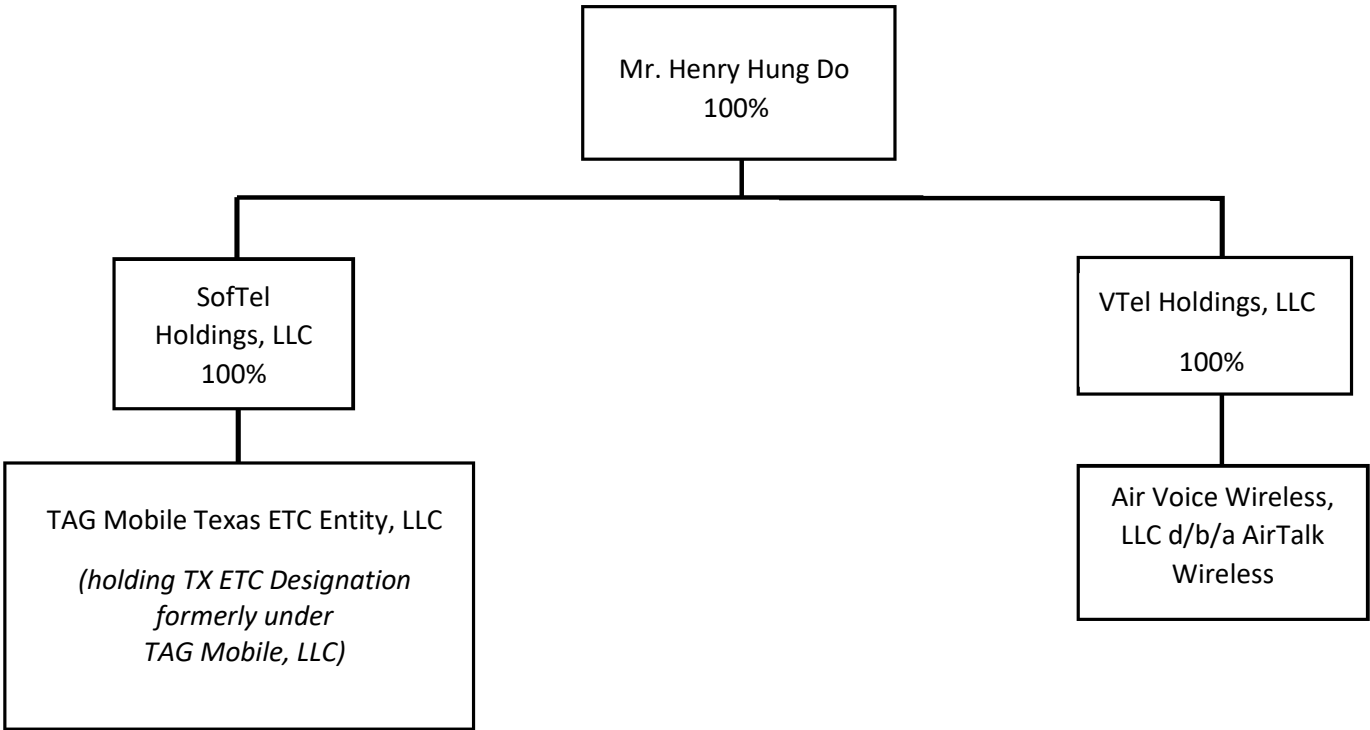


Ms. Marlene H. Dortch  
January 26, 2024

EXHIBIT B

Merger Documentation of New TAG TX into AirVoice

**MERGER OF NEW TAG TX TO AIRVOICE**





## Office of the Secretary of State

### CERTIFICATE OF MERGER

The undersigned, as Secretary of State of Texas, hereby certifies that a filing instrument merging

TAG Mobile Texas ETC Entity, LLC  
Domestic Limited Liability Company (LLC)  
[File Number: 804986448]

Into

AirVoice Wireless, LLC  
Foreign Limited Liability Company (LLC)  
Michigan, USA  
[File Number: 801632654]

has been received in this office and has been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by the virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing the acceptance and filing of the merger on the date shown below.

Dated: 07/25/2023

Effective: 07/25/2023



A handwritten signature in black ink that reads "Jane Nelson".

Jane Nelson  
Secretary of State

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**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU**

Date Received

AC1

(FOR BUREAU USE ONLY)

JUN 12 2023

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Lance J.M. Steinhart, P.C.

Address

1725 Windward Concourse, Ste. 150

City

State

ZIP Code

Alpharetta, GA 30005

TranInfo:1 25440392-1 06/08/23

Chk#: 5163 Amt: \$100.00

ID: 801127649

EFFECTIVE DATE:

**FILED**

Document will be returned to the name and address you enter above.  
If left blank, document will be returned to the registered office.

JUN 13 2023

**CERTIFICATE OF MERGER**

For use by Limited Liability Companies

(Please read information and instructions on the last page)

ADMINISTRATOR

CORPORATIONS DIVISION

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned execute the following Certificate of Merger:

1. The name of each constituent limited liability company and their identification numbers are:

AIR VOICE WIRELESS, LLC

801127649

TAG Mobile Texas ETC Entity LLC

2. The name of the surviving limited liability company and its identification number is:

AIR VOICE WIRELESS, LLC

801127649

3. Check one of the following:

There are no changes to be made to the Articles of Organization of the surviving limited liability company.

The amendments to the Articles, or a restatement of the Articles, of the surviving limited liability company to be effected by the merger are as follows:

RK



4. Other provisions with respect to the merger are as follows:

5. Complete only if an effective date is desired other than the date of filing. This date must be no more than 90 days after receipt of this document in this office.

The merger shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

6. The Plan of Merger was approved by the members of each constituent limited liability company in accordance with section 702(1).

7. The merger is permitted by the law of the jurisdiction under whose law each foreign constituent company is organized and each foreign constituent company has complied with that law in effecting the merger.

8. The assumed names being transferred to continue for the remaining effective period of the Certificate of Assumed Name on file prior to the merger are:

Assumed name

LLC transferred from

Expiration date


9. Nonsurvivor name as new assumed names under which business is to be conducted are:

This Certificate is hereby signed as required by Section 103 of the Act.

Signed this 30 day of May, 2023

AIR VOICE WIRELESS, LLC

(Name of Limited Liability Company)

By X   
(Signature of Member, Manager or Authorized Agent)


Henry Hung Do

(Type or Print Name and capacity)

Signed this 30 day of May, 2023

TAG Mobile Texas ETC Entity LLC

(Name of Limited Liability Company)

By X   
(Signature of Member, Manager or Authorized Agent)

Henry Hung Do

(Type or Print Name and capacity)

Ms. Marlene H. Dortch  
January 26, 2024

EXHIBIT C

Texas PUC Approval

**DOCKET NO. 55586**

<b>APPLICATION OF TAG MOBILE, LLC TO AMEND ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION</b>	§ § § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of TAG Mobile, LLC to amend its designation as an eligible telecommunications carrier (ETC) under 47 United States Code (USC) § 214(e) and 16 Texas Administrative Code (TAC) § 26.418. The Commission amends TAG Mobile's ETC designation to reflect its new name, Air Voice Wireless, LLC.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. TAG Mobile is a Texas limited liability company registered with the Texas secretary of state under file number 801240128.

**Application**

2. On September 22, 2023, TAG Mobile filed an application to amend their designation as ETC under 47 U.S.C. § 214(e) and 16 TAC § 26.418.
3. TAG Mobile is a commercial mobile radio service provider.
4. TAG Mobile request that their ETC designations be amended to reflect the company's new name: Air Voice Wireless, LLC.
5. In Order No. 2 filed on October 3, 2023, the administrative law judge (ALJ) found the application administratively complete.

**Notice**

6. Notice of the application appeared in the *Texas Register* on October 6, 2023.
7. On October 11, 2023, TAG Mobile filed an affidavit, signed by Mark Foster, co-counsel for the applicant, attesting that notice was provided to the Office of Public Utility Counsel, the Commission's Regulatory Division, the Commission's License and Compliance

Division, the Commission's Compliance and Enforcement, and to Staff Attorney, Anthony Kanalas.

8. In Order No. 4 filed on October 24, 2023, the ALJ found the notice sufficient.

**Informal Disposition**

9. More than 15 days have passed since completion of the notice provided in this docket.
10. No person filed a protest or motion to intervene.
11. TAG Mobile and Commission Staff are the only parties to this proceeding.
12. No party requested a hearing and no hearing is needed.
13. Commission Staff recommended that the application be approved.
14. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this application under PURA<sup>1</sup> §§ 52.001 and 47 U.S.C. § 214(e)(2).
2. TAG Mobile is a common carrier as defined in 47 U.S.C. § 153(11).
3. TAG Mobile's application complies with the requirements of 47 U.S.C. § 214(e)(2) and 16 TAC § 26.418.
4. TAG Mobile provided notice of the amended application in compliance with the requirements of 16 TAC § 26.418(h)(1)(A).
5. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

**III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.



Docket No. 55586

Notice of Approval

Page 3 of 3

1. The Commission amends the TAG Mobile's ETC designation to reflect its new name, Air Voice Wireless, LLC.
2. The universal service administrative company shall direct any and all support payments for what was formerly TAG Mobile, LLC to Air Voice Wireless, LLC.
3. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

**Signed at Austin, Texas on the 27th day of November 2023.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**SUSAN E. GOODSON**

**ADMINISTRATIVE LAW JUDGE**

# EXHIBIT E

## EXAMPLES OF ADVERTISEMENTS

**AirTalk Wireless**  
June 2 at 7:17 PM · 🌐

Feel free to contact loved ones without worrying about phone costs. Apply for Lifeline now to get a free smartphone and monthly service. Terms & conditions apply!

**AirTalk WIRELESS** Government Assistance Program

Want to connect with your family?  
Choose AirTalk Wireless

Chance to **GET A FREE PHONE & Service with Lifeline**

Unlimited Talk & Text  
Unlimited International Calling

AIRTALKWIRELESS.COM  
**Free Smartphone Free Plan** [Apply now](#)

Government Assistance Program **AirTalk WIRELESS**

Apply Now!

**FREE IPHONE OR SAMSUNG**

&

**FREE** Data, Talk & Text EVERY MONTH

**AirTalk WIRELESS** Government Assistance Program

Chance to **Get a Free iPhone 7 & Service with Lifeline**

Unlimited talk, text & international calling

**AirTalk Wireless**  
4d · 🌐

🚩 Exclusive Lifeline benefits for Alaskans. Get a Free iPhone or Galaxy and Free Monthly Data, Unlimited Talk and Text. Qualify with:

- ✅ SNAP/Food Stamp
- ✅ Medicaid
- ✅ SSI
- ✅ Low Income
- ✅ and more.

Terms & Conditions Apply.

**AirTalk** Government Assistance Program

Heat Up Your Summer With a Huge Discount

**GET A FREE iPhone SE**  
& Free Services with Lifeline

[Apply Now](#)

**AirTalk** Government Assistance Program

Heat Up Your Summer With a Huge Discount

**GET A FREE iPhone 6**  
& Free Services with Lifeline

[Apply Now](#)

Free Monthly Phone Services [Apply now](#)      Free Monthly Phone Services [Apply now](#)

👍 1

👍 Like      💬 Comment

## **EXHIBIT F**

### CURRENT PRICING PLAN

#### **Lifeline Plan**

**Cost: \$0 / month (after discount)**

#### Plan Includes:

Free GB High Speed 5G+ Internet  
Free Unlimited Talk and Text  
Unlimited International Calling to 80+  
Countries Including Canada and Mexico

#### Features:

Free SIM Kit or eSIM  
Free Shipping  
Free Wifi-Calling  
Free Call to 911  
Free 411 Directory Assistance  
Caller ID, Call Waiting, 3-Way Calling,  
Voicemail  
Nationwide Coverage  
24/7 Customer Support  
Cashback, Freebies from Loyalty programs

Terms are available at: <https://airtalkwireless.com/terms-conditions>.

## EXHIBIT G

### MANAGEMENT BIOS

#### **Henry Do, Chief Executive Officer**

After entering the professional work market as an accountant and financial analyst, Henry became a business starter and entrepreneur gaining experience with all facets of financial management, including financial budgeting and forecasting, strategic financial planning, general accounting, cost accounting, business support, performance reporting, financial analysis and reporting, consolidations, cash management and banks relations. Henry's strong quantitative, analytical, problem-solving skills and multi-tasking skills have been used to build a group of companies deeply integrated into telecom/ the mobile wireless service ecosystem from the carrier level to the consumer. HTH's success has fueled the acquisition and founding of multiple complementary affiliate companies, some of them being listed below.

#### *Founder/CEO*

HTH Communications, LLC.

Dates Employed: Jul 2008 – Present

Employment Duration: 15 years and 9 months

Location Houston, Texas Area

HTH is the vital link to the secondary marketplace. To national carriers, HTH is a trusted vendor delivering the most value for their EOL, returned or excess handset inventory. For regional carriers or MVNO's, HTH is the leading provider of high-quality refurbished devices, logistics and engineering services. HTH attributes fourteen consecutive years of growth to staying true to these principles: Quality and Efficiency. HTH has an efficient workforce that boasts of employee longevity. We procure quality products focusing on top-level access and high volumes. We have an in-house software development team that allows us to quickly and cost-effectively modify product for the secondary market. We have a smart and empowered salesforce that become trusted partners to their customers. Whether its building an IT infrastructure that optimizes workflow and reinforces accountability, or maintaining the world-class portfolio of quality designations including R2, ISO 9001, ISO 14001 and ISO 18001, HTH is committed to operational excellence.

#### *Owner/CEO*

Cintex Wireless

Dates Employed: Feb 2019 – Present

Employment Duration: 5 years and 2 months

Location Houston, Texas, United States

Cintex Wireless is one of the nation's leading providers of EBB & Lifeline wireless services in 50 States to those in need. Cintex's subscribers will receive a FREE 4G/5G LTE smartphone along with FREE monthly cell phone service to help them stay connected with family, school services, doctors, and employers. Cell phone service includes nationwide coverage on one of America's largest 5G networks. Our customers enjoy their free phone and free service at absolutely no cost to them. We also offer affordable prepaid wireless cell phone service through SFone Wireless.

## **Hugo Vo, Technologies OP Manager**

IT Professional with 3 years of experience, and a proven knowledge of hardware engineering, configuration and troubleshooting. Proven ability to develop and implement IT solutions that support business needs.

### *HTH Communications, LLC*

IT & Development Manager: May 2021 – Present

IT Support Jan 2019 – May 2021

Phone Technician / Helpdesk Jul 2018 – Jan 2019

Employment Duration: 5 years and 9 months

Location: Houston, Texas, U.S

### *Creative Bay*

Web Developer: May 2012 – Dec 2013

Employment Duration: 1 year and 8 months

Location: Vietnam

Education: University of Greenwich, Bachelor of Science (B.S.)